

ORDINANCE No. 117569

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COUNCIL BILL No. 110541

The City of Seattle--Legislative

AN ORDINANCE making a major revision of the Street Use Ordinance, Seattle Municipal Code Title 15 (Ordinance 90047, as amended) amending about 110 sections, adding about 60 new sections, and repealing 20 sections or parts thereof; transferring Section 15.48.030 to the Criminal Code as 12A.14.083; and providing new methods of enforcement and increasing certain criminal penalties.

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation and Traffic

to which was referred the within Council Bill No. 110541
report that we have considered the same and respectfully recommend to

2/7 Amendments 3-0

3/7 Passed as amended 3-0

Full Council Vote 8

COMPTROLLER FILE No.

Introduced: <u>1-30-95</u>	By: <u>Choe</u>
Referred: <u>1-30-95</u>	To: <u>Transp. & Econ. Dev.</u>
Referred:	To:
Referred:	To:
Reported: <u>APR 3 - 1995</u>	Second Reading: <u>APR 3 - 1995</u>
Third Reading: <u>APR 3 - 1995</u>	Signed: <u>APR 3 - 1995</u>
Presented to Mayor: <u>APR - 4 1995</u>	Approved: <u>APR 10 1995</u>
Returned to City Clerk: <u>Apr 10 1995</u>	Published:
Voted by Mayor:	Veto Published:
	Repealed:

Committee Chair

no

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation and Economic Dev

to which was referred the within Council Bill No. 110541
report that we have considered the same and respectfully recommend that the same:

2/7 Amendments 3-0

3/7 Passed as Amended 3-0

Full Council Vote 8-0

Committee Chair

FORM 73 YSP 12/17

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4 AN ORDINANCE making a major revision of the Street Use Ordinance,
5 Seattle Municipal Code Title 15 (Ordinance 90047, as amended)
6 amending about 110 sections, adding about 60 new sections, and
7 repealing 20 sections or parts thereof; transferring Section
8 15.48.030 to the Criminal Code as 12A.14.083; and providing new
9 methods of enforcement, and increasing certain criminal
10 penalties.

11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Seattle Municipal Code Chapter 15.02 (Ordinance
13 90047, part) is amended by adding the following new sections:

14 **15.02.015 Chapter headings and captions.**

15 Chapter headings, tables of contents, and captions of sections
16 are for convenient reference only and do not modify or limit the
17 text of a section. An ordinance number and section in parenthesis
18 following a section in the codification of this title refers to the
19 enacting ordinance.

20 **15.02.027 First Amendment rights; personal freedoms.**

21 This ordinance shall be interpreted in a manner consistent with
22 the First and Fourteenth Amendments to the United States Constitu-
23 tion and Article I, Sections 3, 4, 5, and 11 of the Washington
24 Constitution.

25 **15.02.035 "May" -- "Shall".**

26 Unless the context clearly indicates otherwise, the word "may"
27 or "is authorized to" means that the City or its official has dis-
28 cretion to take an action or decline to do so. The word "shall"
29 expresses an intention that an action be taken or a requirement be
30 met, but, if the sentence is negative, "shall" is prohibitory; for
31 example, Sections 15.42.010 - 15.42.040.

32 **15.02.060 Scope of authorization.**

33 A permit is an authorization to proceed under this ordinance
with activities only in a public place. A permit under this
ordinance is subject to compliance with other City ordinances, with
applicable state laws and regulations, and with the laws and regula-
tions of the United States. The issuance of a permit under this

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1 ordinance does not authorize the taking of an action that conflicts
2 with another City ordinance or with other state or federal laws. An
3 applicant is responsible for ascertaining and complying with other
4 applicable laws.

5 A permit under this ordinance does not authorize the damaging
6 of privately-owned property lawfully within the public place unless
7 the permit expressly states otherwise and identifies the property
8 involved. An applicant has the responsibility for identifying the
9 limits of the public place, for locating and protecting underground
10 utilities pursuant to RCW Chapter 19.222, for avoiding unnecessary
11 interference with surface and overhead uses, for preserving trees,
12 and for preventing damage to such privately-owned property. When
13 a permit authorizes displacement of privately-owned property, the
14 permit holder shall first give notice to the owner, if known, and
15 allow the owner an opportunity to remove it.

16 **15.02.070 Nearest equivalent.**

17 When an activity combines elements which come within two or
18 more chapters of this title, the provisions of each chapter shall
19 apply to each element to the extent practical; where two provisions
20 of this chapter are overlapping on a particular activity, the pro-
21 vision providing the greater protection to the public safety shall
22 apply and duplicate forms and processing avoided.

23 In the event a use contains a single element that may be
24 classified within two or more chapters or categories within a
25 chapter, the City official responsible for issuing the permit shall
26 select the chapter or classification within a chapter, as the case
27 may be, that is most descriptive of the proposed use.

28 **15.02.080 Assemblies and gatherings.**

29 It is City policy to encourage the holding of public assemblies
30 and other gatherings in parks and at the Seattle Center rather than
31 in streets open for vehicular travel or sidewalks with substantial
32 pedestrian traffic; and it is City policy to permit use of Univer-
33 sity Street between Fourth and Fifth Avenues (Victory Square) on

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1 weekdays only if the event can not reasonably be accommodated in
2 Seattle's downtown parks and pedestrian ways.

3 **15.02.085 Public fora.**

4 The Director of Engineering and the Superintendent are
5 authorized to designate by permit from time to time one or more
6 particular areas within a public place where citizens may place
7 commemorative displays, monuments, or symbols, for up to ten (10)
8 days in order to communicate a message to the public, and to
9 establish the terms and conditions of their placement. Unless the
10 permit expressly provides otherwise, the commemoration must be
11 removed between the hours of 12:01 a.m. and 6:00 a.m. each day. An
12 appropriate sign shall be placed near the commemoration identifying
13 its sponsor and the location as a public forum.

14 **15.02.090 Appeals to Municipal Court.**

15 If an applicant asserts a right protected by the First Amend-
16 ment of the United States Constitution and, or Article I, Sections 3,
17 4, and 5 of the Washington Constitution, and is aggrieved by an
18 action of the City in denying a permit, and time be of the essence,
19 the applicant may petition the presiding judge of the Seattle
20 Municipal Court for a prompt review thereof. The matter shall be
21 granted priority as a case involving constitutional liberties and
22 shall be heard in the manner provided by the Municipal Court by
23 rule, and the decision of the Municipal Court shall be final subject
24 only to judicial review.

25 **15.02.100 Effect of Ordinance.**

26 This title prohibits an action or activity whenever it requires
27 a permit for a "use" defined in Section 15.02.048, and:

28 A. This title authorizes issuance of a permit for the type of
29 activity, but the applicant fails to apply for and secure a permit;

30 B. The applicant is granted a permit upon conditions or
31 subject to restrictions and the applicant fails to comply therewith;

32 or

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1 C. The City, by policy, does not issue permits for that type
2 of use.

3 Issuance of permits under this title is discretionary; this
4 title does not create any right to a street use permit.

5 **15.02.110 Authority Cumulative.**

6 The authority granted by this title to any City officer or
7 employee is in addition to and supplemental of powers granted by
8 other sections of the Seattle Municipal Code or City ordinances and
9 does not limit any other authority granted to City officials by
10 other ordinances or laws.

11 Section 2. Seattle Municipal Code Section 15.02.040 (Ordinance
12 90047, Section 6, as last amended by Ordinance 109271, Section 4) is
13 subdivided and further amended as follows:

14 **15.02.040 Definitions -- general principles.**

15 ((A-)) The words and phrases identified in Sections 15.02.042
16 through 15.02.048 shall be construed in accordance with their
17 respective definitions or explanations, ((used in this subtitle))
18 except where the same shall be clearly contrary to or inconsistent
19 with the context of this ((sub)) title or the section in which used.
20 ((shall be construed as follows:))

21 ((B-)) Words in the present tense shall include the future
22 tense, words in the masculine gender shall include the feminine and
23 neuter genders, and words in the singular shall include the plural
24 and plural words shall include the singular.

25 **15.02.042 Definitions A through C.**

26 ((1)) A. "Adjacent property" means and includes the property
27 abutting the margin of ~~((a public place))~~ and contiguous ~~((and with~~
28 ~~reference))~~ to ~~((said))~~ the public place.

29 B. "Appendix I" and "Appendix II" mean, respectively the
30 description of park drives and boulevards and the map at the end of
31 this title.

32 ((2)) C. "Areaway" means ~~((and includes))~~ a ~~((sunken))~~ space
33 below the level of the sidewalk, ((either)) covered or uncovered,

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1 ((~~er a court~~)) affording room, access or light to a building. An
2 "areaway" is sometimes called a "light well."

3 D. "Authorizing official" means the Director of Engineering,
4 the Director of Construction and Land Use, the Superintendent of
5 Parks and Recreation, or the Seattle Center Director, identified in
6 Section 15.04.015, as the case may be.

7 ((3)) E. "Awning" means a protective covering attached to the
8 wall of a building ((~~the upper surface of which has a pitch of at~~
9 ~~least thirty degrees (30°) from the horizontal~~)).

10 ((4)) F. "Banner" means any fabric ((~~pliable canvas or cloth~~))
11 or sign material hanging over or stretched ((~~over or~~)) across any
12 public place.

13 ((5. ~~Business property~~" means and includes all properties not
14 ~~included in "residence property" defined in this section.~~))

15 ((6)) G. "Canopy" means a ((~~nonrigid, collapsible, non-~~
16 ~~retractable,~~)) protective covering located at an entrance to a
17 building.

18 **15.02.044 Definitions D through M.**

19 ((7)) A. "Director of Engineering" means the City Director of
20 Engineering and his or her authorized representatives.

21 B. "Director of Construction and Land Use" means the City
22 Director of the Department of Construction and Land Use, and his or
23 her authorized representatives.

24 ((8)) C. "Driveway" means ((~~and includes~~)) that portion of a
25 public place which provides vehicular access to adjacent property
26 ((~~an off street vehicular facility~~)) through a depression in the
27 constructed curb or, when there is no constructed curb, that area in
28 front of such vehicular facility as is well defined or as is desig-
29 nated by authorized signs or markings.

30 ((9. ~~"Improved public place" means any public place, as~~
31 ~~defined in this section, which contains overhead or underground~~
32 ~~utilities or a driving or walking surface.~~))

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1 ((10)) D. "Marquee" means an approximately horizontal, rigid,
2 nonretractable, noncollapsible structure, projecting from and
3 supported by a building.

4 ((11)) E. "Marquee sign" means a sign placed on, constructed
5 in, or attached to a marquee.

6 **15.02.046 Definitions N through S.**

7 ((12)) A. "Newsstand" means any stand, box, structure, rack or
8 other device which is designed or used for the sale and/or distri-
9 bution of newspapers, periodicals, magazines, or other publications,
10 or any combination thereof.

11 B. "Park drive or boulevard" means a public place under the
12 jurisdiction of the Department of Parks and Recreation described in
13 Appendix I or shown in the map in Appendix II or administered by the
14 Superintendent related to a park.

15 ((13)) C. "Public place" means and includes streets, avenues,
16 ways, boulevards, drives, places, alleys, sidewalks, and planting
17 (parking) strips, squares, triangles and right-of-way (~~open to~~
18 ~~the~~) for public use (~~of the public~~) and the space above or
19 beneath its (~~the~~) surface (~~of the same~~), whether or not opened
20 or improved.

21 ((14)) D. "Publisher" means the owner or distributor of a
22 newspaper or other publication distributed through a newsstand.

23 (~~15. "Residence property" means and includes any property~~
24 ~~designated in the Zoning Ordinance of Seattle as: RS, RW, RD, RM,~~
25 ~~RMH and RMV, except when occupied or being improved by a conditional~~
26 ~~or nonconforming use.)~~)

27 E. "RCW" is an abbreviation for Revised Code of Washington.

28 ((16)) F. "Sidewalk cafe" means a portion of sidewalk area in
29 which are placed tables and chairs for the use of patrons (~~the~~
30 ~~public~~) while consuming food and/or beverages, including alcoholic
31 beverages, served by a cafe (~~or~~), restaurant or tavern located on
32 (~~adjoining~~) adjacent property.

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1 ((17)) G. "Sign" means any medium, including its structure and
2 component parts, which is used or intended to be used out of doors
3 to attract attention to the subject matter for advertising, identi-
4 fication or informative purposes (~~other than paint on the surface~~
5 ~~of a building~~)).

6 H. "SMC" is an abbreviation for Seattle Municipal Code.

7 I. "Superintendent" or "Superintendent of Parks and Recrea-
8 tion" means the City Superintendent of Parks and Recreation and his
9 or her authorized representatives.

10 **15.02.048 Definitions -- Use.**

11 ((18)) A. "Use" means (~~and~~) the exercise of dominion or
12 control over or occupation of all or part of a public place, or the
13 right to do so. It includes (~~to~~) constructing, storing ((e)),
14 erecting, placing ((e)) upon, or maintaining, operating ((e)) any
15 inanimate thing or object in, upon, over or under any public place.
16 It includes but is not limited to any of the following in a public
17 place:

- 18 • any areaway, marquee, awning or canopy, clock, newsstand,
19 sign, banner, billboard, sidewalk elevator or door, fuel
20 opening, sidewalk cafe or (~~restaurant~~) other structure;
- 21 • fencing, staging, ((swinging)) scaffolding, an elevator or
22 other structure or material, machinery or tools used or to
23 be used in connecti. with the erection, alteration, demo-
24 lition, repair or painting of any building, or an excava-
25 tion in connection therewith;
- 26 • the (~~or to~~) moving of any building along or across any
27 public place;
- 28 • (~~or to use or occupy any public place for~~) the storage
29 or placement of any material, equipment, inanimate object,
30 or thing, provided that "use" shall not include the
31 placement of an inanimate object in such a location and
32 for such a limited duration of time that, under the
33 circumstances, no reasonable person could conclude that

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the public's right to use or enjoy the public place, in whole or in part, has been or potentially could be interfered with;

- raising or lowering any safes, machinery, or other heavy articles ~~((or to operate any elevated or tracked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to allow any vehicle to be upon that portion of roadway designated as parking or curb space for purposes of selling or soliciting in addition to merely parking; or to remove, injure, or destroy any tree, flower, plant or shrub in any public place; or to deposit or permit the deposit of any liquids which cause a noxious effluvia upon a public place;))~~
- kindling, ~~((or to kindle,, make, or have))~~ making or having any fire on any public place;
- opening, ~~((or to open, exeavate,))~~ excavating, or in any manner ~~((disturb or break))~~ disturbing or breaking the surface or foundation of any permanent pavement, or altering ~~((to alter))~~ the established grade of any street, or disturbing ~~((to disturb))~~ the surface of, digging ~~((dig))~~ up, cutting ~~((cut))~~, excavating, ~~((exeavate))~~ or filling ~~((fill))~~ in any public place;
- constructing, reconstructing, repairing or removing ~~((or to construct, reconstruct, maintain or remove))~~ any drive-way, curb, or curb set-back, sidewalk, or crosswalk, pavement, sewers, water mains, grading, street lighting, street utilities, or appurtenances thereto, except when permitted by ordinance, or ~~((to do))~~ doing any work in, or erecting ~~((ereet))~~ any structure under, along, or over any public place;
- Vending of any kind, whether a product of service, other than newsstands regulated under Chapter 15.14;

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- 1 • Use of sound amplifying equipment, other than aids for the
2 disabled, in speaking at voice level;
3 • Closing or altering the appearance of streets for filming,
4 block parties, or street fairs;
5 • Regular usage by trucks and other vehicles of an adjoining
6 owner or occupant as an integral part of activities on
7 adjoining property whenever the only practical access to
8 the public place is through the adjoining property.

9 B. With respect to trees and plantings, "use" means planting,
10 removing, injuring, destroying, topping or major pruning of any tree
11 in any public place, cutting or pruning of any tree planted or
12 maintained by the City, and removing, injuring or destroying any
13 flower, plant or shrub in any public place. "Use" excludes cutting
14 grass, trimming shrubs, planting flowers, seeding, weeding, edging,
15 and other gardening activities for the care of planting strips
16 commonly performed by or for an owner or occupant of property
17 adjacent to a street; and it excludes berry-picking and recreational
18 activities that may have an incidental adverse impact upon grass or
19 shrubbery.

20 C. "Use" excludes temporary placement by a customer of
21 garbage and recyclables for curbside/alley collection in compliance
22 with by SMC Section 21.36.080; removal of snow and ice; and sweeping
23 sidewalks and removal of leaves and debris.

24 D. ((B-)) Words in the present tense shall include the
25 future tense, words in the masculine gender shall include the
26 feminine and neuter genders, and words in the singular shall include
27 the plural, and plural words shall include the singular.

28 Section 3. Seattle Municipal Code Section 15.02.050 (Ordinance
29 90047, Section 15, as last amended by Ordinance 99650, Section 1) is
30 further amended as follows:

31 **15.02.050 Safety Code, Building Code, and Washington**
32 **Clean Air Act Compliance.**

33 All work to be done under the authority of this ((sub)) title
 shall be accomplished in compliance with the Seattle Building Code.

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1 the ~~((State Safety Code))~~ Washington Industrial Safety and Health
2 Act, and the Washington Clean Air Act and rules and regulations
3 implementing them, ~~((of the Puget Sound Air Pollution Control Agency~~
4 ~~adopted in accordance therewith,))~~ and shall diligently proceed
5 without undue delay or inconvenience to the public.

6 Section 4. Seattle Municipal Code Section 15.04.010 (Ordinance
7 90047, Section 7, as last amended by Ordinance 115994, Section 1) is
8 further amended as follows:

9 **15.04.010 Permit -- Required.**

10 It ~~((shall be))~~ is unlawful for anyone to make use, as defined
11 in this Title, of any public place ~~((for private purposes,))~~
12 without first securing a written permit from the Director of
13 Engineering, ~~((or))~~ the Director of Construction and Land Use, or
14 the Superintendent of Parks, as authorized in Section 15.04.015, and
15 without complying with all the provisions of this ~~((sub))~~ title ~~((in~~
16 ~~relation thereto))~~; provided, that ~~((nothing herein shall))~~ the
17 requirements of obtaining a permit, and permit procedures do not
18 apply to street maintenance work performed by the City, or street
19 ~~((or)), sewer or storm drain~~ installation and improvement work
20 authorized by ordinance and administered by the Director of
21 Engineering ~~((or street improvement projects under contract with~~
22 ~~the City))~~.

23 Section 5. Seattle Municipal Code Chapter 15.04 (Ordinance
24 90047, part) is amended by adding the following new sections:

25 **15.04.015 Authorizing official.**

26 A. The Director of Construction and Land Use may authorize
27 the construction of a curb cut, a sidewalk cafe, or a structural
28 building overhang, or reconstruction of an areaway in a public place
29 under the Master Use Permit procedures of Chapter 23.76, particu-
30 larly Section 23.76.010 C.6, or removal of trees and vegetation
31 located in an environmentally critical area under Chapter 25.09. An
32 authorization for construction in a park drive, boulevard, or area
33 under the jurisdiction of the Superintendent of Parks and Recreation

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1 identified in Appendix I or shown on the map as Appendix II is
2 dependent upon (a) a description of the encroachment or use in the
3 application for the Master Use Permit or the accompanying materials;
4 (b) its identification as park drive boulevard, or property under
5 the jurisdiction of the Superintendent of the area to be used; (c)
6 the written concurrence of the Superintendent; (d) payment of
7 applicable fees and (d) if there is a modification, written
8 concurrence of the Superintendent thereto. Continuation of such
9 uses after completion of construction is subject to compliance with
10 the terms and conditions of this title; inspection and adminis-
11 tration by the Director of Engineering or the Superintendent, as the
12 case may be; and payment of an annual fee, if applicable.

13 B. The Superintendent of Parks and Recreation may authorize
14 the use and occupation of, and administer this title for, public
15 places under the jurisdiction of the Department of Parks and
16 Recreation, including park drives and boulevards. These areas are
17 identified in Appendix I or shown on the map as Appendix II.

18 C. The Director of Engineering has authority to issue use and
19 occupation of, and administer this title for, all other public
20 places and for uses other than those authorized to the Director of
21 Construction and Land Use under Chapter 23.76. The Director of
22 Engineering may delegate to the Director of the Seattle Center the
23 administration of permits for streets within the Seattle Center, and
24 to the Superintendent the administration of permits for sidewalks
25 and planting strips adjacent to parks.

26 D. When a street, bridge, overpass or underpass crosses a
27 park, park drive, or boulevard, the authorizing official shall be
28 the Director of Engineering as to the surfaces or structures
29 maintained by the Engineering Department, and the Superintendent as
30 to areas within the jurisdiction of the Department of Parks and
31 Recreation.

32 E. In order to better coordinate the administration of this
33 ordinance for a particular event or project, any of the foregoing

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1 officials may delegate to another authorized official the issuance
2 of any particular permit or its supervision. When the appropriate
3 official to process an application is uncertain, the Director of
4 Engineering may receive and forward the materials to the appropriate
5 official.

6 **15.04.017 Constitutional Requirement.**

7 When required by the United States Constitution or the Washing-
8 ton Constitution or a federal or state statute enacted thereunder,
9 the City official responsible for issuing a permit shall suspend the
10 application of any particular section of this ordinance or waive
11 compliance with a requirement, including payment of fees, the provi-
12 sion of an indemnity deposit or contract, and the furnishing of
13 insurance (Sections 15.04.040 -.060). The official shall maintain
14 a record open for public inspection disclosing the suspensions and
15 waivers granted.

16 **15.04.037 Overview of Indemnity Deposit, Accounts,
17 Escrow, Insurance, and Surety Bond --
18 Appeals to Street Use Appeals Board.**

19 A. Sections 15.04.040 through 15.04.060 are coordinated
20 elements of a package of protections intended to assist the City in
21 collection of expenses charged under this ordinance and costs
22 associated with a use under permit; to assure performance of the
23 requirements of this ordinance and the covenants or conditions in a
24 permit; to place on the user the risks associated with the use and
25 provide a degree of financial responsibility in the event of an
26 accident or injury; and, when their use is completed, to have public
27 place restored to at least as good a condition as before the use
28 began; and thereby further compliance and protect the public
29 treasury. The City's acceptance of an indemnity deposit, an escrow
30 account, a surety bond, or insurance or the establishment of a
31 subaccount in the City Treasury in favor of a permittee do not limit
32 a permittee's liability to the amount thereof.

33 B. Sections 15.04.040 through 15.04.060 relate to each other
as follows:

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1 1. A deposit with the City under Section 15.04.040
2 provides a source of funds, held by the City, to pay probable City
3 expenditures arising from a proposed use and/or restoration of the
4 public place after the use, the time of City employees for inspec-
5 tion and Code enforcement, and ancillary City expenses. Annual fees
6 are billed separately;

7 2. An escrow account maintained under Section 15.04.042
8 may be an alternative to a deposit under Section 15.04.040 for
9 amounts at or over One Thousand Dollars (\$1,000) and/or to providing
10 a surety bond under Section 15.04.044 in an amount up to Ten
11 Thousand Dollars (\$10,000), or a supplement to either or both of
12 them. It differs from a deposit in that the stakeholder, rather
13 than the City, is a public depository; interest on the deposit
14 accrues to the account, rather than to the City; and withdrawals
15 from the account are governed by the escrow agreement rather than by
16 City rules on guaranty deposits.

17 3. A subaccount under Section 15.04.050 establishes a
18 balance with the City in favor of the applicant or permittee against
19 which a City department may deduct fees and charges as they occur,
20 including annual fees and deposits for particular permits.

21 4. A surety bond under Section 15.04.044 provides a
22 promise by a licensed surety company, within the limits and accord-
23 ing to the terms of the bond, to perform work or pay the City's
24 expenses to perform the work in the event of the permittee's
25 default. A surety bond is not a substitute for providing the City
26 public liability insurance for any tortious injury.

27 5. Liability insurance under Section 15.04.045 protects
28 the City as an additional insured from public liability as a result
29 of an accident, injury, or damage arising from the use of a public
30 place, and assists in making permittees financially responsible for
31 meeting liabilities that may arise from their use of public places.

32 6. The covenant for indemnity under Section 15.04.060
33 holds the City harmless from any and all claims, actions, or

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1 damages. It applies independently of the foregoing and authorizes
2 a tender of defense by the City to the permittee in event of a claim
3 or lawsuit arising from the use.

4 7. Section 15.04.017 empowers an authorized official,
5 when required to do so by a constitutional provision or state law,
6 to waive compliance with any of these sections.

7 C. The amount set by an authorizing official for an indemnity
8 deposit, an escrow account or a surety bond, and the correctness of
9 a charge or deduction shown on the City's account statement or made
10 from an escrow account shall be subject to appeal to the Street Use
11 Appeals Board.

12 **15.04.100 Exception -- Waiver -- Fees; Surety Bond.**

13 The authorizing official may grant an exception from payment of
14 fees, making an indemnity deposit or posting a surety bond or pro-
15 viding liability insurance to the United States of America and for
16 developing a use that is for the use of the public, e.g., a street
17 park, or plantings in a traffic circle.

18 An authorizing official may waive the making of an indemnity
19 deposit and/or the posting of a surety bond for a use by the State
20 of Washington or a local government.

21 **15.04.110 Construction -- Changes.**

22 Construction of a structure or improvement shall be in accord
23 with the permit and plans accompanying the application cited by the
24 permit unless the authorizing official first grants permission for
25 a change.

26 If a proposed change is substantial and objections or adverse
27 comments are received before issuance of the permit, the authorizing
28 official shall give notice to the persons making the objection or
29 comments about the proposed amendment, or require the applicant to
30 do so, and allow them an opportunity to comment thereon before per-
31 mitting the change.

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1 Section 6. Seattle Municipal Code Section 15.04.020 (Ordinance
2 90047, Section 8, as last amended by Ordinance 115994, Section 2) is
3 divided and further amended as follows:

4 **15.04.020 ((Permit)) Filing of Application.**

5 An application for use of a public place in accordance with the
6 procedures for issuance of a Master Use Permit under Chapter 23.76
7 or a permit under Chapter 25.09 shall be filed with the Director of
8 Construction and Land Use.

9 An application for use of a park drive or boulevard as des-
10 cribed in Appendix I or shown on the map in Appendix II or
11 administered by the Superintendent as contemplated by Section
12 15.04.015 shall be filed with the Superintendent.

13 ~~((Except for those street use approvals which must be requested~~
14 ~~from the Director of Construction and Land Use in accordance with~~
15 ~~the applicable provisions of the Master Use Permit Ordinance (SMC~~
16 ~~Chapter 23.76),)) All other applications for permits provided for by
17 this ((sub))title shall be filed with the Director of Engineering
18 ((upon a form supplied by him/her)).~~

19 **15.04.025 Form of application.**

20 ((Such)) Applications shall be on a form provided by the City
21 and contain an accurate description of:

22 A. ~~((An accurate description of t))~~ The public place or
23 portion thereof ((desired)) to be used ((as herein specified));

24 B. The use ((desired)) proposed to be made ((of such public
25 place by the applicant));

26 C. The plans and specifications for any utility or structure
27 ((desired)) proposed ((to be constructed, erected or maintained by
28 the applicant)) in or on ((a)) the public place; and

29 D. Any existing public improvements, utilities or structures
30 in the area to be used and any trees that may affected.

31 E. If the proposed use is related to a Master Use Permit, the
32 identification of the permit file and any special conditions affect-
33 ing the proposed use.

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1 When the proposed use involves an areaway, ((where it is
2 desired to construct a fuel)) an opening, ((sidewalk)) elevator ((or
3 door)) or other use regulated by Chapter 15.08, a structural build-
4 ing overhang, or a retaining wall or permanent method of lateral
5 support, the application shall also be accompanied by documentation
6 showing the applicant to be the record owner of the premises ((abut-
7 ting and in connection with which such fuel opening, sidewalk
8 elevator or door is to be constructed)) served or showing the
9 consent of the record owner of the premises to the proposed use.

10 Section 7. Seattle Municipal Code Section 15.04.030 (Ordinance
11 90047, Section 9, as last amended by Ordinance 115994 Section 3) is
12 subdivided and further amended as follows:

13 **15.04.030 Processing of applications.**

14 A. The authorizing official identified in Section 15.04.015
15 ((Director of Engineering)) shall examine each application ((sub-
16 mitted)) for ((review or approval)) a permit ((to determine if it
17 complies with the provisions of this subtitle)) for compliance with
18 this title.

19 B. The authorizing official in his or her discretion may
20 require additional information or material, including when deemed
21 appropriate, a map, construction plans, or a survey of the site;
22 ((The Director of Engineering or the Director of Construction and
23 Land Use, according to the type of permit for which application has
24 been made, may)) inspect the premises ((which are desired to be used
25 in order to ascertain any facts which may aid in determining whether
26 a permit shall be granted)); solicit comment from other abutters
27 and/or the public; and/or post or require posting of notice at the
28 site inviting comment to the department or giving notice of an
29 appeal pursuant to Chapter 15.90.

30 C. ((B-)) Any application for a use that requires a permit
31 ((to construct, erect or maintain any awning, marquee, sign or any
32 structure in a public place,)) under the Seattle Building and
33 Construction Codes in SMC Title 22 and has not been filed with

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1 ~~((shall be transmitted by the Director of Engineering to))~~ the
2 Director of Construction and Land Use ~~((, who shall ascertain if the~~
3 ~~plans and specifications conform to the regulations pertaining to~~
4 ~~safety, material and design of the Seattle Building and Construction~~
5 ~~Codes in SMC Title 22))~~ shall be transmitted to the Director for
6 review. The Director of Construction and Land Use shall ~~((then~~
7 ~~endorse on the application findings with respect to such conformance~~
8 ~~or nonconformance and transmit the same to the Director of Engineer-~~
9 ~~ing))~~ respond with his or her findings and comments.

10 D. If the authorizing official determines that engineering or
11 other studies should be made before approving a permit, the appli-
12 cant shall make the studies, or authorize the City to make the
13 studies at the applicant's cost or expense or from the applicant's
14 indemnity deposit.

15 **15.04.035 Approval; considerations.**

16 ~~((C-))~~ A. If ~~((the Director of Engineering finds that))~~ the
17 application ~~((presented for approval))~~ conforms to the requirements
18 of this ~~((sub))~~ title ~~((,))~~ and ~~((also that))~~ the proposed use ~~((of~~
19 ~~such public place will not unduly interfere))~~ is consistent with the
20 rights of the public, the authorizing official ~~((said Director))~~ may
21 approve ~~((said))~~ the application, fix the duration ~~((for which the~~
22 ~~permit shall be effective))~~ and the terms or conditions of the
23 permit, and ~~((notify the applicant that)),~~ when required, upon the
24 applicant's ~~((compliance with the requirements of the Director of~~
25 ~~Engineering relative to indemnification and insurance))~~ furnishing
26 of a deposit or surety bond, insurance, covenant and indemnification
27 and payment of all required fees, issue the permit. ~~((shall be~~
28 ~~issued))~~ The original permit shall remain in the custody of the
29 City and a copy shall be given to the permittee and be posted or
30 available at the site.

31 B. Factors for consideration in evaluating an application for
32 a permit include but are not limited to the rights of the applicant
33 (both constitutional liberties and abutter's property rights); the

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1 site and its terrain; the public and private benefits of the pro-
2 posed use; the impact of the proposed use on the following:

- 3 • The paramount purpose of streets for travel and trans-
4 portation;
- 5 • Utilities; authorized secondary street uses; and any usage
6 being made by the public of the site;
- 7 • Fire access and public safety;
- 8 • Uses under permit; street trees; and other proposed or
9 past uses of the site;
- 10 • Rights of light, air, and access and lateral support of
11 abutting properties and on access or easements of proper-
12 ties dependent upon the public place for access;
- 13 • The environment;
- 14 • Drainage, surface and underground; springs and water-
15 courses; and the stability of soils; and
- 16 • Where applicable, City land use, transportation, open
17 space, and beautification policies and approved neighbor-
18 hood land use plans.

19 In addition, where these situations occur, factors for con-
20 sideration include:

- 21 • As to public places under the jurisdiction of the Depart-
22 ment of Parks and Recreation, their character as a park,
23 drive or boulevard, or as open space;
- 24 • As to submerged streets, the harbor code, Title 16;
- 25 • As to environmentally critical areas, the requirements of
26 Chapter 25.09; and
- 27 • As to streets in the process of being vacated, the use
28 upon vacation.

29 Section 8. Seattle Municipal Code Section 15.04.040 (Ordinance
30 90047, Section 10, as last amended by Ordinance 116368, Section 217)
31 is further divided and amended as follows:
32
33

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1 **15.04.040 Indemnity deposit -- Escrow -- Surety bond**
2 **(~~--Liability insurance~~)**.

3 A. If the (~~Director of Engineering~~) authorizing official
4 determines that there is a (~~probability~~) substantial risk of
5 injury, damage, or expense to the City or probable City expenditures
6 arising from an applicant's proposed use of any public place, (~~the~~
7 ~~applicant upon notice from the Director of Engineering shall~~) the
8 authorizing official may require the applicant to make an indemnity
9 deposit with the City Finance Director (~~for addition to the Guaranty~~
10 Deposit Fund and take his or her receipt therefor, a cash
11 indemnity deposit. The amount of the cash indemnity deposit shall
12 be determined by the Director of Engineering at the time of approv-
13 ing the application) in an amount based on the official's estimate
14 (~~upon the anticipated amount and extent~~) of the injury, damage or
15 expense to the City and/or cost of restoration of the public place
16 if a mishap or accident were to occur. (~~as determined by said~~
17 Director, and shall be subject to appeal to the Street Use Appeals
18 Board.) The funds shall be deposited to the credit of the Guaranty
19 Deposit Fund.

20 B. (~~Such~~) The indemnity deposit shall be used to pay the
21 cost (~~plus fifteen percent (15%) thereof for inspections, surveys,~~
22 plans and other services performed by the City,) of restoring the
23 (~~street~~) public place, (~~and~~) of removing any earth or other
24 debris (~~from the street~~), of replacing or repairing (~~the re-~~
25 placement of) any utility interrupted or damaged or of any trees in
26 the public place, (~~or the completion~~) of completing any work left
27 unfinished, of resetting any traffic control devices, (~~the cost of~~
28 filing of an indemnity agreement with the City Finance Director, if
29 such an agreement is required with the permit,) of the expenses of
30 engineering and other studies authorized by Section 15.04.035, and
31 any other expense that the City may sustain in conjunction with the
32 permitted work, plus a City administrative charge equal to fifteen
33 percent (15%) of the amounts expended for the City's expenses for
services such as inspections, surveys, preparing plans, letting

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1 contracts, and contract administration or supervision. The balance
2 of the cash indemnity deposit, if any, after ((the foregoing)) all
3 deductions shall be returned to the applicant. If the indemnity
4 deposit be insufficient, the applicant will ((shall)) be liable for
5 the deficiency. ((If the Director of Engineering determines that
6 engineering studies must be made prior to the approval of any
7 application for permit, the cost of such study shall be paid for by
8 the applicant, or deducted from his indemnity deposit.))

9 C. The authorizing official may authorize the filing of a
10 surety bond in accordance with Section 15.04.044 in lieu of making
11 all or part of an indemnity deposit and may suspend its application
12 or waive compliance when required by Section 15.02.027.

13 **15.04.042 Escrow.**

14 An authorizing official may accept the establishment of an
15 escrow account in a qualified public depository as defined in RCW
16 39.58 that is eligible to receive City moneys (a) as a substitute
17 for making all or part of an indemnity deposit required by Section
18 15.04.040 if the amount involved equals or exceeds One Thousand
19 Dollars (\$1,000) and the terms of the escrow authorize the deduction
20 and payment to the City of charges identified in Section 15.04.040;
21 and/or (b) as a substitute for filing a surety bond required by
22 Section 15.04.044 if the amount involved is Ten Thousand Dollars
23 (\$10,000) or less, and, in the event of the applicant's default, the
24 authorizing official anticipates that the City could reasonably
25 complete the work needed to protect the public and restore the
26 public place for the amount placed in the escrow account. Interest
27 accruing in the escrow account shall be added to the principal
28 account and the balance after deductions returned to the applicant.

29 **15.04.044 Surety Bond.**

30 A. ((B-)) If required by the authorizing official, ((#))the
31 applicant shall ((may)) file with the City ((Comptroller)) Clerk or
32 such official's functional successor, in lieu of, or in addition to
33 the ((cash)) indemnity deposit, ((as authorized or required by the

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1 ~~Director of Engineering,~~) a surety bond approved as to surety ((by
2 ~~the Mayor~~)) and as to form by the City Attorney. ~~((which))~~ The
3 bond shall assume all the requirements provided in ~~((SMC Section~~
4 ~~15.04.040-A))~~ Section 15.04.060 in relation to an ~~((cash))~~ indemnity
5 deposit, shall run for the full period of the permit, and shall be
6 in an amount to be fixed by the ~~((Director of Engineering))~~ author-
7 izing official ~~((subject to appeal to the Street Use Appeals~~
8 ~~Board))~~, and conditioned that such applicant shall faithfully comply
9 with all the terms of the permit and all the provisions of this
10 ~~((sub))~~ title and all other ordinances of the City, and, to the
11 extent permitted by RCW Chapter 19.72, indemnify and save the City
12 free and harmless from any and all claims, actions or damages of
13 every kind and description which may accrue to, or be suffered by,
14 any person by reason of the use of any public place, as provided for
15 in the application.

16 B. ~~((D-))~~ If the application shall be to construct, recon-
17 struct, repair, maintain, or remove any ~~((sidewalk,))~~ pavement,
18 sewer, water main, storm drain, grading, street lighting, or appur-
19 tenance thereto, the applicant shall file with the City ~~((Comp-~~
20 ~~troller))~~ Finance Director or such official's functional successor
21 a surety bond approved as to surety ~~((by the Mayor))~~ and as to form
22 by the City Attorney. ~~((which))~~ The bond shall be conditioned that
23 the applicant shall faithfully complete all portions of the work
24 according to the City's Standard Plans and Specifications, the
25 special plans approved by the authorizing official, and the terms of
26 the permit. The bond shall run for the full period of the permit
27 plus one (1) year after City ~~((the))~~ acceptance of the permitted
28 work ~~((by the Director of Engineering))~~. The authorizing official
29 shall set the amount of the bond. ~~((and shall be in an amount fixed~~
30 ~~by said Director, subject to appeal to the Street Use Appeals Board,~~
31 ~~and conditioned that the applicant shall faithfully complete all~~
32 ~~portions of the work according to the Standard Plans and Specifica-~~
33

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1 ~~tions of the City, and the special plans approved by said~~
2 ~~Director.)~~

3 C. ~~((B. [of 15.04.050]))~~ If an applicant shall be periodic-
4 ally using public places, the ~~((Director of Engineering))~~ authoriz-
5 ing official may require the applicant to post a surety bond ~~((of))~~
6 in ~~((sufficient))~~ an amount the authorizing official deems suffi-
7 cient to cover the accumulated cost or risk involved at any certain
8 time in a calendar year for ~~((a))~~ the number of permits outstanding,
9 ~~((as determined by said Director,))~~ ~~((t))~~ The bond ~~((to be))~~ shall be
10 in force during the period of all outstanding permits, but in no
11 case for less than one (1) year. The bond shall be ~~((of a form~~
12 approved)) subject to approval by the City Attorney as to surety and
13 as to form. The bond shall be ~~((r))~~ conditioned to assume all of
14 the requirements ~~((provided in the previous sections))~~ of this
15 ~~((sub))~~ title in relation to a cash indemnity deposit.

16 D. ~~((C. [of 15.04.050] However,))~~ ~~((i))~~ If at any time any
17 applicant shall apply for a permit to use a public place ~~((above or~~
18 below the surface of the same)) or to modify an issued permit, and
19 in the opinion of the ~~((Director of Engineering))~~ authorizing
20 official the aggregate amount of bonds needed for the additional
21 work or risk involved in the ~~((application shall))~~ proposed use,
22 together with that involved under other permits outstanding ~~((in the~~
23 name of)) to the applicant, exceed the amount of the then
24 ~~((presently))~~ posted surety bond, the authorizing official may
25 require the applicant, ~~((may be required))~~ prior to issuing the
26 permit, to post an additional or separate surety bond in an amount
27 ~~((established by the Director of Engineering, subject to appeal to~~
28 the Street Use Appeals Board,)) the authorizing official deems
29 sufficient to cover the additional risk or work involved ~~((prior to~~
30 issuance of any new permit)). The bond shall remain in force during
31 the period of all outstanding permits, but in no case for less than
32 one (1) year from and after the date of the permit. Also, the
33 ~~((Director of Engineering))~~ authorizing official may require any

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1 permittee to post a surety bond in the calendar year following the
2 period of a permit when the extent of possible damage to a public
3 place has not been completely determined.

4 E. ~~((Licensed))~~ Registered side sewer contractors who post
5 ~~((such))~~ a one (1) year bond under the provisions of ~~((this sub-~~
6 ~~title))~~ subsection C or D shall not be required to post an
7 additional surety bond specifically covering work under separate
8 side sewer ordinances. An authorizing official may waive the
9 requirement of surety bond under subsection C upon finding that the
10 bond posted under Section 21.16.060C is adequate to fully protect
11 the City. ~~((+and))~~ ~~((&))~~ The surety bond shall contain all the
12 requirements of side sewer ordinances in the same manner as required
13 ~~((provided by))~~ bonds posted pursuant to the side sewer ordinances
14 and Section 21.16.060C ~~((the License Code))~~.

15 F. Sections 15.02.027 and 15.04.017 may apply when
16 constitutional freedoms or statutory rights are exercised.

17 **15.04.045 Liability Insurance.**

18 ~~((C. [of 15.04.040]))~~ An applicant for a permit shall maintain
19 in full force and effect during the full period of the permit,
20 public liability insurance in an amount sufficient to cover poten-
21 tial claims for any bodily injury, death, or disability and for
22 property damage, which may arise from or be related to the use
23 allowed by the permit. The insurance policy shall ~~((and naming))~~
24 name the City as an additional insured; apply as primary insurance
25 regardless of any insurance which the City may carry; and obligate
26 the insurance company to give notice to both the authorizing offi-
27 cial and the City's Risk Manager at least thirty (30) days before
28 any cancellation of the policy. The authorizing official ~~((Director~~
29 ~~of Engineering))~~ may establish the amount of such insurance, subject
30 to appeal to the Street Use Appeals Board, and unless constitutional
31 liberties prohibit it, require that ~~((such))~~ the insurance be pro-
32 vided prior to issuance of the permit.

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1 Section 9. Seattle Municipal Code Section 15.04.050 (Ordinance
2 90047, Section 11, as last amended by Ordinance 116368, Section 218)
3 is further amended to relocate subsections B and C as subsections
4 15.04.042 C and D, and to amend subsection A as follows:

5 **15.04.050 Account or bond for multiple**
6 **~~((Indemnity or cash deposit for~~**
7 **~~one (1) or more)) permits.~~**

8 A. ~~((Where it is probable that more than one (1) permit will~~
9 ~~be desired from the same department,)) ~~((±))~~ In the alternative to
10 making an indemnity deposit for each permit ~~((as provided for in))~~
11 under Section 15.040.40, ((the)) an applicant who anticipates seek-
12 ing two or more permits from the same department, may establish with
13 the City a subaccount by depositing with the City Finance Director,
14 to the credit of the Guaranty Deposit Fund, a minimum ((the)) sum of
15 at least Five Hundred Dollars (\$500.00) or the amount fixed for the
16 permits being sought, whichever is greater. On notice from the
17 City, ((±)) the applicant shall ((replace)) replenish ((said)) such
18 sum from time to time, whenever ((such sum)) the subaccount balance
19 shall have been reduced to the sum of Three Hundred Dollars
20 (\$300.00) or less ((, or to a sum smaller than is required for the
21 permit applied for when so notified by the City Director of
22 Engineering, provided that this section shall not apply when the sum
23 required for one (1) or more permits shall exceed Five Hundred
24 Dollars (\$500.00)).~~

25 Section 10. Seattle Municipal Code Section 15.04.060
26 (Ordinance 90047, Section 12, as amended by Ordinance 117242,
27 Section 18) is further amended as follows:

28 **15.04.060 Covenant for Indemnity ~~((to save~~**
29 **~~City harmless from claims))~~.**

30 A. If the application is for a permit ~~((be))~~ to use
31 ~~((construct))~~ or ~~((maintain))~~ occupy a public place with an areaway,
32 fuel opening, sidewalk elevator or door, ((or to use or occupy the
33 planting (parking) strip by erecting)) a bulkhead, steps, retaining
wall, rockery, structure, or an extension or appurtenance to a
structure or any facility with an anticipated continued occupancy of

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1 a public place of more than one year, ((any facility therein, in
2 addition to the foregoing cash indemnity fund,)) the owner of the
3 adjacent property ((premises in front of which, and in connection
4 with which, the same is to be constructed, erected, maintained, used
5 or occupied)), and any existing lessee, sublessee, tenant and sub-
6 tenant using or occupying the part ((basement)) of the premises ((in
7 connection with which such structure is to be used, before the
8 permit is issued,)) served or connected to the permitted use shall,
9 in the manner provided by law for the execution of deeds, execute
10 and deliver to the City upon a form to be supplied by the ((City
11 Engineer)) authorizing official, an agreement in writing, signed and
12 acknowledged by such owners and by any such existing lessee, sub-
13 lessee, tenant and subtenant, and containing an accurate legal
14 description of the premises and a covenant on the part of such
15 owner, lessee, sublessee, tenant and subtenant, for themselves and
16 their heirs, executors, administrators, successors, assigns,
17 lessees, sublessees, tenants and subtenants, forever to hold and
18 save the City free and harmless from any and all claims, actions or
19 damages which may accrue to, or be suffered by, any person by reason
20 of the use of such public place, or of the construction, existence,
21 maintenance or use of ((such structure)) the use permitted;
22 provided, no indemnification is required on account of injury to
23 persons or damage to property caused by or resulting from the sole
24 negligence of the City, its agents or employees. If the application
25 is for a permit ((be)) to construct and maintain an areaway, such
26 agreement shall also contain a covenant on the part of the persons
27 or corporations executing the same, for themselves and their heirs,
28 executors, administrators, successors, assigns, lessees, sublessees,
29 tenants and subtenants, assuming the duty of inspecting and main-
30 taining all services, instrumentalities and facilities installed in
31 the areaway to be constructed or occupied under authority of such
32 permit, and assuming all liability for, and saving and holding the
33 City harmless from any and all loss, damage or injury that may

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1 result to his or her (~~their~~) own person or property, or the person
2 or property of another, by reason of such services, instrumental-
3 ities or facilities. All agreements shall be a covenant running
4 with the land.

5 B. In addition such agreement shall contain a provision that
6 the permit is wholly of a temporary nature, that it vests no perma-
7 nent right whatsoever, that upon thirty (30) days' notice, posted on
8 the premises, or by publication in the official newspaper of the
9 City, or without such notice, in case the permitted use shall become
10 dangerous or such structures shall become insecure or unsafe, or
11 shall not be constructed, maintained or used in accordance with the
12 provisions of this (~~sub~~) title, the same may be revoked and the
13 structures and obstructions ordered removed. Every such agreement
14 after it has been received (~~in his office and numbered~~) and after
15 the same has been recorded with the King County Department of
16 Records and Elections, shall be retained by the City Clerk in the
17 files and records of (~~the Clerk's office~~) the Clerk's office.

18 C. The authorizing official may waive execution of the signa-
19 ture on an agreement by a tenant or subtenant on a month-to-month
20 lease or on a tenancy at will. If the application be by a condo-
21 minium or cooperative apartment, the authorizing official may accept
22 an agreement by the condominium or apartment association together
23 with documentation showing its authority to execute the agreement in
24 lieu of execution of the agreement by all unit or apartment owners.

25 Section 11. Seattle Municipal Court Section 15.04.070
26 (Ordinance 90047, Section 13, as last amended by Ordinance 115994,
27 Section 6) is divided and further amended as follows:

28 **15.04.070 Permit -- Duration -- Revocation (~~Fee~~**
29 **Schedule)).**

30 (~~A-~~) All (~~street or sidewalk~~) use authorizations approved
31 under the provisions of this (~~sub~~)title or Seattle Municipal Code
32 Chapter 23.76, Procedures for Master Use Permits and Council Land
33 Use Decisions or as to public places under the jurisdiction of the
Department of Parks and Recreation under Chapter 18.12, shall be of

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1 a temporary nature and shall vest no permanent right, and may in any
2 case be revoked (~~(by the Director of Engineering)~~) upon thirty (30)
3 days notice; or without notice, in case any such use or occupation
4 shall become dangerous or any structure or obstruction permitted
5 shall become insecure or unsafe, or shall not be constructed, main-
6 tained, or used in accordance with the provisions of this ~~((sub))~~
7 title.

8 **15.04.072 Authority to Remove Occupancy.**

9 ~~((B-))~~ If any ~~((such))~~ structure or obstruction, or use or
10 occupancy, is not discontinued on notice from the City to do so,
11 ~~((by))~~ the Director of Engineering or the Superintendent with
12 respect to public places under jurisdiction of the Department of
13 Parks and Recreation ~~((said official))~~ may forthwith prohibit its
14 further use and remove such structure or obstruction from ~~((such))~~
15 the public place, or make such repairs upon such structure or
16 obstruction as may be necessary to render the same secure and safe,
17 at the expense of ~~((the grantee of))~~ the permittee or ~~((such~~
18 grantee's)) the permittee's successor or user or person responsible
19 for said use. ~~((, and))~~ The City may collect such expense ~~((may be~~
20 collected)) in the manner provided by law ~~((+ and the Director of~~
21 Engineering may require a surety bond in such connection)).

22 **15.04.074 Permit -- Fees.**

23 A. ~~((E))~~ From time to time the Director of Engineering ~~((is~~
24 authorized and directed to)) shall prepare and recommend for
25 adoption by the City Council ~~((7))~~ a schedule of fees applicable to
26 all such permits for public places under the jurisdiction of the
27 Engineering Department. The Superintendent shall recommend a
28 schedule of fees applicable to permits for use of public places
29 under the jurisdiction of the Department of Parks and Recreation,
30 and the Director of Construction and Land Use shall recommend a
31 schedule of fees applicable to permits required by Section
32 15.44.020. The fee schedule, when adopted by ordinance, shall
33 govern the amount of the fee for permits heretofore or hereafter

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1 issued. The amount of the fee shall be set commensurate with the
2 cost of administration, inspection and policing involved in the
3 issuance and continuance of such permits and the use thereby
4 granted. Fees for use of park drives and boulevards may take into
5 consideration City policy of discouraging encroachments inconsistent
6 with their park-like character and may be included in the schedule
7 of fees for use of facilities of the Department of Parks and
8 Recreation. ~~((and any such schedule, when adopted by the City~~
9 ~~Council by ordinance, shall govern the amount of the fee for any~~
10 ~~such permit, which))~~

11 B. The fee shall be collected ~~((by said Director))~~ as a
12 condition to the issuance or continuance of any such permit or use.
13 ~~((+and))~~ ~~((±))~~ In order to effectuate collection of such fees
14 ~~((said))~~ the Director of Engineering, or the Superintendent as to
15 public places under the jurisdiction of the Department of Parks and
16 Recreation, shall promptly notify holders of outstanding permits
17 issued ~~((pursuant to previous ordinances of the City, from time to~~
18 ~~time,))~~ to pay the applicable fee or the permit will be revoked.

19 The rate in the schedule for permits for filming shall identify
20 which, if any, of the factors identified in SMC Section 15.35.020
21 are taken into consideration in setting the rate and which are to be
22 determined with respect to particular applications.

23 C. ((D-)) Upon petition by a public agency for a vacation of
24 street area, street use fees for such street area shall be suspended
25 if the Director of Engineering finds that such public agency, as a
26 current practice, would convey to, or permits use by, the City of a
27 portion of the public agency's property for street or other public
28 purpose without charge; provided, should the street vacation peti-
29 tion be denied, street use fees shall be payable for the full period
30 of use.

31 D. ((E-)) When a use requiring a permit is made of a ~~((street~~
32 ~~area))~~ public place without first obtaining the permit, the fee
33 shall be double ~~((that))~~ the amount provided in the schedule of

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1 fees. The double fee shall apply only to the first tenure of the
2 permit.

3 E. Fees for the use of public places under the jurisdiction
4 of the Department of Parks and Recreation shall be deposited to the
5 credit of the Park and Recreation Fund; all other fees shall be
6 deposited to the credit of the General Fund.

7 Section 12. Seattle Municipal Code Section 15.04.090
8 (Ordinance 84706, Section 1, as last amended by Ordinance 116368,
9 Section 219) is further amended as follows:

10 **15.04.090 Refund of ~~((en))~~ permit fee.**

11 Whenever the fee paid for any ~~((street))~~ use or occupation
12 permit shall be erroneous for any reason, and application is made
13 for refund, the ~~((Director of Engineering))~~ authorizing official
14 shall certify the facts justifying such refund, the amount thereof,
15 and his or her approval of such refund, and upon presentation of
16 such certificate to the City Finance Director ~~((is authorized to~~
17 ~~draw and pay))~~, a warrant shall be drawn and paid in the amount of
18 such refund. ~~((and))~~ ~~((€))~~ The necessary appropriations are hereby
19 made and authorized.

20 Section 13. Seattle Municipal Code Section 15.06.010
21 (Ordinance 90047, Section 16, part) is amended as follows:

22 **15.06.010 Construction (~~((Temporary permission))~~).**

23 A driveway must be constructed to provide vehicular access from
24 a public place over and across a concrete curb and gutter and/or
25 sidewalk to the adjacent property. The Director of Construction and
26 Land Use has authority to issue a permit for construction of a
27 driveway associated with a development proposal as contemplated by
28 Section 23.76.006. All applications for other permits for driveways
29 shall be submitted to the Director of Engineering for public places
30 under the jurisdiction of the Engineering Department, and to the
31 Superintendent of Parks for public places under the jurisdiction of
32 the Department of Parks and Recreation. Temporary permission may be
33 granted by the authorizing official ~~((City Engineer))~~ to plank a

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1 curb and walk while gaining temporary access to property but the
2 practice must be discontinued immediately upon notice from the City
3 ((Engineer)).

4 Section 14. Seattle Municipal Code Section 15.06.020
5 (Ordinance 90047, Section 16, part), as last amended by Ordinance
6 115994, Section 8) is further amended as follows:

7 **15.06.020 Removal of driveway and
8 reconstruction of curb.**

9 ((When)) Within sixty (60) days after a driveway((e)) is
10 ((are)) no longer usable or needed to provide vehicular access onto
11 private property, the owner of the adjacent property shall remove
12 the driveway and restore the concrete curb and gutter and the side-
13 walk and planting ((parking)) strip. If such restoration work has
14 not been completed by the sixtieth calendar day after receipt by
15 such owner of the ((Director of Engineering's)) authorizing offi-
16 cial's written order to perform such work by such deadline, the
17 ((Engineering Department)) City may perform such restoration and
18 bill the cost thereof to the property owner, together with fifteen
19 percent (15%) of its costs to cover administrative expenses.

20 Section 15. Seattle Municipal Code Section 15.06.040
21 (Ordinance 90047, Section 16, part) is amended as follows:

22 **15.06.040 Width requirements.**

23 The minimum width of driveways for residential property shall
24 be ten feet (10') at the concrete walk and fifteen feet (15') at the
25 curb, and for commercial properties the minimum width shall be
26 ((fifteen)) twelve feet ((15')) (12') at the concrete walk.

27 Section 16. Seattle Municipal Code Section 15.06.050
28 (Ordinance 90047, Section 16-A, as last amended by Ordinance 109754,
29 Section 5) is further amended as follows:

30 **15.06.050 ((Parking)) ((e)) Curb setbacks.**

31 ((Parking)) ((e)) Curb setbacks may be allowed by the Director
32 of Construction and Land Use after consulting with the Director of
33 Engineering, or the Superintendent as to park drives and/or

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1 boulevards, on the basis of demonstrated need by the applicant
2 therefor upon the following terms and conditions:

3 A. ~~((In residential areas,))~~ ~~((s))~~ Space for tree planting
4 shall be reserved, with a minimum of ten feet (10') from the new
5 curb location to the property line ~~((whenever desirable)),~~ unless
6 existing trees in the area supply the need.

7 B. Curb setbacks are not permitted on streets where parking
8 is allowed in the existing curb lane. ~~((In commercial or business~~
9 ~~zoned areas, tree planting space shall be reserved whenever desir-~~
10 ~~able, depending on the need for arterial traffic, utilities in the~~
11 ~~area, on street parking and street lighting standards placement,))~~

12 C. Curb setbacks must be able to provide for a minimum of a
13 twelve foot (12') driving lane and an eight foot (8') parking lane
14 in the public place adjacent to the new curb location. Figure 1
15 illustrates these requirements. ~~((Where certain streets have been~~
16 ~~designated as entrances to the City, and sufficient street width is~~
17 ~~secured for such purposes, a given dimension from the property line~~
18 ~~to the curb shall be maintained so that trees may be included as~~
19 ~~part of the entrances.))~~ [P. 31a is Figure 1]

20 Section 17. Seattle Municipal Code Section 15.74.020
21 (Ordinance 95776, Section 2, as last amended by Ordinance 109754,
22 Section 11) is renumbered as Section 15.06.060 and amended as
23 follows:

24 **15.06.060 Driveways by Freeway Access Roads.**
25 ~~((Permit application -- Considerations and~~
26 ~~Conditions))~~

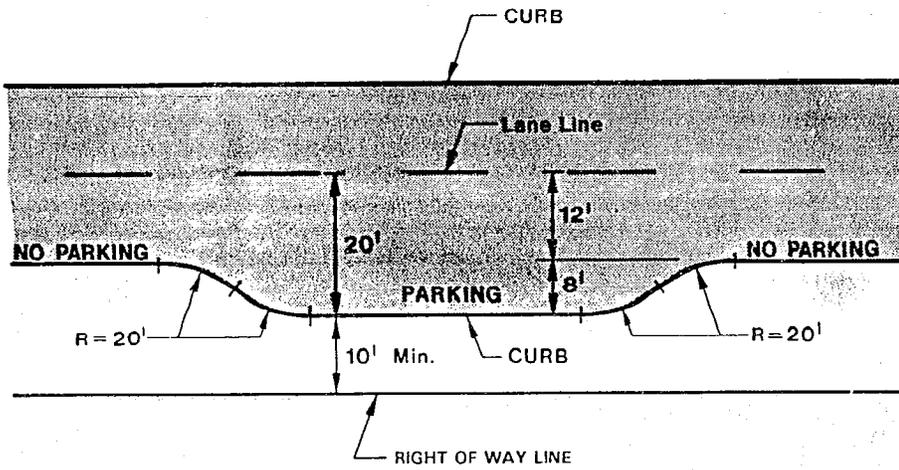
26 The Director of Construction and Land Use shall refer to the
27 Director of Engineering the relevant part of every ~~((A))~~ applica-
28 ~~tion~~ ~~((s))~~ for ~~((the))~~ a ~~((driveway))~~ permit ~~((contemplated in~~
29 ~~Section 15.74.010 shall be made to the Director, who shall refer the~~
30 ~~application to))~~ that involves constructing, reconstructing,
31 repairing, or altering any driveway providing direct vehicular
32 access to a street which serves as an approach or exit from a
33 limited access facility where all or any portion of the driveway

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Figure 1

SMC 15.06.050

CURB SETBACK



NOTE: 20' RADIUS IS RECOMMENDED
BUT NOT REQUIRED

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1 lies or would lie between the proximate margin of the limited access
2 facility and a line projected at right angles to the centerline of
3 the street from a point thereon which is four hundred feet (400')
4 distant, measured along the centerline of the street, from the
5 proximate margin of the limited access facility.

6 ((~~t~~))The Director of Engineering shall make ((~~for his~~)) a
7 report and recommendation to the Director of Construction and Land
8 Use as to the potential effect of the use of the proposed driveway
9 upon the safe and efficient flow of traffic. ((~~and~~)) The Director
10 of Construction and Land Use shall issue ((~~the~~)) a permit for the
11 driveway work ((~~contemplated in Section 15.74.010~~)) only upon a
12 determination (a) that the design, standard of construction,
13 operational use, location or number of locations of the proposed
14 driveway or driveways will not unreasonably interfere with the safe
15 and efficient flow of vehicular and pedestrian traffic upon the
16 adjoining streets and sidewalks, giving particular consideration to
17 the effect upon traffic flowing to and from the proximate limited
18 access highway facility, ((~~provided that such permit shall be issued~~
19 ~~in these instances in which a determination is made~~)) and (b) that
20 ((~~the~~)) denial ((~~thereof~~)) of the permit would totally deprive the
21 property to be served of vehicular access. The Director of
22 Construction and Land Use may attach such conditions to any such
23 permit ((~~issued hereunder~~)) as may be reasonably required under the
24 particular circumstances for the protection of public safety.

25 Section 18. Seattle Municipal Code Section 15.74.030
26 (Ordinance 95776, Section 3, as last amended by Ordinance 115994,
27 Section 53) is renumbered as 15.06.070 and further amended as
28 follows:

29 **15.06.070 Revocation of permit or alteration of driveway.**

30 Where the safe and efficient flow of vehicular and pedestrian
31 traffic requires it, the Director of Engineering may revoke any
32 permit ((~~issued hereunder~~)) for a driveway to a street or other
33 public place under its jurisdiction and order removal of the drive-

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1 way or order the alteration of a driveway for which a permit has
2 been issued. The Superintendent has a similar authority as to park
3 drives and boulevards. The notice to remove or to make an ((ef))
4 alteration shall be in writing, served upon the permittee, or the
5 permittee's successor, and shall require compliance within one
6 hundred eighty (180) days. ((ef-said-notice))

7 Section 19. Seattle Municipal Code Chapter 15.08 (Ordinance
8 90047, Section 17, as amended) is further amended by adding a new
9 section 15.08.005, as follows:

10 **15.08.005 Availability of Permits.**

11 Areaways, ventilation openings, sidewalk elevators, fuel
12 openings and trapdoors may only be constructed within the Pike Place
13 Market Historical District (Chapter 25.24) and the Pioneer Square
14 Historical District (Chapter 25.28), or, for public facilities that
15 further travel or transportation or utility purposes.

16 Areaways, ventilation openings, sidewalk elevators, fuel
17 openings and trapdoors appurtenant to structures that were under
18 street or park use permit on January 1, 1990, may be reconstructed,
19 altered or repaired under permit. Such use shall cease and the
20 encroachment shall be removed from the public place whenever the
21 appurtenant structure is demolished, destroyed, or reconstructed in
22 a manner that it is no longer dependent upon continued use of the
23 public place unless either the use is within the two named histor-
24 ical districts or the appurtenant structure is a designated Landmark
25 under Chapter 25.12 or on the state or federal register of historic
26 places.

27 Section 20. Seattle Municipal Code Section 15.08.010
28 (Ordinance 90047, Section 17(A) through (D), as last amended by
29 Ordinance 115994, Section 10, and Ordinance 108020, Section 3) is
30 further amended as follows:

31 **15.08.010 ((Entrances and openings to)) Areaways --**
32 **Structural Standards.**

33 All areaway entrances ((and areaway openings)), walls, side-
walks over areaways, guards and railings shall be constructed ((in

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1 ~~the following manner:))~~ in accordance with the Seattle Building and
2 Construction Code and with the City Standard Plans and Specifica-
3 tions.

4 ~~((The walls shall be constructed of masonry of concrete of~~
5 ~~sufficient strength safely to resist a pressure from without equi-~~
6 ~~valent to that exerted by a fluid weighing not less than thirty (30)~~
7 ~~pounds per cubic foot, and having a depth equal to that of the~~
8 ~~retained earth. Plans and specifications for such structures shall~~
9 ~~be approved by the Director of Construction and Land Use as hereto-~~
10 ~~fore provided.~~

11 ~~If the walls are reinforced by bracing, such reinforcements~~
12 ~~shall be fireproof and protected against corrosion.))~~

13 Section 21. Seattle Municipal Code Section 15.08.050
14 (Ordinance 90047, Section 17(E), as last amended by Ordinance
15 108020, Section 3) is retitled as follows:

16 **15.08.050 Grade and extent of uncovered areaway.**

17 Section 22. Seattle Municipal Code Section 15.08.060
18 (Ordinance 90047, Section 17(F), as last amended by Ordinance
19 108020, Section 3) is further amended as follows:

20 **15.08.060 Boiler ~~((or dangerous))~~ and apparatus**
21 **prohibited.**

22 No boiler or other dangerous apparatus ~~((τ))~~ or any explo-
23 sive ~~((τ))~~ shall be placed or allowed to remain in any areaway or
24 space under any public place. No equipment necessary to a build-
25 ing's operation shall be placed in any areaway or space under any
26 public place unless specifically authorized in the permit granting
27 the use.

28 Section 23. Seattle Municipal Code Section 15.08.070
29 (Ordinance 90047, Section 17(G), as last amended by Ordinance
30 108020, Section 3 (part)) is further amended as follows:

31 **15.08.070 Ventilation opening in sidewalks.**

32 Ventilation ~~((θ))~~ openings in sidewalks shall be allowed only
33 for public utilities and to replace ventilation openings in place on
January 1, 1990. Gratings shall comply with the Seattle Building

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1 ~~and Construction Codes (SMC Title 22). ((for purposes of ventilation~~
2 ~~shall be covered by wrought iron bars three eighths inch (3/8") by~~
3 ~~one and one quarter inch (1 1/4") in size, placed one inch (1") on~~
4 ~~centers and at right angles to the direction of the sidewalk. Such~~
5 ~~bars shall be held in position by sleeves placed between them on two~~
6 ~~(2) half inch (1/2") iron rods running through such bars.))~~

7 Section 24. Seattle Municipal Code Section 15.08.110
8 (Ordinance 90047, Section 17(K), as last amended by Ordinance
9 108020, Section 3) is further amended as follows:

10 **15.08.110 ((Construction)) Maintenance of existing**
11 **elevators and trapdoors.**

12 All elevators, fuel openings and trapdoors shall ~~((be made of))~~
13 have metal surfaces of sufficient strength to sustain a weight of
14 two hundred fifty (250) pounds per square foot and such doors and
15 their hinges shall be so constructed that their surfaces will lie
16 flat with the surface of the sidewalk upon which they are con-
17 structed and will present no obstruction whatsoever to traffic, and
18 shall be so roughened and maintained as to occasion no danger what-
19 soever to pedestrians.

20 Section 25. Seattle Municipal Chapter 15.10 (Ordinance 90047,
21 Section 18, as amended) is retitled as follows:

22 **15.10 MARQUEES, AWNINGS, ((AND)) CANOPIES, AND**
23 **DECORATIVE ELEMENTS**

24 Section 26. Seattle Municipal Code Section 15.10.010
25 (Ordinance 90047, Section 18(A), as last amended by Ordinance
26 108846, Section 1) is further amended as follows:

27 **15.10.010 Extension -- Approval and compliance.**

28 No marquee, awning, ~~((or))~~ canopy, or other decorative element
29 shall extend over any public place closer than to within two feet
30 (2') of the curbline. Marquees, awnings and canopies shall be
31 approved as to structural strength and quality of materials, and
32 shall be checked for conformance to all applicable codes by the
33 ~~((Superintendent of Buildings))~~ Director of Construction and Land
Use ~~((before permission is granted for the street encroachment)).~~

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1 Section 27. Seattle Municipal Code Section 15.10.020
2 (Ordinance 90047, Section 18(B), as last amended by Ordinance
3 115994, Section 12) is further amended as follows:

4 **15.10.020 Lowest point.**

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

12 Section 28. Seattle Municipal Code Section 15.10.040
13 (Ordinance 90047, Section 18(D), as last amended by Ordinance
14 108846, Section 1) is further amended as follows:

15 **15.10.040 Lighting.**

16 The lighting under a marquee shall be at least equal to the
17 lighting in the nearby public place outside. If the marquee reduces
18 the natural or street light in a public place, ~~((any and all))~~ the
19 public place ~~((places))~~ under the ~~((a))~~ marquee shall be lighted
20 during the hours of darkness and on the same time schedule as the
21 municipal street lighting. Lights shall be designed, constructed
22 and maintained to provide a minimum average illumination on the
23 sidewalk of five (5) footcandles of light intensity. The lowest
24 footcandle value of any point shall not be less than one-half ($\frac{1}{2}$)
25 the average value.

26 Section 29. Seattle Municipal Code Section 15.10.050
27 (Ordinance 90047, Section 18(E), as last amended by Ordinance
28 108846, Section 1) is further amended as follows:

29 **15.10.050 Obstructing streetlight, ~~((or))~~ utility pole,**
30 **or tree prohibited.**

31 No awning, canopy, ~~((or))~~ marquee, or other decorative element
32 shall be constructed at a location or in a manner which will
33 obstruct, obscure, or interfere with any street light or with any
utility pole or with any publicly-maintained street tree.

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1 Section 30. Seattle Municipal Code Section 15.12.010
2 (Ordinance 90047, Section 19, as last amended by Ordinance 115994,
3 Section 14) is further amended as follows:

4 **15.12.010 Conformance to applicable regulations.**

5 A. All signs in public places and their supports shall be
6 reviewed (~~approved~~) as to structural strength and quality of
7 materials, and (~~shall be checked~~) for conformance to all applic-
8 able ordinances by the Director of Construction and Land Use (~~prior~~
9 ~~to action by the Director of Engineering~~)).

10 B. All signs, banners, barber poles and street clocks
11 constructed upon or projecting over a public place shall conform to
12 SMC Chapter 23.55, and, except those located in park drives and
13 boulevards, to the decisions and policies of the Director of
14 Engineering.

15 C. No new signs, barber poles, or street clocks shall be
16 constructed over park drives and boulevards.

17 Section 31. Seattle Municipal Code Section 15.12.020
18 (Ordinance 90047, Section 20) is amended as follows:

19 **15.12.020 Barber poles.**

20 (~~It shall be unlawful for anyone to erect any~~) No barber pole
21 (~~so that the same, together with~~) or any of its brackets and
22 fastenings(~~(7)~~) shall extend more than one foot (1') over or into
23 any public place, or so that the bottom thereof will be less than
24 eight feet (8') from the sidewalk.

25 Section 32. Seattle Municipal Code Section 15.12.030
26 (Ordinance 90047, Section 21, as last amended by Ordinance 115994,
27 Section 15) is further amended as follows:

28 **15.12.030 Banners.**

29 (~~It shall be unlawful for anyone to stretch, hang or otherwise~~
30 ~~place any~~) No canvas or cloth sign or banner shall be stretched,
31 hung, or otherwise placed over or across any public place except
32 upon written permit issued by the (~~Director of Engineering~~) City
33

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1 and then only upon such terms and conditions, and for such period of
2 time as ~~((such official shall direct))~~ authorized in the permit.

3 Section 33. Subsection B of Seattle Municipal Code Section
4 15.12.040 (Ordinance 90047, Section 22, part) is amended as follows:

5 B. No clock shall be more than fifteen feet (15') nor less
6 than twelve and one-half feet (12½') in height from the sidewalk to
7 the center of the ~~((dial))~~ clock face. Each dial or the time on a
8 digital clock shall be illuminated from within only, by electric
9 light of not less than ninety (90) candlepower to each dial or
10 number on a digital clock. The clock shall be kept ~~((burning))~~
11 lighted during the hours of the day in which the municipal street
12 lights are ~~((burning))~~ lit.

13 Section 34. Subsection B of Seattle Municipal Code Section
14 15.14.010 (Ordinance 90047, Section 19-A, as last amended by
15 Ordinance 115994, Section 17), is further amended as follows:

16 B. The statement of purpose in SMC Section 15.14.010A shall
17 guide ~~((the Director of Engineering))~~ City officials in determining
18 the overall public interest in regulating the placement, construc-
19 tion, maintenance, size and appearance of newsstands.

20 Section 35. Seattle Municipal Code Section 15.14.020
21 (Ordinance 90047, Section 19 B, as last amended by Ordinance 106583,
22 Section 2) is further amended as follows:

23 **15.14.020 Placement without permit -- Exceptions.**

24 Except as otherwise provided in Sections 15.14.030, 15.14.040
25 and 15.14.050, publishers and distributors may place newsstands in
26 public places without a permit.

27 Section 36. Seattle Municipal Code Section 15.14.030
28 (Ordinance 90047, Section 19-C, as last amended by Ordinance 106583,
29 Section 3) is further amended as follows:

30 **15.14.030 ((Mandatory)) Requirements.**

31 All newsstands in a public place shall align parallel with the
32 curb, allow at least five feet (5') of clear sidewalk space for
33 pedestrian passage, be detectable by pedestrians using canes for

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1 guidance; and be maintained in a safe condition, able to withstand
2 strong winds, and in good repair at all times.

3 No newsstand shall:

4 A. Be placed or maintained so as to obstruct the use of any
5 crosswalk, wheelchair ramp, driveway, hydrant, or City emergency
6 facility, or be less than eighteen inches (18") from the curb;

7 B. Impair loading at any bus, taxi, passenger or truck load-
8 ing zone; hinder egress to parked vehicles in marked parking stalls;
9 obstruct sight lines of motorists at an intersection; orient toward
10 the roadway; or obscure any regulatory sign;

11 C. Be fastened to any Metro facility or any utility pole or
12 tree; or

13 D. Contain advertising other than that which relates exclu-
14 sively to the publication or publications sold; or be used for
15 purposes other than the sale of such publications.

16 Section 37. Seattle Municipal Code Section 15.14.040
17 (Ordinance 90047, Section 19D, as last amended by Ordinance 115994,
18 Section 18) is further amended as follows:

19 **15.14.040 When Permit Required -- Issuance.**

20 A. Without a permit from the authorizing official ((Director
21 of Engineering)), no newsstand shall:

22 ~~((1. Be placed or maintained so as to obstruct the use of~~
23 ~~any crosswalk, wheelchair ramp, driveway, hydrant, call box, or City~~
24 ~~emergency facility, or more than four feet (4') or less than eight-~~
25 ~~een inches (18") from the curb;~~

26 ~~2. Impair loading at any bus, taxi, passenger or truck~~
27 ~~loading zone; hinder egress to parked vehicles in marked parking~~
28 ~~stalls; obstruct sight lines of motorists at an intersection; orient~~
29 ~~toward the roadway; or obscure any regulatory sign;))~~

30 1. ((3-)) ((Be fastened to any Metro facility, any
31 utility pole or tree or)) Be permanently affixed to ((or removed
32 after affixation from)) the surface of any public place; provided
33 that a modular unit newsstand for multiple publications may be

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1 bolted to a sidewalk without a permit if the owner or publisher
2 first arranges with the authorizing official for its precise place-
3 ment, and upon removal restores the sidewalk surface;

4 ~~((4. Contain advertising other than that which relates~~
5 ~~exclusively to the publication or publications sold; or be used for~~
6 ~~purposes other than the sale of such publications;))~~

7 2. ((5-)) Exceed size limitations set by the authorizing
8 official ((Director of Engineering));

9 3. ((6-)) Conflict with design policies adopted for
10 historical and special review districts or be placed within one
11 hundred twenty feet (120') of the limits of a street improvement
12 that provides for integration of newsstands into structures located
13 therein;

14 4. ((7-)) Conflict with a rule or regulation adopted by
15 the authorizing official ((Director of Engineering)) pursuant to SMC
16 Section 15.14.070.

17 B. The authorizing official ((Director of Engineering)) may
18 issue a permit to allow the location of a newsstand or to allow an
19 action or condition restricted by SMC Section 15.14.040 A1 through
20 A4 ((7)) whenever the same constitutes a reasonable accommodation
21 that furthers the overall public interest.

22 Section 38. Seattle Municipal Code Section 15.14.050
23 (Ordinance 90047, Section 19-E, as last amended by Ordinance 115994,
24 Section 19) is further amended as follows:

25 **15.14.050 Congestion control.**

26 A. Without a permit ((from the Director of Engineering)) no
27 newsstand shall be placed within one hundred twenty feet (120') of
28 any corner or other location with more than four (4) newsstands, or
29 a ((of any intersection with more than twelve (12) newsstands, or
30 the equivalent capacity in multiple publication)) modular unit news-
31 stand((s)) ((or attended newsstands)) with a capacity of at least
32 four units, or within one hundred twenty feet (120') of an attended
33 newsstand.

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1 B. As long as the requirements of Section 15.14.030 are not
2 violated, an authorizing official may defer enforcing the congestion
3 control criteria of Subsection A at a location until a complaint is
4 made by a publisher, distributor, property owner, or member of the
5 public.

6 C. ((B-)) If a complaint is made that the criteria in sub-
7 section A are exceeded, or an application is made for a permit under
8 this section, the authorized official ((Director of Engineering))
9 shall determine whether the totality of newsstands at such location
10 will conflict with the ((restrictions)) requirements of ((sub-
11 sections A1, 2, 5, or 6 of SMC Section 15.14.040)) Section
12 15.14.030. If no such conflict is evident, ((or if any such con-
13 flict would be allowed by virtue of the Director of Engineering's
14 issuance of a specific permit therefor, or if said Director finds
15 that the proposed newsstand together with the preexisting newsstands
16 represent)) and the authorizing official using the guidelines in
17 Section 15.14.010 shall determine that the placement represents a
18 reasonable accommodation furthering the overall public interest, the
19 authorizing official ((Director of Engineering)) may issue a permit.

20 D. ((E-)) Upon the timely appeal of the issuance or denial by
21 the authorizing official ((Director of Engineering)) of a permit for
22 a proposed newsstand under this section, the Street Use Appeals
23 Board shall determine: (1) whether there is a satisfactory alter-
24 nate location for such newsstand in the vicinity, and if no such
25 location exists, (2) whether an existing newsstand shall be dis-
26 placed for such proposed newsstand. When necessary, allocations of
27 space for newsstands at particular locations as provided herein
28 shall be made in a manner which:

29 (a) Offers the public convenient access to all publica-
30 tions, whether of large or small circulation;

31 (b) Guarantees to all publishers a reasonable representa-
32 tion of their newsstands in public places;

33

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1 (c) Provides opportunity for placement of newsstands for
2 new publications;

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

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

7 Before allocating space at any location, the Director of
8 Engineering or the Street Use Appeals Board, as the case may be,
9 shall afford the publishers affected a reasonable opportunity to do
10 so voluntarily.

11 Section 39. Seattle Municipal Code Section 15.14.070
12 (Ordinance 90047, Section 19-G, as last amended by Ordinance 115994,
13 Section 20) is further amended as follows:

14 **15.14.070 Authority of Director of Engineering.**

15 The Director of Engineering is authorized to:

16 A. Adopt rules and regulations implementing SMC Sections
17 15.14.020 through 15.14.080, including, but not limited to:

18 1. Establishing standards relating to advertising,
19 safety, maintenance, location and the fastening of newsstands to
20 traffic-control devices, and standards relating to the design of
21 newsstands located within downtown Seattle between Stewart Street on
22 the north, Sixth Avenue on the east, Yesler Street on the south and
23 First Avenue on the west, or located along Alaskan Way adjacent to
24 Piers 50 through 61, or located in the University District within
25 sixty feet (60') of the street margins of Northeast 45th Street
26 between Brooklyn Avenue Northeast and 15th Avenue Northeast, or
27 within sixty feet (60') of the street margins of University Way
28 between Northeast 42nd Street and Northeast 50th Street,

29 2. Requiring that every newsstand in any public place
30 have the name, address, and telephone number of the owner or other
31 responsible party affixed thereto in a place where it may be easily
32 seen; and that every publisher maintain on file with the Director of
33

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1 Engineering a current listing of newsstands placed in public places
2 as authorized in this chapter without a permit,

3 3. Prohibiting newsstands in any particular sidewalk
4 segment to alleviate congestion and maintain safe passage,

5 4. Requiring or providing for the relocation of news-
6 stands temporarily to accommodate construction, maintenance and
7 primary street uses,

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

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

16 C. Upon five (5) days' notice, or with such notice as may be
17 practical if emergency or unsafe conditions exist, impound news-
18 stands in violation of this chapter, including newsstands maintained
19 without a permit where a permit is required;

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

23 E. Recommend to the City's legislative authority for
24 adoption, by ordinance, of a schedule of fees for newsstands under
25 permit, for impounding and storage of newsstands, and for relocating
26 newsstands where authorized; ((and))

27 F. Dispose of, as abandoned property, any impounded newsstand
28 that is not claimed by the owner or other person responsible within
29 thirty (30) days from the date of impoundment;

30 G. Allow two or more publications to share the use of a
31 newsstand or the same space within a modular unit; and

32 H. Recommend to publishers particular modular unit newsstands
33 that comply with the standards of Section 15.14.040.

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1 The Superintendent shall have comparable authority with respect
2 to newsstands in park drives and boulevards.

3 Section 40. Seattle Municipal Code Section 15.14.080
4 (Ordinance 90047, Section 19-H, as last amended by Ordinance 115994,
5 Section 21) is further amended as follows:

6 **15.14.080 Review and hearings (~~by Street Use~~**
7 **~~Appeals Board~~) -- Appeals.**

8 Any person or publisher aggrieved by the placement of a news-
9 stand in a public place under the jurisdiction of the Engineering
10 Department or an action of the Director of Engineering with respect
11 to a newsstand may seek review of such action by filing within ten
12 (10) days after such action, a notice of appeal with the Street Use
13 Appeals Board on a form provided by ((said)) the Director or the
14 Board. Such notice shall identify the action being appealed, the
15 appellant's objections thereto, and the relief or action desired
16 from the Board. The Street Use Appeals Board shall then conduct a
17 hearing thereon. Unless an emergency or an unsafe condition exists,
18 a newsstand already in place shall remain in place during a timely
19 appeal until the Street Use Appeals Board makes its decision. The
20 Street Use Appeals Board may sustain, modify, ((~~or~~)) prohibit, or
21 reverse any such newsstand placement or action of the Director of
22 Engineering, and its decision shall be final and conclusive, subject
23 to judicial review.

24 Any person or publisher aggrieved by the placement of a news-
25 stand in a park drive or boulevard under the jurisdiction of the
26 Department of Parks and Recreation identified in Appendix I or shown
27 on the map as Appendix II or an action of the Superintendent with
28 respect to a newsstand may seek review of such placement by the
29 Superintendent, or if the action be that of the Superintendent, its
30 reconsideration by the Superintendent; and for that purpose, the
31 appellant may request a hearing by the Superintendent, sitting with
32 the Board of Park Commissioners, by filing a notice of review within
33 ten (10) days after such action. At or promptly after the close of
the hearing, the Board shall give its advice and recommendations to

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1 the Superintendent, whose decision shall be final and conclusive,
2 subject to judicial review.

3 Section 41. Seattle Municipal Code Section 15.14.090
4 (Ordinance 90047, Section 19-I, as last amended by Ordinance 106583,
5 Section 9) is further amended as follows:

6 **15.14.090 Newsstand policy in the Downtown Zones**
7 **((Central Business District)).**

8 It shall be the policy of the City to consider the location of
9 newsstands and the practicality of integrating newsstands into
10 structures being erected in the planning for projects in the
11 Downtown Zones (SMC Chapter 23.49) ((Central Business District))
12 involving the construction or reconstruction of a substantial
13 segment of sidewalk or other open area for pedestrian use, and to
14 utilize such integrated structures wherever practical in such areas,
15 and wherever appropriate to encourage the replacement of single
16 publication newsstands with attractive modular units.

17 Section 42. Seattle Municipal Code Section 15.16.020
18 (Ordinance 90047, Section 49(b), as last amended by Ordinance
19 109740, Section 6, part) is further amended as follows:

20 **15.16.020 Permit -- Application.**

21 In addition to the information required by Section
22 ((15.04.020)) 15.04.025, an application for a sidewalk cafe permit
23 shall state the anticipated periods of use during the year, and the
24 proposed hours of daily use, including Saturdays, Sundays and
25 holidays; and whether any liquor, as defined in RCW 66.04.010(6),
26 will be sold or consumed in the area to be covered by the permit.

27 Section 43. Seattle Municipal Code Section 15.16.030
28 (Ordinance 90047, Section 49(c), as last amended by Ordinance
29 109740, Section 6 (part)) is further amended as follows:

30 **15.16.030 Notification of surrounding**
31 **tenants and owners.**

32 The Director of Construction and Land Use shall provide notice
33 of receipt of an application for a sidewalk cafe permit and of his
34 or her decision to grant, deny, or condition the permit in accord-

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1 ance with the notice provisions of the Master Use Permit (~~(Ordinance~~
2 ~~(109438))~~) Process, SMC Chapter 23.76.

3 Section 44. Seattle Municipal Code Section 15.16.040
4 (Ordinance 90047, Section 49(d), as last amended by Ordinance
5 109740, Section 6, part) is further amended as follows:

6 **15.16.040 Terms and conditions.**

7 A. (~~In the event and to the extent that~~) (~~t~~) The Director
8 of Construction and Land Use may issue a permit for use of a side-
9 walk for sidewalk cafe purposes in the event and to the extent that
10 he or she determines that:

11 (~~A-~~) 1. The applicant is the owner or occupant of the
12 adjacent property and operates a cafe, (~~e~~) restaurant, or tavern
13 thereon;

14 (~~B-~~) 2. The proposed use for a sidewalk cafe (~~use~~)
15 would not unduly and unreasonably impair passage to and fro by the
16 public on the sidewalk for which the permit is sought and is consis-
17 tent with any applicable standards established by the federal
18 Americans with Disabilities Act; and

19 (~~C-~~) 3. The proposed sidewalk cafe area is included
20 within a food-service establishment permit pursuant to Seattle City
21 Code Chapter 13.20, or the Seattle-King County Director of Public
22 Health or his or her representative, has otherwise authorized such
23 a use of the area(~~+~~).

24 B. The Director may include in the (~~a~~) permit (~~for use of~~
25 ~~sidewalk cafe purposes may be issued upon~~) such terms and condi-
26 tions as (~~said~~) the Director may deem appropriate including, but
27 not limited to:

- 28 • restrictions as to the number and placement of tables and
29 chairs and as to the hours and dates of use;
- 30 • a requirement that the area be cleared when not in use as
31 a sidewalk cafe, or upon the order of the Director of
32 Engineering or other appropriate City officer such as the
33

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1 Chief of Police or Fire Chief or their authorized repre-
2 sentatives;

3 • ((and)) provision that the permittees shall maintain the
4 sidewalk in a clean and safe condition for pedestrian
5 travel;

6 • a requirement that the applicant clear the sidewalk as may
7 be necessary to accomplish deliveries to adjacent or other
8 nearby properties;

9 • regulations upon lighting and illumination of the sidewalk
10 cafe; limitations upon noise; and restrictions upon the
11 placement of furniture or equipment used in connection
12 with the sidewalk cafe;

13 • ((and)) the posting of a surety bond or establishment of
14 an escrow account in accordance with the provisions of
15 this ((sub)) title;

16 • if the sidewalk cafe causes a change in pedestrian travel
17 patterns, appropriate repairs to the sidewalk in the imme-
18 diate vicinity in order to accommodate the change or to
19 assure compliance with the federal Americans with Dis-
20 abilities Act;

21 • restoration of the sidewalk upon completion of the use.

22 C. ((provided that)) ((u))Unless expressly authorized by the
23 City no pavement shall be broken, no sidewalk surface disturbed, and
24 ((that)) no permanent fixture of any kind shall be installed in or
25 on sidewalk area in connection with a sidewalk cafe.

26 D. The Director of Construction and Land Use or the Director
27 of Engineering may suspend or revoke the permission granted if an
28 applicant violates this ordinance, any implementing rules, or the
29 terms and conditions of the permit.

30 Section 45. Seattle Municipal Code Section 15.16.070
31 (Ordinance 90047, Section 49(g), as last amended by Ordinance
32 116368, Section 220) is further amended as follows:
33

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1 **15.16.070 Indemnity.**

2 The applicant for a sidewalk cafe permit shall execute and
3 deliver to the City upon a form supplied by the Director of
4 Engineering an agreement in writing and acknowledged by the
5 applicant, forever to hold and save the City free and harmless from
6 any and all claims, actions or damages of every kind and description
7 which may accrue to, or be suffered by any persons by reason of or
8 related to the operation of such sidewalk cafe. In addition, such
9 agreement shall contain a provision that the permit is wholly of a
10 temporary nature, that it vests no permanent right whatsoever, that
11 upon thirty (30) days' notice, posted on the premises, or by publi-
12 cation in the official newspaper of the City, or without such
13 notice, in case the permitted use shall become dangerous or unsafe,
14 or shall not be operated in accordance with the provisions of this
15 ((sub))title, the same may be revoked and the sidewalk cafe furni-
16 ture ordered removed.

17 Every such agreement, after it has been received in his or her
18 office and numbered, shall be filed with the City Clerk.

19 Section 46. Chapter 15.17 of the Seattle Municipal Code, now
20 titled **Mobile Vending** is retitled **Vending**.

21 Section 47. There is added to Seattle Municipal Code Chapter
22 15.17 a new Section 15.17.005, as follows:

23 **15.17.005 Vending and display in public places.**

24 It is unlawful to display for sale to the public or sell goods,
25 wares, merchandise or services in a public place, unless:

26 (a) the activity exercises a civil liberty or consti-
27 tutional right illustrated by Section 15.17.200;

28 (b) the activity implements a right or privilege granted
29 by state law; a license authorized by ordinance (e.g., Chapter
30 6.212, Taxicabs; Chapter 15.14, newsstands); or a franchise granted
31 by the City;

32 (c) the activity occurs in an area under permit that
33 contemplates such an activity, e.g., a permit for a parade issued by

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1 the Police Department (Chapter 11.25); an areaway or sidewalk cafe
2 (Chapters 15.08 and 15.16); street areas within the Pike Place
3 Market Historical District (Chapter 25.24) that are being admin-
4 istered by the Pike Place Market Preservation and Development
5 Authority; a filming permit (Chapter 15.35); or a permit for an
6 event issued by the Special Events Committee (Chapter 15.52);

7 (d) the seller is a "mobile food-service unit" making
8 sales of food or refreshments on a regular basis within a district
9 or on a route in compliance with the Food Code (Chapter 10.11) and
10 rules of the Public Health Department and with Sections 15.17.010 -
11 .020; or

12 (e) the seller has received a permit therefor issued
13 pursuant to Sections 15.17.100 or 15.17.120.

14 Section 48. Subsection A of Seattle Municipal Code Section
15 15.17.010 (Ordinance 90047, Section 50, amended by Ordinance 109271,
16 Section 3) is divided into two sections, numbered 15.17.010 and
17 15.17.020, and amended as follows:

18 **15.17.010 Areas where mobile ((peddling)) vending**
19 **is restricted.**

20 ((A-)) Unless authorized by Section 15.17.020, it is unlawful
21 for any person to sell, offer for sale, solicit orders, rent, lease,
22 or otherwise peddle from a public place while walking, moving from
23 place to place, using a mobile cart, using a vehicle, or by any
24 other mobile method, within the following boundaries:

25 ((1-)) A. Beginning at the waterfront on Elliott Bay in a
26 direct line with West Prospect Street, then east to West Olympic
27 Place; then east along West Olympic Place to First Avenue West; then
28 north along First Avenue West to West Aloha Street; then east along
29 West Aloha and Aloha Streets to Westlake Avenue North; then south
30 along Westlake Avenue North and Westlake Avenue to Eighth Avenue;
31 then south along Eighth Avenue to South Jackson Street; then west
32 along South Jackson Street to Elliott Bay on the waterfront; then
33 north along the waterfront to a point in direct line with West
Prospect Street, the place of beginning.

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1 ((2-)) B. Within two hundred feet (200') of any public park,
2 as defined in the Park Code, Ordinance 106615 as amended (Seattle
3 Municipal Code Chapter 18.12), or within two hundred feet (200') of
4 any public school.

5 ((3-)) C. Beginning at the junction of 15th Avenue N.E. and
6 N.E. 40th Street; then west on N.E. 40th Street to Brooklyn Avenue;
7 then north on Brooklyn Avenue to N.E. 50th; then east on N.E. 50th
8 Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E.
9 40th Street, the place of beginning, including both sides of the
10 streets and avenues mentioned.

11 **15.17.020 Mobile vending in restricted area.**

12 (~~Provided, that~~) ((s)) Selling is permitted in public places
13 in the (~~above-described~~) areas described in Section 15.17.010 by
14 persons on foot along the route of any parade for which a permit has
15 been issued by the Police Department (~~is authorized,~~) while the
16 parade is in progress and for one (1) hour prior to its commencement
17 ((+)). (~~provided further, that selling in the above-described~~
18 ~~areas is authorized if a Street Use Permit is obtained in accordance~~
19 ~~with this subtitle.~~)

20 Selling by persons on foot is also permitted in public places
21 in such areas when authorized by a permit for a crowd control event
22 issued pursuant to Chapter 15.52 and the selling is in accordance
23 with the terms of the permit.

24 A "mobile food-service unit" licensed by the Public Health
25 Department may sell food and beverages from a vehicle in public
26 places in such areas to personnel at business and industrial
27 establishments and at construction sites on a pre-arranged route or
28 a pre-arranged schedule. The driver and vehicle are subject to the
29 Traffic Code, Title 11.

30 Nothing in this section authorizes selling as prohibited by
31 Section 15.17.050 in the vicinity of the Kingdome.
32
33

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1 Section 49. Subsection B of 15.17.010 (Ordinance 90047,
2 Section 50, part, amended by Ordinance 109271, Section 3) is
3 renumbered as Section 15.17.050 and amended as follows:

4 **15.17.050 Street vending near the Kingdome.**

5 It is unlawful to sell, offer to sell, solicit orders, rent,
6 lease, or otherwise peddle any goods or services in a public place
7 within the area bounded by (~~Yesler Way~~) the north margin of South
8 Jackson Street, (~~Sixth Avenue South~~) the east margin of 4th Avenue
9 South, the south margin of South Atlantic Street) and (~~Alaska Way~~
10 ~~South~~) the west margin of First Avenue South within two (2) hours
11 of the commencement of any event scheduled at the Kingdome or during
12 the progress of any such event, or within one (1) hour following the
13 conclusion of the event.

14 Nothing herein shall restrict the sale of publications from
15 newsstands that are located within the area described above in
16 accordance with Chapter 15.14, nor the exercise of liberties
17 guaranteed by the Washington or United States constitutions.

18 Section 50. There is added to Seattle Municipal Code Chapter
19 15.17 (Ordinance 90047, Section 50, added by Ordinance 109271,
20 Section 3) new Sections 15.17.100, 15.17.150, and 15.17.200 as
21 follows:

22 **15.17.100 Food and Flower vending by cart from a site.**

23 An authorizing official may issue a permit to authorize the use
24 of a public place for the sale of food, flowers, and non-alcoholic
25 beverages from a cart, stationed at an authorized site, under the
26 following terms and conditions:

27 A. Vending of food and beverages must meet all standards
28 established by the Seattle-King County Health Department, and if
29 propane or a combustible fuel is used, the requirements of the Fire
30 Department. Vending may not occur in a single-family or residential
31 low-rise zone;

32 B. Food and beverages sold must be capable of immediate
33 consumption;

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1 C. The cart for vending food and/or beverages may not be more
2 than five feet (5') long, five feet (5') high, and three feet (3')
3 wide; the authorizing official may also permit awnings;

4 D. The cart must be capable of being pushed by one person,
5 with at least two functional wheels and positive wheel locking
6 devices;

7 E. The wheels of the cart must be locked while the vendor is
8 offering to conduct business, and the cart must be removed from the
9 public place after business hours;

10 F. The vendor must provide public liability insurance naming
11 the City as an additional insured in an amount determined by the
12 authorizing official by rule;

13 G. The vending site must be kept clean at all times. When
14 vending involves a container or wrapper, the vendor must supply a
15 refuse container;

16 H. No mechanical audio or noise making devices or hawking is
17 allowed;

18 I. Electrical utility connections are permitted to the
19 adjacent property, but no lines may be extended overhead or upon the
20 sidewalk;

21 J. The vendor must present to the City written approval for
22 the vending by the adjoining property and/or tenant; if the tenant
23 and property owner disagree, the property owner's decision controls;

24 K. If the vending occurs within two hundred feet (200') of a
25 park or public school, the vendor must present written consent of
26 the Superintendent of Parks and Recreation or the Seattle School
27 District, respectively; if the vending occurs within two hundred
28 feet (200') of a private school, the vendor must present proof of
29 mailing or delivery of notice of the application to the school's
30 administrator and an opportunity for comment shall be allowed. No
31 vending of flowers may occur within two hundred feet (200') of an
32 established florist without the written consent of the florist.

33

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1 L. The vendor satisfies such other criteria and require-
2 ments as the authorizing official may establish from time to time by
3 rule in the public interest.

4 **15.17.150 Sidewalk displays.**

5 The Director of Engineering may issue a permit to the owner or
6 manager of a business upon adjoining property making sales at retail
7 to the public in a zone other than a single-family or lowrise multi-
8 family zone to display on a public sidewalk goods or wares that are
9 being offered for sale inside the business. Sidewalk displays are
10 subject to rules of the Director of Engineering, the terms and
11 conditions of the permit, and the following criteria:

12 A. The display may not obstruct passage on the sidewalk nor
13 the use of any crosswalk, wheelchair ramp, bus or taxi loading zone.
14 The display must allow at least six feet (6') of clearance for
15 pedestrian passage to the nearest street trees; utility pole;
16 traffic control signs, parking meters, or fire hydrants and may not
17 be fastened to any of the foregoing.

18 B. The display must be flush against the building of the
19 adjoining property, must leave entrances and driveways clear, and
20 may not extend more than three feet (3') into the sidewalk;

21 C. The display must be removed during those hours that the
22 business is closed. If the display is in place before sunrise or
23 after sunset, the display must be lighted and readily visible to
24 passing pedestrians on the sidewalk;

25 D. Sales of goods or merchandise displayed must occur on the
26 adjoining privately-owned property;

27 E. The display may not contain alcoholic beverages, tobacco,
28 firearms or munitions, or any article which a minor is prohibited by
29 law from purchasing; nor any material restricted by the Fire Code
30 from direct access or handling by the public;

31 F. The display must be removed at any time that the Director
32 of Engineering, the Chief of Police, or the Fire Chief determine
33 that a clear sidewalk is needed for use of travel or transportation,

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1 street cleaning or maintenance, street utility work, a crowd control
2 event or parade, or an emergency and request removal;

3 G. The City assumes no responsibility for the items on
4 display, irrespective of whether the loss occurs through accident,
5 collision, vandalism, theft or otherwise;

6 H. The applicant must provide public liability insurance
7 naming the City as an insured on any additional insured in an amount
8 determined by the authorizing official by rule; and

9 I. The applicant shall provide the City an indemnity
10 agreement and acknowledgment of the temporary nature of the
11 permission granted comparable to that required of sidewalk cafes
12 under Section 15.16.070.

13 **15.17.200 Street Fairs and vending by**
14 **non-profit organizations.**

15 The Director of Engineering, the Superintendent, and the
16 Director of the Seattle Center are authorized to adopt rules
17 relating to the time, place and manner in which a non-profit
18 organization may vend merchandise in which the organization's
19 political, religious, sociological or ideological message is
20 inextricably intertwined when the sale exercises the vendor's rights
21 guaranteed by the United States or the Washington Constitution.
22 Such rules may address the issuance and duration of permits, the
23 size and placement of tables and other equipment used, their siting
24 and location on the sidewalks, the type of merchandise offered for
25 sale, advertising and posting of prices, the display of licenses,
26 the exclusion of ineligible merchandise, documentation to accompany
27 applications for registration, and prohibitions against
28 discrimination, among other subjects.

29 An authorizing official may authorize vending in a public place
30 as part of a street fair, carnival, athletic activity, or other
31 public event authorized by and in accordance with a permit issued by
32 the Special Events Committee under Chapter 15.52.
33

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1 Section 51. Seattle Municipal Code Chapter 15.18 (Ordinance
2 90047, Sections 23 (A) and 23 (B)) is retitled and amended as
3 follows:

4 CHAPTER 15.18 DANGEROUS ((BUILDINGS)) STRUCTURES ON
5 ADJOINING PROPERTY

6 15.18.010 Duty to maintain -- Notice of hazardous
7 condition -- barricading.

8 A. The owner of a structure on property adjoining a public
9 place has an obligation to maintain it so that it does not create a
10 hazard to the public using the public place; and, if a hazard to the
11 public should develop, to promptly place barricades in the public
12 place to warn the public of the danger and discourage entry into the
13 area of risk. Upon discovering the hazard, the owner shall
14 immediately inform the Director of Construction and Land Use, and,
15 as to park drives and boulevards, the Superintendent of Parks and
16 Recreation, and as to other public places, the Director of
17 Engineering.

18 B. Whenever the ((Superintendent of Buildings)) Director of
19 Construction and Land Use finds that a building is unsafe, according
20 to ((the terms of)) the Building Code (SMC Title 22), or any other
21 ((effective)) applicable ordinance, and a hazard to public safety,
22 health or welfare may exist to members of the public using ((an
23 abutting)) a public place, then the authorizing official may in his
24 or her discretion immediately barricade the public place or require
25 the owner or occupant of the adjoining property to set up barricades
26 ((abutting sidewalk and/or public place may be barricaded imme-
27 diately)) to the extent necessary, so as to prevent public access to
28 such area in the interest of public safety. ((7)) If the City
29 incurs an expense in erecting or maintaining barricades, the
30 authorizing official shall bill the owner or occupant the cost
31 thereof together with an administrative charge equal to fifteen
32 percent (15%) of the amounts expended.

33 ((and the Superintendent of Buildings)) The Director of
Construction and Land Use forthwith shall notify the owner or his or

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1 her agent of such hazardous condition and to correct this condition
2 within ten (10) days from the date of notice thereof.

3 **15.18.020 Construction of covered way.**

4 If ~~((such))~~ the hazardous condition described in Section
5 15.18.010 has not been corrected by the owner or agent within the
6 ten (10) day period, the owner or agent shall be notified to obtain
7 a permit for the construction and maintenance of a covered way over
8 that portion of the sidewalk or street area as directed by the
9 Director of Engineering, or in the case of boulevards and park
10 drives, by the Superintendent of Parks and Recreation ((City
11 Engineer)). The covered way shall comply with the standards in
12 Section 15.22.120, and with specifications in City manuals for work
13 in public places. ((In case of failure of)) An owner or agent((r))
14 who fails to begin and complete construction according to a permit
15 or ~~((failure))~~ to obtain such permit in the time specified ~~((may~~
16 ~~be))~~ is subject to the penalties ~~((provided by this subtitle))~~ in
17 Chapter 15.50. In addition, ((and)) the City ((Engineer)) may cause
18 such covered way to be constructed and charge the cost plus fifteen
19 percent (15%) thereof against the property described, and such
20 charges shall be collected ~~((by laws governing))~~ in the manner of
21 the collection of debts.

22 Section 52. Seattle Municipal Code Section 15.20.010
23 (Ordinance 90047, Section 24 (A)) is amended as follows:

24 **15.20.010 Permit -- Required.**

25 ~~((When necessary to occupy a public place to clean or paint any~~
26 ~~building, wall, or sign, it))~~ It is ~~((shall be))~~ unlawful for anyone
27 to ~~((undertake))~~ occupy a public place with scaffolding, ladders or
28 equipment to clean or paint ((such cleaning or painting)) a
29 building, wall, or sign without first ~~((having obtained))~~ obtaining
30 a permit to do so from the ~~((City Engineer))~~ Director of Engineer-
31 ing, or, as to park drives and boulevards, the Superintendent of
32 Parks and Recreation. No permit is required for using a single,
33 attended ladder fourteen feet (14') or less in length, without other

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1 ~~equipment. The ((permit shall specify the portion of the public~~
2 ~~place which may be occupied with)) term "equipment" includes~~
3 ~~machinery and power tools for ((the)) generating ((ef)) or applying~~
4 ~~steam, high-pressure granular material, water, ((ex)) compressed~~
5 ~~air, and/or chemical solvents, paint and other coatings ((hanging~~
6 ~~scaffold, or for any purpose whatsoever)).~~

7 Section 53. Seattle Municipal Code Section 15.20.020
8 (Ordinance 90047, Section 24 (B)) is amended as follows:

9 **15.20.020 Permit -- Contents; validity.**

10 The permit shall specify the portion of the public place which
11 may be occupied, the equipment that may be used, the dates or days
12 and hours of use, and the purpose. The ((#)) permit ((issued under
13 this chapter)) shall be valid only for the dates or number of days
14 stated, ((therein and)) for the occupation of such portion of the
15 public place ((street as is definitely)) set forth, and at such
16 hours as may be designated, and ((only)) for the purpose of
17 cleaning, painting, erecting or hanging scaffold for the particular
18 structure for which the permit is issued.

19 Section 54. Seattle Municipal Code Section 15.20.040
20 (Ordinance 90047, Section 24 (D)) is amended as follows:

21 **15.20.040 ((Certain)) Chemicals and contaminants**
22 **((prohibited)).**

23 The use of acids, ((ex)) chemicals, ((ex)) any other cleaning
24 material, paint or other coating is subject to and must comply with
25 rules and regulations of the Environmental Protection Agency and the
26 Puget Sound Air Pollution Control Agency both as to substances used
27 and to the manner of application. ((which, if precipitated in the
28 street would cause injuries to persons or damage to property, is
29 prohibited, except as otherwise provided for in this subtitle))

30 Section 55. Seattle Municipal Code Section 15.20.050
31 (Ordinance 90047, Section 24 (E)) is amended as follows:

32 **15.20.050 Scaffolding -- Compliance.**

33 All scaffolding shall comply with the provisions of ((this
subtitle pertaining to scaffolds)) Chapter 15.24 of this Code and to

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1 all rules ~~((requirements))~~ of the State ~~((Safety Codes))~~ of
2 Washington, Department of Labor and Industries (WAC Title 296).

3 Section 56. Seattle Municipal Code Section 15.20.070
4 (Ordinance 90047, Section 24 (G)) is amended as follows:

5 **15.20.070 Public Protection ~~((Barricades))~~.**

6 Any person who uses a public place for cleaning or painting a
7 structure, with or without a permit, is required to protect the
8 general public from injury or damage. The general public includes
9 people who may also be using the public place in the vicinity;
10 vehicles that may be traveling or parked on the roadway; and
11 adjoining properties. Protective measures include, where applic-
12 able, controls on spraying; placement of tarpaulin or other
13 coverings to intercept spillage or droppings; and screening devices.

14 During cleaning or painting operations, a suitable portion of
15 the ~~((sidewalk or other public thoroughfare as required by the City~~
16 ~~Engineer)) public place shall be closed to the general public; and~~
17 barricades, warnings, or other traffic-control devices required by
18 the authorizing official shall be placed ~~((barricaded))~~ in an
19 approved manner. ~~((Specified)) ((h)) Hours of operation and/or~~
20 ~~((any)) additional construction may be specified ~~((required))~~ to~~
21 protect the public ~~((in passing said point)) from injury or damage.~~

22 Section 57. Seattle Municipal Code Section 15.20.080
23 (Ordinance 90047, Section 24 (H)) is amended as follows:

24 **15.20.080 Ladder safety.**

25 If a ladder more than fourteen feet (14') in height is used in
26 building, painting, or cleaning operations, ~~((there shall be at all~~
27 ~~times a man)) a person shall be stationed at the base of the ladder~~
28 ~~((thereof)) at all times~~ in the interest of public safety.

29 Section 58. Seattle Municipal Code Section 15.22, now titled
30 **BUILDING OPERATIONS**, is retitled **BUILDING CONSTRUCTION/DEMOLITION**.

31 Section 59. Seattle Municipal Code Section 15.22.019
32 (Ordinance 90047, Section 25, as last amended by Ordinance 106780,
33 Section 2 (part)) is further amended as follows:

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1 **15.22.010 Compliance Required.**

2 (~~In any district~~) ((w)) When a building is to be erected,
3 razed, repaired or altered, the specifications set out in this
4 chapter shall be complied with by the owner of the building or his
5 or her agent.

6 Section 60. Seattle Municipal Code Section 15.22.020
7 (Ordinance 90047, Section 25(A), as last amended by Ordinance
8 115994, Section 23) is divided into four sections and further
9 amended as follows:

10 **15.22.020 Application for use permit**
11 (~~(-- Investigation and issuance)~~).

12 ((A-)) An application shall be filed with the Superintendent
13 of Parks and Recreation for use of a park drive or boulevard and
14 with the Director of Engineering for use of other public places
15 ((street or walk area deemed necessary)) for construction,
16 demolition, or repair of a building. ((operations)) The application
17 shall ((also)) specify the proposed use of the area and the period
18 of time the applicant desires to use the specified area and be
19 accompanied by a plan of the definite limits of areas desired for
20 use. ((-which)) The use shall be confined to ((7)) the public
21 place adjoining ((and abutting,)) the property to be improved, ((+
22 provided, that upon)) but if the application is accompanied by
23 written permission of other adjacent property owners, ((filed with
24 the application and approved by)) the ((Director of Engineering,))
25 authorizing official ((such street use)) may allow the use of a
26 public place extending ((extend)) beyond the immediately adjoining
27 property. ((limits of the improvement))

28 **15.22.022 Investigation.**

29 The Director of Engineering or the Superintendent of Parks and
30 Recreation as to park drives or boulevards shall investigate the
31 area ((adjacent to the place of such building construction, demo-
32 lition or repair)) of the proposed use to determine the traffic
33 carried by the adjacent roadway and walks, and to determine the
inconvenience and hazard to the public. The authorizing official

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1 may revise the applicant's plans and confine the proposed use of the
2 public place to an area that the official finds to be consistent
3 with public safety and use of the street or boulevard for travel and
4 transportation.

5 **15.22.024 Policies.**

6 It is City policy (1) to protect the public passage within the
7 existing roadways and walks; if (1) is not practical, then (2) to
8 authorize a detour around the work area on the same side of a street
9 or boulevard within the right of way; and if (2) is not practical,
10 then (3) to close the sidewalk, and as a last resort, the street. In
11 determining the practicality of an alternative, an authorizing
12 official may take into consideration the purpose of the proposed
13 use, its hazard to the public and the user's need for control of
14 adjoining right-of-way, traffic patterns (both pedestrian and
15 vehicular), the terrain, the impact of a detour or closure on
16 adjoining properties and businesses, the expense of the alternative,
17 and its duration. A compelling need must be shown to close a bus or
18 trolley route. The authorizing official may limit a detour or
19 closure to certain hours, such as work day while construction is in
20 progress on the adjoining site. ((B. ~~Such use of walk or street~~
21 area abutting residential property, except on arterial highways and
22 bus routes, shall be limited to the use of the street area between
23 the sidewalk and curb and, where necessary, that area, adjacent to
24 the outside of the curb, generally occupied by a parked automobile.
25 On arterial highways and bus or trolley routes, the use of the
26 street area is to be limited to the area authorized by the Director
27 of Engineering.))

28 **15.22.026 Insurance; Conditions; Appeal.**

29 A. ((C-)) Upon completion of the investigation of ((street use
30 as applied for)) the application, the ((Director of Engineering))
31 authorizing official may grant the requested permit, subject to the
32 applicant's furnishing public liability insurance and a ((cash))
33 deposit and/or surety bonds or an escrow account as ((said

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1 ~~Director~~) the authorizing official deems necessary to protect the
2 City from any claims for damages to persons or ~~((injury to public~~
3 ~~utilities))~~ or property or any other cause arising out of the
4 ~~((street))~~ proposed use. ~~((The Director of Engineering may revise~~
5 ~~the applicant's or permittee's plans and confine the use of the~~
6 ~~street to the area said Director finds to be of the greatest safety~~
7 ~~for the public.))~~

8 B. The ~~((Director of Engineering))~~ authorizing official may
9 alter a condition~~((s))~~ of the permit at any time ~~((said Director))~~
10 that the authorizing official finds that such use may cause damage
11 to persons or property ~~((things or to any improvements of the~~
12 ~~City)).~~

13 C. The Director of Engineering shall ~~((judge))~~ determine the
14 adequacy of protective devices installed in ~~((street area))~~ a public
15 place to safeguard utilities and traffic control devices.

16 D. All determinations of the Director of Engineering with
17 respect to the issuance or denial of permits under this chapter
18 ~~((for building operations shall be))~~ are subject to appeal to the
19 Street Use Appeals Board. A person aggrieved by a determination of
20 the Superintendent may petition the Superintendent for an oppor-
21 tunity for a hearing and reconsideration of the decision.

22 Section 61. Seattle Municipal Code Section 15.22.030
23 (Ordinance 90047, Section 25(B), as last amended by Ordinance
24 106780, Section 2 (part)) is further amended as follows:

25 **15.22.030 Fence or enclosure -- When required.**

26 A fence or enclosure shall be erected at any location at which
27 a building is to be erected, razed, repaired or altered, and a
28 hazard to pedestrian traffic is created: (A) within ten feet (10')
29 of a walk or roadway, (B) in a business district, or (C) in any case
30 deemed necessary by the City ~~((Engineer))~~ Director of Engineering
31 or, as to park drives and boulevards, the Superintendent.

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1 Section 62. Seattle Municipal Code Section 15.22.040
2 (Ordinance 90047, Section 25(C), as last amended by Ordinance
3 106780, Section 2 (part)) is further amended as follows:

4 **15.22.040 Fence or enclosure -- Materials and
5 construction.**

6 A. Fences or enclosures at building sites on which con-
7 struction or demolition (~~(operations are being performed)~~) activity
8 occurs shall be (~~(solid and tight)~~) continuous for their full
9 length, except for such openings ((~~τ~~)) which shall be provided with
10 sliding gates (~~(doors)~~) or hinged gates (~~(doors)~~) swinging inward,
11 as may be necessary for the proper execution of the work. The
12 (~~(doors)~~) gates of such openings shall be securely fastened in a
13 closed position when not in use.

14 B. Such fence, unless otherwise provided, shall be at least
15 seven feet (7') in height and shall, where practicable, be erected
16 before any work is commenced(~~(+)~~). Whenever the authorizing
17 official determines that the construction or demolition activity may
18 create flying debris or dust or otherwise affect pedestrians on a
19 nearby walk or traffic on the adjacent roadway, the fence shall be
20 solid and tight, except for the gates for entry or exit; view holes
21 with protective screening provided for the public; and, ((provided,
22 ~~that~~)) if the enclosure is adjacent to a street intersection or
23 corner, (~~(that)~~) a portion of the fence from four feet (4') to seven
24 feet (7') high which is within thirty feet (30') each way from the
25 corner of the fence must be of wire mesh to provide for traffic
26 visibility at all times, unless otherwise designated by the ((~~City~~
27 ~~Engineer~~)) authorizing official. Otherwise, a wire mesh fence may
28 be used.

29 C. The fence shall be designed to withstand wind loads and
30 any other design factors imposed by the Seattle Building Code (Title
31 22).

32 Section 63. Seattle Municipal Code Section 15.22.050
33 (Ordinance 90047, Section 25 (D), as last amended by Ordinance
106780, Section 2 (part)) is further amended as follows:

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1 **15.22.050 Obstruction of utility or traffic**
2 **facilities prohibited.**

3 No materials, fence or shed shall obstruct the approach to, or
4 the normal functioning of a fire hydrant, maintenance hole ((man-
5 hole)), fire alarm box, catchbasin, inlet, vault, valve chamber, or
6 any other public utility facility or traffic ((facility)) control
7 device which is within an area being used by a permittee. A
8 substantial protective frame, boarding, sand bags, etc., shall be
9 placed or built around every streetlight pole, power pole, fire
10 hydrant, and other utility facility or traffic ((facility)) control
11 device that may be damaged by work being done on the adjacent
12 property. This protection shall be maintained while the work is
13 being done, shall not obstruct the normal function of the facility
14 or device and ventilation of the ((manholes)) maintenance holes, and
15 shall be altered to provide for emergency access to the facility or
16 device during periods when the ((workmen)) workers are not present
17 nearby.

18 Access to standpipes, fire escapes, and other appurtenances for
19 fire safety of adjoining properties shall be preserved. City-owned
20 street trees shall be protected from injury unless the authorizing
21 official indicates otherwise.

22 Section 64. Seattle Municipal Code Section 15.22.060
23 (Ordinance 90047, Section 25 (E), as last amended by Ordinance
24 106780, Section 2 (part)) is further amended as follows:

25 **15.22.060 Removal of earth and debris.**

26 Earth taken from excavations and rubbish from buildings shall
27 not be stored ((on the sidewalk or other street area)) in a public
28 place, but shall be removed ((from day to day)) as rapidly as
29 produced.

30 ((Where such)) Materials that are dry and apt to produce dust
31 when handled ((they)) shall be kept sufficiently moist or covered
32 to prevent the wind blowing ((the same)) them about. Building
33 rubbish accumulating on upper floors and all rubbish, plaster and
other loose materials, produced while wrecking, altering or

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1 repairing a building, must be lowered by elevators in closed
2 receptacles or by closed chutes connecting to vehicles removing the
3 same. When likely to produce dust, the chutes must be provided with
4 means of wetting waste to prevent the wind from blowing it about.

5 Section 65. Seattle Municipal Code Section 15.22.070
6 (Ordinance 90047, Section 25 (F), as last amended by Ordinance
7 106780, Section 2 (part)) is further amended as follows:

8 **15.22.070 Mixing of mortar or concrete.**

9 It is unlawful to mix mortar or concrete in any public place
10 unless confined to a tight box or mixing board, and in no case shall
11 mixers or boxes be washed so that the water will run into ((the
12 street)) a public place unless free of all sand, cement or any
13 similar material.

14 Section 66. Seattle Municipal Code Section 15.22.080
15 (Ordinance 90047, Section 25 (G), as last amended by Ordinance
16 106780, Section 2 (part)) is further amended as follows:

17 **15.22.080 Repair of damage to public property.**

18 Any damage done to sidewalk, pavement, sewers, drain inlets,
19 catchbasins or any other public facility shall be repaired as
20 directed by the ((City Engineer)) Director of Engineering as he or
21 she finds necessary, and, if repaired by the Director, all costs
22 plus fifteen percent (15%) shall be charged against the owner, agent
23 or contractor; except that:

24 (A) If the damage be to a park drive or boulevard, the Super-
25 intendent of Parks and Recreation may make the repairs and charge
26 the costs plus fifteen percent (15%) to cover administrative
27 expenses to the owner, agent or contractor;

28 (B) ((i))If the authorizing official grants a permit ((is
29 granted so)) to do so, the owner, agent or contractor may restore
30 and repair such damages as required by, and under the inspection of,
31 the authorizing official ((City Engineer)) and;

32
33

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1 (C) Injury to City-owned street trees shall be remedied in the
2 discretion of the authorizing official by compensation and/or
3 replacement so that the City is made whole.

4 If construction or demolition activities cause the City to
5 undertake additional maintenance activities in the vicinity (such as
6 street cleaning or sweeping; or clearing of its drain inlets, catch-
7 basins, or storm drains functioning; or removing or other material
8 from a public place), the authorizing official may charge the owner,
9 agent, or contractor responsible therefor the cost of the added
10 maintenance plus fifteen percent (15%) to cover administrative
11 expenses.

12 Section 67. Seattle Municipal Code Chapter 15.22 is amended by
13 adding a new Section 15.22.085, as follows:

14 **15.22.085 Excavations and cave-ins.**

15 The maintenance of lateral support during an excavation and the
16 responses to a cave-in or slide are regulated by Chapter 15.44.

17 Section 68. Seattle Municipal Code Section 15.22.100
18 (Ordinance 90047, Section 25 (H), as last amended by Ordinance
19 106780, Section 2 (part)) is further amended as follows:

20 **15.22.100 Permit to drive over sidewalk or curb.**

21 ~~Whenever ((an excavation is to be made adjacent to a public~~
22 ~~place, or in any case wherein materials are to be))~~ construction
23 vehicles or heavy equipment are to be moved across a public sidewalk
24 or curb or a portion thereof not set aside as a driveway, ((and the
25 ~~adjacent street area is not being used under permit while building))~~
26 the owner, agent or contractor shall secure a permit to drive over
27 the walk and/or curb and shall deposit cash, a surety bond, or both
28 or establish an escrow account ((as provided in this subtitle and as
29 ~~directed by the City Engineer))~~ as directed by the authorizing
30 official.

31 Section 69. Seattle Municipal Code Section 15.22.110
32 (Ordinance 90047, Section 25 (J), as last amended by Ordinance
33 106780, Section 2 (part)) is further amended as follows:

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1 **15.22.110 Protection of sidewalk and pavement.**

2 In using ~~((the street area))~~ a public place or driving over
3 walks and curbs, the contractor shall keep such walk and pavement
4 reasonably clean, properly protected ~~((with planks))~~ during working
5 hours, and safe for public travel; upon failure to do so ~~((do))~~ the
6 ~~((City Engineer))~~ authorizing official may place such ~~((planking))~~
7 protective covering and cause such clean-up to be made, and the cost
8 thereof plus fifteen percent (15%) to cover administrative expenses
9 shall be charged to the contractor. Any changes so made may be
10 deducted from the contractor's deposits on file or may be charged
11 against his or her bond.

12 Section 70. Seattle Municipal Code Section 15.22.120
13 (Ordinance 90047, Section 25(K), as last amended by Ordinance
14 106780, Section 2 (part)) is divided into three sections
15 (15.22.120, 15.22.122, and 15.22.125) and further amended as
16 follows:

17 **15.22.120 ~~((Types of protection required for pedestrians~~
18 ~~and motorists)) Railings, barricades, and~~
 walkways.**

19 The following Table ~~((No. 25))~~ shall be used to establish
20 minimum requirements for pedestrian and motorist safety adjacent to
21 building sites, demolition sites, construction sites and sites
22 ~~((locations))~~ of excavations abutting upon or adjacent to public
23 places:

24 **WALKWAY TABLE ((NO. 25))**

25 (Section 15.22.120)

26 Height of	26 Distance from	26 Protection Required
27 Construction	27 Construction	27 Protection Required
28 8 feet or less	28 1. Less than 6 feet	28 1. Railing <u>(S A)</u>
	29 2. 6 feet or more	29 2. Barricades <u>(S B)</u>
30 More than 8 feet	30 3. Less than one-fourth	30 3. Fence <u>(S C)</u> and
	31 of the height of	31 covered walkway
	31 construction	31 <u>(S D & 15.22.122</u>
		31 <u>- 125)</u>
	32 4. More than one-fourth	32 4. Fence <u>(S C)</u>
	32 of the height of	
	33 construction	

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1 Excavation within
2 4 feet of the street margin Railing with mid-
3 rail (S A). See
4 also Chapter 15.44

4 The height of construction in the Table ((No. 25)) refers to the
5 height of the building((s)) being built ((~~above the sidewalk grade~~))
6 on the adjacent building site above the sidewalk grade. The
7 distance from construction refers to the distance a pedestrian
8 railing or fence is located from the nearest edge of the building
9 site.

10 The protection((s)) ((are)) required in Column 3 is as follows:

11 A. Railing. A handrail not less three and one-half feet (3½')
12 high, capable of withstanding a fifty (50) pound load per lineal
13 foot applied horizontally to the top rail;

14 B. Barricades. Four (4) or more red or flashing amber lights
15 as required in Chapter 15.40;

16 C. Fence ((~~and Covered Walkway~~)). Sections 15.22.030 -.040
17 apply.

18 D. ((~~Fence~~)) Walkway. A walkway is required unless the side-
19 walk is closed. Section 15.22.122 applies to all walkways, and, in
20 addition, Section 15.22.125 applies when the walkway table requires
21 a covered walkway. ((A tight and secure fence of board or chain
22 link must be built adjacent to the building or demolition site to
23 protect pedestrians and motorists. It shall be at least seven feet
24 (7') high, erected before demolition or construction begins, and
25 designed to withstand wind loads and any other design factors
26 imposed by the Seattle Building Code. The fence shall be located
27 according to the permit requirements.))

28 15.22.122 All walkways -- Requirements.

29 A. ((1-)) The walkway area shall have ((F)) four feet (4') or
30 more of clear walking width((7)).

31 B. ((3-)) A tight fence of board or chain link shall stand
32 along ((its)) the entire length on the side abutting the building
33 site.

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1 C. ~~((5-))~~ The walkway shall ~~((H))~~ have a handrail on the
2 roadway side, not less than three and one-half feet (3½') high
3 capable of withstanding a fifty (50) pound load per linear foot
4 applied horizontally to the top rail.

5 D. ~~((7-))~~ If the walkway is also used as a bus zone, ~~((as~~
6 ~~required by the Traffic Division of the Engineering Department,))~~ as
7 much of the handrail and wire mesh on the roadway side as stipulated
8 by the ~~((Traffic Division))~~ Director of Engineering shall be omitted
9 or removed from the walkway.

10 E. ~~((9-))~~ The walkway area shall be kept well lighted con-
11 tinuously between sunset and sunrise, and at such other times as
12 necessary.

13 F. ~~((10-))~~ The walkway area shall ~~((H))~~ have warning lights,
14 painting and other devices prescribed by the Traffic Control Manual
15 for In-Street Work.

16 G. ~~((11-))~~ A well-defined walking surface must be provided if
17 pedestrians are to be routed off ~~((the))~~ a paved sidewalk or into a
18 roadway area ~~((for more than thirty (30) hours))~~. The walking
19 surface must be solid and not slippery, and the transition between
20 the temporary walkway surface and the sidewalk shall be without
21 abrupt breaks or stubs ~~((to prevent harm to handicapped persons.~~
22 ~~Pedestrians shall not be required to walk upon a roadway for more~~
23 ~~than thirty (30) hours and in such a case the roadway must be safe~~
24 ~~for walking and the pedestrians carefully contained in a well~~
25 ~~defined space. Sleepers supporting a walking surface shall not~~
26 ~~obstruct drainage flow, and))~~ ~~((P))~~ Pedestrians shall not be required
27 to walk in a gutter. ~~((+))~~

28 15.22.125 Covered Walkways.

29 ~~((E-))~~ A covered walkway has a temporary protective roof
30 extending above a pedestrian walkway to be built and maintained
31 during construction or demolition on the adjacent property. In
32 addition to the requirements in Section 15.22.122, ~~((#))~~ the
33 requirements of a covered walkway are:

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1 A. ~~((2-))~~ The roof shall have eight feet (8') of clearance
2 above the walkway, and shall be tightly boarded with a covering of
3 roofing paper or other material to prevent water from falling
4 through.

5 B. ~~((4-))~~ The roof shall ~~((B))~~ be designed to carry the loads
6 imposed upon it, provided the minimum live load to be used in design
7 shall not be less than one hundred fifty (150) pounds per square
8 foot, uniformly loaded.

9 C. ~~((6-))~~ If the walkway is abutting upon or within the
10 roadway area, the roadway side shall be protected by a tight board
11 fence three and one-half feet (3½') high, and wire mesh or other
12 suitable material from the top of the handrail to the roof.

13 D. ~~((8-))~~ If materials are stored or work is done on the roof
14 of the walkway, the roadway side of the walkway shall extend one
15 foot (1') above the roof, or as high as needed to contain the
16 material stored on the roof.

17 Section 71. Seattle Municipal Code Section 15.24.010
18 (Ordinance 90047, Section 26 (A)) is amended as follows:

19 **15.24.010 Requirements.**

20 ~~((It shall be unlawful for anyone to use any))~~ ~~((s))~~ Scaffold
21 ~~((e))~~ and staging shall have ~~((unless it has))~~ sufficient strength
22 to support the weight to be placed upon it and ~~((unless it has))~~
23 sufficient width to prevent persons and materials from falling
24 ~~((from it))~~. Tarpaulins and scaffolds shall be braced sufficiently
25 or anchored to the building so that they will not fall or be blown
26 about or otherwise collapse.

27 Section 72. Seattle Municipal Code Section 15.24.020
28 (Ordinance 90047, Section 26 (B) as last amended by Ordinance
29 115994, Section 24) is further amended as follows:

30 **15.24.020 Permit required.**

31 It ~~((shall be))~~ is unlawful for any person to erect, hang,
32 build or maintain any scaffold or staging over any public place
33 without a permit from the Director of Engineering, or as to park

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1 drives or boulevards, from the Superintendent of Parks and
2 Recreation. However, a general permit for the use of the place
3 while building or remodeling a structure shall carry with it the
4 right for such scaffolding or staging.

5 Section 73. Seattle Municipal Code Section 15.20.060
6 (Ordinance 90047, Section 24 (F)) is renumbered as Section 15.24.030
7 and amended as follows:

8 **15.24.030** ~~((15.20.060))~~ ~~((Scaffolding - Canvas))~~
9 ~~((t))~~ Tarpaulin required.

10 A substantial ~~((canvas))~~ tarpaulin shall be attached to the
11 underside of ~~((such))~~ a scaffold or staging where directed by the
12 ~~((City Engineer))~~ Director of Engineering or the Superintendent as
13 to park drives and boulevards in such a manner as to stop any spray,
14 ~~((dirt))~~ debris, or other material from spreading on the ~~((street))~~
15 surface below.

16 Section 74. Seattle Municipal Code Chapter Section 15.26.010
17 (Ordinance 90047, Section 27) is divided into two sections and
18 amended as follows:

19 **15.26.010** Authority of City ~~((Engineer~~
20 ~~--- Billing of costs))~~.

21 ~~((After the completion of any work for which a permit has been~~
22 ~~granted, if the same shall have involved an excavation or disturb-~~
23 ~~ance of the surface of any public place,))~~ ~~((t))~~ The ~~((City~~
24 ~~Engineer))~~ Director of Engineering, or as to park drives and
25 boulevards, the Superintendent of Parks and Recreation, shall have
26 the control of the refilling and restoring of ~~((same))~~ any public
27 place to its proper condition, after an excavation or other use has
28 disturbed its surface. The authorizing official may allow or
29 require the permittee to complete the backfilling or restoration
30 subject to City inspection or the City may perform the work itself.

31 ~~((and))~~

32 **15.26.020** Billing of Costs.
33

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

4 A. A standard set amount for the City's work according to a
5 schedule of fees prepared by the authorizing official and approved
6 by ordinance when the fixed charge fairly reflects an average amount
7 and using a fixed figure furthers the public convenience and ease of
8 administration; or

9 B. ((~~£~~))The actual cost ((~~thereof~~)) to the City for the work
10 plus fifteen percent (15%) to cover administrative expenses.

11 The method shall be determined before the City work commences.
12 The charge shall be billed to the ((~~person~~)) permittee or deducted
13 from the ((~~grantee's~~)) permittee's indemnity deposit or escrow
14 account.

15 Section 75. Seattle Municipal Code Chapter 15.28 (Ordinance
16 90047, Section 28-A as last amended by Ordinance 108382, Section 2
17 (part)) is retitled as follows:

18 **15.28 ((~~HOUSE~~)) BUILDING AND EQUIPMENT MOVING**

19 Section 76. Seattle Municipal Code Section 15.28.010
20 (Ordinance 90047, Section 28 A(A) as last amended by Ordinance
21 108382, Section 2 (part)) is further amended as follows:

22 **15.28.010 Permit required.**

23 It is unlawful to move a building or equipment which requires
24 relocation of utility wires or cables along or across any public
25 place without a permit to do so from the ((~~City~~)) Director of
26 Engineering ((~~Department~~)). When the move is along or across a park
27 drive or boulevard, the Director shall coordinate with the Super-
28 intendent of Parks and Recreation and the permit is subject to the
29 Superintendent's concurrence.

30 Section 77. Seattle Municipal Code Section 15.28.020
31 (Ordinance 90047, Section 28AB, as last amended by Ordinance 116368,
32 Section 221) is further amended as follows:

33

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1 **15.28.020 Bond and insurance.**

2 A. Bond. ~~((No such permit to move a building along or across~~
3 ~~any public place shall be issued unless))~~ ~~((t))~~ The applicant ~~((has~~
4 ~~furnished))~~ shall furnish to the Director of Engineering, for filing
5 with the City Clerk a surety bond approved as to form by the City
6 Attorney in an amount determined in accordance with Section
7 15.04.040, or have deposited a like amount into an escrow account
8 under Section 15.04.042. If the Director elects to forego making an
9 individual determination as to a particular application, the amount
10 shall be ~~((of Five Thousand Dollars (\$5,000.00)))~~ Ten Thousand
11 Dollars (\$10,000), and conditioned upon the requirements of Sections
12 15.04.040 ~~((and 15.04.050))~~ through 15.04.044 ~~((relating to cash~~
13 ~~indemnity funds))~~, subject to RCW 19.72.107. The bond shall be
14 further conditioned to pay all costs and expenses contemplated by
15 Sections 15.28.040 through 15.28.070, including the making of any
16 necessary repairs to public places or facilities caused ~~((indemnify~~
17 ~~and save harmless the City from all claims, actions or damages of~~
18 ~~every kind and description which may accrue to or be suffered by the~~
19 ~~City))~~ by reason of the permittee's operations in moving a building
20 or equipment on or along any public place.

21 B. Insurance: In addition to the bond, the applicant shall
22 furnish to the Director of Engineering ~~((, for filing with the City~~
23 ~~Clerk,))~~ a certificate stating that the City is included as an
24 additional insured on his~~((/))~~ or her protective public liability
25 insurance. The amount and coverage shall be determined in accord-
26 ance with Section 15.04.045, but, in lieu of making an individual
27 determination as to the particular application, the Director may
28 stipulate that ~~((#))~~ the insurance shall provide for a limit of not
29 less than ~~((Two Hundred and Fifty Thousand Dollars (\$250,000.00)))~~
30 One Million Dollars (\$1,000,000) for all damages arising out of
31 bodily injuries to, or death of any persons in any one (1) accident;
32 and shall also provide property damage liability insurance providing
33 for a limit of not less than ~~((Seventy-five Thousand Dollars~~

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1 ~~(\$75,000))~~ One Hundred Fifty Thousand Dollars (\$150,000) for all
2 damages arising out of injury to or destruction of property in any
3 one (1) accident. The insurance shall state that the Director of
4 Engineering shall be given ten (10) days' notice of any change,
5 cancellation or expiration of such insurance policy.

6 C. ((B-)) Revocation: The Director of Engineering may revoke
7 a permit at any time upon a failure to comply with any of the terms
8 of the permit or this chapter or upon the conditions in Section
9 15.04.070. ((In the event anyone granted a permit under this
10 chapter fails to comply with any of the terms of this subtitle, the
11 permit may be revoked by the Director of Engineering.))

12 Section 78. Seattle Municipal Code Section 15.28.030
13 (Ordinance 90047, Section 28-A(C) as last amended by Ordinance
14 115994, Section 25) is further amended as follows:

15 **15.28.030 Application for permit.**

16 ((All)) Every application((s)) for a permit to move a
17 building((s)) or equipment which requires relocation of utility
18 wires or cable through ((r)) or across a public place((s)) of the
19 City shall be made to the Director of Engineering on a form provided
20 by the Director ((of Engineering)). Every such application shall
21 state the location of the building to be moved, its dimensions and
22 ((its)) principal materials, ((r)) and shall ((definitely)) describe
23 the route over which the building is to be moved, the length of time
24 that will be required to move it, and the proposed new location
25 thereof. Before any permit to move a building to a site within the
26 City is issued, specific written approval must be obtained from the
27 Department of Construction and Land Use. The concurrence of the
28 Superintendent of Parks and Recreation is necessary if the building
29 or such equipment will be moved along or across a park drive or
30 boulevard; and ((r)) the approval of all ((public)) utilities ((owned
31 and operated by the City)) is also necessary, if those utilities are
32 to be disturbed.

33

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1 Section 79. Seattle Municipal Code Section 15.28.040
2 (Ordinance 90047, Section 28-A(D) as last amended by Ordinance
3 108382, Section 2 (part)) is further amended as follows:

4 **15.28.040 Removal or trimming of trees or shrubbery.**

5 Where the removal or trimming of any ((shade)) trees or other
6 shrubbery is necessary, the building or equipment mover is required
7 to obtain from the owner thereof a written release for any damages,
8 holding the City free of any liability or damages whatsoever. If
9 the building or equipment is to be moved along or across any boule-
10 vard or other public place controlled ((and planted)) by the Parks
11 and Recreation Department, the building or equipment mover is also
12 required to have written approval from the Superintendent of Parks
13 and Recreation.

14 Section 80. Seattle Municipal Code Section 15.28.050
15 (Ordinance 90047, Section 28-A(E) as last amended by Ordinance
16 108382, Section 2 (part)) is further amended as follows:

17 **15.28.050 Wires and cables -- relocation and costs;
18 trees in boulevards or parks.**

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

30 The Director of Engineering shall determine the probable injury
31 and cost which the moving of a building or equipment will cause to
32 owners of wires and cables that are at or above minimum vertical
33 clearances over the surface of the public place, and also the
probable injury and inconvenience the severance of such wires and

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1 cables will cause to patrons of public utilities. The Super-
2 intendent shall determine the probable injury and cost of
3 restoration or loss which the moving of a building or equipment
4 along or across a park drive or boulevard or a street abutting a
5 park will cause to the department's trees and shrubbery. Such
6 findings shall be endorsed upon the application for permit.

7 Section 81. Seattle Municipal Code Section 15.28.060
8 (Ordinance 90047, Section 28-A(F), as last amended by Ordinance
9 115994, Section 26) is further amended as follows:

10 **15.28.060 Determination of probable interference.**

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

21 B. Opportunity for Hearing. If the Director of Engineering
22 finds that the injury and inconvenience to the public, to owners of
23 private property, and to public utilities is minor, or that the
24 affected parties consent to the move, and the Superintendent concurs
25 in authorizing the movement planned along or across a park drive or
26 boulevard, ((said)) the Director may grant the permit without a
27 hearing. If the Director of Engineering finds that there would be
28 substantial injury or inconvenience to the public, to public
29 utilities or to owners of private property and there are unresolved
30 objections to the move ((is apparently greater than the value of the
31 building to be moved)), the Director shall notify the applicant that
32 the permit may only be granted through a public hearing process;
33

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1 and, if the applicant so requests, the Director shall schedule a
2 hearing before the Street Use Appeals Board.

3 C. Hearings. If a hearing is scheduled, ((said)) the Director
4 shall notify the applicant and the owners or agents of the proper-
5 ties that may be affected of the date, time, and place of the public
6 hearing before the Street Use Appeals Board ((will conduct a public
7 hearing)) regarding such application ((and set a date for this
8 hearing)). At this hearing, all persons interested may appear and
9 offer their opinion regarding whether or not such permit should be
10 granted.

11 D. ((C-)) Cost of advertising. Whenever the Director of
12 Engineering determines that a public hearing must be held to
13 determine whether or not a permit to move a building or equipment
14 should be granted, the applicant shall pay the cost to the City for
15 advertising the hearing. ((Payment shall be made to the City
16 Treasurer or such official's functional successor and the receipt
17 thereof shall be delivered to the Director of Engineering. The
18 receipt number for the sum shall be recorded on the application for
19 the permit.))

20 E. ((D-)) Decision. Based upon the findings of the Director
21 of Engineering with respect to such application and the testimony
22 received during its public hearing on such application, the Street
23 Use Appeals Board shall determine whether or not such permit shall
24 be granted.

25 Section 82. Seattle Municipal Code Section 15.28.070
26 (Ordinance 90047, Section 28A(6), as last amended by Ordinance
27 108382, Section 2 (part)) is further amended as follows:

28 **15.28.070 Grantee to bear expenses.**

29 The grantee of a permit to move a building or equipment which
30 requires relocating utility wires or cable along or across any
31 public place shall bear any and all expenses to the City
32 Engineering, Parks and Police Departments that may be occasioned by
33 such moving; provided that nothing contained in this chapter shall

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1 be construed as repealing any of the provisions of any franchise
2 ordinance.

3 Section 83. Seattle Municipal Code Section 15.30.040
4 (Ordinance 90047, Section 29) is renumbered as Section 15.04.012 and
5 amended as follows:

6 **15.04.012 ((15.30.040)) Nuisances.**

7 ((All)) Any structure((s)) built, excavation((s)) made, and/or
8 material placed in or on any public place by anyone ((~~holding a~~
9 ~~franchise from the City~~)) without a permit therefor first having
10 been obtained, as provided in this ((chapter)) title ((~~provided~~
11 ~~shall~~)) may be deemed a public nuisance((s)). ((~~and in addition to~~
12 ~~the penalties provided for violation of this subtitle,~~)) In the
13 discretion of the authorizing official identified in Section
14 15.04.015, such nuisances ((~~shall~~)) may be abated with or without
15 action at law, and/or such other proceedings ((~~shall~~)) may be taken
16 ((~~thereof~~)) as are authorized by law and the ordinances of the City
17 for the prevention, abatement and punishment of nuisances. ((~~and~~
18 ~~it shall be no defense to any prosecution or proceeding under this~~
19 ~~chapter that the person violating the same has a franchise to use or~~
20 ~~occupy such public place.~~))

21 Section 84. Seattle Municipal Code Section 15.30.050
22 (Ordinance 90047, Section 29 (part) as last amended by Ordinance
23 115994, Section 30) is renumbered as Section 15.32.050 and amended
24 as follows:

25 **15.32.050 ((15.30.050)) Deferment of**
26 **((permit action)) construction.**

27 The ((~~Director of Engineering~~)) authorizing official may, in
28 such official's reasonable discretion, defer ((~~the action of~~))
29 construction or other activity under any permit provided for in this
30 chapter, until such time as such official deems proper in all cases
31 where the public place on which the work is desired to be done is
32 occupied or about to be occupied in any work by the City, or by some
33 other person having a right to use the same in such manner as to
render it seriously inconvenient to the public to permit any further

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1 obstruction thereof at such time, and in granting such permit, may
2 so regulate the manner of doing such work (~~as shall~~) in order to
3 cause the least inconvenience to the public in the use of such
4 public place; and in all cases any work of the City or its con-
5 tractors or employees for municipal purposes shall have precedence
6 over all work of every other kind.

7 Section 85. Seattle Municipal Code Chapter 15.32 (Ordinance
8 90047, Section 30 (part), as last amended by Ordinance 115994,
9 Sections 31 and 32) is retitled as follows:

10 **15.32 FRANCHISE AND PUBLIC UTILITY PERMITS AND REGULATIONS**

11 Section 86. Seattle Municipal Code Section 15.32.010
12 (Ordinance 90047, Section 30 (part) as last amended by Ordinance
13 115994, Section 31) is further amended as follows:

14 **15.32.010 Permit -- Required.**

15 It is (~~shall be~~) unlawful for anyone (~~acting as a person,~~
16 ~~firm, company, corporation or association having the right under the~~
17 ~~Charter, any ordinance or franchise or under any other law~~) to
18 construct, maintain and operate on, under or over the streets,
19 alleys or public places of the City, any railroad or streetcar
20 tracks, pipes, ducts, utility tunnels, vaults, maintenance holes
21 (~~manholes~~), poles, fixtures, wires or any other appurtenants
22 necessary for the purpose of conducting any lawful business, either
23 public or private, or to go upon any such public place to perform
24 any work therein which will disturb the surface of the street,
25 planting strip or sidewalk, or to occupy area upon the surface or
26 beneath the surface of the street, planting strip or sidewalk,
27 without complying with all the provisions of any ordinance in
28 relation thereto and obtaining and having a permit from the Director
29 of Engineering for such purpose, or as to park drives and boulevards,
30 a permit from the Superintendent of Parks and Recreation.
31 (~~Permits issued by the Director of Engineering may be revoked on~~
32 ~~ten (10) days' notice.~~) This prohibition includes everyone,
33 whether an individual or a corporation or association; whether

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1 acting as an individual or as employee or agent of another; and
2 whether or not the person has a right under the Charter, any
3 ordinance or franchise, or any other authority of law to conduct
4 business within a public place.

5 Section 87. Seattle Municipal Code Section 15.32.020
6 (Ordinance 90047, Section 30 (part), as last amended by Ordinance
7 116633, Section 1) is divided into Sections 15.32.020 through
8 15.32.040, and 15.32.060 through 15.32.150, inclusive, and further
9 amended as follows:

10 **15.32.020 Terms of use and occupancy (~~of streets~~).**

11 The terms and conditions of the use and occupancy of public
12 streets and alleys in the City by anyone constructing or operating
13 under authority of this chapter and ordinances amendatory thereto
14 shall be (~~as follows~~) provided in Sections 15.32.020 through
15 15.32.130.

16 **15.32.030 Application.**

17 (~~A~~) Anyone desiring to place or maintain in any public
18 place any of the authorized facilities mentioned in (~~SME~~) Section
19 15.32.010 shall, prior to the commencement of any construction work,
20 file (~~with the Director of Engineering~~) an application for a
21 permit therefor with the Director of Engineering, or in the case of
22 a park drive or boulevard, with the Superintendent of Parks and
23 Recreation (collectively herein the "authorizing official"). The
24 application shall be on a form furnished by the authorizing
25 official. The authorizing official may require that the application
26 be accompanied by a plat drawn to an accurate scale, conforming to
27 such reasonable rules and regulations as such official may
28 prescribe, and showing the exact location, character, position,
29 dimension, depth and height of the work proposed to be done.

30 **15.32.040 Review.**

31 Prior to the granting of any permit, the authorizing official
32 may require such modifications or changes to the proposed work as
33 such official deems necessary to properly protect the public in the

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1 use of the public place, and shall in the permit, if the same be
2 granted, fix the time or times within and during which such work
3 shall be done. The authorizing official ((If a permit allowing such
4 ~~construction is issued, the Director of Engineering~~) shall have the
5 power to ((~~supervise,~~) regulate ((~~and direct~~)) the construction and
6 enforce permit and ordinance requirements. The authorizing official
7 shall keep a record of the permit and the work done thereunder.

8 **15.32.060 Payment of fees.**

9 ((~~B.~~)) Anyone doing construction work under permit ((~~from the~~
10 ~~Director of Engineering~~) pursuant to this chapter shall, in
11 addition to the permit fee authorized in ((~~SME~~) Section
12 ((~~15.04.070~~) 15.04.074, pay to the City for deposit into the
13 ((~~Engineering Department Operating~~) Transportation Fund or in the
14 case of park drives or boulevards, the Park and Recreation Fund such
15 amounts as, in the judgment of the ((~~Director of Engineering~~)
16 authorizing official, are reasonably necessary to investigate and
17 process ((~~any~~) the application for construction work, inspect such
18 work, secure proper field notes for location, plat such locations on
19 the permanent records of the ((~~Engineering~~) Department, and inspect
20 or reinspect as to maintenance, during the progress of or after the
21 repair of, any construction placed under permits previously issued.

22 **15.32.070 Additional ducts or conduits.**

23 ((~~C.~~)) Anyone constructing under authority of this chapter and
24 ordinances amendatory thereof any underground ducts or conduits,
25 shall:

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

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1 B. (~~2-~~) Upon request, provide the City with additional duct
2 or conduit space over and above the duct or conduits planned to be
3 constructed for the entity holding the permit or provided free to
4 the City pursuant to subsection A (~~E1~~) above. Such additional
5 ducts or conduits shall be of a size and configuration specified by
6 the City and shall be dedicated to the City. The City shall have
7 the right to use the ducts and conduit for any purpose, including
8 but not limited to leasing them to other entities. The incremental
9 costs of adding the specified ducts and conduits for the City shall
10 be borne by the City.

11 15.32.080 Joint use poles.

12 (~~D-~~) A. Attachments to City-owned poles shall be governed by
13 this chapter and policies adopted by the City in accordance with
14 this chapter. See particularly Section 15.32.300.

15 B. Anyone erecting or maintaining (~~operators of~~) any
16 privately-owned pole(~~s~~) installed under the authority of this
17 chapter shall permit joint use of such pole(~~s~~) to another who is
18 authorized to construct and maintain such a pole or attachments
19 thereto if directed to do so by the (~~Director of Engineering~~)
20 authorizing official and shall obey any order issued by the
21 (~~Director of Engineering~~) authorizing official relative to the
22 joint use of such pole(~~s~~).

23 C. Other than the City, anyone who pursuant to subsection B
24 makes a joint use of a privately-owned pole or set of poles of
25 another shall pay to the owner a reasonable proportion of the cost
26 of installing and maintaining the pole or set of poles, respect-
27 ively, provided, by mutual agreement the affected parties may adopt
28 an alternative arrangement for compensation. Section 15.32.090
29 denies compensation for use of a privately-owned pole by the City
30 for government communication.

31 15.32.090 City use for governmental communication.

32 (~~E-~~) Anyone erecting or maintaining poles under authority of
33 this section shall allow the City the right, free of charge, to

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1 attach, maintain and operate its governmental communication and
2 signal wires and/or fixtures, on crossarms, or on the poles erected
3 and so maintained.

4 **15.32.100 Painting poles.**

5 ~~((F-))~~ Anyone erecting or maintaining poles under authority of
6 this chapter shall, upon order of the ~~((Director of Engineering))~~
7 authorizing official, paint or repaint its poles to such height and
8 in such colors and at such times as said official may direct.

9 **15.32.110 Accommodating moving of building and equipment.**

10 ~~((G-))~~ Anyone ~~((having))~~ maintaining wires, cables, or appur-
11 tenances in a public place whether under authority of a franchise
12 from the City, or as a utility under permit without a franchise,
13 upon seven (7) days ~~((twenty-four (24) hours))~~ notice from the
14 ~~((Director of Engineering))~~ authorizing official, shall ~~((, at his,~~
15 her or its own cost and expense,)) disconnect or move his, her or
16 its wires, cables or appurtenances to allow for the moving of
17 buildings or equipment across or along any such street, alley, or
18 other public place; provided, that the advance notice may be reduced
19 to twenty-four (24) hours if the wires, cables or appurtenances are
20 below the minimum clearance set by law or regulation and in the case
21 of an emergency. ~~((any))~~ The cost to the franchise holders of moving
22 the wire, cable or appurtenance ~~((affected exceeding, in the judg-~~
23 ment of the Director of Engineering a reasonable percentage of the
24 value of the building,)) shall be borne ~~((by the person desiring to~~
25 move the building,)) as follows: (a) by the franchise holder if the
26 wires, cables or appurtenances are below the minimum vertical
27 clearance required by state statutes, City ordinance, or rules of
28 the authorizing official, above the surface of the public place, and
29 no adjustment would be necessary if the minimum clearance had been
30 maintained, and (b) by the person desiring to move the building or
31 equipment under other circumstances.

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1 **15.32.120 Displacement for public use.**

2 ((H-)) Anyone upon order of the ((~~Director of Engineering,~~)
3 authorizing official shall upon ten (10) days' notice, at his, her
4 or its own cost and expense, move any underground, surface or
5 overhead ((~~construction~~)) facilities which interfere((~~e~~)) with any
6 local improvement district work or with any construction for
7 ((~~public~~)) street or transportation purposes authorized or ordered
8 by the City.

9 **15.32.130 Undergrounding overhead wiring.**

10 ((I-)) Anyone maintaining over any street, alley or other
11 public place, any overhead construction, either poles or wires,
12 shall place the same underground upon being directed to do so by the
13 City ((~~Council, which notice may be given either by resolution or~~)
14 by ordinance ((~~of such City Council~~)); provided, that all other
15 public utility companies maintaining overhead construction shall be
16 subject to such ((~~resolution or~~)) ordinance.

17 **15.32.140 Removal.**

18 ((J-)) Anyone accepting permits under the terms of this
19 chapter for the installation of any pipe, duct, utility tunnel,
20 vault, maintenance hole ((~~manhole~~)), pole, wire or any other
21 appurtenance shall remove such installation when it is no longer
22 required or used, and the ((~~Director of Engineering~~)) authorizing
23 official orders ((~~the~~)) its removal ((~~thereof~~)).

24 **15.32.150 Indemnity.**

25 ((K-)) A. Anyone accepting permits under the terms of this
26 chapter shall, in addition to the provisions provided for in this
27 ((~~sub~~)) title, indemnify and save the City free and harmless from
28 any liability, loss, cost, damage, trouble, or expense due to
29 casualty, accident or damages either to person or property which may
30 at any time arise or occur by reason of the construction, main-
31 tenance, operation or use of conduits, pipes, ducts, utility
32 tunnels, vaults, maintenance holes, ((~~manholes,~~)) poles, wires or
33 any other appurtenances of any character placed under authority of

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1 this chapter. Such indemnity is required until the conduits, pipes,
2 ducts, utility tunnels, vaults, maintenance holes, (~~manholes,~~)
3 poles, wires or any other appurtenances are removed from the
4 (~~street~~) public place, or, until the City furnishes a written
5 release of the requirement to the owner (~~thereof~~).

6 B. In addition the City may require that anyone accepting
7 such a permit(~~s~~) provide the City with additional indemnifica-
8 tion, such as an indemnification from a parent company, and/or the
9 City may require that (~~they~~) the permittee provide proof of
10 (~~specific~~) insurance (~~provisions~~) acceptable to the City which
11 covers potential exposure to the City.

12 C. The indemnification does not apply to injuries to persons
13 or damage to property caused by or resulting from the sole negli-
14 gence of the City, its agents or employees.

15 Section 88. Seattle Municipal Code 15.32.030 (Ordinance
16 116633, Section 2), captioned "Attachments to City-owned poles," is
17 renumbered Section 15.32.300.

18 Section 89. Subsections B(3)(h) and (i) of Section 15.32.300
19 (Ordinance 116633, Section 2, adding Section 15.32.030, "Attachments
20 to City-owned poles," and renumbered by Section 89 of this ordinance
21 as 15.32.300) are amended as follows:

22 **15.32.300 Attachments to City-owned poles.**

23 B. 3. (h) As a condition of securing the City's permission
24 to use its poles for attachment of cable, all applicants shall be
25 required to permit co-lashing to their own cable of up to two (2)
26 other cables, which may be owned and operated by other entities.
27 All cable attachments that initially occupy a space on a City-owned
28 pole shall be required to provide an external or internal support
29 ("messenger") wire that is capable of supporting two other cables in
30 addition to the initial cable installed by the applicant. Owners of
31 cable subsequently co-lashed to the initial cable shall pay the
32 owner of the initial cable a proportionate share of the cost of the
33 messenger wire. All entities co-lashing together shall be required

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1 to provide one another with reciprocal indemnity provisions
2 equivalent to those which must be granted to the City by each of
3 them pursuant to ((SMC 15.32.020(K))) Section 15.32.150. Co-lashing
4 shall not be required of any applicant until all other spaces on the
5 pole, other than the City's reserved space, have been utilized. The
6 City Light Department shall issue a Department Policy and Procedure
7 for providing co-lashing space based on costs, operational con-
8 venience, and other criteria which are developed in the course of
9 producing such Department Policy and Procedure.

10 (i) In addition to the indemnification required by
11 Section 15.32.150 ((SMC 15.32.020(K))), the City may require that
12 the applicant provide the City and entities permitted to co-lash
13 with additional indemnification, such as indemnification from a
14 parent company, and/or require that the applicant provide proof of
15 specific insurance provisions acceptable to the City which cover
16 potential exposure of both the applicant and the City.

17 Section 90. Seattle Municipal Code Section 15.35.010
18 (Ordinance 115942, Section 1) is amended as follows:

19 **15.35.010 Permits for Filming.**

20 To accommodate filming motion pictures and videotaping
21 productions, and pursuant to a filming permit, the Director of
22 Engineering, or as to park drives and boulevards, the Superin-
23 tendent of Parks and Recreation, may close public places for a
24 duration consistent with preserving necessary access to ((~~abutting~~
25 ~~owners~~)) adjacent properties; authorize temporary changes in the
26 appearance thereof; relocate street signs and other fixtures; permit
27 erection of temporary structures and parking of vehicles in
28 designated areas longer than twenty-four (24) hours or parking meter
29 limits; and provide other appropriate services.

30 Applications for a filming permit shall be made ((~~in~~)) to the
31 permitting authority ((~~same manner as a street use permit~~)), and
32 when issued the permit shall be in the nature of a master permit for
33

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1 the activities described, covering uses contemplated by Chapter
2 15.08 through 15.46, inclusive.

3 Section 91. Seattle Municipal Code Section 15.36.010
4 (Ordinance 90047, Section 32) is amended as follows:

5 **15.36.010 Permits -- Authority (~~of City Engineer~~).**

6 The ((City)) Director of Engineering, or as to park drives and
7 boulevards, the Superintendent of Parks and Recreation, may grant
8 permits to raise and/or lower safes, machinery or any other heavy
9 articles into and from buildings and to occupy in so doing such
10 portion of the (~~street and sidewalk~~) public place as the ((City
11 Engineer)) authorizing official may deem necessary and subject to
12 such conditions and regulations as ((he)) may be prescribed for the
13 safety and convenience of the public.

14 Section 92. Seattle Municipal Code Section 15.38.010
15 (Ordinance 90047, Section 33, as last amended by Ordinance 108020,
16 Section 5) is divided into Sections 15.38.010 through 15.38.030 and
17 further amended as follows:

18 **15.38.010 Procedure generally.**

19 A. Seizure. The Director of Engineering, and as to park
20 drives and boulevards, the Superintendent of Parks and Recreation
21 (collectively, the "authorizing official") may take custody of any
22 personal property ((Any object or thing, except a newsstand in
23 compliance with this subtitle,)) which is in a public place without
24 a permit as follows:

25 1. Immediately with respect to property which consti-
26 tutes a hazard to public safety or obstructs travel or trans-
27 portation;

28 2. Immediately with respect to property identified in
29 Section 15.38.040 or Sections 15.48.100 -.110;

30 3. In accordance with the statute or section cited as to
31 property within Section 15.38.050;

32 4. After twenty-four (24) hours of continuous occupancy,
33 when a permit is required for the occupancy; ((shall occupy continu-

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1 ~~ously any public place for a period of more than twenty-four (24)~~
2 ~~hours, is a nuisance)) and/or~~

3 5. After a reasonable time, when the location of the
4 property reflects a circumstances described in Section 15.38 .060.

5 B. Persons authorized. ((and)) ((t))The ((City Engineer))
6 authorizing official may ((seize and impound the same)) remove and
7 dispose of the property, in accordance with the section of this
8 chapter which is most nearly applicable under the circumstances.
9 The ((seizure shall)) impounding may be made ((by the City Engineer,
10 or)) under ((his)) the direction of the authorizing official by any
11 City employee ((of the City Engineering Department or)), by any
12 police officer, by a contractor, or by an authorized volunteer.

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

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

23 15.38.020 Storage, notice, fees.

24 A. Impounding. Upon taking custody, the authorizing official
25 ((The one making such seizure)) shall take ((such object or thing))
26 the personal property ((and store, impound, and detain the same at))
27 to any City storage yard or building ((until the same is redeemed or
28 sold as provided in this chapter)) unless any of Sections 15.38.030
29 through .050 or sections 15.48.110 -.120 shall apply.

30 B. Notice to Owner. If the owner or custodian of the
31 impounded property is known, the authorizing official shall give
32 notice to the owner or custodian of the impounding and storage; the
33 charge for the impound and the rate for storage; and the manner of

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1 making claim for the property; and, if the owner or custodian fails
2 to make claim within sixty days, the authorizing official may sell
3 or otherwise dispose of the property as unclaimed. Notice of
4 property with a value of Twenty-Five Dollars (\$25.00) or less may be
5 given orally at the time of seizure or by telephone.

6 C. Notice when owner unknown. If the property has a value of
7 One Hundred Dollars (\$100.00) or more and the owner or custodian is
8 not known, then the authorizing official shall publish notice of its
9 impounding in the City's official newspaper; and, if the property is
10 not claimed within sixty (60) days after the date of publication,
11 the authorizing official may sell or otherwise dispose of the
12 property as unclaimed. If the property has a value less than One
13 Hundred Dollars (\$100.00) but more than Twenty Five Dollars (\$25.00)
14 and the owner or custodian is unknown, notice shall be posted at the
15 site if practical, and if not practical, the seizure itself shall be
16 deemed sufficient notice, and the property may be disposed of after
17 sixty (60) days unless sooner claimed.

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

26 15.38.030 Sale of impounded property.

27 A. If, at the expiration of ((two (2) days from and after the
28 time of seizing and impounding any such object or thing, the same is
29 not redeemed and)) the time set forth in Section 15.38.020 the
30 property has not been released to the owner ((by payment of costs
31 and fees as provided in this chapter, the City Engineer shall pro-
32 ceed to give fifteen (15) days' notice, by publication, in the
33 official newspaper of the City, of the time and place where he will

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1 ~~offer such object or thing for sale at public auction, unless for~~
2 ~~good and sufficient reason the period of sale be postponed from time~~
3 ~~to time)), the property is surplus to the City's needs, and has a~~
4 ~~sufficient value for sale, the authorizing official may arrange for~~
5 ~~its sale at public auction or through the City's Director of Admin-~~
6 ~~istrative Services in conjunction with the sale of surplus City~~
7 ~~property.~~

8 B. ~~((and when sold he)) Upon sale of the property, the~~
9 ~~authorizing official shall ((proceed to)) deposit the proceeds~~
10 ~~((pay all expenses theretofore incurred by reasons of the seizure~~
11 ~~and impounding and all other necessary expenses incurred by the~~
12 ~~advertising and sale of the same, and shall pay the residue into))~~
13 ~~into the City Treasury. ((The notice of sale shall describe the~~
14 ~~object or thing intended to be sold with reasonable certainty, and~~
15 ~~shall state to whom, if anyone, the City Engineer believes the same~~
16 ~~belongs, and if the name of the owner is wholly unknown to the City~~
17 ~~Engineer, that fact shall be stated in the notice, and in case such~~
18 ~~owner shall be known to the City Engineer, and can be found within~~
19 ~~the City, a copy of such notice shall be served upon him, at least~~
20 ~~one (1) day prior to the sale.))~~

21 C. At any time within six (6) months from and after the date
22 of the sale, the former owner ~~((thereof))~~, upon proper application
23 to the authorizing official ~~((City Treasurer))~~, and upon presenta-
24 tion of satisfactory proof that he or she was the owner of the
25 ~~((object or thing))~~ property sold, shall receive the residue of the
26 proceeds of such sale, after deducting the ~~((necessary))~~ expenses of
27 seizure, impounding, advertising and sale and charges under the fee
28 schedule. ~~((and))~~ The right to the proceeds conferred under this
29 subsection expires if at the ~~((expiration))~~ end of six (6) months
30 the former owner shall not have applied to the City therefor.
31 ~~((Treasurer, as provided in this section, the residue of the~~
32 ~~proceeds of such sale shall be turned into the general fund. The~~
33

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1 ~~fees for any of the foregoing services shall be the cost thereof~~
2 ~~plus fifteen percent (15%).)~~

3 ~~((B. If no sale is consummated, the thing shall be disposed of~~
4 ~~in a manner determined by the City Engineer.))~~

5 Section 93. There are added to Seattle Municipal Code Chapter
6 15.38 four new sections as follows:

7 **15.38.040 Seizure and summary disposal.**

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

13 1. Debris, spilled loads, or obstructions, as contem-
14 plated by Chapter 15.46; and any solid waste accumulated in
15 violation of Sections 21.36.400 through 21.36.440;

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

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

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

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

33

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1 If the property is of a character that it appears to be of
2 interest to the Chief of Police, the authorizing official shall
3 allow the Chief an opportunity to take possession as contemplated by
4 RCW 63.21.050 -.060 and RCW Chapter 63.32, and if the Chief declines
5 to take custody, the authorizing official may dispose of it.

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

10 **15.38.050 Motor vehicles; boats;
11 animals; newsstands.**

12 The impoundment and disposition of abandoned and/or unauthor-
13 ized vehicles is regulated by Seattle Municipal Code Chapter 11.30
14 and RCW 46.55.080 through 46.55.115, and as to a vehicle, water-
15 craft, camper, or component part thereof whose manufacturer's serial
16 or distinguishing number or mark has been removed or altered by RCW
17 46.12.310 -.340. The Director of Engineering and the Superintendent
18 are authorized to assist the Chief of Police and the Director of
19 Licenses and Consumer Affairs in arranging for the removal thereof
20 from public places.

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

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

25 **15.38.060 Evictions; evacuations; emergencies.**

26 A. Reasonable Opportunity. An authorizing official shall
27 allow the owner or custodian a reasonable opportunity to remove his
28 or her personal property from a public place or make other disposi-
29 tion whenever privately-owned property is placed into the sidewalk
30 or planting strip pursuant to: (a) an eviction ordered by the
31 Superior Court; (b) an evacuation of premises pursuant to an order
32 of the Fire Chief; (c) activities of firefighters in the course of
33 extinguishing a fire or explosion; or (d) a storm, slide, disaster
or other catastrophe.

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

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

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

29 E. Impounding and/or Disposition. Upon expiration of the
30 deadline for removal, the authorizing official may impound the
31 property remaining in the public place; and as to those items within
32 the criteria of Section 15.38.040, make summary disposition and as
33

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1 to the remainder, make disposition in accordance with Section
2 15.38.040.

3 **15.38.070 Presumption.**

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

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

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

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

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

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

25 Section 94. Seattle Municipal Code Section 15.40.010
26 (Ordinance 90047, Section 34(A), as last amended by Ordinance
27 111017, Section 1) is further amended as follows:

28 **15.40.010 Lights and barricades required --
Posting on obstructions in streets.**

29 It (~~shall be~~) is unlawful for anyone, in any manner, to
30 obstruct, excavate or tear up any public place, without providing
31 safe and adequate guidance to pedestrian and vehicle traffic moving
32 past the site. Such guidance shall consist of signs, barricades
33 and/or warning lights. The design and location of such devices

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1 shall conform to the City's Traffic Control Manual for In-Street
2 Work, and as to park drives and boulevards, standards set by the
3 Superintendent of Parks and Recreation. These devices shall be
4 removed at the completion of the work or the removal of obstructions
5 in public places, providing the surface ~~((of the roadway))~~ has been
6 restored to the satisfaction of the City ~~((Director of~~
7 ~~Engineering))~~.

8 Section 95. Seattle Municipal Code Section 15.40.030
9 (Ordinance 90047, Section 34(C), as last amended buy Ordinance
10 103891, Section 1 (part)) is further amended as follows:

11 **15.40.030 Placement by City -- Payment**
12 **of costs.**

13 The ~~((City Engineer))~~ Director of Engineering or, as to park
14 drives and boulevards, the Superintendent of Parks and Recreation
15 (collectively the "authorizing official") is authorized to place
16 barricades and warning lights at unguarded or inadequately guarded
17 excavations, obstructions, or other dangerous conditions existing in
18 any public place, and anyone causing or permitting such condition
19 shall pay the cost of ~~((such))~~ barricading and lighting by the City
20 according to a fee schedule established by ordinance. ~~((at the rate~~
21 ~~of Ten Dollars (\$10.00) per day or part thereof for the first barri-~~
22 ~~eade and One Dollar (\$1.00) per day or part thereof for each~~
23 ~~additional barricade; provided, when such a hazardous condition~~
24 ~~develops after completion of work in a public place the charges~~
25 ~~provided in this section shall commence twenty-four (24) hours after~~
26 ~~notice from the City Engineer of the existence of such hazardous~~
27 ~~condition.))~~

28 Section 96. Seattle Municipal Code Section 15.40.040
29 (Ordinance 90047, Section 34(D), as last amended by Ordinance
30 103891, Section 1 (part)) is further amended as follows:

31 **15.40.040 ~~((Authority of City Engineer))~~ Finality of**
32 **Determination.**

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1 The ((City Engineer~~s~~)) judgment of the authorizing official
2 shall be final as to the number and adequacy of lights and
3 barricades at all obstructions and excavations.

4 Section 97. Seattle Municipal Code Section 15.40.050
5 (Ordinance 90047, Section 34(E), as last amended by Ordinance
6 103891, Section 1 (part)) is further amended as follows:

7 **15.40.050 Unlawful acts designated.**

8 It ((shall be)) is unlawful to deface, move, injure, damage,
9 alter or remove any sign, barricade or light placed at or near any
10 obstruction or defect in the street, or posted to protect pedes-
11 trians or obstruct the passing of vehicles.

12 Section 98. There are added to Seattle Municipal Code Chapter
13 15.44 new subchapters I "Excavations and Fills in Public Places" to
14 contain new Sections 15.44.003 and 15.44.006, and II "Excavations
15 and Fills Beside Public Places" containing Sections 15.44.010
16 through 15.44.170.

17 Section 99. There are added to Seattle Municipal Code Chapter
18 15.44 new sections 15.44.003 and 15.44.006, as follows:

19 **15.44.003 Permit -- required.**

20 It is unlawful to make any excavation or fill in or upon any
21 public place without a permit from the Director of Engineering, or
22 as to park drives and boulevards, the Superintendent of Parks and
23 Recreation (collectively called the "authorizing official"). This
24 section shall not apply to activities of the City for the purpose of
25 street or boulevard maintenance; activities of City contractors in
26 performing public works contracts in accordance with the plans and
27 specifications of an authorizing official; gardening activities for
28 the care of planting strips and unimproved streets as contemplated
29 by Section 15.02.048; and tree planting in unimproved areas in
30 conformance with Chapter 15.42.

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1 **15.44.006 Permit procedures.**

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

5 Section 100. Seattle Municipal Code Section 15.44.010
6 (Ordinance 90047, Section 41(a), as last amended by Ordinance
7 109507, Section 1 (part)) is further amended as follows:

8 **15.44.010 Barricades and warning devices.**

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

14 Section 101. Seattle Municipal Code Section 15.44.020
15 (Ordinance 90047, Section 41(b), as last amended by Ordinance
16 109507, Section 1 (part)) is further amended as follows:

17 **15.44.020 Excavation and fill near (~~improved~~)
18 public places -- Permit.**

19 It (~~shall be~~) is unlawful to excavate or fill in excess of
20 (~~four~~) three feet (~~(4')~~) (3'), measured vertically, on private
21 property within any area between the vertical prolongation of the
22 margin of a (~~n-improved~~) public place, and a one hundred percent
23 (100%) slope line (forty-five degrees (45°) from a horizontal line)
24 from the existing elevation of the margin of (~~the traveled surface~~
25 ~~of~~) a (~~n-improved~~) public place to the proposed elevation of the
26 private property, without first obtaining a permit from the Director
27 of (~~Engineering~~) Construction and Land Use to do so, and no work
28 shall commence toward such excavation or fill until a permit there-
29 for has been issued (~~by the Director of Engineering~~).

30 Section 102. Seattle Municipal Code Section 15.44.030
31 (Ordinance 90047, Section 41(c), as last amended by Ordinance
32 109507, Section 1 (part)) is further amended as follows:
33

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1 **15.44.030 Permit -- Security.**

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

6 1. All charges and payments due under this (~~(sub))~~)
7 title;

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

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

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

16 c. The expense of safety precautions and emer-
17 gency measures to protect the public, street utilities and any
18 adjacent public place, including but not limited to the expense of
19 placing signs, barricades, fences, and traffic detours; and

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

24 B. Upon notice to the applicant, the (~~(Director of~~
25 ~~Engineering))~~ authorizing official may at any time increase or
26 reduce the amount of the required security or waive the same as
27 conditions warrant.

28 C. The party posting the security may elect whether the
29 security will be in the form of a cash indemnity deposit or a surety
30 bond approved as to (~~(amount and sufficiency by the Director of~~
31 ~~Engineering and as to the estimates of subsection A 2 of this~~
32 ~~section, substitute in lieu thereof a policy of insurance indem-~~
33 ~~nifying the City for such costs))~~ surety and form by the City

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1 Attorney, or a combination of a cash indemnity deposit and a surety
2 bond.

3 Section 103. Seattle Municipal Code Section 15.44.040
4 (Ordinance 90047, Section 41(d), as last amended by Ordinance
5 109507, Section 1 (part)) is further amended as follows:

6 **15.44.040 Permit -- Liability insurance.**

7 An applicant for the permit (~~(provided for in)~~) required by
8 Sections 15.44.003 or 15.44.020 shall maintain in full force and
9 effect public liability insurance in an amount sufficient to cover
10 potential claims for bodily injury, death, or disability and for
11 property damage, which may arise from or be related to the excava-
12 tion or fill covered by any such permit or the operation of
13 equipment used in connection with such excavation or fill and naming
14 the City as an additional insured, or in lieu thereof, cause the
15 owner or contractor to maintain the same. The (~~Director of~~
16 ~~Engineering~~) authorizing official may require that such insurance
17 be provided prior to issuance of the permit, and with the con-
18 currence of the City's risk manager, may waive the same for
19 neighborhood improvement or beautification projects.

20 Section 104. Seattle Municipal Code Section 15.44.050
21 (Ordinance 90047, Section 41(e), as last amended by Ordinance
22 109507, Section 1 (part)) is further amended as follows:

23 **15.44.050 Permit -- Indemnity**

24 An applicant for the permit (~~(provided for in)~~) required by
25 Sections 15.44.003 or 15.44.020 shall agree to at all times protect
26 and save harmless the City from all claims, actions, suits, losses,
27 and expenses of every kind and description which may accrue to or be
28 suffered by any person or persons or property or by the City by
29 reason of any excavation or fill for which a permit has been issued
30 pursuant to Section 15.44.020 and/or by reason of soldier piles and
31 other shoring placed or left situated within a public place and
32 shall agree to compensate the City for damages to the (~~street~~)
33 public place and the utilities therein, and for costs of repair,

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1 reconstruction, and restoration of the ((street)) public place,
2 including but not limited to the expenses of such repair, re-
3 construction or restoration, construction of temporary facilities
4 and bypasses, traffic redirection, barricades, fences and other
5 measures taken to protect the public, the ((street)) public place
6 and utilities therein, and for the extraction of soldier piles and
7 other materials that are situated within a public place for shoring
8 purposes and will be removed as part of and prior to completion of
9 a construction project for which the permit is sought.

10 Section 105. Seattle Municipal Code Section 15.44.060
11 (Ordinance 90047, Section 41(f), as last amended by Ordinance
12 109507, Section 1 (part)) is further amended as follows:

13 **15.44.060 Entry and inspection.**

14 The filing of an application for a permit ((~~provided for in~~)
15 required by Section 15.44.020 or the making of an excavation or
16 fill described in Section 15.44.020, shall constitute consent by the
17 applicant, contractor, and property owner for the ((~~Director of~~
18 ~~Engineering~~)) authorizing official to enter upon the property at
19 reasonable times and to inspect and investigate the soil conditions,
20 the progress of the excavation or fill, or any facts and cir-
21 cumstances related to the application, permit or excavation or fill.

22 Section 106. Seattle Municipal Code Section 15.44.070
23 (Ordinance 90047, Section 41(g), as last amended by Ordinance
24 109507, Section 1 (part)) is further amended as follows:

25 **15.44.070 Special plans.**

26 A. If the safety or stability of a public place may be
27 jeopardized by an excavation or fill described in Section 15.44.020,
28 the ((~~Director of Engineering~~)) authorizing official may require
29 special plans, specifications and proposed methods of construction
30 to be submitted for ((his)) approval prior to issuing the permit
31 ((~~provided for in~~) required by Section 15.44.020.

32 B. Approval of the plans shall not relieve the contractor
33 and/or owner making such excavation or fill of responsibility ((~~of~~

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1 ~~the contractor~~) for damages, expenses or costs which may result
2 from the excavation or fill, the failure of shoring, or the
3 ~~((contractor/s))~~ method of operation.

4 Section 107. Seattle Municipal Code Section 15.44.080
5 (Ordinance 90047, Section 41(h), as last amended by Ordinance
6 109507, Section 1 (part)) is further amended as follows:

7 **15.44.080 Permit fees.**

8 Fees for the permit required ~~((in))~~ by Sections 15.44.003 or
9 15.44.020 shall be established as provided in Section ~~((15.04.070))~~
10 15.04.074.

11 Section 108. Seattle Municipal Code Section 15.44.090
12 (Ordinance 90047, Section 41(i), as last amended by Ordinance
13 109507, Section 1 (part)) is further amended as follows:

14 **15.44.090 Permit procedures.**

15 The following procedures and criteria shall be used in
16 processing an application for the permit ~~((provided for in))~~
17 required by Section 15.44.003 or Section 15.44.020:

18 A. Plans, specifications and methods of construction required
19 by the ~~((Director of Engineering))~~ authorizing official shall be
20 submitted in quadruplicate.

21 B. Shoring plans submitted shall be designed by and bear the
22 seal of a professional engineer ~~((or architect))~~ licensed in the
23 state.

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

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

30 E. Soil investigations and reports may be required for all
31 excavations described in Section 15.44.020 so that appropriate
32 pressures may be established. The ~~((Director of Engineering))~~
33 authorizing official may require investigations at any depth

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1 whenever specific conditions existing at the site of such excavation
2 reveal an unstable soil structure, circumstances indicate that the
3 excavation may impair the lateral support of any public place or any
4 adjacent City property, or that such further investigation will
5 supply information necessary to properly evaluate the application
6 for ~~((said))~~ the permit or shoring plans submitted. When highway
7 traffic can come within a horizontal distance from the top of the
8 shoring equal to one-half ($\frac{1}{2}$) of its height, the pressure shall have
9 added to it a live load surcharge pressure equal to not less than
10 two feet (2') of earth.

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

19 G. When the plans presented show an encroachments upon the
20 property interest of an abutting owner or of a franchise holder in
21 a public place, the ~~((Director of Engineering))~~ authorizing official
22 may require that the consent of the person so affected be obtained
23 as a condition of the issuance of the permit provided for in Section
24 15.44.020.

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

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

3 Section 109. Seattle Municipal Code Section 15.44.100
4 (Ordinance 90047, Section 41(j), as last amended by Ordinance
5 109507, Section 1 (part)) is further amended as follows:

6 **15.44.100 Compliance.**

7 All excavations and fills described in Sections 15.44.003 and
8 15.44.020 shall be made in accordance with the plans approved by the
9 (~~Director of Engineering~~) authorizing official, or as modified
10 with his or her approval, and unless the permit shall provide
11 otherwise, all soldier piles and other material used for shoring
12 purposes shall be removed from public places as part of and prior to
13 completion of the construction project for which an excavation or
14 fill was made.

15 Section 110. Seattle Municipal Code Section 15.44.110
16 (Ordinance 90047, Section 41(k), as last amended by Ordinance
17 109507, Section 1 (part)) is further amended as follows:

18 **15.44.110 Permit -- Suspension, revocation.**

19 A. The (~~Director of Engineering~~) authorizing official may
20 revoke or suspend the permit (~~provided for in~~) required by
21 Sections 15.44.003 or 15.44.020 whenever:

- 22 1. The permittee requests such revocation or suspen-
23 sion;
- 24 2. The work does not proceed in accordance with the
25 plans, as approved, or is not in compliance with the require-ments
26 of this (~~sub~~)title, the Seattle Building and Construc- tion Code
27 (Title 22), or other City ordinances and the (~~State safety Code~~)
28 Washington Industrial Safety and Health Act (RCW Chapter 49.17), and
29 their implementing regulations;
- 30 3. Entry upon the property for the purposes of investi-
31 gation and inspection has been denied;
- 32 4. The permittee has made a misrepresentation of a
33 material fact in applying for (~~said~~) the permit;

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1 5. The progress of the work indicates that the plan is or
2 will be inadequate to protect the public, the adjoining property,
3 ~~((street))~~ utilities in the ~~((street))~~ public place, or the
4 excavation or fill endangers or will endanger the public, the
5 adjoining property, ~~((street))~~ public place, or utilities in the
6 ~~((street))~~ public place;

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

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

11 B. Upon suspension or revocation of the permit, all work
12 thereupon shall cease, except as authorized or directed by the
13 ~~((Director of Engineering))~~ authorizing official.

14 Section 111. Seattle Municipal Code Section 15.44.120
15 (Ordinance 90047, Section 41(1), as last amended by Ordinance
16 109507, Section 1 (part)) is further amended as follows:

17 **15.44.120 Protection of public.**

18 A. Where excavations are to be made in any area adjacent to
19 a public place, the owner, agent, or contractor making such exca-
20 vation shall maintain the lateral support of the public place.
21 Where fills are to be made in any area adjacent to a public place,
22 the owner, agent or contractor shall prevent any overflow, slide or
23 other trespass upon the public place. Where excavations or fills
24 are to be made in a public place, itself, the owner, agent or
25 contractor shall maintain the lateral support of the remainder of
26 the public place and any utilities therein, and shall prevent any
27 overflow, slides, or damage from fills to areas outside the scope of
28 the permit.

29 B. ~~((A-))~~ Whenever an excavation has been made in a public
30 place, a cave-in or slide of earth has occurred extending into a
31 public place, or an excavation or fill ~~((described in Section~~
32 15.44.020)) has caused or contributed to a condition that appears to
33 substantially impair the lateral support of the ~~((adjoining street~~

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1 ~~ex~~) adjacent public place, or endangers the public, an adjoining
2 public place, ~~((street))~~ utilities in a public place, or City
3 property, the authorizing official ~~((Director of Engineering))~~ may
4 require that ~~((direct))~~ the contractor making such excavation or
5 fill and/or the owner of the property upon which such excavation or
6 fill is being made, at his or her own expense, ~~((to))~~ take actions
7 to protect the public, adjacent public places, City property, and
8 ~~((street))~~ utilities, including compliance within a prescribed time.

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

25 D. The determinations of City officials as to whether, when
26 and how to take remedial action, if any, are discretionary judg-
27 ments; this enabling authority in this section and in Section
28 15.22.090 does not impose any duty to take action to protect the
29 public, utilities in the public place or adjacent properties.

30 Section 112. Seattle Municipal Code Section 15.44.130
31 (Ordinance 90047, Section 41(m), as last amended by Ordinance
32 115994, Section 37) is further amended as follows:
33

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1 **15.44.130 Collection of charges.**

2 A. The holder of any permit (~~(provided for in)~~) required by
3 SMC Sections 15.44.003 or 15.44.020, or contractor making the
4 excavation or fill described in SMC Sections 15.44.003 or 15.44.020,
5 or the owner of the property upon which such excavation or fill is
6 being made shall pay all charges assessed pursuant to this (~~sub~~)
7 title on or before thirty (30) days after mailing of a statement of
8 charges by the (~~Director of Engineering~~) authorizing official. In
9 event of an appeal pursuant to SMC Sections 15.44.140 and 15.44.150
10 from a determination of the Director of Engineering, the Street Use
11 Appeals Board may extend the time for payment pending its deter-
12 mination of the appeal and for a reasonable time thereafter.

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

19 Section 113. Seattle Municipal Code Section 15.44.140
20 (Ordinance 90047, Section 41(n), as last amended by Ordinance
21 115994, Section 38) is further amended as follows:

22 **15.44.140 Appeal.**

23 A. An applicant for the permit (~~(provided for in)~~) required
24 by SMC Section 15.44.003 ((15.44.020)), feeling aggrieved by any of
25 the following actions, charges or determinations of the Director of
26 Engineering may within ten (10) days thereof appeal the same to the
27 (~~Street Use Appeals Board~~) Director personally, or the Director's
28 designated hearing officer by filing a written notice of appeal with
29 the (~~Board~~) Director:

- 30 1. The denial of a permit to excavate or fill required
31 by SMC Section 15.44.003 ((15.44.020));
- 32 2. The amount or sufficiency of the security to be
33 posted pursuant to SMC Section 15.44.030;

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

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

5 5. Actions imposing conditions modifying or rejecting
6 any special plans, specifications, shoring plans, and proposed
7 methods of construction required by SMC Sections 15.44.070 or
8 15.44.090((;))_

9 ((Provided,)) ((#)) No appeal may be made from such actions or
10 determinations after the applicant has accepted the permit to
11 excavate or fill. Unless otherwise ((directed by the Board))
12 determined by the Director of Engineering, no such permit to
13 excavate or fill shall issue until after final determination of any
14 such appeal.

15 B. A holder of the permit ((provided for in)) required by SMC
16 Sections 15.44.003 or 15.44.020, feeling aggrieved by any of the
17 following actions, charges or determinations of the Director of
18 Engineering may within ((ten (10))) three (3) days thereof (exclu-
19 sive of Saturdays, Sundays, and holidays) appeal the same to the
20 ((Street Use Appeals Board)) Director personally or the Director's
21 designated hearing officer by filing a written notice of appeal with
22 the ((Board)) Director:

23 1. A directive by the ((City Engineer)) Director of
24 Engineering to increase the security required pursuant to SMC
25 Section 15.44.030;

26 2. The amount of charges for actions taken pursuant to
27 SMC Section 15.44.120 or 15.22.090 to protect the public;

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

30 C. Any such permit holder feeling aggrieved by any action,
31 directive or determination of the Director of Engineering made or
32 taken pursuant to SMC Section 15.44.120, other than the amount of
33 charges made thereunder, may appeal from the same to the ((Street

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1 ~~Use Appeals Board~~) Director personally or to the Director's
2 designated hearing officer by filing a written notice of appeal with
3 the ((~~Board~~)) Director within three (3) days (exclusive of Saturday,
4 Sunday and holidays) from the date the direction or determination
5 was first made, or the action first taken; provided, that the permit
6 holder shall fully comply with the Director of Engineering's
7 direction or determination pending the decision ((~~of~~)) on the
8 ((~~Board~~)) appeal, and no compensation shall be paid or allowed such
9 permit holder for any expenses incurred in connection with com-
10 pliance.

11 D. The ((~~Street Use Appeals Board~~)) Director may delegate to
12 a designated hearing officer the conduct of a hearing and may, after
13 opportunity for a hearing, sustain, modify or reverse any such
14 action, charge or determination. The decision of the Director of
15 Engineering ((~~and its decision~~)) shall be final.

16 Section 114. Seattle Municipal Code Section 15.44.160
17 (Ordinance 90047, Section 41(p), as last amended by Ordinance
18 109507, Section 1 (part)) is further amended as follows:

19 **15.44.160 Indemnity agreement -- Shoring materials**
20 **in public places**

21 If the application for permit to excavate or fill, or the
22 materials submitted therewith, shows that the applicant requests the
23 solidier piles and other materials used for shoring purposes be
24 allowed to remain in a public place after completion of construction
25 of the project for which the permit is sought, the owner of the
26 abutting property to be improved and of the improvement to be built
27 shall execute and deliver to the City an agreement in writing, on a
28 form supplied by the ((~~Director of Engineering~~)) authorizing
29 official, signed and acknowledged in the manner provided by law for
30 the execution of deeds, containing an accurate legal description of
31 the premises, which covenants on the part of such owner(s) for
32 themselves and their heirs, successors, and assigns to promptly
33 remove the same on the order of the City in the event that the space
occupied by the obstruction is needed for a primary or secondary

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1 street use and to hold and save the City free and harmless from any
2 and all claims, actions or damages of every kind and description
3 which may accrue to or be suffered by any person by reason of the
4 use of such public place for soldier piles and materials situated in
5 place. The document shall be recorded with the Department of
6 Records and Elections of King County and the covenants shall
7 respectively be a covenant running with the land and an encumbrance
8 upon the improvement.

9 Section 115. Seattle Municipal Code Section 15.44.170
10 (Ordinance 90047, Section 41(q), as last amended by Ordinance
11 115994, Section 40) is further amended as follows:

12 **15.44.170 Restriction on encroachments**
13 **by shoring.**

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

19 ~~((B. Should the Director of Engineering find:~~

- 20 ~~1. The encroachment in a public place contemplated by~~
21 ~~soldier piles and other shoring materials will not interfere with~~
22 ~~any of its present or prospective primary or secondary uses, and~~
23 ~~2. Should the need for the street area occupied arise, it~~
24 ~~would be feasible to remove the encroachment without expense to the~~
25 ~~public, he/she may by permit authorize the portion of soldier piles~~
26 ~~and shoring materials situated four feet (4') or more below the~~
27 ~~established grade of a public place to remain in place until such~~
28 ~~time as such official or his/her successor determines that the same~~
29 ~~obstructs a primary or secondary street use and orders removal of~~
30 ~~the same.))~~

31 Section 116. Seattle Municipal Code Chapter 15.46 is amended
32 by adding new sections 15.46.040 and 15.46.050, as follows:
33

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1 **15.46.040 Owner's and contractor's responsibility.**

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

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

19 **15.46.050 Rebuttable Presumption.**

20 For the purposes of this subchapter, there is a rebuttable
21 presumption that:

22 A. Earth or construction materials found dumped, spilled,
23 tracked, or windblown in a public place within one hundred feet
24 (100') of a construction site and similar to earth or materials on
25 the construction site came from the construction site;

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

30 C. Earth, debris or other spillage linked by tire trackage or
31 other trail to a construction site result from transportation to or
32 from the construction site; and
33

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

5 Section 117. Seattle Municipal Code Section 15.46.010
6 (Ordinance 90047, Section 36) is amended as follows:

7 **15.46.010 Removal of obstructions or nuisances.**

8 Whenever it ~~((is expedient to))~~ furthers the safety or
9 convenience of the public, the ~~((City Engineer))~~ Director of
10 Engineering, and, as to park drives and boulevards, the Superin-
11 tendent of Parks and Recreation, may remove obstructions, hazards or
12 nuisances from public places, and anyone causing the obstruc-
13 tion~~((s))~~, hazard~~((s))~~ or nuisance~~((s))~~ shall be responsible for
14 reimbursing the City ~~((Engineer))~~ for the expense of removing the
15 same and cleaning the public place together with a charge equal to
16 fifteen percent (15%) of the City's costs to cover administrative
17 expenses. ~~((as well as being subject to prosecution in the Municipal~~
18 ~~Court))~~

19 Section 118. Seattle Municipal Code Section 15.46.020
20 (Ordinance 90047, Section 37) is amended as follows:

21 **15.46.020 Spilled loads.**

22 The owner or operator of any vehicle which has spilled,
23 dropped, dumped, or in any manner deposited any matter upon a public
24 place shall cause the public place to be cleaned when notified so to
25 do by the City ~~((Engineer))~~ Director of Engineering, or as to park
26 drives and boulevards, by the Superintendent of Parks and Recrea-
27 tion.

28 Section 119. Seattle Municipal Code Section 15.46.030
29 (Ordinance 90047, Section 38) is amended as follows:

30 **15.46.030 ~~((Debris))~~ Deposits in street or gutter.**

31 It ~~((shall be))~~ is unlawful to wash or sweep or otherwise
32 deposit any matter in any street or gutter.
33

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1 Section 120. Seattle Municipal Code Chapter 15.48 "UNLAWFUL
2 ACTS" is retitled "MISCELLANEOUS ACTS."

3 Section 121. Seattle Municipal Code Section 15.48.010
4 (Ordinance 90047, Section 39) is amended as follows:

5 **15.48.010 Snow and ice removal.**

6 It (~~shall be unlawful for~~) is the responsibility of the owner
7 or occupant of private property to (~~allow~~) remove snow and ice on
8 the sidewalks abutting his or her property (~~to become or to~~
9 ~~remain~~) in a timely manner and, if practical, prevent its becoming
10 or remaining in an icy, ridged, uneven or humped condition or in a
11 condition which is potentially hazardous to users of the public
12 sidewalks.

13 Section 122. Seattle Municipal Code Section 15.48.020
14 (Ordinance 90047, Section 40) is amended as follows:

15 **15.48.020 Barbed wire or electric fence.**

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

20 Section 123. Seattle Municipal Code Section 15.48.030
21 (Ordinance 90047, Section 42) is renumbered as 12A.14.083 and
22 amended as follows:

23 **12A.14.083 (~~Air-guns~~) Weapons in public places.**

24 It (~~shall be~~) is unlawful to carry or shoot any spring gun,
25 air gun, sling or slingshot, in, upon, or onto any public place.

26 Section 124. Seattle Municipal Code Chapter 15.50 (Ordinance
27 90047, Sections 44 through 47, inclusive) is amended by adding
28 Sections 15.50.023, 15.50.025, 15.50.028, 15.50.060, 15.50.070,
29 15.50.080, and 15.50.090, as follows:

30 **15.50.023 Stop order -- Activity in a public place.**

31 A. Order; Effect: Whenever the Director of Engineering or
32 Superintendent of Parks and Recreation as to park drives and
33 boulevards (collectively called "the authorizing official") shall

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1 post a Stop Order at a site in a public place and serve a copy upon
2 a person doing or responsible for the work, all work in the public
3 place shall cease except that authorized in the Stop Order.

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

6 1. The order is ancillary to or to implement an order
7 authorized in Section 15.44.100 -.110;

8 2. The order is authorized by Sections 15.76.050 -.060
9 with respect to a bridge, trestle, viaduct, retaining wall or other
10 structure;

11 3. No permit has been issued for the activity in the
12 public place; the permit issued to the permittee does not authorize
13 the work being stopped; or the permit has expired;

14 4. A violation of this title is occurring that would be
15 grounds for suspending or revoking the permit;

16 5. There is a hazard that creates a substantial risk of
17 injury to the public, the utilities in the public place, or damage
18 to the public place, itself; or

19 6. If required, the public liability insurance to be
20 furnished by the permittee is no longer in force.

21 C. Contents: The Stop Order shall state the work being
22 stopped and state the basis of the order. The Stop Order shall
23 permit work to continue for the purpose of correcting the violation
24 or hazard that prompted the order.

25 D. Review: A Stop Order of the Director of Engineering
26 directed to activity in a public place may be appealed to the Street
27 Use Appeals Board and shall be heard under the Board's rules as a
28 contested matter as soon as practicable. Unless the Director
29 provides otherwise, the Stop Order shall remain in effect pending
30 the hearing. The decision of the Board shall be final. A person
31 aggrieved by a Stop Order of the Superintendent may request the
32 Superintendent to reconsider the matter and shall be granted a
33

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1 hearing to present evidence and make objections; the decision of the
2 Superintendent upon reconsidering the matter is final.

3 **15.50.025 Stop Orders -- Adjacent property.**

4 A. Authorization: When activity in a public place is related
5 to activity upon adjacent property, and the Director of Engineering
6 or the Superintendent of Parks and Recreation as to park drives and
7 boulevards (collectively called the "authorizing official") has
8 issued, or is about to issue, a Stop Order as to activity in a
9 public place, the authorizing official may issue a Stop Order for
10 the activity on the adjacent property that would supplement the Stop
11 Order issued, or about to be issued, as to the public place if he or
12 she, upon inspection, determines that one of the following circum-
13 stances exists:

14 1. There is a hazard that, unless corrected promptly,
15 creates a substantial risk of injury to the public in the public
16 place or damage to the public place or utilities in a public place;
17 or there is a substantial risk that the work, if allowed to continue
18 in its current course, will create such a hazard unless the City
19 intervenes;

20 2. The order is authorized by Sections 15.44.100 -.110
21 with respect to excavations or fills;

22 3. The order is authorized by Sections 15.76.050 -.060
23 with respect to bridges, trestles, viaducts, and other structures;

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

27 5. The authorizing official has served notice upon the
28 permittee to correct the violation, a reasonable time has elapsed
29 and the violation remains uncorrected, the delay is without satis-
30 factory excuse, and the public need for getting the violation
31 corrected justifies the remedy requested by the authorizing
32 official.

33

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

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

9 D. Review. A Stop Order as to property adjoining a public
10 place shall be subject to appeal to the Street Use Appeals Board
11 within ten (10) days after the date of the Order. The decision of
12 the Board on review shall be final. A person aggrieved by a Stop
13 Order of the Superintendent may request the Superintendent to
14 reconsider the matter and shall be granted a hearing to present
15 evidence and make objections; the decision of the Superintendent
16 upon reconsidering the matter is final.

17 **15.50.028 Violation of Stop Order.**

18 A. It is unlawful for anyone to engage in or cause any
19 further work to be done in a public place when a Stop Order has been
20 posted at or upon the premises, except as authorized by the order or
21 a written authorization from the Director of Engineering, or as to
22 park drives and boulevards, the Superintendent of Parks and Recrea-
23 tion.

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

29 C. The term "work" includes, but is not limited to, construc-
30 tion, demolition, repair, transportation of materials or equipment
31 to or from the premises, installation or testing of equipment,
32 excavation or fill, and connection of utility service.

33

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1 **15.50.060 Civil infractions.**

2 A. Except as otherwise provided in Section 15.50.040, failure
3 to perform any act required or the performance of any act prohibited
4 by this title or the failure to remove any obstruction or discon-
5 tinue a use or occupancy of a public place when ordered to do so by
6 an authorized City official is designated a civil infraction as and
7 shall be processed as contemplated by RCW Chapter 7.30.

8 B. All civil infractions under this title shall be subject to
9 a monetary penalty as a class 1 civil infraction under RCW 7.80.120
10 of not more than Two Hundred Fifty Dollars (\$250), not including
11 statutory assessments, except those identified in subsection C and
12 in Section 15.48.050.

13 C. Violation of the following sections shall be subject to a
14 monetary penalty as a class 4 civil infraction under RCW 7.20.120 of
15 not more than Twenty-five Dollars (\$25), not including statutory
16 assessments, and a default amount of Twenty-five Dollars (\$25.00):

- 17 15.12.040 "Signs, Banners and Street Clocks"
18 15.14.030 "Newsstands", Mandatory Requirements
19 15.14.040 "Newsstands," When Permit Required --
20 Issuances
21 15.14.050 "Newsstands," Congestion Control
22 15.14.070 "Newsstands," Authority of Director of
23 Engineering and violation of a rule
24 promulgated pursuant thereto

(Quotation marks above enclose chapter headings.)

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

26 **15.50.070 Assignment of civil liability only.**

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

- 30 15.05.030B "Constitutional Liberties," General
31 Restrictions
32 15.05.040 "Constitutional Liberties," Vending by
33 non-profit organizations

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- 1 15.16.040B "Sidewalk Cafes," Terms and Conditions
 of permits.
- 2 15.28.040 "Building and Equipment Moving," Removal
3 or trimming of trees or shrubbery
- 4 15.32.070 "Franchise and Public Utility Permits and
 Regulations," Additional ducts or conduits
- 5 15.32.080 "Franchise and Public Utility Permits and
6 Regulations," Joint use poles
- 7 15.32.090 "Franchise and Public Utility Permits and
8 Regulations," City use for governmental
 communication
- 9 15.38 "Impounding"
- 10 15.42.015 "Planting Trees and Shrubs, Tree root
 damage -- Liability
- 11 15.42.030 "Planting Trees and Shrubs," Contact
12 with electric or telephone wires
- 13 15.46.040 "Deposits in Public Places," Owner's and
 Contractor's Responsibility
- 14 15.48.010 "Miscellaneous Acts," Snow and ice removal

15 (Quotation marks above enclose chapter headings.)

16 **15.50.080 Citation, prosecution, and civil actions.**

17 A. A prosecution for a criminal offense identified in Section
18 15.50.040 may be initiated by an arrest or by citation and notice on
19 the manner authorized by the criminal rules for courts of limited
20 jurisdiction promulgated by the Washington Supreme Court.

21 B. An action for a penalty for a civil infraction may be
22 initiated by the issuance, service, and filing of a notice of civil
23 infraction as contemplated by RCW 7.80.050 and the infraction Rules
24 for Courts of Limited Jurisdiction (IRLJ). For purposes of RCW
25 7.80.040, the "enforcement officer" authorized to enforce the
26 provisions of this title are: (1) as to park drives and boulevards,
27 the Superintendent of Parks and Recreation, and as to other public
28 places, the Director of Engineering; (2) authorized representatives
29 or assistants of either of them; and (3) a commissioned officer of
30 the Seattle Police Department and a person issued a Special Police
31 Officer Commission by the Chief of Police with authority to enforce
32 this title.

33

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

3 D. The City Attorney is authorized for and on behalf of The
4 City of Seattle to bring a prosecution for a criminal and civil
5 penalty in order to enforce this title as needed, appropriate and
6 bring a civil action for damages and/or injunctive relief.

7 **15.50.090 Failure to respond.**

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

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

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

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

31 Section 125. Seattle Municipal Code Section 15.50.010
32 (Ordinance 90047, Section 44, as last amended by Ordinance 115994,
33 Section 41) is further amended as follows:

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1 **15.50.010 Notice calling for compliance.**

2 The Director of Engineering, and, as to park drives and
3 boulevards, the Superintendent of Parks and Recreation, is
4 authorized to post notice on private property at or abutting the
5 scene of any violation of this ((sub))title, calling for the terms
6 of this ((sub))title to be complied with.

7 Section 126. Seattle Municipal Code Section 15.50.020
8 (Ordinance 90047, Section 45) is amended as follows:

9 **15.50.020 Removing or destroying notices prohibited.**

10 It ((shall be)) is unlawful for anyone to remove, mutilate,
11 destroy or conceal any notice issued or posted by ((the Board of
12 Public Works or the)) a City ((Engineer)) official pursuant to the
13 provisions of this ((sub))title.

14 Section 127. Seattle Municipal Section 15.50.040 (Ordinance
15 90047, Section 47, as last amended by Ordinance 115994, Section 43)
16 is divided into two sections, 15.50.040 and 15.50.045, and further
17 amended as follows:

18 **15.50.040 ((Violation)) Criminal offenses -- Penalty.**

19 A. Anyone who shall violate or fail to comply with any of the
20 following provisions of this ((sub))title, ((or who shall fail to
21 remove any obstruction or discontinue use or occupancy of any public
22 place when ordered to do so by the Director of Engineering, under
23 the authority of this subtitle,)) shall upon conviction be punished
24 by a fine in a sum not exceeding Three Thousand (\$3,000.00) ((Five
25 Hundred (\$500.00))) Dollars or by imprisonment for a term not
26 exceeding ((six (6) months)) thirty (30) days or by both such fine
27 and imprisonment((7)):

28 15.04.010 "Use and Occupation Permits," Permit --
 Required

29 15.16.010 "Sidewalk Cafes," Permit -- Required

30 15.17.005 "Vending," Vending and Display in public
31 places

32 15.17.010 "Vending," Areas where mobile vending is
 restricted.

33 15.17.050 "Vending," Street vending by Kingdome

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1 **15.52.040 Special event((s)) permits required.**

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

8 B. To avoid duplication, when a special event permit covers
9 the subject matter to their satisfaction, the Director of Engineer-
10 ing and/or as to parks, park drives, and boulevards, the Super-
11 intendent of Parks and Recreation, respectively, may waive issuing
12 a separate street use permit or park use permit.

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

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

27 Section 129. There is added to Seattle Municipal Code Chapter
28 15.60, to replace Section 15.60.010, a new section 15.60.015 as
29 follows:

30 **15.60.015 Street classification system.**

31 The classification of streets contemplated by RCW 35.78.010 and
32 RCW 47.26.180, adopted by Ordinance 113194 and amended from time to
33 time, and the "Seattle Comprehensive Transportation Program --

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1 Street Classification Guidelines" adopted by Resolution 27152, as
2 revised from time to time, are available for inspection and copying
3 at the Engineering Department, Traffic and Transportation Division,
4 and at the office of the City Clerk, Seattle Municipal Building.

5 Section 130. Subsection A of Seattle Municipal Code Section
6 15.62.090 (Ordinance 113022, Section 3, subsection A) is amended as
7 follows:

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

18 Section 131. There is added to Seattle Municipal Code Section
19 15.64.010 (Ordinance 110422, Section 1 (part)) a new subsection C as
20 follows:

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

24 Section 132. Subsection E of Seattle Municipal Code Section
25 15.64.040 (Ordinance 110422, Section 1, subsection E (part), as
26 amended by Ordinance 115994, Section 45, subsection E (part)) is
27 amended as follows:

28 E. An environmental checklist as defined by WAC (~~197-10-~~
29 ~~365~~) 197-11-742 and WAC 197-11-960 and adopted by SMC Sections
30 ((~~25.04.020~~) 25.05.315 and 25.05.960.

31 Section 133. A new subsection C is added to Seattle Municipal
32 Code Section 15.64.065 (Ordinance 110422, Section 1 (part), as
33 amended by Ordinance 115994, Section 47) as follows:

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1 C. No Master Use Permit under Chapter 23.76 of the Seattle
2 Municipal Code shall be issued for a development that includes a
3 proposal for a skybridge or skybridges until the City Council has
4 granted conceptual approval for all proposed skybridges included in
5 the proposed development.

6 Section 134. Seattle Municipal Code Section 15.64.080
7 (Ordinance 110422, Section 1 (part)) is amended as follows:

8 **15.64.080 Council Consideration of petition.**

9 A. The Director of Engineering (~~Board of Public Works~~)
10 shall determine if the construction plans are in substantial
11 conformance with the application which was given preliminary
12 conceptual approval, including any requirements or conditions
13 imposed by the Council.

14 B. Upon completion of (~~its~~) final review of construc-tion
15 plans, the Director of Engineering (~~Board of Public Works~~) shall
16 transmit (~~its~~) a final recommendation to the City Council for its
17 decision to grant or deny the petition for a skybridge permit.

18 C. Approval of a petition for a skybridge and permit shall be
19 granted only by ordinance.

20 Section 135. There is added to Seattle Municipal Code Chapter
21 15.64 (Ordinance 110422, Section 1, as amended) a new Section
22 15.64.100 as follows:

23 **15.64.100 Inspection; maintenance.**

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

28 Section 136. Seattle Municipal Code Chapter 15.76 (Ordinance
29 96715) is retitled as follows: **INSPECTION OF CERTAIN STRUCTURES**
30 **((NEAR)) IN PUBLIC ((STREETS)) PLACES.**

31 Section 137. There are added to Seattle Municipal Code Chapter
32 15.76 new Sections 15.76.050 and 15.76.060 as follows:
33

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1 **15.76.050 Barricading of hazards authorized.**

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

14 **15.76.060 Other protective action.**

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

26 B. If the inspection should disclose that the structure
27 endangers persons in the public place (whether through a collapse,
28 dropping of materials, channelizing water or debris, or subsidence
29 of the surface of the public place) or that the structure does not
30 meet applicable standards of the Building and Construction Code
31 (Title 23), the authorizing official may direct that the grantee at
32 his or her expense make immediate repairs to correct the hazard to
33 the public place and to bring the structure into conformity with

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1 applicable City codes. The authorizing official, in consultation
2 with the Director of Construction and Land Use, may set a reasonable
3 deadline for the grantee to complete the necessary repairs or
4 removal of the structure.

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

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

19 Section 138. Seattle Municipal Code Section 15.76.010
20 (Ordinance 96715, Section 1) is amended as follows:

21 **15.76.010 Inspection of bridges, trestles,
22 viaducts, skybridges and other
structures.**

23 The ((City)) Director of Engineering ((shall)) may annually, or
24 as often((ex)) as ((he shall)) deemed necessary for the protection
25 of the public safety, inspect or cause to be inspected all bridges,
26 trestles, viaducts, tunnels, grade crossings, skybridges and other
27 structures which have been or may be constructed or installed in,
28 along, over or across the public ((streets)) places of the City
29 pursuant to ordinance granting any franchise or special permit and
30 required by such ordinance to be maintained by the grantee of any
31 such franchise or special permit. Pursuant to agreement with the
32 Superintendent of Parks and Recreation, the Director of Engineering
33

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1 may also inspect or cause to be inspected such structures in, along,
2 over, or across park drives and boulevards.

3 Section 139. Seattle Municipal Code Section 15.76.020
4 (Ordinance 96715, Section 2) is amended as follows:

5 **15.76.020 Inspection costs.**

6 The cost of such inspection shall be paid by the grantee of any
7 such franchise or special permit. ~~((and)) ((#))~~The ~~((City))~~ Director
8 of Engineering, and/or as to park drives and boulevards, the Super-
9 intendent of Parks and Recreation, is authorized to bill for and
10 collect fees in such amounts as are commensurate with the reasonable
11 cost of such inspections.

12 Section 140. Seattle Municipal Code Section 15.90.020
13 (Ordinance 115994, Section 55 (part), as last amended by Ordinance
14 117066, Section 4) is further amended as follows:

15 **15.90.020 Street Use Appeals Board -- Functions.**

16 In addition to the advisory and quasi-legislative decision-
17 making specified in SMC Sections 11.16.315 and 11.16.317, the Street
18 Use Appeals Board may hear and decide appeals of the determinations
19 and actions of the Director of Engineering and Traffic Engineer
20 listed below:

21 A. The closure, or authorization to close, pursuant to SMC
22 Section 11.16.125 A, of any street or alley or portion thereof to
23 any or all traffic;

24 B. The designation of which streets shall be used for one (1)
25 way traffic, and the allowable direction thereof, under SMC Section
26 11.16.125 B;

27 C. The addition or deletion, pursuant to SMC Section
28 11.16.317, of streets or street segments within a residential
29 parking zone along which parking shall be restricted;

30 D. The issuance or revocation, pursuant to SMC Section
31 11.73.200, of permits for parking in a residential parking zone;

32 E. The approval or denial of a street use permit, generally,
33 pursuant to SMC Section 15.04.010;

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- 1 F. The determination, pursuant to SMC Section 15.04.040, of
2 the amount of any cash indemnity deposit, or surety bond in lieu
3 thereof or in addition thereto, that is required of an applicant for
4 a street use permit;
- 5 G. The determination, pursuant to SMC Section 15.04.045,
6 (~~15.04.040~~) of the amount of public liability insurance coverage
7 that is required of an applicant for a street use permit;
- 8 H. The determination, pursuant to SMC Section 15.04.050, of
9 the amount of any surety bond that is required of an applicant for
10 a street use permit;
- 11 I. The revocation, pursuant to SMC Section 15.04.070, of any
12 street use permit;
- 13 J. The approval or denial, pursuant to SMC Section 15.08.080,
14 of a request to construct a street elevator;
- 15 K. The approval or denial, pursuant to SMC Section 15.10.020,
16 of a request for exception to minimum height requirement applicable
17 to marquees, awnings and canopies;
- 18 L. The approval or denial, pursuant to SMC Section 15.10.030,
19 of a request for exception to vertical depth requirement applicable
20 to marquees;
- 21 M. The approval or denial, pursuant to SMC Section 15.12.030,
22 of a request for a permit to hang a banner;
- 23 N. The approval or denial, pursuant to SMC Sections 15.14.040
24 and 15.14.050, of a request for a permit for a newsstand location
25 not generally permitted by ordinance, or the placement of a news-
26 stand pursuant to Section 15.14.080; ((and))
- 27 O. A resolution of objections to the moving of a building or
28 equipment; the assessment, pursuant to Section 15.28.050, of the
29 costs of relocating wires between persons moving a building or
30 equipment and the utility maintaining the wires or appurtenances;
31 and objections to the amount of City costs assessed pursuant to
32 Section 15.28.070;
- 33

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1 P. The determination of the cost of removal of a handbill,
2 sign or poster pursuant to Sections 15.48.120 and 15.48.130;

3 Q. An order to paint or repaint a pole pursuant to Section
4 15.32.100;

5 R. Any of the actions relating to an excavation or fill
6 identified in Section 15.44.140;

7 S. A Stop Order of the Director of Engineering pursuant to
8 Section 15.50.023; or of either authorizing official under Section
9 15.50.025; and

10 ((0+)) T. The issuance or denial, under SMC Chapter 16.60, of
11 a permit to use or occupy any part of a waterway or any part of the
12 land portion of a waterway.

13 Section 141. The following sections of the Seattle Municipal
14 Code are hereby repealed:

15 Section 15.04.080 (Ordinance 90047, Section 14, as last amended
16 by Ordinance 115994, Section 7);

17 Section 15.08.020 (Ordinance 90047, Section 17(B), as last
18 amended by Ordinance 108020, Section 3);

19 Section 15.08.030 (Ordinance 90047, Section 17 (C), as last
20 amended by Ordinance 108020, Section 3);

21 Section 15.08.040 (Ordinance 90047, Section 17(D), as last
22 amended by Ordinance 108020, Section 3);

23 Section 15.20.030 (Ordinance 90047, Section 24(C));

24 Section 15.22.090 (Ordinance 90047, Section 25(H), as last
25 amended by Ordinance 106780, Section 2 (part));

26 Section 15.22.130 (Ordinance 90047, Section 25(L), as last
27 amended by Ordinance 106780 (part));

28 Section 15.22.140 (Ordinance 90047, Section 25(M), as last
29 amended by Ordinance 10780, Section 2 (part));

30 Section 15.30.010 (Ordinance 90047, Section 29 (part), as last
31 amended by Ordinance 115944, Section 27);

32 Section 15.30.020 (Ordinance 90047, Section 29 (part), as last
33 amended by Ordinance 115994, Section 28);

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1 Section 15.30.030 (Ordinance 90047, Section 29 (part), as last
2 amended by Ordinance 115994, Section 29);

3 Section 15.34.010 (Ordinance 90047, Section 31, as last amended
4 by Ordinance 115994, Section 33);

5 Section 15.50.030 (Ordinance 90047, Section 46);

6 Section 15.60.010 (Ordinance 96932, Section 1);

7 Section 15.74.010 (Ordinance 95776, Section 1, as last amended
8 by Ordinance 109754, Section 11);

9 Section 15.74.020 (Ordinance 95776, Section 2, as last amended
10 by Ordinance 109754, Section 11 (part));

11 Section 15.74.030 (Ordinance 95776, Section 3, as last amended
12 by Ordinance 115994, Section 53);

13 Section 15.74.050 (Ordinance 95776, Section 5);

14 Section 15.76.040 (Ordinance 96715, Section 4);

15 Section 15.78.010 (Ordinance 2532, Section 1, as last amended
16 by Ordinance 115994, Section 54).

17 These repeals shall not affect any pending prosecutions,
18 permits issued, or rights that are vested based upon the foregoing
19 sections while in effect.

20 Section 142. Severability. The several provisions of this
21 ordinance are declared to be separate and severable and the
22 invalidity of any clause, sentence, paragraph, subdivision, section,
23 or portion of this ordinance, or the invalidity of the application
24 thereof to any person or circumstance, shall not affect the validity
25 of the remainder of this ordinance or the validity of its applica-
26 tion to other persons or circumstances.

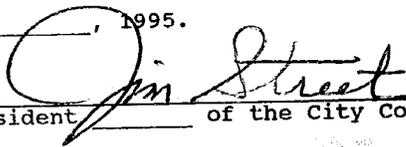
27 Section 143. Ratification. Any act consistent with the
28 authority and prior to the effective date of this ordinance is
29 hereby ratified and confirmed.

30 Section 144. This ordinance shall take effect and be in force
31 thirty (30) days from and after its approval by the Mayor, but if
32 not approved and returned by the Mayor within ten (10) days after
33

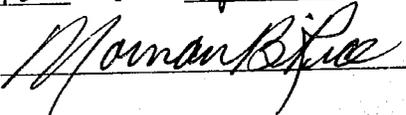
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1 presentation, it shall take effect as provided by Municipal Code
2 Section 1.04.020.

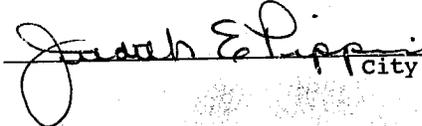
3 Passed by the City Council the 3rd day of April, 1995,
4 and signed by me in open session in authentication of its passage
5 this 3rd day of April, 1995.

6 
7 Jim Street
8 President of the City Council

8 Approved by me this 10 day of April, 1995.

9 
10 Maman B. Pica
11 Mayor

12 Filed by me this 10 day of April, 1995.

13 
14 Joseph E. Pippa
15 City Clerk

16 (Seal)

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ORDINANCE _____

AN ORDINANCE making a major revision of the Street Use Ordinance, Seattle Municipal Code Title 15 (Ordinance 90047, as amended) amending about 110 sections, adding about 60 new sections, and repealing 20 sections or parts thereof; transferring Section 15.48.030 to the Criminal Code as 12A.14.083 and providing new methods of enforcement, and increasing certain criminal penalties.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Chapter 15.02 (Ordinance 90047, part) is amended by adding the following new sections:

15.02.015 Chapter headings and captions.

Chapter headings, tables of contents, and captions of sections are for convenient reference only and do not modify or limit the text of a section. An ordinance number and section in parenthesis following a section in the codification of this title refers to the enacting ordinance.

15.02.027 First Amendment rights; personal freedoms.

This ordinance shall be interpreted in a manner consistent with the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 3, 4, 5, and 11 of the Washington Constitution.

15.02.035 "May" -- "Shall".

Unless the context clearly indicates otherwise, the word "may" or "is authorized to" means that the City or its official has discretion to take an action or decline to do so. The word "shall" expresses an intention that an action be taken or a requirement be met, but, if the sentence is negative, "shall" is prohibitory; for example, Sections 15.42.010 - 15.42.040.

15.02.060 Scope of authorization.

A permit is an authorization to proceed under this ordinance with activities only in a public place. A permit under this ordinance is subject to compliance with other City ordinances, with applicable state laws and regulations, and with the laws and regulations of the United States. The issuance of a permit under

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1 this ordinance does not authorize the taking of an action that
2 conflicts with another City ordinance or with other state or federal
3 laws. An applicant is responsible for ascertaining and complying
4 with other applicable laws.

5 A permit under this ordinance does not authorize the damaging
6 of privately-owned property lawfully within the public place unless
7 the permit expressly states otherwise and identifies the property
8 involved. An applicant has the responsibility for identifying the
9 limits of the public place, for locating and protecting underground
10 utilities pursuant to RCW Chapter 19.222, for avoiding unnecessary
11 interference with surface and overhead uses, for preserving trees,
12 and for preventing damage to such privately-owned property. When
13 a permit authorizes displacement of privately-owned property, the
14 permit holder shall first give notice to the owner, if known, and
15 allow the owner an opportunity to remove it.

16 **15.02.070 Nearest equivalent.**

17 When an activity combines elements which come within two or
18 more chapters of this title, the provisions of each chapter shall
19 apply to each element to the extent practical; where two provisions
20 of this chapter are overlapping on a particular activity, the pro-
21 vision providing the greater protection to the public safety shall
22 apply and duplicate forms and processing avoided.

23 In the event a use contains a single element that may be
24 classified within two or more chapters or categories within a
25 chapter, the City official responsible for issuing the permit shall
26 select the chapter or classification within a chapter, as the case
27 may be, that is most descriptive of the proposed use.

28 **15.02.100 Effect of Ordinance.**

29 This title prohibits an action or activity whenever it requires
30 a permit for a "use" defined in Section 15.02.048, and:

31 A. This title authorizes issuance of a permit for the type of
32 activity, but the applicant fails to apply for and secure a permit;
33 or

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1 B. The applicant is granted a permit upon conditions or
2 subject to restrictions and the applicant fails to comply therewith.

3 C. The City, by policy, does not issue permits for that type
4 of use.

5 **15.02.110 Authority Cumulative.**

6 The authority granted by this title to any City officer or
7 employee is in addition to and supplemental of powers granted by
8 other sections of the Seattle Municipal Code or City ordinances and
9 does limit any other authority granted by other ordinances or laws.

10 Section 2. Seattle Municipal Code Section 15.02.040 (Ordinance
11 90047, Section 6, as last amended by Ordinance 109271, Section 4) is
12 subdivided and further amended as follows:

13 **15.02.040 Definitions -- general principles.**

14 ((A-)) The words and phrases identified in Sections
15 15.02.042 through 15.02.048 shall be construed in accordance with
16 their respective definitions or explanations. ((used in this
17 subtitle)) except where the same shall be clearly contrary to or
18 inconsistent with the context of this ((sub)) title or the section
19 in which used. ((shall be construed as follows:))

20 ((B-)) Words in the present tense shall include the future
21 tense, words in the masculine gender shall include the feminine and
22 neuter genders, and words in the singular shall include the plural
23 and plural words shall include the singular.

24 **15.02.042 Definitions A through C.**

25 ((1)) A. "Adjacent property" means and includes the property
26 abutting the margin of ((a public place)) and contiguous ((and with
27 reference)) to the public place.

28 B. "Appendix I" and "Appendix II" mean, respectively, the
29 description of park drives and boulevards and the map at the end of
30 this title.

31 ((2)) C. "Areaway" means ((and includes)) a ((sunken)) space
32 below the level of the sidewalk, ((either)) covered or uncovered,
33 ((or a court)) affording room, access or light to a building. An

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1 "areaway" is sometimes called a "light well."

2 D. "Authorizing official" means the Director of Engineering,
3 the Director of Construction and Land Use, the Superintendent of
4 Parks and Recreation, or the Seattle Center Director, identified in
5 Section 15.04.015, as the case may be.

6 ((3)) E. "Awning" means a protective covering attached to the
7 wall of a building ((the upper surface of which has a pitch of at
8 least thirty degrees (30°) from the horizontal.))

9 ((4)) F. "Banner" means any fabric ((pliable canvas or cloth))
10 or sign material hanging over or stretched ((over or)) across any
11 public place.

12 ((5. "Business property" means and includes all properties not
13 included in "residence property" defined in this section.))

14 ((6)) G. "Canopy" means a ((nonrigid, collapsible, non-
15 retractable,)) protective covering located at an entrance to a
16 building.

17 **15.02.044 Definitions D through M.**

18 ((7)) A. "Director of Engineering" means the City Director of
19 Engineering and his or her authorized representatives.

20 B. "Director of Construction and Land Use" means the City
21 Director of the Department of Construction and Land Use, and his or
22 her authorized representatives.

23 ((8)) C. "Driveway" means ((and includes)) that portion of a
24 public place which provides vehicular access to adjacent property
25 ((an off street vehicular facility)) through a depression in the
26 constructed curb or, when there is no constructed curb, that area in
27 front of such vehicular facility as is well defined or as is desig-
28 nated by authorized signs or markings.

29 ((9. "Improved public place" means any public place, as
30 defined in this section, which contains overhead or underground
31 utilities or a driving or walking surface.))

32 ((10)) D. "Marquee" means an approximately horizontal, rigid,
33 nonretractable, noncollapsible structure, projecting from and

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1 supported by a building.

2 ((11)) E. "Marquee sign" means a sign placed on, constructed
3 in, or attached to a marquee.

4 **15.02.046 Definitions N through S.**

5 ((12)) A. "Newsstand" means any stand, box, structure, rack or
6 other device which is designed or used for the sale and/or distri-
7 bution of newspapers, periodicals, magazines, or other publications,
8 or any combination thereof.

9 B. "Park drive or boulevard" means a public place under the
10 jurisdiction of the Department of Parks and Recreation described in
11 Appendix I or shown in the map in Appendix II or administered by the
12 Superintendent related to a park.

13 ((13)) C. "Public place" means and includes streets, avenues,
14 ways, boulevards, drives, places, alleys, sidewalks, and planting
15 (parking) strips, squares, triangles and right-of-way ((open to
16 the)) for public use ((of the public)) and the space above or
17 beneath its ((the)) surface ((of the same)), whether or not opened
18 or improved.

19 ((14)) D. "Publisher" means the owner or distributor of a
20 newspaper or other publication distributed through a newsstand.

21 ((15. ~~"Residence property" means and includes any property~~
22 ~~designated in the Zoning Ordinance of Seattle as: RS, RW, RD, RM,~~
23 ~~RMH and RMV, except when occupied or being improved by a conditional~~
24 ~~or nonconforming use.))~~

25 E. "RCW" is an abbreviation for Revised Code of Washington.

26 ((16)) F. "Sidewalk cafe" means a portion of sidewalk area in
27 which are placed tables and chairs for the use of patrons ((the
28 public)) while consuming food and/or beverages, including alcoholic
29 beverages, served by a cafe ((or)) restaurant or tavern located on
30 ((adjoining)) adjacent property.

31 ((17)) G. "Sign" means any medium, including its structure and
32 component parts, which is used or intended to be used out of doors
33 to attract attention to the subject for advertising, identification

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1 ~~or informative purposes. ((other than paint on the surface of a~~
2 ~~building))~~

3 H. "SMC" is an abbreviation for Seattle Municipal Code.

4 I. "Superintendent" or "Superintendent of Parks and
5 Recreation" means the City Superintendent of Parks and Recreation
6 and his or her authorized representatives.

7 **15.02.048 Definitions -- Use.**

8 ~~((18))~~ A. "Use" means ~~((and))~~ the exercise of dominion or
9 control over or occupation of all or part of a public place, or the
10 right to do so. It includes ~~((te))~~ constructing, storing ((e)),
11 erecting, placing ((e)) upon, or main-taining, operating ((e)) any
12 inanimate thing or object in, upon, over or under any public place.
13 It includes but is not limited to any of the following in a public
14 place:

- 15 • an areaway, marquee, awning or canopy, clock, newsstand,
16 sign, banner, billboard, sidewalk elevator or door, fuel
17 opening, sidewalk cafe ~~((or restaurant))~~ or other
18 structure
- 19 • fencing, staging, ~~((swinging))~~ scaffolding, an elevator or
20 other structure or material, machinery or tools used or to
21 be used in connection with the erection, alteration, demo-
22 lition, repair or painting of any building, or an excava-
23 tion in connection therewith;
- 24 • the ~~((or te))~~ moving of any building along or across any
25 public place;
- 26 • ~~((or to use or occupy any public place for))~~ the storage
27 or placement of any material, equipment, inanimate object,
28 or thing, provided that "use" shall not include the
29 placement of an inanimate object in such a location and
30 for such a limited duration of time that, under the
31 circumstances, no reasonable person could conclude that
32 the public's right to use or enjoy the public place, in
33 whole or in part, has been or potentially could be

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interfered with;

- raising or lowering any safes, machinery, or other heavy articles ~~((or to operate any elevated or tracked vehicle in any public place));~~
- ~~((or to allow any vehicle to be in or upon any public place other than that portion used as a roadway));~~
- ~~((or to allow any vehicle to be upon that portion of roadway designated as parking or curb space for purposes of selling or soliciting in addition to merely parking));~~
- ~~((or to deposit or permit the deposit of any liquids which cause a noxious effluvia into any public place.))~~
- kindling, ~~((or to kindle, make, or have))~~ making or having any fire on any public place;
- opening, ~~((or to open, excavate, or in any manner disturb or break))~~ excavating, or in any manner disturbing or breaking the surface or foundation of any permanent pavement, or altering ~~((to alter))~~ the established grade of any street, or disturbing ~~((to disturb))~~ the surface of, digging ~~((dig))~~ up, cutting ~~((cut))~~, excavating, ~~((excavate))~~ or filling ~~((fill))~~ in any public place;
- constructing, reconstructing, repairing or removing ~~((construct, reconstruct, maintain or remove))~~ any driveway, curb, or curb set-back, sidewalk, or crosswalk, pavement, sewers, watermains, grading, street lighting, street utilities, or appurtenances thereto, except when permitted by ordinance, or ~~((to do))~~ doing any work in, or erecting ~~((erect))~~ any structure under, along, or over any public place.
- Closing or altering the appearance of streets for filming, block parties, or street fairs;
- Regular usage by trucks and other vehicles of an adjoining owner or occupant as an integral part of activities on adjoining property whenever the only practical access to

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1 the public place is through the adjoining property.
2 B. With respect to trees and plantings, "use" means planting,
3 removing ((or to remove, injure or destroy)), injuring, destroying,
4 topping or major pruning of any tree in any public place, cutting or
5 pruning of any tree planted or maintained by the City, and removing,
6 injuring or destroying any ((tree,)) flower, plant or shrub in any
7 public place. "Use" excludes cutting grass, trimming shrubs,
8 planting flowers, seeding, weeding, edging, and other gardening
9 activities for the care of planting strips commonly performed by or
10 for an owner or occupant of property adjacent to a street; and it
11 excludes berry-picking and recreational activities that may have an
12 incidental adverse impact upon grass or shrubbery.

13 C. "Use" excludes temporary placement by a customer of
14 garbage and recyclables for curbside/alley collection in compliance
15 with by SMC Section 21.36.080; removal of snow and ice; and sweeping
16 sidewalks and removal of leaves and debris.

17 Section 3. Seattle Municipal Code Section 15.02.050 (Ordinance
18 90047, Section 15, as last amended by Ordinance 99650, Section 1) is
19 further amended as follows:

20 **15.02.050 Safety Code, Building Code, and Washington**
21 **Clean Air Act Compliance.**

22 All work to be done under the authority of this ((sub)) title
23 shall be accomplished in compliance with the Seattle Building Code,
24 the ((State Safety Code)) Washington Industrial Safety and Health
25 Act, and the Washington Clean Air Act and rules and regulations
26 implementing them, ((of the Puget Sound Air Pollution Control Agency
27 adopted in accordance therewith)) and shall diligently proceed with-
28 out undue delay or inconvenience to the public.

29 Section 4. Seattle Municipal Code Section 15.04.010 (Ordinance
30 90047, Section 7, as last amended by Ordinance 115994, Section 1) is
31 further amended as follows:

32 **15.04.010 Permit -- Required.**

33 It ((shall be)) is unlawful for anyone to make use, as defined
in this Title, of any public place ((, for private purposes,))

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1 without first securing a written permit from the Director of
2 Engineering, ~~((or))~~ the Director of Construction and Land Use, or
3 the Superintendent of Parks, as authorized in Section 15.04.015, and
4 without complying with all the provisions of this ~~((sub))~~ title;
5 provided, that ~~((nothing herein shall))~~ the requirements of
6 obtaining a permit, and permit procedures do not apply to street
7 maintenance work performed by the City, or street ~~((or))~~, sewer or
8 storm drain installation and improvement work authorized by
9 ordinance and administered by the Director of Engineering. ~~((or~~
10 ~~street improvement projects under contract with the City))~~

11 Section 5. Seattle Municipal Code Chapter 15.04 (Ordinance
12 90047, part) is amended by adding the following new sections:

13 **15.04.015 Authorizing official.**

14 A. The Director of Construction and Land Use may authorize
15 the construction of a curb cut, a sidewalk cafe, or a structural
16 building overhang, or reconstruction of an areaway in a public place
17 under the Master Use Permit procedures of Chapter 23.76, particu-
18 larly Section 23.76.010 C.6, or removal of trees and vegetation
19 located in an environmentally critical area under Chapter 25.09. An
20 authorization for construction in a park drive, boulevard, or area
21 under the jurisdiction of the Superintendent of Parks and Recreation
22 identified in Appendix I or shown on the map as Appendix II is
23 dependent upon (a) a description of the encroachment or use in the
24 application for the Master Use Permit or the accompanying materials;
25 (b) its identification as park drive boulevard, or property under
26 the jurisdiction of the Superintendent of the area to be used; (c)
27 the written concurrence of the Superintendent; (d) payment of
28 applicable fees and (d) if there is a modification, written
29 concurrence of the Superintendent thereto. Continuation of such
30 uses after completion of construction is subject to compliance with
31 the terms and conditions of this title; inspection and adminis-
32 tration by the Director of Engineering or the Superintendent, as the
33 case may be; and payment of an annual fee, if applicable.

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1 B. The Superintendent of Parks and Recreation may authorize
2 the use and occupation of, and administer this title for, public
3 places under the jurisdiction of the Department of Parks and
4 Recreation, including park drives and boulevards. These areas are
5 identified in Appendix I or shown on the map as Appendix II.

6 C. The Director of Engineering has authority to issue use and
7 occupation of, and administer this title for, all other public
8 places and for uses other than those authorized to the Director of
9 Construction and Land Use under Chapter 23.76. The Director of
10 Engineering may delegate to the Director of the Seattle Center the
11 administration of permits for streets within the Seattle Center, and
12 to the Superintendent the administration of permits for sidewalks
13 and planting strips adjacent to parks.

14 D. When a street, bridge, overpass or underpass crosses a
15 park, park drive, or boulevard, the authorizing official shall be
16 the Director of Engineering as to the surfaces or structures
17 maintained by the Engineering Department, and the Superintendent as
18 to areas within the jurisdiction of the Department of Parks and
19 Recreation.

20 E. In order to better coordinate the administration of this
21 ordinance for a particular event or project, any of the foregoing
22 officials may delegate to another authorized official the issuance
23 of any particular permit or its supervision. When the appropriate
24 official to process an application is uncertain, the Director of
25 Engineering may receive and forward the materials to the appropriate
26 official.

27 **15.04.017 Constitutional Requirement.**

28 When required by the United States Constitution or the Washing-
29 ton Constitution or a federal or state statute enacted thereunder,
30 the City official responsible for issuing a permit shall suspend the
31 application of any particular section of this ordinance or waive
32 compliance with a requirement, including payment of fees, the
33 provision of an indemnity deposit or contract, and the furnishing of

1 insurance (Sections 15.04.040 -.060). The official shall maintain
2 a record open for public inspection disclosing the suspensions and
3 waivers granted.

4 **15.04.037 Overview of Indemnity Deposit, Accounts,
5 Escrow, Insurance, and Surety Bond --
6 Appeals to Street Use Appeals Board.**

7 A. Sections 15.04.040 through 15.04.060 are coordinated
8 elements of a package of protections intended to assist the City in
9 collection of expenses charged under this ordinance and costs
10 associated with a use under permit; to assure performance of the
11 requirements of this ordinance and the covenants or conditions in a
12 permit; to place on the user the risks associated with the use and
13 provide a degree of financial responsibility in the event of an
14 accident or injury; and, when their use is completed, to have public
15 place restored to at least as good a condition as before the use
16 began; and thereby further compliance and protect the public
17 treasury. The City's acceptance of an indemnity deposit, an escrow
18 account, a surety bond, or insurance or the establishment of a
19 subaccount in the City Treasury in favor of a permittee do not limit
20 a permittee's liability to the amount thereof.

21 B. Sections 15.04.040 through 15.04.060 relate to each other
22 as follows:

23 1. A deposit with the City under Section 15.04.040
24 provides a source of funds, held by the City, to pay probable City
25 expenditures arising from a proposed use and/or restoration of the
26 public place after the use, the time of City employees for inspec-
27 tion and Code enforcement, and ancillary City expenses. Annual fees
28 are billed separately;

29 2. An escrow account maintained under Section 15.04.042
30 may be an alternative to a deposit under Section 15.04.040 for
31 amounts at or over One Thousand Dollars (\$1,000) and/or to providing
32 a surety bond under Section 15.04.044 in an amount up to Ten
33 Thousand Dollars (\$10,000), or a supplement to either or both of
them. It differs from a deposit in that the stakeholder, rather

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1 than the City, is a public depository; interest on the deposit
2 accrues to the account, rather than to the City; and withdrawals
3 from the account are governed by the escrow agreement rather than by
4 City rules on guaranty deposits.

5 3. A subaccount under Section 15.04.050 establishes a
6 balance with the City in favor of the applicant or permittee against
7 which a City department may deduct fees and charges as they occur,
8 including annual fees and deposits for particular permits.

9 4. A surety bond under Section 15.04.044 provides a
10 promise by a licensed surety company, within the limits and accord-
11 ing to the terms of the bond, to perform work or pay the City's
12 expenses to perform the work in the event of the permittee's
13 default. A surety bond is not a substitute for providing the City
14 public liability insurance for any tortious injury.

15 5. Liability insurance under Section 15.04.045 protects
16 the City as an additional insured from public liability as a result
17 of an accident, injury, or damage arising from the use of a public
18 place, and assists in making permittees financially responsible for
19 meeting liabilities that may arise from their use of public places.

20 6. The covenant for indemnity under Section 15.04.060
21 holds the City harmless from any and all claims, actions, or
22 damages. It applies independently of the foregoing and authorizes
23 a tender of defense by the City to the permittee in event of a claim
24 or lawsuit arising from the use.

25 7. Section 15.04.017 empowers an authorized official,
26 when required to do so by a constitutional provision or state law,
27 to waive compliance with any of these sections.

28 C. The amount set by an authorizing official for an indemnity
29 deposit, an escrow account or a surety bond, and the correctness of
30 a charge or deduction shown on the City's account statement or made
31 from an escrow account shall be subject to appeal to the Street Use
32 Appeals Board.

33 15.04.100 Exception -- Waiver -- Fees; Surety Bond.

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1 The authorizing official may grant an exception from payment of
2 fees, making an indemnity deposit or posting a surety bond or pro-
3 viding liability insurance to the United States of America and for
4 developing a use that is for the use of the public, e.g., a street
5 park, or plantings in a traffic circle.

6 An authorizing official may waive the making of an indemnity
7 deposit and/or the posting of a surety bond for a use by the State
8 of Washington or a local government.

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1 **15.04.110 Construction -- Changes.**

2 Construction of a structure or improvement shall be in accord
3 with the permit and plans accompanying the application cited by the
4 permit unless the authorizing official first grants permission for
5 a change.

6 If a proposed change is substantial and objections or adverse
7 comments are received before issuance of the permit, the authorizing
8 official shall give notice to the persons making the objection or
9 comments about the proposed amendment, or require the applicant to
10 do so, and allow them an opportunity to comment thereon before per-
11 mitting the change.

12 Section 6. Seattle Municipal Code Section 15.04.020 (Ordinance
13 90047, Section 8, as last amended by Ordinance 115994, Section 2) is
14 divided and further amended as follows:

15 **15.04.020 Filing of application.**

16 An application for use of a public place in accordance with the
17 procedures for issuance of a Master Use Permit under Chapter 23.76
18 or a permit under Chapter 25.09 shall be filed with the Director of
19 Construction and Land Use.

20 An application for use of a park drive or boulevard as des-
21 cribed in Appendix I or shown on the map in Appendix II or
22 administered by the Superintendant as contemplated by Section
23 15.04.015 shall be filed with the Superintendent.

24 ~~((Except for those street use approvals which must be requested~~
25 ~~from the Director of Construction and Land Use in accordance with~~
26 ~~the applicable provisions of the Master Use Permit Ordinance (SMC~~
27 ~~Chapter 25.76)) All other applications for permits provided by~~
28 ~~this ((sib))title shall be filed with the Director of Engineering~~
29 ~~((upon form supplied by him/her)).~~

30 **15.04.025 Form of application.**

31 ((Such)) Applications shall be on a form provided by the City
32 and contain an accurate description of:

33 A. ~~((An accurate description of t))~~ The public place or

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1 portion thereof ~~((desired))~~ to be used ~~((as herein specified))~~;

2 B. The use ~~((desired))~~ proposed to be made ~~((of such public~~
3 ~~place by the applicant))~~;

4 C. The plans and specifications for any utility or structure
5 ~~((desired))~~ proposed ~~((to be constructed, erected or maintained by~~
6 ~~the applicant))~~ in or on ~~((a))~~ the public place; and

7 D. Any existing public improvements, utilities or structures
8 in the area to be used and any trees that may be affected.

9 E. If the proposed use is related to a Master Use Permit, the
10 identification of the permit file and any special conditions affect-
11 ing the proposed use.

12 When the proposed use involves an areaway, ((where it is
13 ~~desired to construct a fuel)) an opening, ((sidewalk)) elevator ((or
14 ~~door)) or other use regulated by Chapter 15.08, a structural build-
15 ing overhang, or a retaining wall or permanent method of lateral
16 support, the application shall also be accompanied by documentation
17 showing the applicant to be the record owner of the premises ((abut-
18 ~~ting and in connection with which such fuel opening, sidewalk~~
19 ~~elevator or door is to be constructed)) served or showing the
20 consent of the record owner of the premises to the proposed use.~~~~~~

21 Section 7. Seattle Municipal Code Section 15.04.030 (Ordinance
22 90047, Section 9, as last amended by Ordinance 115994 Section 3) is
23 subdivided and further amended as follows:

24 **15.04.030 Processing of applications.**

25 A. The authorizing official identified in Section 15.04.015
26 ~~((Director of Engineering)) shall examine each application ((sub-~~
27 ~~mitted)) for ~~((review or approval))~~ a permit ~~((to determine if it~~
28 ~~complies with the provisions of this subtitle)) for compliance with~~
29 this title.~~

30 B. The authorizing official in his or her discretion may
31 require additional information or material, including when deemed
32 appropriate, a map, construction plans, or a survey of the site;
33 ~~((The Director of Engineering or the Director of Construction and~~

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1 ~~Land Use, according to the type of permit for which application has~~
2 ~~been made, may)) inspect the premises ((which are desired to be used~~
3 ~~in order to ascertain any facts which may aid in determining whether~~
4 ~~a permit shall be granted)); solicit comment from other abutters~~
5 ~~and/or the public; and/or post or require posting of notice at the~~
6 ~~site inviting comment to the department or giving notice of an~~
7 ~~appeal pursuant to Chapter 15.90.~~

8 C. ((B-)) Any application for a use that requires ((for)) a
9 permit ((to construct, erect or maintain any awning, marquee, sign
10 or any structure in a public place)) under the Seattle Building and
11 Construction Codes in SMC Title 22 and has not been filed with
12 ((shall be transmitted by the Director of Engineering to)) the
13 Director of Construction and Land Use ((, who shall ascertain if the
14 plans and specifications conform to the regulations pertaining to
15 safety, material and design of the Seattle Building and Construction
16 Codes in SMC Title 22)) shall be transmitted to the Director for
17 review. The Director of Construction and Land Use shall ((then
18 endorse on the application findings with respect to such conformance
19 or nonconformance and transmit the same to the Director of
20 Engineering)) respond with his or her findings and comments.

21 D. If the authorizing official determines that engineering or
22 other studies should be made before approving a permit, the appli-
23 cant shall make the studies, or authorize the City to make the
24 studies at the applicant's cost or expense or from the applicant's
25 indemnity deposit.

26 15.04.035 Approval; considerations.

27 ((C-)) A. If ((the Director of Engineering finds that)) the
28 application ((presented for approval)) conforms to the requirements
29 of this ((sub)) title ((7)) and ((also that)) the proposed use ((of
30 such public place will not unduly interfere)) is consistent with the
31 rights of the public, the authorizing official ((said Director)) may
32 approve ((said)) the application, fix the duration ((for which the
33 permit shall be effective); and the terms or conditions of the

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1 permit, and ((notify the applicant that)), when required upon the
2 applicant's ((compliance with the requirements of the Director of
3 Engineering relative to indemnification and insurance)) furnishing
4 of a deposit or surety bond, insurance, covenant and indemnification
5 and payment of all required fees, issue the permit. ((shall be
6 issued)) The original permit shall remain in the custody of the
7 City and a copy shall be given to the permittee and be posted or
8 available at the site.

9 B. Factors for consideration in evaluating an application for
10 a permit include but are not limited to the rights of the applicant
11 (both constitutional liberties and abutter's property rights); the
12 site and its terrain; the public and private benefits of the pro-
13 posed use; the impact of the proposed use on the following:

- 14 • The paramount purpose of streets for travel and trans-
15 portation;
- 16 • Utilities; authorized secondary street uses; and any usage
17 being made by the public of the site;
- 18 • Fire access and public safety;
- 19 • Uses under permit; street trees; and other proposed or
20 past uses of the site;
- 21 • Rights of light, air, and access and lateral support of
22 abutting properties and on access or easements of proper-
23 ties dependent upon the public place for access;
- 24 • The environment;
- 25 • Drainage, surface and underground; springs and water-
26 courses; and the stability of soils; and
- 27 • Where applicable, City land use, transportation, open
28 space, and beautification policies and approved neighbor-
29 hood land use plans.

30 In addition, where these situations occur, factors for con-
31 sideration include:

- 32 • As to public places under the jurisdiction of the Depart-
33 ment of Parks and Recreation, their character as a park,

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1 drive or boulevard, or as open space;

- 2 • As to submerged streets, the harbor code, Title 16;
3 • As to environmentally critical areas, the requirements of
4 Chapter 25.09; and
5 • As to streets in the process of being vacated, the use
6 upon vacation.

7 Section 8. Seattle Municipal Code Section 15.04.040 (Ordinance
8 90047, Section 10, as last amended by Ordinance 116368, Section 217)
9 is further divided and amended as follows:

10 **15.04.040 Indemnity deposit -- Escrow -- Surety bond.**

11 A. ~~If the ((Director of Engineering))~~ authorizing official
12 determines that there is a ((probability)) substantial risk of
13 injury, damage, or expense to the City or probable City expenditures
14 arising from an applicant's proposed use of any public place, ((the
15 applicant upon notice from the Director of Engineering shall)) the
16 authorizing official may require the applicant to make an indemnity
17 deposit with the Finance Director ((for addition to the Guarantee
18 Deposit Fund and take his/her receipt therefor, cash indemnity
19 deposit. The amount of the cash indemnity deposit shall be
20 determined by the Director of Engineering at the time of approving
21 the application)) in an amount based on the official's estimate
22 ((upon the anticipated amount and extent of)) of the injury, damage
23 or expense to the City and/or cost of restoration of the public
24 place if a mishap or accident were to occur. ((as determined by
25 said Director, and shall be subject to appeal to the Street Use
26 Appeals Board.)) The funds shall be deposited to the credit of the
27 Guaranty Deposit Fund.

28 B. ~~((Such))~~ The indemnity deposit shall be used to pay the
29 cost ((plus fifteen percent (15%) thereof for inspections, surveys,
30 plans and other services performed by the City)) of restoring the
31 ((street)) public place, ((and)) of removing any earth or other
32 debris, ((from the street)) of replacing or repairing ((the re-
33 placement of)) any utility interrupted or damaged or of any trees in

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1 ~~the public place, or ((the completion of)) completing~~ any work left
2 ~~unfinished; of resetting any traffic control devices, ((the cost of~~
3 ~~filing of an indemnity agreement with the Finance Director, if such~~
4 ~~an agreement is required with the permit)) of the expenses of~~
5 ~~engineering and other studies authorized by Section 15.04.035, and~~
6 any other expense that the City may sustain in connection with the
7 permitted work , plus a City administrative charge equal to fifteen
8 percent (15%) of the amounts expended for the City's expenses for
9 services such as inspections, surveys, preparing plans, letting
10 contracts, and contract administration or supervision. The balance
11 of the cash indemnity deposit, if any, after ((the foregoing)) all
12 deductions shall be returned to the applicant. If the indemnity
13 deposit be insufficient, the applicant shall be liable for the
14 deficiency. ((If the Director of Engineering determines that
15 engineering studies must be made prior to the approval of any
16 application for permit, the cost of such study shall be paid for by
17 the applicant, or deducted from his indemnity deposit.))

18 C. The authorizing official may authorize the filing of a
19 surety bond in accordance with Section 15.04.044 in lieu of making
20 all or part of an indemnity deposit and may suspend its application
21 or waive compliance when required by Section 15.02.027.

22 **15.04.042 Escrow.**

23 An authorizing official may accept the establishment of an
24 escrow account in a qualified public depository as defined in RCW
25 39.58 that is eligible to receive City moneys (a) as a substitute
26 for making all or part of an indemnity deposit required by Section
27 15.04.040 if the amount involved equals or exceeds One Thousand
28 Dollars (\$1,000) and the terms of the escrow authorize the deduction
29 and payment to the City of charges identified in Section 15.04.040;
30 and/or (b) as a substitute for filing a surety bond required by
31 Section 15.04.044 if the amount involved is Ten Thousand Dollars
32 (\$10,000) or less, and, in the event of the applicant's default, the
33 authorizing official anticipates that the City could reasonably

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1 complete the work needed to protect the public and restore the
2 public place for the amount placed in the escrow account. Interest
3 accruing in the escrow account shall be added to the principal
4 account and the balance after deductions returned to the applicant.

5 **15.04.044 Surety Bond.**

6 A. ~~((B-))~~ If required by the authorizing official, ((#))the
7 applicant shall ((may)) file with the City Clerk, in lieu of, or in
8 addition to the ~~((cash))~~ indemnity deposit, ~~((as authorized or~~
9 ~~required by the Director of Engineering))~~ a surety bond approved as
10 to surety ~~((by the Mayor))~~ and as to form by the City Attorney.
11 ~~((which))~~ The bond shall assume all the requirements provided in
12 ~~((SMC Section 15.04.040 A))~~ Section 15.04.060 in relation to an
13 ~~((cash))~~ indemnity deposit, shall run for the full period of the
14 permit, and shall be in an amount to be fixed by the ~~((Director of~~
15 ~~Engineering))~~ authorizing official ((subject to appeal to the Street
16 ~~Use Appeals Board))~~, and conditioned that such applicant shall
17 faithfully comply with all the terms of the permit and all the
18 provisions of this ~~((sub))~~ title and all other ordinances of the
19 City, and, to the extent permitted by RCW Chapter 19.72, indemnify
20 and save the City free and harmless from any and all claims, actions
21 or damages of every kind and description which may accrue to, or be
22 suffered by, any person by reason of the use of any public place, as
23 provided for in the application.

24 B. ~~((D-))~~ If the application shall be to construct, recon-
25 struct, repair, maintain, or remove any ((sidewalk,)) pavement,
26 sewer, watermain, storm drain, grading, street lighting, or appur-
27 tenance thereto, the applicant shall file with the Finance Director
28 a surety bond approved as to surety ((by the Mayor)) and as to form
29 by the City Attorney. ((which)) The bond shall be conditioned that
30 the applicant shall faithfully complete all portions of the work
31 according to the City's Standard Plans and Specifications, the
32 special plans approved by the authorizing official, and the terms of
33 the permit. The bond shall run for the full period of the permit

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1 plus one (1) year after City ~~((the))~~ acceptance of the permitted
2 work ~~((by the Director of Engineering))~~. The authorizing official
3 shall set the amount of the bond. ~~((and shall be in an amount fixed~~
4 ~~by said Director, subject to appeal to the Street Use Appeals Board,~~
5 ~~and conditioned that the applicant shall faithfully complete all~~
6 ~~portions of the work according to the Standard Plans and Specifica-~~
7 ~~tions of the City, and the special plans approved by said~~
8 ~~Director.))~~

9 C. ~~((B. [of 15.04.050]))~~ If an applicant shall be periodic-
10 ally using public places, the ~~((Director of Engineering))~~ authoriz-
11 ing official may require the applicant to post a surety bond ~~((of))~~
12 in ~~((sufficient))~~ an amount the authorizing official deems
13 sufficient to cover the accumulated cost or risk involved at any
14 certain time in a calendar year for ~~((a))~~ the number of permits
15 outstanding. ~~((as determined by said Director,))~~ ~~((t))~~ The bond ~~((to~~
16 ~~be))~~ shall be in force during the period of all outstanding permits,
17 but in no case for less than one (1) year. The bond shall be ~~((of~~
18 ~~a form))~~ subject to approval by the city Attorney as to surety and
19 as to form. The bond shall be ~~((r))~~ conditioned to assume all of
20 the requirements ~~((provided in the previous sections))~~ of this
21 ~~((sub))~~ title in relation to a cash indemnity deposit.

22 D. ~~((G. [of 15.04.050] However,))~~ ~~((i))~~ If at any time any
23 applicant shall apply for a permit to use a public place ~~((above or~~
24 ~~below the surface of the same))~~ or to modify an issued permit and in
25 the opinion of the ~~((Director of Engineering))~~ authorizing official
26 the aggregate amount of bonds needed for the additional work or risk
27 involved in the ~~((application shall))~~ proposed use, together with
28 that involved under other permits outstanding ~~((in the name of))~~ to
29 the applicant, exceed the amount of the then ~~((presently))~~ posted
30 surety bond, the authorizing official may require the applicant,
31 ~~((may be required))~~ prior to issuing the permit, to post an addi-
32 tional or separate surety bond in an amount ~~((established by the~~
33 ~~Director of Engineering, subject to appeal to the Street Use Appeals~~

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1 Board)) the authorizing official deems sufficient to cover the
2 additional risk or work involved. ((prior to issuance of any new
3 permit.))

4 E. ((Licensed)) Registered side sewer contractors who post
5 ((such)) a one (1) year bond under the provisions of ((this sub-
6 title)) subsection C or D shall not be required to post an
7 additional surety bond specifically covering work under separate
8 side sewer ordinances. An authorizing official may waive the
9 requirement of surety bond under subsection C upon finding that the
10 bond posted under Section 21.16.060C is adequate to fully protect
11 the City. ((+ and)) ((t))The surety bond shall contain all the
12 requirements of side sewer ordinances in the same manner as required
13 ((provided by)) bonds posted pursuant to the side sewer ordinances
14 and Section 21.16.060C ((the License Code)).

15 F. Sections 15.02.027 and 15.04.017 may apply when
16 constitutional freedoms or statutory rights are exercised.

17 **15.04.045 Liability Insurance.**

18 ((C. [of 15.04.040])) An applicant for a permit shall maintain
19 in full force and effect during the full period of the permit,
20 public liability insurance in an amount sufficient to cover poten-
21 tial claims for any bodily injury, death, or disability and for
22 property damage, which may arise from or be related to the use
23 allowed by the permit. The insurance policy shall ((and naming))
24 name the City as an additional insured; apply as primary insurance
25 regardless of any insurance which the City may carry; and obligate
26 the insurance company to give notice to both the authorizing offi-
27 cial and the City's Risk Manager at least thirty (30) days before
28 any cancellation of the policy. The authorizing official ((Director
29 of Engineering)) may establish the amount of such insurance, subject
30 to appeal to the Street Use Appeals Board, and unless constitutional
31 liberties prohibit it, require that ((such)) the insurance be pro-
32 vided prior to issuance of the permit.

33

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1 Section 9. Seattle Municipal Code Section 15.04.050 (Ordinance
2 90047, Section 11, as last amended by Ordinance 116368, Section 218)
3 is further amended to relocate subsections B and C as subsections
4 15.04.042 C and D, and to amend subsection A as follows:

5 **15.04.050 Account or bond for multiple permits.**
6 **~~((Indemnity or cash deposit for one (1) or more permits))~~**

7 A. ~~((Where it is probable that more than one (1) permit will
8 be desired from the same department,)) ((i))~~ In the alternative to
9 making an indemnity deposit for each permit ~~((as provided for in))~~
10 under Section 15.040.40, ((the)) an applicant who anticipates seek-
11 ing two or more permits from the same department, may establish with
12 the City a subaccount by depositing with the City Finance Director
13 ~~((in))~~ to the credit of the Guaranty Deposit Fund, a minimum ((the))
14 sum of at least Five Hundred Dollars (\$500.00) or the amount fixed
15 for the permits being sought, whichever is greater. On notice from
16 the City, the applicant shall ((replace)) replenish ((said)) such
17 sum from time to time, whenever ((such sum)) the subaccount balance
18 shall have been reduced to the sum of Three Hundred Dollars
19 (\$300.00) or less. ((, or to a sum smaller than is required for the
20 permit applied for when so notified by the City Director of
21 Engineering, provided that this section shall not apply when the sum
22 required for one (1) or more permits shall exceed Five Hundred
23 Dollars (\$500.00).))

24 Section 10. Seattle Municipal Code Section 15.04.060
25 (Ordinance 90047, Section 12) is amended as follows:

26 **15.04.060 Covenant for indemnity. ~~((Indemnity to save City harmless from claims))~~**

27 A. If the application is for a permit ~~((be))~~ to use
28 ~~((construct))~~ or ~~((maintain))~~ occupy a public place with an areaway,
29 fuel opening, sidewalk elevator or door, ((or to use or occupy the
30 planting (parking) strip by erecting)) a bulkhead, steps, retaining
31 wall, rockery, structure, or an extension or appurtenance to a
32 structure or any facility with an anticipated continued occupancy of
33 a public place of more than one year. ((any facility therein, in

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1 ~~addition to the foregoing cash indemnity fund~~), the owner of the
2 ~~adjacent property~~ ((~~premises in front of which, and in connection~~
3 ~~with which the same is to be constructed, erected, maintained, used~~
4 ~~or occupied~~)), and any existing lessee, sublessee, tenant and sub-
5 tenant using the part ((basement)) of the premises served or
6 connected to the permitted use ((~~in connection with which such~~
7 ~~structure is to be used, before the permit is issued,~~)) shall, in
8 the manner provided by law for the execution of deeds, execute and
9 deliver to the City upon a form to be supplied by the ((City
10 Engineer)) authorizing official an agreement signed and acknowl-
11 edged by such owners and by any such existing lessee, sublessee,
12 tenant and subtenant, and containing an accurate legal description
13 of the premises and a covenant on the part of such owner, lessee,
14 sublessee, tenant and subtenant, for themselves and their heirs,
15 executors, administrators, successors, assigns, lessees, sublessees,
16 tenants and subtenants, forever to hold and save the City free and
17 harmless from any and all claims, actions or damages which may
18 accrue to, or be suffered by, any person by reason of the use of
19 such public place, or of the construction, existence, maintenance or
20 use of ((~~such structure~~)) the use permitted; provided, no indemnifi-
21 cation is required on account of injury to persons or damage to
22 property caused by or resulting from the sole negligence of the
23 City, its agents or employees. If the application is for a permit
24 ((~~be~~)) to construct and maintain an areaway, such agreement shall
25 also contain a covenant on the part of the persons or corporations
26 executing the same, for themselves and their heirs, executors,
27 administrators, successors, assigns, lessees, sublessees, tenants
28 and subtenants, assuming the duty of inspecting and maintaining all
29 services, instrumentalities and facilities installed in the areaway
30 to be constructed or occupied under authority of such permit, and
31 assuming all liability for, and saving and holding the City harmless
32 from any and all loss, damage or injury that may result to his or
33 her ((~~their~~)) own person or property, or the person or property of

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1 another, by reason of such services, instrumentalities or facili-
2 ties. All agreements shall be a covenant running with the land.

3 B. In addition such agreement shall contain a provision that
4 the permit is wholly of a temporary nature, that it vests no perma-
5 nent right whatsoever, that upon thirty (30) days' notice, posted on
6 the premises, or by publication in the official newspaper of the
7 City, or without such notice, in case the permitted use shall become
8 dangerous or such structures shall become insecure or unsafe, or
9 shall not be constructed, maintained or used in accordance with the
10 provisions of this ((sub)) title, the same may be revoked and the
11 structures and obstructions ordered removed. Every such agreement
12 after it has been received (~~in his office and numbered~~) and after
13 the same has been recorded with the King County Department of
14 Records and Elections, shall be retained by the ((Comptroller and))
15 City Clerk in the files and records of ((his office)) deeds to the
16 City.

17 C. The authorizing official may waive execution of the signa-
18 ture on an agreement by a tenant or subtenant on a month-to-month
19 lease or on a tenancy at will. If the application be by a condo-
20 minium or cooperative apartment, the authorizing official may accept
21 an agreement by the condominium or apartment association together
22 with documentation showing its authority to execute the agreement in
23 lieu of execution of the agreement by all unit or apartment owners.

24 Section 11. Seattle Municipal Court Section 15.04.070
25 (Ordinance 90047, Section 13 as last amended by Ordinance 115994,
26 Section 6) is divided and further amended as follows:

27 **15.04.070 Permit -- Duration -- Revocation ((Fee**
28 **schedule)).**

29 ((A)) All ((street or sidewalk)) use authorizations approved
30 under the provisions of this ((sub))title or Seattle Municipal Code
31 Chapter 23.76, Procedures for Master Use Permits and Council Land
32 Use Decisions or as to public places under the jurisdiction of the
33 Department of Parks and Recreation under Chapter 18.12, shall be of
a temporary nature and shall vest no permanent right, and may in any

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1 case be revoked (~~by the Director of Engineering~~) upon thirty (30)
2 days notice; or without notice, in case any such use or occupation
3 shall become dangerous or any structure or obstruction permitted
4 shall become insecure or unsafe, or shall not be constructed, main-
5 tained, or used in accordance with the provisions of this (~~sub~~)
6 title.

7 **15.04.072 Authority to Remove Occupancy.**

8 (~~B-~~) If any structure or obstruction, or use or occupancy, is
9 not discontinued on notice from the City to do so (~~by~~), the
10 Director of Engineering or the Superintendent with respect to public
11 places under jurisdiction of the Department of Parks and Recreation
12 may forthwith prohibit its further use and remove such structure or
13 obstruction from (~~such~~) the public place, or make such repairs
14 upon such structure or obstruction as may be necessary to render the
15 same secure and safe, at the expense of (~~the grant of~~) the
16 permittee or the permittee's successor or user or person responsible
17 for said use. (~~and such expense may be collected~~) The City may
18 collect such expense in the manner provided by law. (~~and the~~
19 ~~Director of Engineering may require a surety bond in such~~
20 ~~connection~~))

21 **15.04.074 Permit -- Fees.**

22 A. (~~C-~~) From time to time the Director of Engineering (~~is~~
23 ~~authorized and directed to~~) shall prepare and recommend for
24 adoption by the City Council(~~7~~) a schedule of fees applicable to
25 all such permits for public places under the jurisdiction of the
26 Engineering Department. The Superintendent shall recommend a
27 schedule of fees applicable to permits for use of public places
28 under the jurisdiction of the Department of Parks and Recreation,
29 and the Director of Construction and Land Use shall recommend a
30 schedule of fees applicable to permits required by Section
31 15.44.020. The fee schedule, when adopted by ordinance, shall
32 govern the amount of the fee for permits heretofore or hereafter
33 issued. The amount of the fee shall be set commensurate with the

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1 cost of administration, inspection and policing involved in the
2 issuance and continuance of such permits and the use thereby
3 granted. Fees for use of park drives and boulevards may take into
4 consideration City policy of discouraging encroachments inconsistent
5 with their park-like character and may be included in the schedule
6 of fees for use of facilities of the Department of Parks and
7 Recreation. ~~((and any such schedule, when adopted by the City~~
8 ~~Council by ordinance, shall govern the amount of the fee for any~~
9 ~~such permit, which))~~

10 B. The fee shall be collected ~~((by said Director))~~ as a
11 condition to the issuance or continuance of any such permit or use.
12 ~~((and))~~ In order to effectuate collection of such fees ~~((said))~~
13 the Director of Engineering, or the Superintendent as to public
14 places under the jurisdiction of the Department of Parks and Recrea-
15 tion, shall promptly notify holders of outstanding permits issued
16 ~~((pursuant to previous ordinances of the City, from time to time))~~
17 to pay the applicable fee or the permit will be revoked.

18 The rate in the schedule for permits for filming shall identify
19 which, if any, of the factors identified in SMC Section 15.35.020
20 are taken into consideration in setting the rate and which are to be
21 determined with respect to particular applications.

22 C. ((D-)) Upon petition by a public agency for a vacation of
23 street area, street use fees for such street area shall be suspended
24 if the Director of Engineering finds that such public agency, as a
25 current practice, would convey to, or permits use by, the City of a
26 portion of the public agency's property for street or other public
27 purpose without charge; provided, should the street vacation peti-
28 tion be denied, street use fees shall be payable for the full period
29 of use.

30 D. ((E-)) When a use requiring a permit is made of a ~~((street~~
31 ~~area))~~ public place without first obtaining the permit, the fee
32 shall be double ~~((that))~~ the amount provided in the schedule of
33 fees. The double fee shall apply only to the first tenure of the

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1 permit.

2 E. Fees for the use of public places under the jurisdiction
3 of the Department of Parks and Recreation shall be deposited to the
4 credit of the Park and Recreation Fund; all other fees shall be
5 deposited to the credit of the General Fund.

6 Section 12. Seattle Municipal Code Section 15.04.090
7 (Ordinance 84706, Section 1, as last amended by Ordinance 116368,
8 Section 219) is further amended as follows:

9 **15.04.090 Refund of ~~((on))~~ permit fee.**

10 Whenever the fee paid for any ~~((street))~~ use or occupation
11 permit shall be erroneous for any reason, and application is made
12 for refund, the ~~((Director of Engineering))~~ authorizing official
13 shall certify the facts justifying such refund, the amount thereof,
14 and his or her approval of such refund, and upon presentation of
15 such certificate to the City Finance Director ~~((is authorized to~~
16 ~~draw and pay))~~, a warrant shall be drawn and paid in the amount of
17 such refund. ~~((and))~~ ~~((#))~~ The necessary appropriations are hereby
18 made and authorized.

19 Section 13. There is added to the Seattle Municipal Code Title
20 15 (Ordinance 90047, as amended) a new Chapter 15.05, entitled
21 Constitutional Liberties, with the following new sections:

22 **15.05.010 Activities which do not constitute**
23 **a "use;" no permit required.**

24 No permit is needed for any of the following expressive
25 activities in a public place that is open for public use:

26 Speaking, singing, or entertaining without using sound-
27 amplifying equipment other than aids for the disabled in speaking at
28 voice levels.

29 Soliciting signatures for a petition using a clipboard carried
30 on the person;

31 Offering or distributing without charge samples of products,
32 which may lawfully be given to minors, to people who are willing to
33 accept the gift;

Picketing, carrying or wearing a sign or apparel with a

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1 message;

2 Assembling in numbers that do not impede pedestrian or
3 vehicular traffic;

4 Soliciting contributions as a charity without causing inter-
5 ference with pedestrians as prohibited by Section 12A.12.015; and

6 Offering or distributing expressive material that communicates
7 a religious, political, philosophical or ideological message, (e.g.,
8 buttons, posters and bumperstickers) without charge or in conjunc-
9 tion with a solicitation of bona fide contributions in order to
10 defray all or part of the costs of distribution.

11 **15.05.020 Permit Required.**

12 A permit for the following uses must first be obtained from the
13 Superintendent of Parks and Recreation as to park drives and boulev-
14 ards, and from the Director of Engineering as to other public
15 places:

16 Use of sound amplifying equipment, other than aids for the
17 disabled in speaking at voice level;

18 Placing of tables, racks, stands, or other equipment to assist
19 in distribution of literature or a product other than newsstands
20 regulated under Chapter 15.14;

21 Vending of any kind, whether a product or service, other than
22 newsstands regulated under Chapter 15.14;

23 Reserving the use of a public place for an assemblage or
24 closing it off or redirecting the flow of traffic;

25 Activities in a public place that are closed off from public
26 use or are to occur during hours that the facility is closed to
27 public use; and, as to park drives and boulevards in residential
28 areas without street lighting, activities later than one-half hour
29 after sunset and before one-half hour before sunrise.

30 **15.05.030 General Restrictions.**

31 A. The exercise of constitutional liberties in public places,
32 both with and without a permit, are subject to:

33 Compliance with applicable statutes and City ordinances;

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1 Respecting the rights of the owners of adjacent properties and
2 the constitutional liberties of others to use public places;

3 Accommodating the needs of the public for use of the streets
4 and boulevards for travel and transportation; and

5 Reasonable rules of authorized City officials as to time,
6 place, and manner of exercising a right and of reasonable on-site
7 directions of City officials that are necessary in order to protect
8 the public health and safety.

9 B. Unless specifically authorized by the City, no person may:

10 1. Obstruct pedestrian or vehicular traffic; impede
11 passage on a wheel chair ramp or stairway; block driveways; or
12 occupy areas that are required to be kept clear by statute or
13 ordinance;

14 2. Impair loading at any bus, passenger, or truck load-
15 ing zone; obstruct sightlines of motorists to intersecting traffic
16 at an intersection; or impede access to an adjoining property
17 without the consent of the occupant; or

18 3. Damage trees, plantings, City equipment or facili-
19 ties, or privately-owned property lawfully in the street area.

20 C. If activities in a public place disturb the conduct of
21 business on adjoining property or the tranquility of a residential
22 area, the City may require the user of the public place to make a
23 reasonable accommodation or to relocate to another location.

24 D. Maximum sound levels may not exceed the limits in Chapter
25 25.08.

26 **15.05.040 Vending by non-profit organizations.**

27 A non-profit organization may secure a permit from the Super-
28 intendent, as to park drives and boulevards, and from the Director
29 of Engineering as to other public places, for vending merchandise in
30 which the organization's political, religious, sociological or
31 ideological message is inextricably intertwined when the sale exer-
32 cises the vendor's rights guaranteed by the United States or the
33 Washington Constitution. To qualify, the non-profit organization

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1 must be (a) incorporated under RCW Chapters 24.03 or 24.06 or the
2 equivalent laws of another state or the United States, and in good
3 standing with its incorporating authority and, to the extent
4 applicable, with the State of Washington; and (b) a tax exempt
5 organization under 26 USC Section 501(c)(1), (3), or (4), 26 USC
6 Section 501(d), or 26 USC Section 527 eligible for such tax exempt
7 status, or is an organization that has filed with the State Public
8 Disclosure Commission under RCW Chapter 42.17, and is in good
9 standing as a "political committee" or a "continuing political
10 committee." In addition, it must first register with the Director
11 of Engineering.

12 Any one organization may be authorized to use only one location
13 between intersecting streets of any one block face on the same day.
14 Permits for vending are suspended during crowd control events
15 authorized under Chapter 15.52.

16 The Director of Engineering, the Superintendent, and the
17 Director of the Seattle Center are authorized to adopt rules
18 relating to the time, place and manner of exercising constitutional
19 liberties, such as the issuance and duration of permits, the size
20 and placement of tables and other equipment used, their siting and
21 location on the sidewalks, the type of merchandise offered for sale,
22 advertising and posting of prices, the display of licenses, the
23 exclusion of ineligible merchandise, documentation to accompany
24 applications for registration, and prohibitions against discrim-
25 ination, among other subjects.

26 **15.05.050 Assemblies and gatherings.**

27 It is City policy to encourage the holding of public assemblies
28 and other gatherings in parks and at the Seattle Center rather than
29 in streets open for vehicular travel or sidewalks with substantial
30 pedestrian traffic; and it is City policy to permit use of Univer-
31 sity Street between Fourth and Fifth Avenues (Victory Square) on
32 weekdays only if the event can not reasonably be accommodated in
33 Seattle's downtown parks and pedestrian ways.

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1 **15.05.060 Public fora.**

2 The Director of Engineering and the Superintendent are
3 authorized by rule to designate one or more particular areas within
4 a public place where citizens may place commemorative displays,
5 monuments, or symbols, for up to ten (10) days in order to com-
6 municate a message to the public, and to establish the terms and
7 conditions of their placement. Unless the permit expressly provides
8 otherwise, the commemoration must be removed between the hours of
9 12:01 a.m. and 6:00 a.m. each day. An appropriate sign shall be
10 placed near the commemoration identifying its sponsor and the loca-
11 tion as a public forum.

12 **15.05.070 Appeals to Municipal Court.**

13 If an applicant asserts a right protected by the First Amend-
14 ment of the United States Constitution and/or Article I, Sections 3,
15 4, and 5 of the Washington Constitution, and is aggrieved by an
16 action of the City in denying a permit, and time be of the essence,
17 the applicant may petition the presiding judge of the Seattle
18 Municipal Court for a prompt review thereof. The matter shall be
19 granted priority as a case involving constitutional liberties and
20 shall be heard in the manner provided by the Municipal Court by
21 rule, and the decision of the Municipal Court shall be final subject
22 only to judicial review.

23 Section 14. Seattle Municipal Code Section 15.06.010
24 (Ordinance 90047, Section 16, part) is amended as follows:

25 **15.06.010 Construction (~~--- Temporary permission~~).**

26 A driveway must be constructed to provide vehicular access from
27 a public place over and across a concrete curb and gutter and/or
28 sidewalk to the adjacent property. The Director of Construction and
29 Land Use has authority to issue a permit for construction of a
30 driveway associated with a development proposal as contemplated by
31 Section 23.76.006. All applications for other permits for driveways
32 shall be submitted to the Director of Engineering for public places
33 under the jurisdiction of the Engineering Department, and to the

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1 Superintendent of Parks for public places under the jurisdiction of
2 the Department of Parks and Recreation. Temporary permission may be
3 granted by the authorizing official (~~(City Engineer)~~) to plank a
4 curb and walk while gaining temporary access to property but the
5 practice must be discontinued immediately upon notice from the City
6 (~~(Engineer)~~).

7 Section 15. Seattle Municipal Code Section 15.06.020
8 (Ordinance 90047, Section 16 Part), as last amended by Ordinance
9 115994, Section 8) is further amended as follows:

10 **15.06.020 Removal of driveway and reconstruction of curb.**

11 (~~(When)~~) Within sixty (60) days after a driveway(~~(s)~~) is
12 (~~(are)~~) no longer usable or needed to provide vehicular access onto
13 private property, the owner of the adjacent property shall remove
14 the driveway and restore the concrete curb and gutter and the side-
15 walk and planting (~~((parking))~~) strip. If such restoration work has
16 not been completed by the sixtieth calendar day after receipt by
17 such owner of the (~~(Director of Engineering's)~~) authorizing offi-
18 cial's written order to perform such work by such deadline, the
19 (~~(Engineering Department)~~) City may perform such restoration and
20 bill the cost thereof to the property owner, together with fifteen
21 percent (15%) of its costs to cover administrative expenses.

22 Section 16. Seattle Municipal Code Section 15.06.040
23 (Ordinance 90047, Section 16, part) is amended as follows:

24 **15.06.040 Width requirements.**

25 The minimum width of driveways for residential property shall
26 be ten feet (10') at the concrete walk and fifteen feet (15') at the
27 curb, and for commercial properties the minimum width shall be
28 (~~((fifteen))~~) twelve feet (~~((+15'))~~) (12') at the concrete walk.

29 Section 17. Seattle Municipal Code Section 15.06.050
30 (Ordinance 90047, Section 16-A, as last amended by Ordinance 109754,
31 Section 5) is further amended as follows:

32 **15.06.050 (~~(Parking)~~) (~~(e)~~) Curb setbacks.**

33 (~~(Parking)~~) (~~(e)~~) Curb setbacks may be allowed by the Director

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1 of Construction and Land Use after consulting with the Director of
2 Engineering, or the Superintendent as to park drives and/or
3 boulevards, on the basis of demonstrated need by the applicant
4 therefor upon the following terms and conditions:

5 A. ~~((In residential areas,)) ((s))~~ Space for tree planting
6 shall be reserved, with a minimum of ten feet (10') from the new
7 curb location to the property line ((whenever desirable)), unless
8 existing trees in the area supply the need.

9 B. Curb setbacks are not permitted on streets where parking
10 is allowed in the existing curb lane. ((In commercial or business
11 zoned areas, tree planting space shall be reserved whenever desir-
12 able, depending on the need for arterial traffic, utilities in the
13 area, on street parking and street lighting standards placement;))

14 C. Curb setbacks must be able to provide for a minimum of a
15 twelve foot (12') driving lane and an eight foot (8') parking lane
16 in the public place adjacent to the new curb location. Figure 1
17 illustrates these requirements. ((Where certain streets have been
18 designated as entrances to the City, and sufficient street width is
19 secured for such purposes, a given dimension from the property line
20 to the curb shall be maintained so that trees may be included as
21 part of the entrances.)) [P. 34a is Figure 1]

22 Section 18. Seattle Municipal Code Section 15.74.020
23 (Ordinance 95776, Section 2, as last amended by Ordinance 109754,
24 Section 11) is renumbered as Section 15.06.060 and amended as
25 follows:

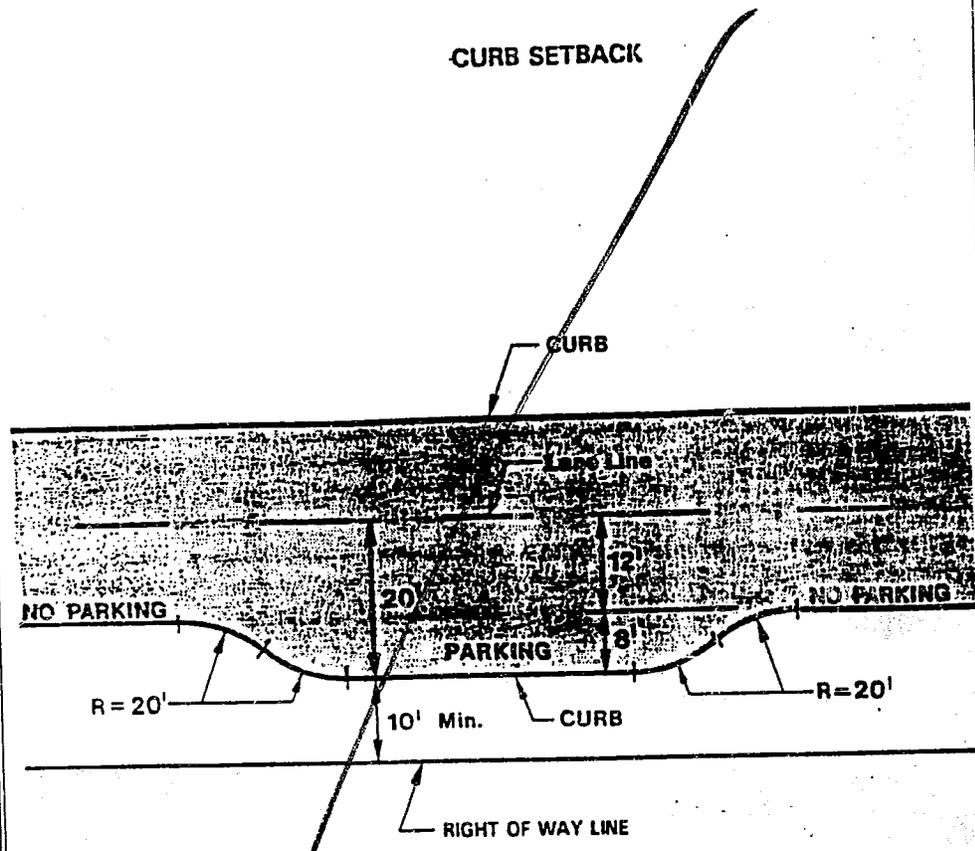
26 **15.06.060 Driveways by Freeway Access Roads.**
27 ~~((Permit application -- Considerations and~~
~~Conditions))~~

28 The Director of Construction and Land Use shall refer to the
29 Director of Engineering the relevant part of every ((A)) applica-
30 tion((s)) for ((the)) a ((driveway)) permit ((contemplated in
31 Section 15.74.010 shall be made to the Director, who shall refer the
32 application to)) that involves constructing, reconstructing,
33 repairing, or altering any driveway providing direct vehicular

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Figure 1
SMC 15.06.050

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NOTE: 20' RADIUS IS RECOMMENDED
BUT NOT REQUIRED

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1 access to a street which serves as an approach or exit from a
2 limited access facility where all or any portion of the driveway
3 lies on or would lie between the proximate margin of the limited access
4 facility and a line projected at right angles to the centerline of
5 the street from a point thereon which is four hundred feet (400')
6 distant, measured along the centerline of the street, from the
7 proximate margin of the limited access facility.

8 ((~~t~~))The Director of Engineering shall make ((~~for his~~)) a
9 report and recommendation to the Director of Construction and Land
10 Use as to the potential effect of the use of the proposed driveway
11 upon the safe and efficient flow of traffic. The Director of Con-
12 struction and Land Use shall issue a permit for the driveway work
13 ((~~contemplated in Section 15.74.010~~)) only upon a determination (a)
14 that the design, standard of construction, operational use, location
15 or number of locations of the proposed driveway or driveways will
16 not unreasonably interfere with the safe and efficient flow of
17 vehicular and pedestrian traffic upon the adjoining streets and
18 sidewalks, giving particular attention to the effect upon traffic
19 flowing to and from the proximate limited access highway facility,
20 ((~~provided that such permit shall be issued in those instances in~~
21 ~~which a determination is made~~)) and (b) that ((~~the~~)) denial ((~~there-~~
22 ~~of~~)) of the permit would totally deprive the property to be served
23 of vehicular access. The Director of Construction and Land Use may
24 attach such conditions to any such permit ((~~issued hereunder~~)) as
25 may be reasonably required under the particular circumstances for
26 the protection of public safety.

27 Section 19. Seattle Municipal Code Section 15.74.030
28 (Ordinance 95776 Section 3, as last amended by Ordinance 115994,
29 Section 53) is renumbered as 15.06.070 and further amended as
30 follows:

31 **15.06.070 Revocation of permit or alteration of driveway.**

32 Where the safe and efficient flow of vehicular and pedestrian
33 traffic requires it, the Director of Engineering may revoke any

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1 permit (~~issued hereunder~~) for a driveway to a street or other
2 public place under its jurisdiction and order removal of the drive-
3 way or order the alteration of a driveway for which a permit has
4 been issued. The Superintendent has a similar authority as to park
5 drives and boulevards. The notice to remove or to make an ((ef))
6 alteration shall be in writing, served upon the permittee, or the
7 permittee's successor, and shall require compliance within one
8 hundred eighty (180) days. ((ef said notice))

9 Section 20. Seattle Municipal Code Chapter 15.08 (Ordinance
10 90047, Section 17, as amended) is further amended by adding a new
11 section 15.08.005, as follows:

12 **15.08.005 Availability of Permits.**

13 Areaways, ventilation openings, sidewalk elevators, fuel
14 openings and trapdoors may only be constructed within the Pike Place
15 Market Historical District (Chapter 25.24) and the Pioneer Square
16 Historical District (Chapter 25.28), or, for public facilities that
17 further travel or transportation or utility purposes.

18 Areaways, ventilation openings, sidewalk elevators, fuel
19 openings and trapdoors appurtenant to structures that were under
20 street or park use permit on January 1, 1990, may be reconstructed,
21 altered or repaired under permit. Such use shall cease and the
22 encroachment shall be removed from the public place whenever the
23 appurtenant structure is demolished, destroyed, or reconstructed in
24 a manner that it is no longer dependent upon continued use of the
25 public place unless either the use is within the two named histor-
26 ical districts or the appurtenant structure is a designated Landmark
27 under Chapter 25.12 or on the state or federal register of historic
28 places.

29 Section 21. Seattle Municipal Code Section 15.08.010
30 (Ordinance 90047, Section 17(A) through (D), as last amended by
31 Ordinance 115994, Section 10, and Ordinance 102020, Section 3) is
32 further amended as follows:
33

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1 **15.08.070 Ventilation opening in sidewalks.**

2 Ventilation ((Ø)) openings in sidewalks shall be allowed only
3 for public utilities and to replace ventilation openings in place on
4 January 1, 1990. Gratings shall comply with the Seattle Building
5 and Construction Codes (SMC Title 22). ((for purposes of ventilation
6 shall be covered by wrought iron bars three eights inch (3/8") by
7 one and one quarter inch (1 1/4") in size, placed one inch (1") on
8 centers and at right angles to the direction of the sidewalk. Such
9 bars shall be held in position by sleeves placed between them on two
10 (2) half inch (1/2") iron rods running through such bars.))

11 Section 25. Seattle Municipal Code Section 15.08.110
12 (Ordinance 90047, Section 17(K), as last amended by Ordinance
13 108020, Section 3) is further amended as follows:

14 **15.08.110 ((Construction)) Maintenance of existing**
15 **elevators and trapdoors.**

16 All elevators, fuel openings and trapdoors shall ((be made of))
17 have metal surfaces of sufficient strength to sustain a weight of
18 two hundred fifty (250) pounds per square foot and such doors and
19 their hinges shall be so constructed that their surfaces will lie
20 flat with the surface of the sidewalk upon which they are con-
21 structed and will present no obstruction whatsoever to traffic, and
22 shall be so roughened and maintained as to occasion no danger what-
23 soever to pedestrians.

24 Section 26. Seattle Municipal Chapter 15.10 (Ordinance 90047,
25 Section 18, as amended) is retitled as follows:

26 **15.10 MARQUEES, AWNINGS, ((AND)) CANOPIES, AND**
27 **DECORATIVE ELEMENTS**

28 Section 27. Seattle Municipal Code Section 15.10.010
29 (Ordinance 90047, Section 18(A), as last amended by Ordinance
30 108846, Section 1) is further amended as follows:

31 **15.10.010 Extension -- Approval and compliance.**

32 No marquee, awning, ((Ø)) canopy, or other decorative element
33 shall extend over any public place closer than to within two feet
(2') of the curbline. Marquees, awnings and canopies shall be

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1 approved as to structural strength and quality of materials, and
2 shall be checked for conformance to all applicable codes by the
3 ~~((Superintendent of Buildings))~~ Director of Construction and Land
4 Use ~~((before permission is granted for the street encroachment)).~~

5 Section 28. Seattle Municipal Code Section 15.10.020
6 (Ordinance 90047, Section 18(B), as last amended by Ordinance
7 115994, Section 12) is further amended as follows:

8 **15.10.020 Lowest point.**

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

16 Section 29. Seattle Municipal Code Section 15.10.040
17 (Ordinance 90047, Section 18(D), as last amended by Ordinance
18 108846, Section 1) is further amended as follows:

19 **15.10.040 Lighting.**

20 The lighting under a marquee shall be at least equal to the
21 lighting in the nearby public place outside. If the marquee reduces
22 the natural or street light in a public place. ~~((any and all))~~ the
23 public place ~~((places))~~ under the ~~((a))~~ marquee shall be lighted
24 during the hours of darkness and on the same time schedule as the
25 municipal street lighting. Lights shall be designed, constructed
26 and maintained to provide a minimum average illumination on the
27 sidewalk of five (5) footcandles of light intensity. The lowest
28 footcandle value of any point shall not be less than one-half ($\frac{1}{2}$)
29 the average value.

30 Section 30. Seattle Municipal Code Section 15.10.050
31 (Ordinance 90047, Section 18(E), as last amended by Ordinance
32 108846, Section 1) is further amended as follows:
33

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1 **15.10.050 Obstructing streetlight, ~~((or))~~ utility pole,**
2 **or tree prohibited.**

3 No awning, canopy, ~~((or))~~ marquee, or other decorative element
4 shall be constructed at a location or in a manner which will
5 obstruct, obscure, or interfere with any street light or with any
6 utility pole or with any publicly-maintained street tree.

7 Section 31. Seattle Municipal Code Section 15.12.010
8 (Ordinance 90047, Section 19 as last amended by Ordinance 115994,
9 Section 14) is further amended as follows:

10 **15.12.010 Conformance to applicable regulations.**

11 A. All signs in public places and their supports shall be
12 reviewed ~~((approved))~~ as to structural strength and quality of
13 materials, and ~~((shall be checked))~~ for conformance to all applic-
14 able ordinances by the Director of Construction and Land Use ~~((prior~~
15 ~~to action by the Director of Engineering))~~.

16 B. All signs, banners, barber poles and street clocks
17 constructed upon or projecting over a public place shall conform to
18 SMC Chapter 23.55, and, except those located in park drives and
19 boulevards, to the decisions and policies of the Director of
20 Engineering.

21 C. No new signs, barber poles, or street clocks shall be
22 constructed over park drives and boulevards.

23 Section 32. Seattle Municipal Code Section 15.12.020
24 (Ordinance 90047, Section 20) is amended as follows:

25 **15.12.020 Barber poles.**

26 ~~((It shall be unlawful for anyone to erect any))~~ No barber pole
27 ~~((so that the same, together with))~~ or any of its brackets and
28 fastenings~~((7))~~ shall extend more than one foot (1') over or into
29 any public place, or so that the bottom thereof will be less than
30 eight feet (8') from the sidewalk.

31 Section 33. Seattle Municipal Code Section 15.12.030
32 (Ordinance 90047, Section 21, as last amended by Ordinance 115994,
33 Section 15) is further amended as follows:

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1 **15.12.030 Banners.**

2 ~~((It shall be unlawful for anyone to stretch, hang or otherwise~~
3 ~~place any))~~ No canvas or cloth sign or banner shall be stretched,
4 hung, or otherwise placed over or across any public place except
5 upon written permit issued by the ~~((Director of Engineering))~~ City
6 and then only upon such terms and conditions, and for such period of
7 time as ~~((such official shall direct))~~ authorized in the permit.

8 Section 34. Subsection B of Seattle Municipal Code Section
9 15.12.040 (Ordinance 90047, Section 22, part) is amended as follows:

10 B. No clock shall be more than fifteen feet (15') nor less
11 than twelve and one-half feet (12½') in height from the sidewalk to
12 the center of the ~~((dial))~~ clock face. Each dial ~~or the time on a~~
13 digital clock shall be illuminated from within only, by electric
14 light of not less than ninety (90) candlepower to each dial ~~or~~
15 number on a digital clock. The clock shall be kept ~~((burning))~~
16 lighted during the hours of the day in which the municipal street
17 lights are ~~((burning))~~ lit.

18 Section 35. Subsection B of Seattle Municipal Code Section
19 15.14.010 (Ordinance 90047, Section 19-A, as last amended by
20 Ordinance 11599A, Section 17), is further amended as follows:

21 B. The statement of purpose in Section 15.14.010A shall guide
22 ~~((the Director of Engineering))~~ City officials in determining the
23 overall public interest in regulating the placement, construction,
24 maintenance, size and appearance of newsstands.

25 Section 36. Seattle Municipal Code Section 15.14.020
26 (Ordinance 90047, Section 19-B, as last amended by Ordinance 106583,
27 Section 2) is further amended as follows:

28 **15.14.020 Placement without permit -- Exceptions.**

29 Except as otherwise provided in Sections 15.14.030, 15.14.040
30 and 15.14.050, publishers and distributors may place newsstands in
31 public places without a permit.

32 Section 37. Seattle Municipal Code Section 15.14.030
33 (Ordinance 90047, Section 19-C, as last amended by Ordinance 106583,

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1 Section 3) is further amended as follows:

2 **15.14.030 ((Mandatory)) Requirements.**

3 All newsstands in a public place shall align parallel with the
4 curb, allow at least five feet (5') of clear sidewalk space for
5 pedestrian passage, be detectable by pedestrians using canes for
6 guidance; and be maintained in a safe condition, able to withstand
7 strong winds, and in good repair at all times.

8 No newsstand shall:

9 A. Be placed or maintained so as to obstruct the use of any
10 crosswalk, wheelchair ramp, driveway, hydrant, or City emergency
11 facility, or be less than eighteen inches (18") from the curb;

12 B. Impair loading at any bus, taxi, passenger or truck load-
13 ing zone; hinder egress to parked vehicles in marked parking stalls;
14 obstruct sight lines of motorists at an intersection; orient toward
15 the roadway; or obscure any regulatory sign;

16 C. Be fastened to any Metro facility or any utility pole or
17 tree; or

18 D. Contain advertising other than that which relates exclu-
19 sively to the publication or publications sold; or be used for
20 purposes other than the sale of such publications.

21 Section 38. Seattle Municipal Code Section 15.14.040
22 (Ordinance 90047, Section 19D, as last amended by Ordinance 115994,
23 Section 18) is further amended as follows:

24 **15.14.040 When Permit Required -- Issuance.**

25 A. Without a permit from the authorizing official ((Director
26 of Engineering)), no newsstand shall:

27 ~~(1. Be placed or maintained so as to obstruct the use of~~
28 ~~any crosswalk, wheelchair ramp, driveway, hydrant, call box, or City~~
29 ~~emergency facility, or more than four feet (4') or less than eight-~~
30 ~~een inches (18") from the curb;~~

31 ~~2. Impair loading at any bus, taxi, passenger or truck~~
32 ~~loading zone; hinder egress to parked vehicles in marked parking~~
33 ~~stalls obstruct sight lines of motorists at an intersection; orient~~

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1 ~~toward the roadway; or obscure any regulatory sign;)~~

2 1. ~~((3-)) ((Be fastened to any Metro facility, any~~
3 ~~utility pole or tree or)) Be permanently affixed to ((or removed~~
4 ~~after affixation from)) the surface of any public place; provided~~
5 ~~that a modular unit newsstand for multiple publications may be~~
6 ~~bolted to a sidewalk without a permit if the owner or publisher~~
7 ~~first arranges with the authorizing official for its precise place-~~
8 ~~ment, and upon removal restores the sidewalk surface;~~

9 ~~((4. Contain advertising other than that which relates~~
10 ~~exclusively to the publication or publications sold; or be used for~~
11 ~~purposes other than the sale of such publications;))~~

12 2. ~~((5-)) Exceed size limitations set by the authorizing~~
13 ~~official ((Director of Engineering));~~

14 3. ~~((6-)) Conflict with design policies adopted for~~
15 ~~historical and special review districts or be placed within one~~
16 ~~hundred twenty feet (120') of the limits of a street improvement~~
17 ~~that provides for integration of newsstands into structures located~~
18 ~~therein;~~

19 4. ~~((7-)) Conflict with a rule or regulation adopted by~~
20 ~~the authorizing official ((Director of Engineering)) pursuant to SMC~~
21 ~~Section 15.14.070.~~

22 B. The authorizing official ~~((Director of Engineering))~~ may
23 issue a permit to allow the location of a newsstand or to allow an
24 action or condition restricted by SMC Section 15.14.040 A1 through
25 A4 ~~((7))~~ whenever the same constitutes a reasonable accommodation
26 that furthers the overall public interest.

27 Section 39. Seattle Municipal Code Section 15.14.050
28 (Ordinance 90047, Section 19-E, as last amended by Ordinance 115994,
29 Section 19) is further amended as follows:

30 **15.14.050 Congestion control.**

31 A. Without a permit ~~((from the Director of Engineering))~~ no
32 newsstand shall be placed within one hundred twenty feet (120') of
33 any corner or other location with more than four (4) newsstands, or

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1 ~~a ((of any intersection with more than twelve (12) newsstands, or~~
2 ~~the equivalent capacity in multiple publication)) modular unit~~
3 ~~newsstand((s)) ((or attended newsstands)) with a capacity of at~~
4 ~~least four units, or within one hundred twenty feet (120') of an~~
5 ~~attended newsstand.~~

6 B. As long as the requirements of Section 15.14.030 are not
7 violated, an authorizing official may defer enforcing the congestion
8 control criteria of Subsection A at a location until a complaint is
9 made by a publisher, distributor, property owner, or member of the
10 public.

11 C. ((B-)) If a complaint is made that the criteria in sub-
12 section A are exceeded, or an application is made for a permit under
13 this section, the authorized official ((Director of Engineering))
14 shall determine whether the totality of newsstands at such location
15 will conflict with the ((restrictions)) requirements of ((sub-
16 sections A1, 2, 5, or 6 of SMC Section 15.14.040)) Section
17 15.14.030. If no such conflict is evident, ((or if any such con-
18 flict would be allowed by virtue of the Director of Engineering's
19 issuance of a specific permit therefor, or if said Director finds
20 that the proposed newsstand together with the preexisting newsstands
21 represent)) and the authorizing official using the guidelines in
22 Section 15.14.010 shall determine that the placement represents a
23 reasonable accommodation furthering the overall public interest, the
24 authorizing official ((Director of Engineering)) may issue a permit.

25 D. ((B-)) Upon the timely appeal of the issuance or denial by
26 the authorizing official ((Director of Engineering)) of a permit for
27 a proposed newsstand under this section, the Street Use Appeals
28 Board shall determine: (1) whether there is a satisfactory alter-
29 nate location for such newsstand in the vicinity, and if no such
30 location exists, (2) whether an existing newsstand shall be dis-
31 placed for such proposed newsstand. When necessary, allocations of
32 space for newsstands at particular locations as provided herein
33 shall be made in a manner which:

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1 (a) Offers the public convenient access to all publica-
2 tions, whether of large or small circulation;

3 (b) Guarantees to all publishers a reasonable representa-
4 tion of their newsstands in public places;

5 (c) Provides opportunity for placement of newsstands for
6 new publications;

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

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

11 Before allocating space at any location, the Director of
12 Engineering or the Street Use Appeals Board, as the case may be,
13 shall afford the publishers affected a reasonable opportunity to do
14 so voluntarily.

15 Section 40. Seattle Municipal Code Section 15.14.070
16 (Ordinance 90047, Section 19-G, as last amended by Ordinance 115994,
17 Section 20) is further amended as follows:

18 **15.14.070 Authority of Director of Engineering.**

19 The Director of Engineering is authorized to:

20 A. Adopt rules and regulations implementing SMC Sections
21 15.14.020 through 15.14.080, including, but not limited to:

22 1. Establishing standards relating to advertising,
23 safety, maintenance, location and the fastening of newsstands to
24 traffic-control devices, and standards relating to the design of
25 newsstands located within downtown Seattle between Stewart Street on
26 the north, Sixth Avenue on the east, Yesler Street on the south and
27 First Avenue on the west, or located along Alaskan Way adjacent to
28 Piers 50 through 61, or located in the University District within
29 sixty feet (60') of the street margins of Northeast 45th Street
30 between Brooklyn Avenue Northeast and 15th Avenue Northeast, or
31 within sixty feet (60') of the street margins of University Way
32 between Northeast 42nd Street and Northeast 50th Street,

33 2. Requiring that every newsstand in any public place

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1 have the name, address, and telephone number of the owner or other
2 responsible party affixed thereto in a place where it may be easily
3 seen; and that every publisher maintain on file with the Director of
4 Engineering a current listing of newsstands placed in public places
5 as authorized in this chapter without a permit,

6 3. Prohibiting newsstands in any particular sidewalk
7 segment to alleviate congestion and maintain safe passage,

8 4. Requiring or providing for the relocation of news-
9 stands temporarily to accommodate construction, maintenance and
10 primary street uses,

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

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

19 C. Upon five (5) days' notice, or with such notice as may be
20 practical if emergency or unsafe conditions exist, impound news-
21 stands in violation of this chapter, including newsstands maintained
22 without a permit where a permit is required;

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

26 E. Recommend to the City's legislative authority for
27 adoption, by ordinance, of a schedule of fees for newsstands under
28 permit, for impounding and storage of newsstands, and for relocating
29 newsstands where authorized; ((and))

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

33 G. Allow two or more publications to share the use of a

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1 newsstand or the same space within a modular unit; and

2 H. Recommend to publishers particular modular unit newsstands
3 that comply with the standards of Section 15.14.040.

4 The Superintendent shall have comparable authority with respect
5 to newsstands in park drives and boulevards.

6 Section 41. Seattle Municipal Code Section 15.14.080
7 (Ordinance 90047, Section 19-H, as last amended by Ordinance 115994,
8 Section 21) is further amended as follows:

9 **15.14.080 Review and hearings ((by Street Use Appeals Board))**
10 **-- Appeals.**

11 Any person or publisher aggrieved by the placement of a news-
12 stand in a public place under the jurisdiction of the Engineering
13 Department or an action of the Director of Engineering with respect
14 to a newsstand may seek review of such action by filing within ten
15 (10) days after such action, a notice of appeal with the Street Use
16 Appeals Board on a form provided by ((said)) the Director or the
17 Board. Such notice shall identify the action being appealed, the
18 appellant's objections thereto, and the relief or action desired
19 from the Board. The Street Use Appeals Board shall then conduct a
20 hearing thereon. Unless an emergency or an unsafe condition exists,
21 a newsstand already in place shall remain in place during a timely
22 appeal until the Street Use Appeals Board makes its decision. The
23 Street Use Appeals Board may sustain, modify, ((or)) prohibit, or
24 reverse any such newsstand placement or action of the Director of
25 Engineering, and its decision shall be final and conclusive, subject
26 to judicial review.

27 Any person or publisher aggrieved by the placement of a news-
28 stand in a park drive or boulevard under the jurisdiction of the
29 Department of Parks and Recreation identified in Appendix I or shown
30 on the map as Appendix II or an action of the Superintendent with
31 respect to a newsstand may seek review of such placement by the
32 Superintendent, or if the action be that of the Superintendent, its
33 reconsideration by the Superintendent; and for that purpose, the
appellant may request a hearing by the Superintendent, sitting with

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1 the Board of Park Commissioners, by filing a notice of review within
2 ten (10) days after such action. At or promptly after the close of
3 the hearing, the Board shall give its advice and recommendations to
4 the Superintendent, whose decision shall be final and conclusive,
5 subject to judicial review.

6 Section 42. Seattle Municipal Code Section 15.14.090
7 (Ordinance 90047, Section 19-I, as last amended by Ordinance 106583,
8 Section 9) is further amended as follows:

9 **15.14.090 Newsstand policy in the Downtown Zones**
10 **((Central Business District)).**

11 It shall be the policy of the City to consider the location of
12 newsstands and the practicality of integrating newsstands into
13 structures being erected in the planning for projects in the
14 Downtown Zones (SMC Chapter 23.49) ((Central Business District))
15 involving the construction or reconstruction of a substantial
16 segment of sidewalk or other open area for pedestrian use, and to
17 utilize such integrated structures wherever practical in such areas,
18 and wherever appropriate to encourage the replacement of single
19 publication newsstands with attractive modular units.

20 Section 43. Seattle Municipal Code Section 15.16.020
21 (Ordinance 90047, Section 49(b), as last amended by Ordinance
22 109740, Section 6, part) is further amended as follows:

23 **15.16.020 Permit -- Application.**

24 In addition to the information required by Section
25 ~~((15.04.025))~~ 15.04.025, an application for a sidewalk cafe permit
26 shall state the anticipated periods of use during the year, and the
27 proposed hours of daily use, including Saturdays, Sundays and
28 holidays; and whether any liquor, as defined in RCW 66.04.010(6),
29 will be sold or consumed in the area to be covered by the permit.

30 Section 44. Seattle Municipal Code Section 15.16.030
31 (Ordinance 90047, Section 49(c), as last amended by Ordinance
32 109740, Section 6 (part)) is further amended as follows:

33 **15.16.030 Notification of surrounding tenants and owners.**

The Director of Construction and Land Use shall provide notice

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1 of receipt of an application for a sidewalk cafe permit and of his
2 or her decision to grant, deny, or condition the permit in accord-
3 ance with the notice provisions of the Master Use Permit ((Ordinance
4 ~~(109438)~~)) Process, SMC Chapter 23.76.

5 Section 45. Seattle Municipal Code Section 15.16.040
6 (Ordinance 90047, Section 49(d), as last amended by Ordinance
7 109740, Section 6, part) is further amended as follows:

8 **15.16.040 Terms and conditions.**

9 A. ((In the event and to the extent that)) ((t)) The Director
10 of Construction and Land Use may issue a permit for use of a side-
11 walk for sidewalk cafe purposes in the event and to the extent that
12 he or she determines that:

13 ((A-)) 1. The applicant is the owner or occupant of the
14 adjacent property and operates a cafe, ((e-)) restaurant, or tavern
15 thereon;

16 ((B-)) 2. The proposed use for a sidewalk cafe ((use))
17 would not unduly and unreasonably impair passage to and fro by the
18 public on the sidewalk for which the permit is sought and is consis-
19 tent with any applicable standards established by the federal
20 Americans with Disabilities Act; and

21 ((C-)) 3. The proposed sidewalk cafe area is included
22 within a food-service establishment permit pursuant to Seattle City
23 Code Chapter 13.20, or the Seattle-King County Director of Public
24 Health or his or her representative, has otherwise authorized such
25 a use of the area((+)).

26 B. The Director may include in the ((a)) permit ((for use of
27 sidewalk cafe purposes may be issued upon)) such terms and condi-
28 tions as ((said)) the Director may deem appropriate including, but
29 not limited to:

- 30 • restrictions as to the number and placement of tables and
31 chairs and as to the hours and dates of use;
32 • a requirement that the area be cleared when not in use as
33 a sidewalk cafe, or upon the order of the Director of

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1 Engineering or other appropriate City officer such as the
2 Chief of Police or Fire Chief or their authorized repre-
3 sentatives;

4 • ~~((and))~~ provision that the permittees shall maintain the
5 sidewalk in a clean and safe condition for pedestrian
6 travel;

7 • a requirement that the applicant clear the sidewalk as may
8 be necessary to accomplish deliveries to adjacent or other
9 nearby properties;

10 • regulations upon lighting and illumination of the sidewalk
11 cafe; limitations upon noise; and restrictions upon the
12 placement of furniture or equipment used in connection
13 with the sidewalk cafe;

14 • ~~((and))~~ the posting of a surety bond or establishment of
15 an escrow account in accordance with the provisions of
16 this ~~((sub))~~ title;

17 • if the sidewalk cafe causes a change in pedestrian travel
18 patterns, appropriate repairs to the sidewalk in the imme-
19 diate vicinity in order to accommodate the change or to
20 assure compliance with the federal Americans with Dis-
21 abilities Act;

22 • restoration of the sidewalk upon completion of the use.

23 C. ~~((provided that))~~ ~~((u))~~ Unless expressly authorized by the
24 City no pavement shall be broken, no sidewalk surface disturbed, and
25 ~~((that))~~ no permanent fixture of any kind shall be installed in or
26 on sidewalk area in connection with a sidewalk cafe.

27 D. The Director of Construction and Land Use or the Director
28 of Engineering may suspend or revoke the permission granted if an
29 applicant violates this ordinance, any implementing rules, or the
30 terms and conditions of the permit.

31 Section 46. Seattle Municipal Code Section 15.16.070
32 (Ordinance 90047, Section 49(g), as last amended by Ordinance
33 116368, Section 220) is further amended as follows:

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1 **15.16.070 Indemnity.**

2 The applicant for a sidewalk cafe permit shall execute and
3 deliver to the City upon a form supplied by the Director of
4 Engineering an agreement in writing and acknowledged by the
5 applicant, forever to hold and save the City free and harmless from
6 any and all claims, actions or damages of every kind and description
7 which may accrue to, or be suffered by any persons by reason of or
8 related to the operation of such sidewalk cafe. In addition, such
9 agreement shall contain a provision that the permit is wholly of a
10 temporary nature, that it vests no permanent right whatsoever, that
11 upon thirty (30) days' notice, posted on the premises, or by publi-
12 cation in the official newspaper of the City, or without such
13 notice, in case the permitted use shall become dangerous or unsafe,
14 or shall not be operated in accordance with the provisions of this
15 ((sub))title, the same may be revoked and the sidewalk cafe furni-
16 ture ordered removed.

17 Every such agreement, after it has been received in his or her
18 office and numbered, shall be filed with the City Clerk in the
19 records of his or her office.

20 Section 47. Chapter 15.17 of the Seattle Municipal Code,
21 now titled **Mobile Vending** is retitled **Vending**.

22 Section 48. There is added to Seattle Municipal Code
23 Chapter 15.17 a new Section 15.17.005, as follows:

24 **15.17.005 Vending and display in public places.**

25 It is unlawful to display for sale to the public or sell
26 goods, wares, merchandise or services in a public place, unless:

27 (a) the activity exercises a civil liberty or consti-
28 tutional right illustrated by Chapter 15.05;

29 (b) the activity implements a right or privilege
30 granted by state law; a license authorized by ordinance (e.g.,
31 Chapter 6.212, Taxicabs; Chapter 15.14, newsstands); or a
32 franchise granted by the City;

33 (c) the activity occurs in an area under permit that

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1 contemplates such an activity, e.g., a permit for a parade
2 issued by the Police Department (Chapter 11.25); an areaway or
3 sidewalk cafe (Chapters 15.08 and 15.16); street areas within
4 the Pike Place Market Historical District (Chapter 25.24) that
5 are being administered by the Pike Place Market Preservation and
6 Development Authority; a filming permit (Chapter 15.35); or a
7 permit for an event issued by the Special Events Committee
8 (Chapter 15.52);

9 (d) the seller is a "mobile food-service unit" making
10 sales of food or refreshments on a regular basis within a
11 district or on a route in compliance with the Food Code (Chapter
12 10.11) and rules of the Public Health Department and with
13 Sections 15.17.010 - .020; or

14 (e) the seller has received a permit therefor issued
15 pursuant to Sections 15.17.100 or 15.17.120.

16 Section 49. Subsection A of Seattle Municipal Code Section
17 15.17.010 (Ordinance 90047, Section 50, added by Ordinance
18 109271, Section 3) is divided into two sections, numbered
19 15.17.010 and 15.17.020, and amended as follows:

20 **15.17.010 Areas where mobile (~~peddling~~) vending**
21 **is restricted.**

22 ~~((A-))~~ Unless authorized by Section 15.17.020, it is
23 unlawful for any person to sell, offer for sale, solicit orders,
24 rent, lease, or otherwise peddle from a public place while walk-
25 ing, moving from place to place, using a mobile cart, using a
26 vehicle, or by any other mobile method, within the following
27 boundaries:

28 ~~((1-))~~ A. Beginning at the waterfront on Elliott Bay in a
29 direct line with West Prospect Street, then east to West Olympic
30 Place; then east along West Olympic Place to First Avenue West;
31 then north along First Avenue West to West Aloha Street; then
32 east along West Aloha and Aloha Streets to Westlake Avenue
33 North; then south along Westlake Avenue North and Westlake
Avenue to Eighth Avenue; then south along Eighth Avenue to South

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1 Jackson Street; then west along South Jackson Street to Elliott
2 Bay on the waterfront; then north along the waterfront to a
3 point in direct line with West Prospect Street, the place of
4 beginning.

5 ((2-)) B. Within two hundred feet (200') of any public
6 park, as defined in the Park Code, Ordinance 106615 as amended
7 (Seattle Municipal Code Chapter 18.12), or within two hundred
8 feet (200') of any public school.

9 ((3-)) C. Beginning at the junction of 15th Avenue N.E.
10 and N.E. 40th Street; then west on N.E. 40th Street to Brooklyn
11 Avenue; then north on Brooklyn Avenue to N.E. 50th; then east on
12 N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue
13 N.E. to N.E. 40th Street, the place of beginning, including both
14 sides of the streets and avenues mentioned.

15 **15.17.020 Mobile vending in restricted area.**

16 ((Provided, that)) ((s)) Selling is permitted in public
17 places in the ((above-described)) areas described in Section
18 15.17.010 by persons on foot along the route of any parade for
19 which a permit has been issued by the Police Department ((is
20 authorized,)) while the parade is in progress and for one (1)
21 hour prior to its commencement ((+)). ((provided further, that

22 ~~selling in the above-described areas is authorized if a Street~~
23 ~~Use Permit is obtained in accordance with this subtitle.))~~

24 Selling by persons on foot is also permitted in public
25 places in such areas when authorized by a permit for a crowd
26 control event issued pursuant to Chapter 15.52 and the selling
27 is in accordance with the terms of the permit.

28 A "mobile food-service unit" licensed by the Public Health
29 Department may sell food and beverages from a vehicle in public
30 places in such areas to personnel at business and industrial
31 establishments and at construction sites on a pre-arranged route
32 or a pre-arranged schedule. The driver and vehicle are subject
33 to the Traffic Code, Title 11.

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1 Nothing in this section authorizes selling as prohibited by
2 Section 15.17.050 in the vicinity of the Kingdome.

3 Section 50. Subsection B of 15.17.010 (Ordinance 90047,
4 Section 50, part, added by Ordinance 109271, Section 3) is
5 renumbered as Section 15.17.050 and amended as follows:

6 **15.17.050 Street vending near the Kingdome.**

7 It is unlawful to sell, offer to sell, solicit orders,
8 rent, lease, or otherwise peddle any goods or services in a
9 public place within the area bounded by ~~((Yesler Way))~~ the north
10 margin of South Jackson Street, ~~((Sixth Avenue South))~~ the east
11 margin of 4th Avenue South, the south margin of South Atlantic
12 Street)) and ((Alaska Way South)) the west margin of First
13 Avenue South within two (2) hours of the commencement of any
14 event scheduled at the Kingdome or during the progress of any
15 such event, or within one (1) hour following the conclusion of
16 the event.

17 Nothing herein shall restrict the sale of publications from
18 newsstands that are located within the area described above in
19 accordance with Chapter 15.14, nor the exercise of liberties
20 guaranteed by the Washington or United States constitutions.

21 Section 51. There is added to Seattle Municipal Code
22 Chapter 15.17 (Ordinance 90047, Section 50, added by Ordinance
23 109271, Section 3) new Sections 15.17.100, 15.17.150, and
24 15.17.200 as follows:

25 **15.17.100 Food and Flower vending by cart from a site.**

26 An authorizing official may issue a permit to authorize the
27 use of a public place for the sale of food, flowers, and non-
28 alcoholic beverages from a cart, stationed at an authorized
29 site, under the following terms and conditions:

30 A. Vending of food and beverages must meet all standards
31 established by the Seattle-King County Health Department, and if
32 propane or a combustible fuel is used, the requirements of the
33 Fire Department. Vending may not occur in a single-family or

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1 residential low-rise zone;

2 B. Food and beverages sold must be capable of immediate
3 consumption;

4 C. The cart for vending food and/or beverages may not be
5 more than five feet (5') long, five feet (5') high, and three
6 feet (3') wide; the authorizing official may also permit
7 awnings;

8 D. The cart must be capable of being pushed by one
9 person, with at least two functional wheels and positive wheel
10 locking devices;

11 E. The wheels of the cart must be locked while the vendor
12 is offering to conduct business, and the cart must be removed
13 from the public place after business hours;

14 F. The vendor must provide public liability insurance
15 naming the City as an additional insured in an amount determined
16 by the authorizing official by rule;

17 G. The vending site must be kept clean at all times.
18 When vending involves a container or wrapper, the vendor must
19 supply a refuse container;

20 H. No mechanical audio or noise making devices or hawking
21 is allowed;

22 I. Electrical utility connections are permitted to the
23 adjacent property, but no lines may be extended overhead or upon
24 the sidewalk;

25 J. The vendor must present to the City written approval
26 for the vending by the adjoining property and/or tenant; if the
27 tenant and property owner disagree, the property owner's deci-
28 sion controls;

29 K. If the vending occurs within two hundred feet (200')
30 of a park or public school, the vendor must present written
31 consent of the Superintendent of Parks and Recreation or the
32 Seattle School District, respectively; if the vending occurs
33 within two hundred feet (200') of a private school, the vendor

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1 must present proof of mailing or delivery of notice of the
2 application to the school's administrator and an opportunity for
3 comment shall be allowed. No vending of flowers may occur
4 within two hundred feet (200') of an established florist without
5 the written consent of the florist.

6 L. The vendor satisfies such other criteria and require-
7 ments as the authorizing official may establish from time to
8 time by rule in the public interest.

9 **15.17.150 Sidewalk displays.**

10 The Director of Engineering may issue a permit to the owner
11 or manager of a business upon adjoining property making sales at
12 retail to the public in a zone other than a single-family or
13 lowrise multi-family zone to display on a public sidewalk goods
14 or wares that are being offered for sale inside the business.
15 Sidewalk displays are subject to rules of the Director of
16 Engineering, the terms and conditions of the permit, and the
17 following criteria:

18 A. The display may not obstruct passage on the sidewalk
19 nor the use of any crosswalk, wheelchair ramp, bus or taxi load-
20 ing zone. The display must allow at least six feet (6') of
21 clearance for pedestrian passage to the nearest street trees;
22 utility pole; traffic control signs, parking meters, or fire
23 hydrants and may not be fastened to any of the foregoing.

24 B. The display must be flush against the building of the
25 adjoining property, must leave entrances and driveways clear,
26 and may not extend more than three feet (3') into the sidewalk;

27 C. The display must be removed during those hours that
28 the business is closed. If the display is in place before sun-
29 rise or after sunset, the display must be lighted and readily
30 visible to passing pedestrians on the sidewalk;

31 D. Sales of goods or merchandise displayed must occur on
32 the adjoining privately-owned property;

33 E. The display may not contain alcoholic beverages,

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1 tobacco, firearms or munitions, or any article which a minor is
2 prohibited by law from purchasing; nor any material restricted
3 by the Fire Code from direct access or handling by the public;

4 F. The display must be removed at any time that the
5 Director of Engineering, the Chief of Police, or the Fire Chief
6 determine that a clear sidewalk is needed for use of travel or
7 transportation, street cleaning or maintenance, street utility
8 work, a crowd control event or parade, or an emergency and
9 request removal;

10 G. The City assumes no responsibility for the items on
11 display, irrespective of whether the loss occurs through acci-
12 dent, collision, vandalism, theft or otherwise;

13 H. The applicant must provide public liability insurance
14 naming the City as an insured on any additional insured in an
15 amount determined by the authorizing official by rule; and

16 I. The applicant shall provide the City an indemnity
17 agreement and acknowledgment of the temporary nature of the
18 permission granted comparable to that required of sidewalk cafes
19 under Section 15.16.070.

20 **15.17.200 Constitutional liberties and street fairs.**

21 Vending in the exercise of constitutional liberties is
22 regulated as to time, place and manner by Chapter 15.05, and by
23 applicable rules adopted by the Engineering Department, the
24 Department of Parks and Recreation, and the Seattle Center.

25 An authorizing official may authorize vending in a public
26 place as part of a street fair, carnival, athletic activity, or
27 other public event authorized by and in accordance with a permit
28 issued by the Special Events Committee under Chapter 15.52.

29 Section 52. Seattle Municipal Code Chapter 15.18
30 (Ordinance 90047, Sections 23 (A) and 23 (B)) is retitled and
31 amended as follows:

32 **CHAPTER 15.18 DANGEROUS ((BUILDINGS)) STRUCTURES ON**
33 **ADJOINING PROPERTY**

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1
2 **15.18.010 Duty to maintain -- Notice of hazardous**
3 **condition -- barricading.**

4 A. The owner of a structure on property adjoining a
5 public place has an obligation to maintain it so that it does
6 not create a hazard to the public using the public place; and,
7 if a hazard to the public should develop, to promptly place
8 barricades in the public place to warn the public of the danger
9 and discourage entry into the area of risk. Upon discovering
10 the hazard, the owner shall immediately inform the Director of
11 Construction and Land Use, and, as to park drives and boulev-
12 ards, the Superintendent of Parks and Recreation, and as to
13 other public places, the Director of Engineering.

14 B. Whenever the ((~~Superintendent of Buildings~~)) Director
15 of Construction and Land Use finds that a building is unsafe,
16 according to ((~~the terms of~~)) the Building Code (SMC Title 22),
17 or any other ((~~effective~~)) applicable ordinance, and a hazard to
18 public safety, health or welfare may exist to members of the
19 public using ((~~an abutting~~)) a public place, then the authoriz-
20 ing official may in his or her discretion immediately barricade
21 the public place or require the owner or occupant of the adjoin-
22 ing property to set up barricades ((~~abutting sidewalk and/or~~
23 public place may be barricaded immediately)) to the extent
24 necessary, so as to prevent public access to such area in the
25 interest of public safety. ((~~+~~)) If the City incurs an expense
26 in erecting or maintaining barricades, the authorizing official
27 shall bill the owner or occupant the cost thereof together with
28 an administrative charge equal to fifteen percent (15%) of the
29 amounts expended.

30 ((~~and the Superintendent of Buildings~~)) The Director of
31 Construction and Land Use forthwith shall notify the owner or
32 his or her agent of such hazardous condition and to correct this
33 condition within ten (10) days from the date of notice thereof.

15.18.020 Construction of covered way.

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1 If ~~((such))~~ the hazardous condition described in Section
2 15.18.010 has not been corrected by the owner or agent within
3 the ten (10) day period, the owner or agent shall be notified to
4 obtain a permit for the construction and maintenance of a
5 covered way over that portion of the sidewalk or street area as
6 directed by the Director of Engineering, or in the case of
7 boulevards and park drives, by the Superintendent of Parks and
8 Recreation ((City Engineer)). The covered way shall comply with
9 the standards in Section 15.22.120, and with specifications in
10 City manuals for work in public places. ((In case of failure
11 of)) An owner or agent((-)) who fails to begin and complete
12 construction according to a permit or ((failure)) to obtain such
13 permit in the time specified ((may be)) is subject to the
14 penalties ((provided by this subtitle)) in Chapter 15.50. In
15 addition, ((and)) the City ((Engineer)) may cause such covered
16 way to be constructed and charge the cost plus fifteen percent
17 (15%) thereof against the property described, and such charges
18 shall be collected ((by laws governing)) in the manner of the
19 collection of debts.

20 Section 53. Seattle Municipal Code Section 15.20.010
21 (Ordinance 90047, Section 24 (A)) is amended as follows:

22 **15.20.010 Permit -- Required.**

23 ~~((When necessary to occupy a public place to clean or paint~~
24 ~~any building, wall, or sign, it)) It is ((shall be)) unlawful~~
25 ~~for anyone to ((undertake)) occupy a public place with scaffold-~~
26 ~~ing, ladders or equipment to clean or paint ((such cleaning or~~
27 ~~painting)) a building, wall, or sign without first ((having~~
28 ~~obtained)) obtaining a permit to do so from the ((City Engin-~~
29 ~~eer)) Director of Engineering, or, as to park drives and~~
30 ~~boulevards, the Superintendent of Parks and Recreation. No~~
31 ~~permit is required for using a single, attended ladder fourteen~~
32 ~~feet (14') or less in length, without other equipment. The~~
33 ~~((permit shall specify the portion of the public place which may~~

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1 ~~be occupied with)~~ term "equipment" includes machinery and power
2 tools for ((the)) generating ((or)) or applying steam, high-
3 pressure granular material, water, ((or)) compressed air, and/or
4 chemical solvents, paint and other coatings ((hanging scaffold,
5 or for any purpose whatsoever)).

6 Section 54. Seattle Municipal Code Section 15.20.020
7 (Ordinance 90047, Section 24 (B)) is amended as follows:

8 **15.20.020 Permit -- Contents; validity.**

9 The permit shall specify the portion of the public place
10 which may be occupied, the equipment that may be used, the dates
11 or days and hours of use, and the purpose. The ((A)) permit
12 ((issued under this chapter)) shall be valid only for the dates
13 or number of days stated, ((therein and)) for the occupation of
14 such portion of the public place ((street as is definitely)) set
15 forth, and at such hours as may be designated, and ((only)) for
16 the purpose of cleaning, painting, erecting or hanging scaffold
17 for the particular structure for which the permit is issued.

18 Section 55. Seattle Municipal Code Section 15.20.040
19 (Ordinance 90047, Section 24 (D)) is amended as follows:

20 **15.20.040 ((Certain)) Chemicals and contaminants.**
21 **(prohibited)**

22 The use of acids, ((or)) chemicals, ((or)) any other
23 cleaning material, paint or other coating is subject to and must
24 comply with rules and regulations of the Environmental Protec-
25 tion Agency and the Puget Sound Air Pollution Control Agency
26 both as to substances used and to the manner of application.
27 ((which, if precipitated in the street would cause injuries to
28 persons or damage to property, is prohibited, except as other-
29 wise provided for in this subtitle))

30 Section 56. Seattle Municipal Code Section 15.20.050
31 (Ordinance 90047, Section 24 (E)) is amended as follows:

32 **15.20.050 Scaffolding -- Compliance.**

33 All scaffolding shall comply with the provisions of ((this
subtitle pertaining to scaffolds)) Chapter 15.24 of this Code

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1 and to all ~~rules~~ ~~((requirements))~~ of the State ~~((Safety Codes))~~
2 of Washington, Department of Labor and Industries (WAC Title
3 296).

4 Section 57. Seattle Municipal Code Section 15.20.070
5 (Ordinance 90047, Section 24 (G)) is amended as follows:

6 **15.20.070 Public Protection ~~((Barricades))~~.**

7 Any person who uses a public place for cleaning or painting
8 a structure, with or without a permit, is required to protect
9 the general public from injury or damage. The general public
10 includes people who may also be using the public place in the
11 vicinity; vehicles that may be traveling or parked on the road-
12 way; and adjoining properties. Protective measures include,
13 where applicable, controls on spraying; placement of tarpaulin
14 or other coverings to intercept spillage or droppings; and
15 screening devices.

16 During cleaning or painting operations, a suitable portion
17 of the ~~((sidewalk or other public thoroughfare as required by~~
18 the City Engineer)) ~~public place shall be closed to the general~~
19 public; and barricades, warnings, or other traffic-control
20 devices required by the authorizing official shall be placed
21 ~~((barricaded))~~ in an approved manner. ~~((Specified)) ((h)) Hours~~
22 of operation and/or ~~((any)) additional construction may be~~
23 specified ~~((required))~~ to protect the public ~~((in passing said~~
24 point)) ~~from injury or damage.~~

25 Section 58. Seattle Municipal Code Section 15.20.080
26 (Ordinance 90047, Section 24 (H)) is amended as follows:

27 **15.20.080 Ladder safety.**

28 If a ladder more than fourteen feet (14') in height is used
29 in building, painting, or cleaning operations, ~~((there shall be~~
30 at all times a man)) a person shall be stationed at the base of
31 the ladder ~~((thereof)) at all times~~ in the interest of public
32 safety.

33 Section 59. Seattle Municipal Code Section 15.22, now

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1 titled **Building Operations**, is retitled **Building Construction/**
2 **Demolition.**

3 Section 60. Seattle Municipal Code Section 15.22.010
4 (Ordinance 90047, Section 25, as last amended by Ordinance
5 106780, Section 2 (part)) is further amended as follows:

6 **15.22.010 Compliance Required.**

7 ~~((In any district))~~ ((w)) When a building is to be erected,
8 razed, repaired or altered, the specifications set out in this
9 chapter shall be complied with by the owner of the building or
10 his or her agent.

11 Section 61. Seattle Municipal Code Section 15.22.020
12 (Ordinance 90047, Section 25(A), as last amended by Ordinance
13 115994, Section 23) is divided into four sections and further
14 amended as follows:

15 **15.22.020 Application for use permit.**
16 ~~((Investigation and issuance))~~

17 ((A-)) An application shall be filed with the Super-
18 intendent of Parks and Recreation for use of a park drive or
19 boulevard and with the Director of Engineering for use of other
20 public places ~~((street or walk area deemed necessary))~~ for
21 construction, demolition, or repair of a building. ~~((opera-~~
22 tions)) The application shall ~~((also))~~ specify the proposed use
23 of the area and the period of time the applicant desires to use
24 the specified area and be accompanied by a plan of the definite
25 limits of areas desired for use. ~~((, which))~~ The use shall be
26 confined to ~~((,))~~ the public place adjoining ~~((and abutting,))~~
27 the property to be improved. ~~((, provided, that upon))~~ but if
28 the application is accompanied by written permission of other
29 adjacent property owners, ~~((filed with the application and~~
30 approved by)) the ~~((Director of Engineering,))~~ authorizing
31 official ~~((such street use))~~ may allow the use of a public place
32 extending ~~((extend))~~ beyond the immediately adjoining property.
33 ~~((limits of the improvement))~~

15.22.022 Investigation.

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1 The Director of Engineering or the Superintendent of Parks
2 and Recreation as to park drives or boulevards shall investigate
3 the area ((~~adjacent to the place of such building construction,~~
4 ~~demolition or repair~~)) of the proposed use to determine the
5 traffic carried by the adjacent roadway and walks, and to deter-
6 mine the inconvenience and hazard to the public. The authoriz-
7 ing official may revise the applicant's plans and confine the
8 proposed use of the public place to an area that the official
9 finds to be consistent with public safety and use of the street
10 or boulevard for travel and transportation.

11 **15.22.024 Policies.**

12 It is City policy (1) to protect the public passage within
13 the existing roadways and walks; if (1) is not practical, then
14 (2) to authorize a detour around the work area on the same side
15 of a street or boulevard within the right of way; and if (2) is
16 not practical, then (3) to close the sidewalk, and as a last
17 resort, the street. In determining the practicality of an alter-
18 native, an authorizing official may take into consideration the
19 purpose of the proposed use, its hazard to the public and the
20 user's need for control of adjoining right-of-way, traffic
21 patterns (both pedestrian and vehicular), the terrain, the
22 impact of a detour or closure on adjoining properties and busi-
23 nesses, the expense of the alternative, and its duration. A
24 compelling need must be shown to close a bus or trolley route.
25 The authorizing official may limit a detour or closure to cer-
26 tain hours, such as work day while construction is in progress
27 on the adjoining site. ((B. ~~Such use of walk or street area~~
28 ~~abutting residential property, except on arterial highways and~~
29 ~~bus routes, shall be limited to the use of the street area~~
30 ~~between the sidewalk and curb and, where necessary, that area,~~
31 ~~adjacent to the outside of the curb, generally occupied by a~~
32 ~~parked automobile. On arterial highways and bus or trolley~~
33 ~~routes, the use of the street area is to be limited to the area~~

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1 ~~authorized by the Director of Engineering.)~~

2 15.22.026 Insurance; Conditions; Appeal.

3 A. ~~((C-))~~ Upon completion of the investigation of ~~((street~~
4 ~~use as applied for))~~ the application, the ~~((Director of Engin-~~
5 ~~ering))~~ authorizing official may grant the requested permit,
6 subject to the applicant's furnishing public liability insurance
7 and a ~~((cash))~~ deposit and/or surety bonds or an escrow account
8 as ~~((said Director))~~ the authorizing official deems necessary to
9 protect the City from any claims for damages to persons or
10 ~~((injury to public utilities))~~ or property or any other cause
11 arising out of the ~~((street))~~ proposed use. ~~((The Director of~~
12 ~~Engineering may revise the applicant's or permittee's plans and~~
13 ~~confine the use of the street to the area said Director finds to~~
14 ~~be of the greatest safety for the public.))~~

15 B. The ~~((Director of Engineering))~~ authorizing official
16 may alter a condition~~((s))~~ of the permit at any time ~~((said~~
17 ~~Director))~~ that the authorizing official finds that such use may
18 cause damage to persons or property ~~((things or to any improve-~~
19 ~~ments of the City))~~.

20 C. The Director of Engineering shall ~~((judge))~~ determine
21 the adequacy of protective devices installed in ~~((street area))~~
22 a public place to safeguard utilities and traffic control
23 devices.

24 D. All determinations of the Director of Engineering with
25 respect to the issuance or denial of permits under this chapter
26 ~~((for building operations shall be))~~ are subject to appeal to
27 the Street Use Appeals Board. A person aggrieved by a deter-
28 mination of the Superintendent may petition the Superintendent
29 for an opportunity for a hearing and reconsideration of the
30 decision.

31 Section 62. Seattle Municipal Code Section 15.22.030
32 (Ordinance 90047, Section 25(B), as last amended by Ordinance
33 106780, Section 2 (part)) is further amended as follows:

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1 **15.22.030 Fence or enclosure -- When required.**

2 A fence or enclosure shall be erected at any location at
3 which a building is to be erected, razed, repaired or altered,
4 and a hazard to pedestrian traffic is created: (A) within ten
5 feet (10') of a walk or roadway, (B) in a business district, or
6 (C) in any case deemed necessary by the City ((Engineer))
7 Director of Engineering or, as to park drives and boulevards,
8 the Superintendent.

9 Section 63. Seattle Municipal Code Section 15.22.040
10 (Ordinance 90047, Section 25(C) as last amended by Ordinance
11 106780, Section 2 (part)) is further amended as follows:

12 **15.22.040 Fence or enclosure -- Materials and**
13 **construction**

14 A. Fences or enclosures at building sites on which
15 construction or demolition ((operations are being performed))
16 activity occurs shall be ((solid and tight)) continuous for
17 their full length, except for such openings ((~~7~~)) which shall be
18 provided with sliding gates ((~~doors~~)) or hinged gates ((~~doors~~))
19 swinging inward, as may be necessary for the proper execution of
20 the work. The ((~~doors~~)) gates of such openings shall be secure-
21 ly fastened in a closed position when not in use.

22 B. Such fence, unless otherwise provided, shall be at
23 least seven feet (7') in height and shall, where practicable, be
24 erected before any work is commenced((~~7~~)). Whenever the author-
25 izing official determines that the construction or demolition
26 activity may create flying debris or dust or otherwise affect
27 pedestrians on a nearby walk or traffic on the adjacent roadway,
28 the fence shall be solid and tight, except for the gates for
29 entry or exit; view holes with protective screening provided for
30 the public; and, ((provided, that)) if the enclosure is adjacent
31 to a street intersection or corner, ((that)) a portion of the
32 fence from four feet (4') to seven feet (7') high which is
33 within thirty feet (30') each way from the corner of the fence
must be of wire mesh to provide for traffic visibility at all

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1 times, unless otherwise designated by the ~~(City Engineer)~~
2 authorizing official. Otherwise, a wire mesh fence may be used.

3 C. The fence shall be designed to withstand wind loads
4 and any other design factors imposed by the Seattle Building
5 Code (Title 22).

6 Section 64. Seattle Municipal Code Section 15.22.050
7 (Ordinance 90047, Section 25 (D), as last amended by Ordinance
8 106780, Section 2 (part)) is further amended as follows:

9 **15.22.050 Obstruction of utility or traffic**
10 **facilities prohibited.**

11 No materials, fence or shed shall obstruct the approach to,
12 or the normal functioning of a fire hydrant, maintenance hole
13 ((manhole)), fire alarm box, catchbasin, inlet, vault, valve
14 chamber, or any other public utility facility or traffic
15 ((facility)) control device which is within an area being used
16 by a permittee. A substantial protective frame, boarding, sand
17 bags, etc., shall be placed or built around every streetlight
18 pole, power pole, fire hydrant, and other utility facility or
19 traffic ((facility)) control device that may be damaged by work
20 being done on the adjacent property. This protection shall be
21 maintained while the work is being done, shall not obstruct the
22 normal function of the facility or device and ventilation of the
23 ((manholes)) maintenance holes, and shall be altered to provide
24 for emergency access to the facility or device during periods
25 when the ((workmen)) workers are not present nearby.

26 Access to standpipes, fire escapes, and other appurtenances
27 for fire safety of adjoining properties shall be preserved.
28 City-owned street trees shall be protected from injury unless
29 the authorizing official indicates otherwise.

30 Section 65. Seattle Municipal Code Section 15.22.060
31 (Ordinance 90047, Section 25 (E), as last amended by Ordinance
32 106780, Section 2 (part)) is further amended as follows:

33 **15.22.060 Removal of earth and debris.**

Earth taken from excavations and rubbish from buildings

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1 shall not be stored (~~on the sidewalk or other street area~~) in
2 a public place, but shall be removed (~~from day to day~~) as
3 rapidly as produced.

4 (~~Where such~~) Materials that are dry and apt to produce
5 dust when handled (~~by they~~) shall be kept sufficiently moist or
6 covered to prevent the wind blowing (~~the same~~) them about.
7 Building rubbish accumulating on upper floors and all rubbish,
8 plaster and other loose materials, produced while wrecking,
9 altering or repairing a building, must be lowered by elevators
10 in closed receptacles or by closed chutes connecting to vehicles
11 removing the same. When likely to produce dust, the chutes must
12 be provided with means of wetting waste to prevent the wind from
13 blowing it about.

14 Section 66. Seattle Municipal Code Section 15.22.070
15 (Ordinance 90047, Section 25 (F), as last amended by Ordinance
16 106780, Section 2 (part)) is further amended as follows:

17 **15.22.070 Mixing of mortar or concrete.**

18 It is unlawful to mix mortar or concrete in any public
19 place unless confined to a tight box or mixing board, and in no
20 case shall mixers or boxes be washed so that the water will run
21 into (~~the street~~) a public place unless free of all sand,
22 cement or any similar material.

23 Section 67. Seattle Municipal Code Section 15.22.080
24 (Ordinance 90047, Section 25 (G), as last amended by Ordinance
25 106780, Section 2 (part)) is further amended as follows:

26 **15.22.080 Repair of damage to public property.**

27 Any damage done to sidewalk, pavement, sewers, drain
28 inlets, catchbasins or any other public facility shall be
29 repaired as directed by the (~~City Engineer~~) Director of
30 Engineering as he or she finds necessary, and, if repaired by
31 the director, all costs plus fifteen percent (15%) shall be
32 charged against the owner, agent or contractor; except that:

33 (A) If the damage be to a park drive or boulevard, the

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1 Superintendent of Parks and Recreation may make the repairs and
2 charge the costs plus fifteen percent (15%) to cover administra-
3 tive expenses to the owner, agent or contractor;

4 (B) ~~((±))~~ If the authorizing official grants a permit ((is
5 granted so)) to do so, the owner, agent or contractor may
6 restore and repair such damages as required by, and under the
7 inspection of, the authorizing official ((City Engineer)) and;

8 (C) Injury to City-owned street trees shall be remedied in
9 the discretion of the authorizing official by compensation and/
10 or replacement so that the City is made whole.

11 If construction or demolition activities cause the City to
12 undertake additional maintenance activities in the vicinity
13 (such as street cleaning or sweeping; or clearing of its drain
14 inlets, catchbasins, or storm drains functioning; or removing or
15 other material from a public place), the authorizing official
16 may charge the owner, agent, or contractor responsible therefor
17 the cost of the added maintenance plus fifteen percent (15%) to
18 cover administrative expenses.

19 Section 68. Seattle Municipal Code Chapter 15.22 is
20 amended by adding a new Section 15.22.085, as follows:

21 **15.22.085 Excavations and cave-ins.**

22 The maintenance of lateral support during an excavation and
23 the responses to a cave-in or slide are regulated by Chapter
24 15.44.

25 Section 69. Seattle Municipal Code Section 15.22.100
26 (Ordinance 90047, Section 25 (H), as last amended by Ordinance
27 106780, Section 2 (part)) is further amended as follows:

28 **15.22.100 Permit to drive over sidewalk or curb.**

29 Whenever ~~((an excavation is to be made adjacent to a public~~
30 ~~place, or in any case wherein materials are to be))~~ construction
31 vehicles or heavy equipment are to be moved across a public
32 sidewalk or curb or a portion thereof not set aside as a drive-
33 way. ((and the adjacent street area is not being used under

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1 ~~permit while building~~) the owner, agent or contractor shall
2 secure a permit to drive over the walk and/or curb and shall
3 deposit cash, a surety bond, or both or establish an escrow
4 account (~~as provided in this subtitle and as directed by the~~
5 ~~City Engineer~~) as directed by the authorizing official.

6 Section 70. Seattle Municipal Code Section 15.22.110
7 (Ordinance 90047, Section 25 (J), as last amended by Ordinance
8 106780, Section 2 (part)) is further amended as follows:

9 **15.22.110 Protection of sidewalk and pavement.**

10 In using (~~the street area~~) a public place or driving over
11 walks and curbs, the contractor shall keep such walk and pave-
12 ment reasonably clean, properly protected (~~with planks~~) during
13 working hours, and safe for public travel; upon failure to do
14 so, the (~~City Engineer~~) authorizing official may place such
15 (~~planking~~) protective covering and cause such clean-up to be
16 made, and the cost thereof plus fifteen percent (15%) to cover
17 administrative expenses shall be charged to the contractor. Any
18 changes so made may be deducted from the contractor's deposits
19 on file or may be charged against his or her bond.

20 Section 71. Seattle Municipal Code Section 15.22.120
21 (Ordinance 90047, Section 25(K), as last amended by Ordinance
22 106780, Section 2 (part)) is divided into three sections
23 (15.22.120, 15.22.122, and 15.22.125) and further amended as
24 follows:

25 **15.22.120** (~~Types of protection required for pedestrians~~
26 ~~and motorists~~) Railings, barricades, and
walkways.

27 The following Table (~~No. 25~~) shall be used to establish
28 minimum requirements for pedestrian and motorist safety adjacent
29 to building sites, demolition sites, construction sites and
30 sites (~~locations~~) of excavations abutting upon or adjacent to
31 public places:

32 //

33 //

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1 **WALKWAY TABLE ((NO. 25))**

2 (Section 15.22.120)

3 Height of Construction	4 Distance from Construction	5 Protection Required
6 8 feet or less	7 1. Less than 6 feet	8 1. Railing (§ A)
	9 2. 6 feet or more	10 2. Barricades (§ B)
11 More than 8 feet	12 3. Less than one-fourth of the height of construction	13 3. Fence (§ C) and covered walkway (§ D & 15.22.122 - 125)
	14 4. More than one-fourth of the height of construction	15 4. Fence (§ C)
16 Excavation within 4 feet of the street margin		17 Railing with mid-rail (§ A). See also Chapter 15.44

18 The height of construction in the Table ((No. 25)) refers to the
19 height of the building ((s)) being built ((above the sidewalk grade)) on the adjacent building site above the sidewalk grade.
20 The distance from construction refers to the distance a pedestrian railing or fence is located from the nearest edge of the building site.

21 The protection((s)) ((are)) required in Column 3 is as follows:

22 A. Railing. A handrail not less three and one-half feet
23 (3½') high, capable of withstanding a fifty (50) pound load per
24 lineal foot applied horizontally to the top rail;

25 B. Barricades. Four (4) or more red or flashing amber
26 lights as required in Chapter 15.40;

27 C. Fence ((and Covered Walkway)). Sections 15.22.030 -
28 .040 apply.

29 D. ((Fence)) Walkway. A walkway is required unless the
30 sidewalk is closed. Section 15.22.122 applies to all walkways,
31 and, in addition, Section 15.22.125 applies when the walkway
32 table requires a covered walkway. ((A tight and secure fence of
33 board or chain link must be built adjacent to the building or

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1 ~~demolition site to protect pedestrians and motorists. It shall~~
2 ~~be at least seven feet (7') high, erected before demolition or~~
3 ~~construction begins, and designed to withstand wind loads and~~
4 ~~any other design factors imposed by the Seattle Building Code.~~
5 ~~The fence shall be located according to the permit require-~~
6 ~~ments.)~~

7 **15.22.122 All walkways -- Requirements.**

8 A. ~~((4-))~~ The walkway area shall have ~~((F))~~ four feet
9 (4') or more of clear walking width ~~((7))~~.

10 B. ~~((3-))~~ A tight fence of board or chain link shall
11 stand along ~~((its))~~ the entire length on the side abutting the
12 building site.

13 C. ~~((5-))~~ The walkway shall ~~((H))~~ have a handrail on the
14 roadway side, not less than three and one-half feet (3½') high
15 capable of withstanding a fifty (50) pound load per linear foot
16 applied horizontally to the top rail.

17 D. ~~((7-))~~ If the walkway is also used as a bus zone,
18 ~~((as required by the Traffic Division of the Engineering~~
19 ~~Department,))~~ as much of the handrail and wire mesh on the
20 roadway side as stipulated by the ~~((Traffic Division))~~ Director
21 of Engineering shall be omitted or removed from the walkway.

22 E. ~~((9-))~~ The walkway area shall be kept well lighted
23 continuously between sunset and sunrise, and at such other times
24 as necessary.

25 F. ~~((10-))~~ The walkway area shall ~~((H))~~ have warning
26 lights, painting and other devices prescribed by the Traffic
27 Control Manual for In-Street Work.

28 G. ~~((11-))~~ A well-defined walking surface must be
29 provided if pedestrians are to be routed off ~~((the))~~ a paved
30 sidewalk or into a roadway area ~~((for more than thirty (30)~~
31 ~~hours))~~. The walking surface must be solid and not slippery,
32 and the transition between the temporary walkway surface and the
33 sidewalk shall be without abrupt breaks or stubs ~~((to prevent~~

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1 ~~harm to handicapped persons. Pedestrians shall not be required~~
2 ~~to walk upon a roadway for more than thirty (30) hours and in~~
3 ~~such a case the roadway must be safe for walking and the pedes-~~
4 ~~trians carefully contained in a well defined space. Sleepers~~
5 ~~supporting a walking surface shall not obstruct drainage flow,~~
6 ~~and)) ((p)) Pedestrians shall not be required to walk in a~~
7 gutter. ((+))

8 **15.22.125 Covered Walkways.**

9 ((G-)) A covered walkway has a temporary protective roof
10 extending above a pedestrian walkway to be built and maintained
11 during construction or demolition on the adjacent property. In
12 addition to the requirements in Section 15.22.122, ((F))the
13 requirements of a covered walkway are:

14 A. ((2-)) The roof shall have eight feet (8') of clear-
15 ance above the walkway, and shall be tightly boarded with a
16 covering of roofing paper or other material to prevent water
17 from falling through.

18 B. ((4-)) The roof shall ((B)) be designed to carry the
19 loads imposed upon it, provided the minimum live load to be used
20 in design shall not be less than one hundred fifty (150) pounds
21 per square foot, uniformly loaded.

22 C. ((6-)) If the walkway is abutting upon or within the
23 roadway area, the roadway side shall be protected by a tight
24 board fence three and one-half feet (3½') high, and wire mesh or
25 other suitable material from the top of the handrail to the
26 roof.

27 D. ((8-)) If materials are stored or work is done on the
28 roof of the walkway, the roadway side of the walkway shall
29 extend one foot (1') above the roof, or as high as needed to
30 contain the material stored on the roof.

31 Section 72. Seattle Municipal Code Section 15.24.010
32 (Ordinance 90047, Section 26 (A)) is amended as follows:
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15.24.010 Requirements.

~~((It shall be unlawful for anyone to use any)) ((s)) Scaffold ((or)) and staging shall have, ((unless it has)) sufficient strength to support the weight to be placed upon it and ((unless it has)) sufficient width to prevent persons and materials from falling ((from it)). Tarpaulins and scaffolds shall be braced sufficiently or anchored to the building so that they will not fall or be blown about or otherwise collapse.~~

Section 73. Seattle Municipal Code Section 15.24.020 (Ordinance 90047, Section 26 (B) as last amended by Ordinance 115994, Section 24) is further amended as follows:

15.24.020 Permit required.

It ~~((shall be))~~ is unlawful for any person to erect, hang, build or maintain any scaffold or staging over any public place without a permit from the Director of Engineering, or as to park drives or boulevards, from the Superintendent of Parks and Recreation. However, a general permit for the use of the place while building or remodeling a structure shall carry with it the right for such scaffolding or staging.

Section 74. Seattle Municipal Code Section 15.20.060 (Ordinance 90047, Section 24 (F)) is renumbered as Section 15.24.030 and amended as follows:

~~15.24.030 ((15.20.060)) ((Scaffolding - Canvas)) ((t)) Tarpaulin required.~~

A substantial ~~((canvas))~~ tarpaulin shall be attached to the underside of ~~((such))~~ a scaffold or staging where directed by the ~~((City Engineer))~~ Director of Engineering or the Superintendent as to park drives and boulevards in such a manner as to stop any spray, ~~((dirt))~~ debris, or other material from spreading on the ~~((street))~~ surface below.

Section 75. Seattle Municipal Code Chapter Section 15.26.010 (Ordinance 90047, Section 27) is divided into two sections and amended as follows:

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1 **15.26.010 Authority of City ((Engineer**
2 **-- Billing of costs)).**

3 ((After the completion of any work for which a permit has
4 been granted, if the same shall have involved an excavation or
5 disturbance of the surface of any public place,)) ((t))The
6 ((City Engineer)) Director of Engineering, or as to park drives
7 and boulevards, the Superintendent of Parks and Recreation,
8 shall have the control of the refilling and restoring of
9 ((same)) any public place to its proper condition, after an
10 excavation or other use has disturbed its surface. The author-
11 izing official may allow or require the permittee to complete
12 the backfilling or restoration subject to City inspection or the
13 City may perform the work itself. ((and))

14 **15.26.020 Billing of Costs.**

15 The authorizing official shall bill the permittee for the
16 City's cost of refilling and restoration according to one of the
17 two following methods:

18 A. A standard set amount for the City's work according to
19 a schedule of fees prepared by the authorizing official and
20 approved by ordinance when the fixed charge fairly reflects an
21 average amount and using a fixed figure furthers the public
22 convenience and ease of administration; or

23 B. ((t))The actual cost ((thereof)) to the City for the
24 work plus fifteen percent (15%) to cover administrative
25 expenses.

26 The method shall be determined before the City work com-
27 mences. The charge shall be billed to the ((person)) permittee
28 or deducted from the ((grantee's)) permittee's indemnity deposit
29 or escrow account.

30 Section 76. Seattle Municipal Code Chapter 15.28
31 Ordinance 90047, Section 28-A as last amended by Ordinance
32 108382, Section 2 (part) is retitled as follows:

33 **15.28 ((HOUSE)) BUILDING AND EQUIPMENT MOVING**

 Section 77. Seattle Municipal Code Section 15.28.010

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1 (Ordinance 90047, Section 28 A(A) as last amended by Ordinance
2 108382, Section 2 (part)) is further amended as follows:

3 **15.28.010 Permit required.**

4 It is unlawful to move a building or equipment which
5 requires relocation of utility wires or cables along or across
6 any public place without a permit to do so from the ~~((City))~~
7 Director of Engineering ((Department)). When the move is along
8 or across a park drive or boulevard the Director shall coordi-
9 nate with the Superintendent of Parks and Recreation and the
10 permit is subject to the Superintendent's concurrence.

11 Section 78. Seattle Municipal Code Section 15.28.020
12 (Ordinance 96047, Section 28A(B) as last amended by Ordinance
13 116368, Section 221) is further amended as follows:

14 **15.28.020 Bond and insurance.**

15 A. Bond. ~~((No such permit to move a building along or~~
16 ~~across any public place shall be issued unless))~~ ~~((t))~~ The
17 applicant ~~((has furnished))~~ shall furnish to the Director of
18 Engineering, for filing with the City Clerk a surety bond
19 approved as to form by the City Attorney in an amount determined
20 in accordance with Section 15.04.040, or have deposited a like
21 amount into an escrow account under Section 15.04.042. If the
22 Director elects to forego making an individual determination as
23 to a particular application, the amount shall be ~~((of five~~
24 ~~Thousand Dollars (\$5,000.00))~~ Ten Thousand Dollars (\$10,000),
25 and conditioned upon the requirements of Sections 15.04.040
26 ~~((and 15.04.050))~~ through 15.04.044 ~~((relating to cash indemnity~~
27 ~~funds)),~~ subject to RCW 19.72.107. The bond shall be further
28 conditioned to pay all costs and expenses contemplated by
29 Sections 15.28.040 through 15.28.070, including the making of
30 any necessary repairs to public places or facilities caused
31 ~~((indemnify and save harmless the City from all claims, actions~~
32 ~~or damages of every kind and description which may accrue to or~~
33 ~~be suffered by the City))~~ by reason of the permittee's opera-

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1 tions in moving a building or equipment on or along any public
2 place.

3 B. Insurance: In addition to the bond, the applicant
4 shall furnish to the Director of Engineering (~~(, for filing with~~
5 ~~the City Clerk,)~~) a certificate stating that the City is
6 included as an additional insured on his(~~(/))~~ or her protective
7 public liability insurance. The amount and coverage shall be
8 deter-mined in accordance with Section 15.04.045, but, in lieu
9 of making an individual determination as to the particular
10 appli- cation, the Director may stipulate that ((~~F~~))the
11 insurance shall provide for a limit of not less than ((~~Two~~
12 ~~Hundred and Fifty Thousand Dollars (\$250,000.00))~~) One Million
13 Dollars (\$1,000,000) for all damages arising out of bodily
14 injuries to, or death of any persons in any one (1) accident;
15 and shall also provide property damage liability insurance
16 providing for a limit of not less than ((~~Seventy-five Thousand~~
17 ~~Dollars (\$75,000))~~) One Hundred Fifty Thousand Dollars
18 (\$150,000) for all damages arising out of injury to or destruc-
19 tion of property in any one (1) accident. The insurance shall
20 state that the Director of Engineering shall be given ten (10)
21 days' notice of any change, cancellation or expiration of such
22 insurance policy.

23 C. ((~~F~~)) Revocation: The Director of Engineering may
24 revoke a permit at any time upon a failure to comply with any of
25 the terms of the permit or this chapter or upon the conditions
26 in Section 15.04.070. ((In the event anyone granted a permit
27 under this chapter fails to comply with any of the terms of this
28 subtitle, the permit may be revoked by the Director of Engineer-
29 ing-))

30 Section 79. Seattle Municipal Code Section 15.28.030
31 (Ordinance 90047, Section 28-A(C) as last amended by Ordinance
32 115994, Section 25) is further amended as follows:
33

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1 **15.28.030 Application for permit.**

2 ~~((All))~~ Every application~~((s))~~ for a permit to move a
3 building~~((s))~~ or equipment which requires relocation of utility
4 wires or cable through ~~((r))~~ or across a public place~~((s))~~ of
5 the City shall be made to the Director of Engineering on a form
6 provided by the Director ~~((of Engineering))~~. Every such appli-
7 cation shall state the location of the building to be moved, its
8 dimensions and ~~((its))~~ principal materials, ~~((r))~~ and shall
9 ~~((definitely))~~ describe the route over which the building is to
10 be moved, the length of time that will be required to move it,
11 and the proposed new location thereof. Before any permit to
12 move a building to a site within the City is issued, specific
13 written approval must be obtained from the Department of
14 Construction and Land Use. The concurrence of the Superinten-
15 dent of Parks and Recreation is necessary if the building or
16 such equipment will be moved along or across a park drive or
17 boulevard; and ~~((P))~~ the approval of all ~~((public))~~ utilities
18 ~~((owned and operated by the City))~~ is also necessary, if those
19 utilities are to be disturbed.

20 Section 80. Seattle Municipal Code Section 15.28.040
21 (Ordinance 90047, Section 28-A(D) as last amended by Ordinance
22 108382, Section 2 (part)) is further amended as follows:

23 **15.28.40 Removal or trimming of trees or shrubbery.**

24 Where the removal or trimming of any ~~((shade))~~ trees or
25 other shrubbery is necessary, the building or equipment mover is
26 required to obtain from the owner thereof a written release for
27 any damages, holding the City free of any liability or damages
28 whatsoever. If the building or equipment is to be moved along
29 or across any boulevard or other public place controlled ~~((and~~
30 ~~planted))~~ by the Parks and Recreation Department, the building
31 or equipment mover is also required to have written approval
32 from the Superintendent of Parks and Recreation.

33 Section 81. Seattle Municipal Code Section 15.28.050

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1 (Ordinance 90047, Section 28-A(E) as last amended by Ordinance
2 108382, Section 2 (part)) is further amended as follows:

3 **15.28.050 Wires and cables -- relocation and costs;**
4 **trees in boulevards or parks.**

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

17 The Director of Engineering shall determine the probable
18 injury and cost which the moving of a building or equipment will
19 cause to owners of wires and cables that are at or above minimum
20 vertical clearances over the surface of the public place, and
21 also the probable injury and inconvenience the severance of such
22 wires and cables will cause to patrons of public utilities. The
23 Superintendent shall determine the probable injury and cost of
24 restoration or loss which the moving of a building or equipment
25 along or across a park drive or boulevard or a street abutting
26 a park will cause to the department's trees and shrubbery. Such
27 findings shall be endorsed upon the application for permit.

28 Section 82. Seattle Municipal Code Section 15.28.060
29 (Ordinance 90047, Section 28-A(F), as last amended by Ordinance
30 11994, Section 26) is further amended as follows:

31 **15.28.060 Determination of probable interference.**

32 A. Investigation. The Director of Engineering shall
33 ascertain the probable interference with the rights of the
public that such moving will cause, and any other facts which

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1 may aid in determining whether or not such permit should be
2 granted. The Director of Engineering shall also prescribe the
3 time such moving shall be done, the route to be followed and
4 such traffic barricades and escorts and any other stipulations
5 such official may deem necessary for public safety and con-
6 venience. The determinations of the Director shall be subject
7 to the concurrence of the Superintendent with respect to move-
8 ment along or across a park drive or boulevard.

9 B. Opportunity for Hearing. If the Director of Engineer-
10 ing finds that the injury and inconvenience to the public, to
11 owners of private property, and to public utilities is minor, or
12 that the affected parties consent to the move, and the Superin-
13 tendent concurs in authorizing the movement planned along or
14 across a park drive or boulevard, ((said)) the Director may
15 grant the permit without a hearing. If the Director of
16 Engineering finds that there would be substantial injury or
17 inconvenience to the public, to public utilities or to owners of
18 private property and there are unresolved objections to the move
19 ((is apparently greater than the value of the building to be
20 moved)), the Director shall notify the applicant that the permit
21 may only be granted through a public hearing process; and, if
22 the applicant so requests, the Director shall schedule a hearing
23 before the Street Use Appeals Board.

24 C. Hearings. If a hearing is scheduled, ((said)) the
25 Director shall notify the applicant and the owners or agents of
26 the properties that may be affected of the date, time, and place
27 of the public hearing before the Street Use Appeals Board ((will
28 conduct a public hearing)) regarding such application ((and
29 set a date for this hearing)). At this hearing, all persons
30 interested may appear and offer their opinion regarding whether
31 or not such permit should be granted.

32 D. ((G-)) Cost of advertising. Whenever the Director of
33 Engineering determines that a public hearing must be held to

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1 determine whether or not a permit to move a building or equip-
2 ment should be granted, the applicant shall pay the cost to the
3 City for advertising the hearing. (~~Payment shall be made to the~~
4 ~~City Treasurer or such official's functional successor and the~~
5 ~~receipt thereof shall be delivered to the Director of Engineer-~~
6 ~~ing. The receipt number for the sum shall be recorded on the~~
7 ~~application for the permit.~~)

8 E. Decision. Based upon the findings of the Director of
9 Engineering with respect to such application and the testimony
10 received during its public hearing on such application, the
11 Street Use Appeals Board shall determine whether or not such
12 permit shall be granted.

13 Section 83. Seattle Municipal Code Section 15.28.070
14 (Ordinance 90047, Section 28A(6), as last amended by Ordinance
15 108382, Section 2 (part)) is further amended as follows:

16 **15.28.070 Grantee to bear expenses.**

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

24 Section 84. Seattle Municipal Code Section 15.30.040
25 (Ordinance 90047, Section 29) is renumbered as Section 15.04.012
26 and amended as follows:

27 **15.04.012 ((15.30.040)) Nuisances.**

28 ((All)) Any structure((s)) built, excavation((s)) made,
29 and/or material placed in or on any public place by anyone
30 ((holding a franchise from the City)) without a permit therefor
31 first having been obtained, as provided in this ((chapter))
32 title ((provided shall)) may be deemed a public nuisance((s)).
33 ((and in addition to the penalties provided for violation of

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1 ~~this subtitle,))~~ In the discretion of the authorizing official
2 identified in Section 15.04.015, such nuisances ((shall)) may be
3 abated with or without action at law, and/of such other proceed-
4 ings ((shall)) may be taken ((thereof)) as are authorized by law
5 and the ordinances of the City for the prevention, abatement and
6 punishment of nuisances. ((and it shall be no defense to any
7 prosecution or proceeding under this chapter that the person
8 violating the same has a franchise to use or occupy such public
9 place.))

10 Section 85. Seattle Municipal Code Section 15.30.050
11 (Ordinance 90047, Section 29 (part) as last amended by Ordinance
12 115994, Section 30) is renumbered as Section 15.32.050 and
13 amended as follows:

14 **15.32.050 ((15.30.050)) Deferment of ((permit action))**
15 **construction.**

16 The ((Director of Engineering)) authorizing official may,
17 in such official's reasonable discretion, defer ((the action
18 ef)) construction or other activity under any permit provided
19 for in this chapter, until such time as such official deems
20 proper in all cases where the public place on which the work is
21 desired to be done is occupied or about to be occupied in any
22 work by the City, or by some other person having a right to use
23 the same in such manner as to render it seriously inconvenient
24 to the public to permit any further obstruction thereof at such
25 time, and in granting such permit, may so regulate the manner of
26 doing such work ((as shall)) in order to cause the least incon-
27 venience to the public in the use of such public place; and in
28 all cases any work of the City or its contractors or employees
29 for municipal purposes shall have precedence over all work of
30 every other kind.

31 Section 86. Seattle Municipal Code Chapter 15.32
32 (Ordinance 90047, Section 30 (part), as last amended by
33 Ordinance 115994, Sections 31 and 32) is retitled as follows:

15.32 FRANCHISE AND PUBLIC UTILITY PERMITS AND REGULATIONS

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1 Section 87. Seattle Municipal Code Section 15.32.010
2 (Ordinance 90047, Section 30 (part) as last amended by Ordinance
3 115994, Section 31) is further amended as follows:

4 **15.32.010 Permit -- Required.**

5 It is (~~shall be~~) unlawful for anyone (~~acting as a per-~~
6 ~~son, firm, company, corporation or association having the right~~
7 ~~under the Charter, any ordinance or franchise or under any other~~
8 ~~law~~) to construct, maintain and operate on, under or over the
9 streets, alleys or public places of the City, any railroad or
10 streetcar tracks, pipes, ducts, utility tunnels, vaults, main-
11 tenance holes ((manholes)), poles, fixtures, wires or any other
12 appurtenants necessary for the purpose of conducting any lawful
13 business, either public or private, or to go upon any such
14 public place to perform any work therein which will disturb the
15 surface of the street, planting strip or sidewalk, or to occupy
16 area upon the surface or beneath the surface of the street,
17 planting strip or sidewalk, without complying with all the
18 provisions of any ordinance in relation thereto and obtaining
19 and having a permit from the Director of Engineering for such
20 purpose, or as to park drives and boulevards, a permit from the
21 Superintendent of Parks and Recreation. ((Permits issued by the
22 Director of Engineering may be revoked on ten (10) days'
23 notice.)) This prohibition includes everyone, whether an
24 individual or a corporation or association; whether acting as an
25 individual or as employee or agent of another; and whether or
26 not the person has a right under the Charter, any ordinance or
27 franchise, or any other authority of law to conduct business
28 within a public place.

29 Section 88. Seattle Municipal Code Section 15.32.020
30 (Ordinance 90047, Section 30 (part) as last amended by Ordinance
31 116334, Section 1) is divided into Sections 15.32.020 through
32 15.32.040, and 15.32.060 through 15.32.150, inclusive, and
33 further amended as follows:

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1 **15.32.020 Terms of use and occupancy (~~of streets~~).**

2 The terms and conditions of the use and occupancy of public
3 streets and alleys in the City by anyone constructing or operat-
4 ing under authority of this chapter and ordinances amendatory
5 thereto shall be (~~as follows:~~) provided in Sections 15.32.020
6 through 15.32.130.

7 **15.32.030 Application.**

8 (~~A-~~) Anyone desiring to place or maintain in any public
9 place any of the authorized facilities mentioned in (~~SME~~)
10 Section 15.32.010 shall, prior to the commencement of any
11 construction work, file (~~with the Director of Engineering~~) an
12 application for a permit therefor with the Director of
13 Engineering, or in the case of a park drive or boulevard, with
14 the Superintendent of Parks and Recreation (collectively herein
15 the "authorizing official"). The application shall be on a form
16 furnished by the authorizing official. The authorizing official
17 may require that the application be accompanied by a plat drawn
18 to an accurate scale, conforming to such reasonable rules and
19 regulations as such official may prescribe, and showing the
20 exact location, character, position, dimension, depth and height
21 of the work proposed to be done.

22 **15.32.040 Review.**

23 Prior to the granting of any permit, the authorizing offi-
24 cial may require such modifications or changes to the proposed
25 work as such official deems necessary to properly protect the
26 public in the use of the public place, and shall in the permit,
27 if the same be granted, fix the time or times within and during
28 which such work shall be done. The authorizing official (~~If a~~
29 permit allowing such construction is issued, the Director of
30 Engineering) shall have the power to (~~supervise,~~) regulate
31 (~~and direct~~) the construction and enforce permit and ordinance
32 requirements. The authorizing official shall keep a record of
33 the permit and the work done thereunder.

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1 **15.32.060 Payment of fees.**

2 ((B-)) Anyone doing construction work under permit ((~~from~~
3 ~~the Director of Engineering~~)) pursuant to this Chapter shall, in
4 addition to the permit fee authorized in ((SME)) Section
5 ((~~15.04.070~~)) 15.04.074, pay to the City for deposit into the
6 ((~~Engineering Department Operating~~)) Transportation Fund or in
7 the case of park drives or boulevards, the Park and Recreation
8 Fund such amounts as, in the judgment of the ((~~Director of~~
9 ~~Engineering~~)) authorizing official, are reasonably necessary to
10 investigate and process ((any)) the application for construction
11 work, inspect such work, secure proper field notes for location,
12 plat such locations on the permanent records of the ((~~Engineer-~~
13 ~~ing~~)) Department, and inspect or reinspect as to maintenance,
14 during the progress of or after the repair of, any construction
15 placed under permits previously issued.

16 **15.32.070 Additional ducts or conduits.**

17 ((E-)) Anyone constructing under authority of this chapter
18 and ordinances amendatory thereof any underground ducts or
19 conduits, shall((~~-~~)):

20 A. ((w)) When the number of main line ducts or conduits
21 exceeds two (2), reserve free of cost to the City for the exclu-
22 sive use of governmental communication, traffic signal, and
23 other governmental signal purposes, additional ducts in the
24 proportion of one (1) duct for every five (5) or less construct-
25 ed; provided, the ((~~Director of Engineering~~)) authorizing
26 official may, in such official's reasonable discretion, limit
27 the number of ducts to be reserved; and

28 B. Upon request provide the City with additional duct or
29 conduit space over and above the duct or conduits planned to be
30 constructed for the entity holding the permit or provided free
31 to the City pursuant to subsection A above. Such additional
32 ducts or conduits shall be of a size and configuration specified
33 by the City and shall be dedicated to the City. The City shall

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1 have the right to use the ducts and conduit for any purpose,
2 including but not limited to leasing them to other entities.
3 The incremental costs of adding the specified ducts and conduits
4 for the City shall be borne by the City.

5 **15.32.080 Joint use poles.**

6 ((D-)) A. Attachments to City-owned poles shall be
7 governed by this chapter and policies adopted by the City in
8 accordance with this chapter. See particularly Section
9 15.32.300.

10 B. Anyone erecting or maintaining ((operators of)) any
11 privately-owned pole((s)) installed under the authority of this
12 chapter shall permit joint use of such pole((s)) to another who
13 is authorized to construct and maintain such a pole or attach-
14 ments thereto if directed to do so by the ((Director of Engin-
15 earing)) authorizing official and shall obey any order issued by
16 the ((Director of Engineering)) authorizing official relative to
17 the joint use of such pole((s)).

18 C. Other than the City, anyone who pursuant to subsection
19 B makes a joint use of a privately-owned pole or set of poles of
20 another shall pay to the owner a reasonable proportion of the
21 cost of installing and maintaining the pole or set of poles,
22 respectively, provided, by mutual agreement the affected parties
23 may adopt an alternative arrangement for compensation. Section
24 15.32.090 denies compensation for use of a privately-owned pole
25 by the City for government communication.

26 **15.32.090 City use for governmental communication.**

27 ((E-)) Anyone erecting or maintaining poles under author-
28 ity of this section shall allow the City the right, free of
29 charge, to attach, maintain and operate its governmental com-
30 munication and signal wires and/or fixtures, on crossarms, or on
31 the poles erected and so maintained.

32 **15.32.100 Painting poles.**

33 ((F-)) Anyone erecting or maintaining poles under author-

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1 ity of this chapter shall, upon order of the ((Director of
2 Engineering)) authorizing official, paint or repaint its poles
3 to such height and in such colors and at such times as said
4 official may direct.

5 **15.32.110 Accommodating moving of building and equipment.**

6 ((G.)) Anyone ((having)) maintaining wires, cables, or
7 appurtenances in a public place whether under authority of a
8 franchise from the City, or as a utility under permit without a
9 franchise, upon seven (7) days ((twenty-four (24) hours))
10 notice from the ((Director of Engineering)) authorizing offi-
11 cial, shall ((, at his, her or its own cost and expense,))
12 disconnect or move his, her or its wires, cables or appurten-
13 ances to allow for the moving of buildings or equipment across
14 or along any such street, alley, or other public place; pro-
15 vided, that the advance notice may be reduced to twenty-four
16 (24) hours if the wires, cables or appurtenances are below the
17 minimum clearance set by law or regulation and in the case of an
18 emergency. ((any)) The cost to the franchise holders of moving
19 the wire, cable or appurtenance ((affected exceeding, in the
20 judgment of the Director of Engineering a reasonable percentage
21 of the value of the building,)) shall be borne ((by the person
22 desiring to move the building.)) as follows: (a) by the fran-
23 chise holder if the wires, cables or appurtenances are below the
24 minimum vertical clearance required by state statutes, City
25 ordinance, or rules of the authorizing official, above the
26 surface of the public place, and no adjustment would be neces-
27 sary if the minimum clearance had been maintained, and (b) by
28 the person desiring to move the building or equipment under
29 other circumstances.

30 **15.32.120 Displacement for public use.**

31 ((H.)) Anyone upon order of the ((Director of Engineer-
32 ing)) authorizing official shall upon ten (10) days' notice, at
33 his, her or its own cost and expense, move any underground,

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1 surface or overhead ((construction)) facilities which inter-
2 fere((s)) with any local improvement district work or with any
3 construction for ((public)) street or transportation purposes
4 authorized or ordered by the City.

5 **15.32.130 Undergrounding overhead wiring.**

6 ((F-)) Anyone maintaining over any street, alley or other
7 public place, any overhead construction, either poles or wires,
8 shall place the same underground upon being directed to do so by
9 the City ((Council, which notice may be given either by resolu-
10 tion or)) by ordinance ((of such City Council)); provided, that
11 all other public utility companies maintaining overhead con-
12 struction shall be subject to such ((resolution or)) ordinance.

13 **15.32.140 Removal.**

14 ((F-)) Anyone accepting permits under the terms of this
15 chapter for the installation of any pipe, duct, utility tunnel,
16 vault, maintenance hole ((manhole)), pole, wire or any other
17 appurtenance shall remove such installation when it is no longer
18 required or used, and the ((Director of Engineering)) author-
19 izing official orders ((the)) its removal ((thereof)).

20 **15.32.150 Indemnity.**

21 ((K-)) A. Anyone accepting permits under the terms of
22 this chapter shall, in addition to the provisions provided for
23 in this ((sub)) title, indemnify and save the City free and
24 harmless from any liability, loss, cost, damage, trouble, or
25 expense due to casualty, accident or damages either to person or
26 property which may at any time arise or occur by reason of the
27 construction, maintenance, operation or use of conduits, pipes,
28 ducts, utility tunnels, vaults, maintenance holes, ((manholes)),
29 poles, wires or any other appurtenances of any character placed
30 under authority of this chapter. Such indemnity is required
31 until the conduits, pipes, ducts, utility tunnels, vaults,
32 maintenance holes, ((manholes)) poles, wires or any other
33 appurtenances are removed from the ((street)) public place, or,

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1 until the City furnishes a written release of the requirement to
2 the owner ((thereof)).

3 B. In addition the City may require that anyone accepting
4 such a permit((s)) provide the City with additional indemnifica-
5 tion, such as an indemnification from a parent company, and/or
6 the City may require that ((they)) the permittee provide proof
7 of ((specific)) insurance ((provisions)) acceptable to the City
8 which covers potential exposure to the City.

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

12 Section 89. Seattle Municipal Code 15.32.030 (Ordinance
13 116633, Section 2), captioned "Attachments to City-owned poles,"
14 is renumbered Section 15.32.300.

15 Section 90. Subsections B(3)(h) and (i) of Section
16 15.32.300 (Ordinance 116633, Section 2, adding Section
17 15.32.030, "Attachments to City-owned poles," and renumbered by
18 Section 89 of this ordinance as 15.32.300) are amended as
19 follows:

20 **15.32.300 Attachments to City-owned poles.**

21 B. 3. (h) As a condition of securing the City's permis-
22 sion to use its poles for attachment of cable, all applicants
23 shall be required to permit co-lashing to their own cable of up
24 to two (2) other cables, which may be owned and operated by
25 other entities. All cable attachments that initially occupy a
26 space on a City-owned pole shall be required to provide an
27 external or internal support ("messenger") wire that is capable
28 of supporting two other cables in addition to the initial cable
29 installed by the applicant. Owners of cable subsequently co-
30 lashed to the initial cable shall pay the owner of the initial
31 cable a proportionate share of the cost of the messenger wire.
32 All entities co-lashing together shall be required to provide
33 one another with reciprocal indemnity provisions equivalent to

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1 those which must be granted to the City by each of them pursuant
2 to ((SMC 15.32.020(K-)) Section 15.32.150. Co-lashing shall not
3 be required of any applicant until all other spaces on the pole,
4 other than the City's reserved space, have been utilized. The
5 City Light Department shall issue a Department Policy and Proce-
6 dure for providing co-lashing space based on costs, operational
7 convenience, and other criteria which are developed in the
8 course of producing such Department Policy and Procedure.

9 (i) In addition to the indemnification required by
10 Section 15.32.150 ((SMC 15.32.020(K-))), the City may require
11 that the applicant provide the City and entities permitted to
12 co-lash with additional indemnification, such as indemnification
13 from a parent company, and/or require that the applicant provide
14 proof of specific insurance provisions acceptable to the City
15 which cover potential exposure of both the applicant and the
16 City.

17 Section 91. Seattle Municipal Code Section 15.35.010
18 (Ordinance 115942, Section 1) is amended as follows:

19 **15.35.010 Permits for Filming.**

20 To accommodate filming motion pictures and videotaping
21 productions and pursuant to a filming permit, the Director of
22 Engineering, or as to park drives and boulevards, the Superin-
23 tendent of Parks and Recreation, may close public places for a
24 duration consistent with preserving necessary access to
25 ((abutting owners)) adjacent properties; authorize temporary
26 changes in the appearance thereof; relocate street signs and
27 other fixtures; permit erection of temporary structures and
28 parking of vehicles in designated areas longer than twenty-four
29 (24) hours or parking meter limits; and provide other appro-
30 priate services.

31 Applications for a filming permit shall be made ((in)) to
32 the permitting authority ((same manner as a street use permit)),
33 and when issued the permit shall be in the nature of a master

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1 permit for the activities described, covering uses contemplated
2 by Chapter 15.08 through 15.46, inclusive.

3 Section 92. Seattle Municipal Code Section 15.36.010
4 (Ordinance 90047, Section 32) is amended as follows:

5 **15.36.010 Permits -- Authority ((of City Engineer)).**

6 The ((City)) Director of Engineering, or as to park drives
7 and boulevards, the Superintendent of Parks and Recreation, may
8 grant permits to raise and/or lower safes, machinery or any
9 other heavy articles into and from buildings and to occupy in so
10 doing such portion of the ((street and sidewalk)) public place
11 as the ((City)) authorizing official may deem necessary and
12 subject to such conditions and regulations as ((he)) may be
13 prescribed for the safety and convenience of the public.

14 Section 93. Seattle Municipal Code Section 15.38.010
15 (Ordinance 90047, Section 33 as last amended by Ordinance
16 108020, Section 5) is divided into Sections 15.38.010 through
17 15.38.030 and further amended as follows:

18 **15.38.010 Procedure generally.**

19 A. Seizure. The Director of Engineering, and as to park
20 drives and boulevards, the Superintendent of Parks and Recrea-
21 tion (collectively, the "authorizing official") may take custody
22 of any personal property ((Any object or thing, except a news-
23 stand in compliance with this subtitle,)) which is in a public
24 place without a permit as follows:

25 1. Immediately with respect to property which con-
26 stitutes a hazard to public safety or obstructs travel or
27 transportation;

28 2. Immediately with respect to property identified
29 in Section 15.38.040 or Sections 15.48.100 -.110;

30 3. In accordance with the statute or section cited
31 as to property within Section 15.38.050;

32 4. After twenty-four (24) hours of continuous occu-
33 pancy, when a permit is required for the occupancy; ((shall

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1 ~~occupy continuously any public place for a period of more than~~
2 ~~twenty-four (24) hours, is a nuisance)) and/or~~

3 5. After a reasonable time, when the location of the
4 property reflects a circumstances described in Section 15.38
5 .060.

6 B. Persons authorized. ~~((and)) ((t))The ((City~~
7 ~~Engineer)) authorizing official may ((seize and impound the~~
8 ~~same)) remove and dispose of the property, in accordance with~~
9 ~~the section of this chapter which is most nearly applicable~~
10 ~~under the circumstances. The ((seizure shall)) impounding may~~
11 ~~be made ((by the City Engineer, or,)) under ((his)) the direc-~~
12 ~~tion of the authorizing official by any City employee ((of the~~
13 ~~City Engineering Department or)) by any police officer, by a~~
14 ~~contractor, or by an authorized volunteer.~~

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

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

26 15.38.020 Storage, notice, fees.

27 A. Impounding. Upon taking custody, the authorizing
28 official ((The one making such seizure)) shall take ((such
29 object or thing)) the personal property ((and store, impound,
30 and detain the same at)) to any City storage yard or building
31 ((until the same is redeemed or sold as provided in this
32 chapter)) unless any of Sections 15.38.030 through .050 or
33 Sections 15.48.110 -.120 shall apply.

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1 B. Notice to Owner. If the owner or custodian of the
2 impounded property is known, the authorizing official shall give
3 notice to the owner or custodian of the impounding and storage;
4 the charge for the impound and the rate for storage; and the
5 manner of making claim for the property; and, if the owner or
6 custodian fails to make claim within sixty days, the authorizing
7 official may sell or otherwise dispose of the property as un-
8 claimed. Notice of property with a value of Twenty-Five Dollars
9 (\$25.00) or less may be given orally at the time of seizure or
10 by telephone.

11 C. Notice when owner unknown. If the property has a value
12 of One Hundred Dollars (\$100.00) or more and the owner or custo-
13 dian is not known, then the authorizing official shall publish
14 notice of its impounding in the City's official newspaper; and,
15 if the property is not claimed within sixty (60) days after the
16 date of publication, the authorizing official may sell or other-
17 wise dispose of the property as unclaimed. If the property has
18 a value less than One Hundred Dollars (\$100.00) but more than
19 Twenty Five Dollars (\$25.00) and the owner or custodian is
20 unknown, notice shall be posted at the site if practical, and if
21 not practical, the seizure itself shall be deemed sufficient
22 notice, and the property may be disposed of after sixty (60)
23 days unless sooner claimed.

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

32 15.38.030 Sale of impounded property.

33 A. If, at the expiration of ((two {2} days from and after

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1 ~~the time of seizing and impounding any such object or thing, the~~
2 ~~same is not redeemed and)) the time set forth in Section~~
3 ~~15.38.020 the property has not been released to the owner ((by~~
4 ~~payment of costs and fees as provided in this chapter, the City~~
5 ~~Engineer shall proceed to give fifteen (15) days' notice, by~~
6 ~~publication, in the official newspaper of the City, of the time~~
7 ~~and place where he will offer such object or thing for sale at~~
8 ~~public auction, unless for good and sufficient reason the period~~
9 ~~of sale be postponed from time to time)), the property is sur-~~
10 ~~plus to the City's needs, and has a sufficient value for sale.~~
11 ~~the authorizing official may arrange for its sale at public~~
12 ~~auction or through the City's Director of Administrative~~
13 ~~Services in conjunction with the sale of surplus City property.~~

14 ~~B. ((and when sold he)) Upon sale of the property, the~~
15 ~~authorizing official shall ((proceed to)) deposit the proceeds~~
16 ~~((pay all expenses theretofore incurred by reasons of the sei-~~
17 ~~zure and impounding and all other necessary expenses incurred by~~
18 ~~the advertising and sale of the same, and shall pay the residue~~
19 ~~into)) into the City Treasury. ((The notice of sale shall des-~~
20 ~~cribe the object or thing intended to be sold with reasonable~~
21 ~~certainty, and shall state to whom, if anyone, the City Engineer~~
22 ~~believes the same belongs, and if the name of the owner is~~
23 ~~wholly unknown to the City Engineer, that fact shall be stated~~
24 ~~in the notice, and in case such owner shall be known to the City~~
25 ~~Engineer, and can be found within the City, a copy of such~~
26 ~~notice shall be served upon him, at least one (1) day prior to~~
27 ~~the sale.))~~

28 ~~C. At any time within six (6) months from and after the~~
29 ~~date of the sale, the former owner ((thereof)), upon proper~~
30 ~~application to the authorizing official ((City Treasurer)), and~~
31 ~~upon presentation of satisfactory proof that he or she was the~~
32 ~~owner of the ((object or thing)) property sold, shall receive~~
33 ~~the residue of the proceeds of such sale, after deducting the~~

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1 ~~((necessary)) expenses of seizure, impounding, advertising and~~
2 ~~sale and charges under the fee schedule. ((and)) The right to~~
3 ~~the proceeds conferred under this subsection expires if at the~~
4 ~~((expiration)) end of six (6) months the former owner shall not~~
5 ~~have applied to the City therefor. ((Treasurer, as provided in~~
6 ~~this section, the residue of the proceeds of such sale shall be~~
7 ~~turned into the general fund. The fees for any of the foregoing~~
8 ~~services shall be the cost thereof plus fifteen (15%)-))~~

9 ~~((B. If no sale is consummated, the thing shall be disposed~~
10 ~~of in a manner determined by the City Engineer.))~~

11 Section 94. There are added to Seattle Municipal Code
12 Chapter 15.38 four new sections as follows:

13 **15.38.040 Seizure and summary disposal.**

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

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

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

27 3. Any contraband or other property which it is
28 unlawful to produce or possess; any object declared a nuisance
29 by statute or City ordinance where summary abatement is author-
30 ized; and, unless authorized by permit from the Fire Chief, any
31 explosives or other substances that may present a danger to
32 public safety;

33 4. Any unauthorized sign, signal or marking as

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1 defined in RCW 46.61.075 or Seattle Municipal Code Sections
2 11.50.520 through 11.50.560; and

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

7 If the property is of a character that it appears to be of
8 interest to the Chief of Police, the authorizing official shall
9 allow the Chief an opportunity to take possession as contem-
10 plated by RCW 63.21.050 -.060 and RCW Chapter 63.32, and if the
11 Chief declines to take custody, the authorizing official may
12 dispose of it.

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

18 **15.38.050 Motor vehicles; boats; animals; newsstands.**

19 The impoundment and disposition of abandoned and/or un-
20 authorized vehicles is regulated by Seattle Municipal Code
21 Chapter 11.30 and RCW 46.55.080 through 46.55.115, and as to a
22 vehicle, watercraft, camper, or component part thereof whose
23 manufacturer's serial or distinguishing number or mark has been
24 removed or altered by RCW 46.12.310 -.340. The Director of
25 Engineering and the Superintendent are authorized to assist the
26 Chief of Police and the Director of Licenses and Consumer
27 Affairs in arranging for the removal thereof from public places.

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

30 The impounding of newsstands is regulated by Seattle Muni-
31 cipal Code Section 15.14.070.

32 **15.38.060 Evictions; evacuations; emergencies.**

33 A. Reasonable Opportunity. An authorizing official shall

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1 allow the owner or custodian a reasonable opportunity to remove
2 his or her personal property from a public place or make other
3 disposition whenever privately-owned property is placed into the
4 sidewalk or planting strip pursuant to: (a) an eviction ordered
5 by the Superior Court; (b) an evacuation of premises pursuant to
6 an order of the Fire Chief; (c) activities of firefighters in
7 the course of extinguishing a fire or explosion; or (d) a storm,
8 slide, disaster or other catastrophe.

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

25 C. Notice to Remove. The authorizing official shall
26 provide written notice to the owner or custodian at his or her
27 address, if known; if the owner or custodian or either's address
28 is not known, or the owner or custodian is not available at the
29 site, the authorizing official may post notice to remove pro-
30 perty on the sidewalk or planting strip. The notice shall
31 direct the owner or custodian to remove his or her property, set
32 a time for completion of removal; and inform the owner that if
33 the property is not so removed, the City will take possession

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1 and remove the same at the owner's or custodian's costs and
2 expense.

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

7 E. Impounding and/or Disposition. Upon expiration of the
8 deadline for removal, the authorizing official may impound the
9 property remaining in the public place; and as to those items
10 within the criteria of Section 15.38.040, make summary disposi-
11 tion and as to the remainder, make disposition in accordance
12 with Section 15.38.040.

13 **15.38.070 Presumption.**

14 Personal property in a public place is presumed to be aban-
15 doned by the owner or custodian so as to permit an authorizing
16 official to take custody whenever:

17 1. The property is placed out for collection in con-
18 junction with solid waste or recyclable material on the
19 scheduled date for City collection, or it is placed there on a
20 date contemporaneous with a community collection or clean-up;

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

26 3. No name appears on the property and the occupant or
27 owner of the adjacent real property on inquiry disclaims owner-
28 ship, and there is no permit for such a use of the public place;
29 or

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

33 Whenever the presumption applies, a claimant has the burden

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1 of establishing his or her ownership or right to custody in
2 seeking a release of the property impounded.

3 Section 95. Seattle Municipal Code Section 15.40.010
4 (Ordinance 90047, Section 34(A) as last amended by Ordinance
5 111017, Section 1) is further amended as follows:

6 **15.40.010 Lights and barricades required --**
7 **Posting on obstructions in streets.**

8 It (~~shall be~~) is unlawful for anyone, in any manner, to
9 obstruct, excavate or tear up any public place, without provid-
10 ing safe and adequate guidance to pedestrian and vehicle traffic
11 moving past the site. Such guidance shall consist of signs,
12 barricades and/or warning lights. The design and location of
13 such devices shall conform to the City's Traffic Control Manual
14 for In-Street Work, and as to park drives and boulevards,
15 standards set by the Superintendent of Parks and Recreation.
16 These devices shall be removed at the completion of the work or
17 the removal of obstructions in public places, providing the
18 surface (~~of the roadway~~) has been restored to the satisfaction
19 of the City (~~Director of Engineering~~).

20 Section 96. Seattle Municipal Code Section 15.40.030
21 (Ordinance 90047, Section 34(C) as last amended buy Ordinance
22 103891, Section 1 (part)) is further amended as follows:

23 **15.40.030 Placement by City -- Payment of costs.**

24 The (~~City Engineer~~) Director of Engineering or, as to
25 park drives and boulevards, the Superintendent of Parks and
26 Recreation (collectively the "authorizing official") is
27 authorized to place barricades and warning lights at unguarded
28 or inadequately guarded excavations, obstructions, or other
29 dangerous conditions existing in any public place, and anyone
30 causing or permitting such condition shall pay the cost of
31 (~~such~~) barricading and lighting by the City according to a fee
32 schedule established by ordinance. (~~at the rate of Ten Dollars~~
33 ~~\$10.00 per day or part thereof for the first barricade and One~~
~~Dollar (\$1.00) per day or part thereof for each additional~~

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1 ~~barricade, provided, when such a hazardous condition develops~~
2 ~~after completion of work in a public place the charges provided~~
3 ~~in this section shall commence twenty-four (24) hours after~~
4 ~~notice from the City Engineer of the existence of such hazardous~~
5 ~~condition.))~~

6 Section 97. Seattle Municipal Code Section 15.40.040
7 (Ordinance 90047, Section 34(D) as last amended by Ordinance
8 103891, Section 1 (part)) is further amended as follows:

9 **15.40.040 ((Authority of City Engineer)) Finality of**
10 **Determination.**

11 The ((City Engineer's)) judgment of the authorizing offi-
12 cial shall be final as to the number and adequacy of lights and
13 barricades at all obstructions and excavations.

14 Section 98. Seattle Municipal Code Section 15.40.050
15 (Ordinance 90047, Section 34(E), as last amended by Ordinance
16 103891, Section 1 (part)) is further amended as follows:

17 **15.40.050 Unlawful acts designated.**

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

22 Section 99. There are added to Seattle Municipal Code
23 Chapter 15.44 new subchapters I "Excavations and Fills in Public
24 Places" to contain new Sections 15.44.003 and 15.44.006, and II
25 "Excavations and Fills Beside Public Places" containing Sections
26 15.44.010 through 15.44.170.

27 Section 100. There are added to Seattle Municipal Code
28 Chapter 15.44 new sections 15.44.003 and 15.44.006, as follows:

29 **15.44.003 Permit -- required.**

30 It is unlawful to make any excavation or fill in or upon
31 any public place without a permit from the Director of Engineer-
32 ing, or as to park drives and boulevards, the Superintendent of
33 Parks and Recreation (collectively called the "authorizing
official"). This section shall not apply to activities of the

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1 City for the purpose of street or boulevard maintenance; activi-
2 ties of City contractors in performing public works contracts in
3 accordance with the plans and specifications of an authorizing
4 official; gardening activities for the care of planting strips
5 and unimproved streets as contemplated by Section 15.02.048; and
6 tree planting in unimproved areas in conformance with Chapter
7 15.42.

8 **15.44.006 Permit procedures.**

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

12 Section 101. Seattle Municipal Code Section 15.44.010
13 (Ordinance 90047, Section 41(a), as last amended by Ordinance
14 109507, Section 1 (part)) is further amended as follows:

15 **15.44.010 Barricades and warning devices.**

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

21 Section 102. Seattle Municipal Code Section 15.44.020
22 (Ordinance 90047, Section 41(b), as last amended by Ordinance
23 109507, Section 1 (part)) is further amended as follows:

24 **15.44.020 Excavation and fill near (~~improved~~) public
25 places -- Permit.**

26 It (~~shall be~~) is unlawful to excavate or fill in excess
27 of three feet (3'), measured vertically, on private property
28 within any area between the vertical prolongation of the margin
29 of a (~~n-improved~~) public place, and a one hundred percent
30 (100%) slope line (forty-five degrees (45°) from a horizontal
31 line) from the existing elevation of the margin of (~~the~~
32 ~~traveled surface of~~) a (~~n-improved~~) public place to the
33 proposed elevation of the private property, without first
obtaining a permit from the Director of (~~Engineering~~)

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1 Construction and Land Use to do so, and no work shall commence
2 toward such excavation or fill until a permit therefor has been
3 issued (~~by the Director of Engineering~~)

4 Section 103. Seattle Municipal Code Section 15.44.030
5 (Ordinance 90047, Section 41(c), as last amended by Ordinance
6 109507, Section 1 (part)) is further amended as follows:

7 **15.44.030 Permit -- Security.**

8 A. An applicant for the permit (~~provided for in~~)
9 required by Sections 15.44.003 or 15.44.020 shall post or cause
10 the owner or contractor to post security with the City in an
11 amount determined by the authorizing official to be sufficient
12 to cover the following:

13 1. All charges and payments due under this (~~sub~~)
14 title;

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

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

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

23 c. The expense of safety precautions and emer-
24 gency measures to protect the public, street utilities and any
25 adjacent public place, including but not limited to the expense
26 of placing signs, barricades, fences, and traffic detours; and

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

32 B. Upon notice to the applicant, the (~~Director of~~
33 ~~Engineering~~) authorizing official may at any time increase or

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1 reduce the amount of the required security or waive the same as
2 conditions warrant.

3 C. The party posting the security may elect whether the
4 security will be in the form of a cash indemnity deposit or a
5 surety bond approved as to ~~(amount and sufficiency by the~~
6 ~~Director of Engineering and as to the estimates of subsection A~~
7 ~~2 of this section, substitute in lieu thereof a policy of insur-~~
8 ~~ance indemnifying the City for such costs))~~ surety and form by
9 the City Attorney, or a combination of a cash indemnity deposit
10 and a surety bond.

11 Section 104. Seattle Municipal Code Section 15.44.040
12 (Ordinance 90047, Section 41(d), as last amended by Ordinance
13 109507, Section 1 (part)) is further amended as follows:

14 **15.44.040 Permit -- Liability insurance.**

15 An applicant for the permit ~~((provided for in))~~ required by
16 Sections 15.44.003 or 15.44.020 shall maintain in full force and
17 effect public liability insurance in an amount sufficient to
18 cover potential claims for bodily injury, death, or disability
19 and for property damage, which may arise from or be related to
20 the excavation or fill covered by any such permit or the opera-
21 tion of equipment used in connection with such excavation or
22 fill and naming the City as an additional insured, or in lieu
23 thereof, cause the owner or contractor to maintain the same.
24 The ~~((Director of Engineering))~~ authorizing official may require
25 that such insurance be provided prior to issuance of the permit,
26 and with the concurrence of the City's risk manager, may waive
27 the same for neighborhood improvement or beautification pro-
28 jects.

29 Section 105. Seattle Municipal Code Section 15.44.050
30 (Ordinance 90047, Section 41(e), as last amended by Ordinance
31 109507, Section 1 (part)) is further amended as follows:

32 **15.44.050 Permit -- Indemnity**

33 An applicant for the permit ~~((provided for in))~~ required by

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1 Sections 15.44.003 or 15.44.020 shall agree to at all times
2 protect and save harmless the City from all claims, actions,
3 suits, losses, and expenses of every kind and description which
4 may accrue to or be suffered by any person or persons or pro-
5 perty or by the City by reason of any excavation or fill for
6 which a permit has been issued pursuant to Section 15.44.020
7 and/or by reason of soldier piles and other shoring placed or
8 left situated within a public place and shall agree to compen-
9 sate the City for damages to the ((street)) public place and the
10 utilities therein, and for costs of repair, reconstruction, and
11 restoration of the ((street)) public place, including but not
12 limited to the expenses of such repair, reconstruction or
13 restoration, construction of temporary facilities and bypasses,
14 traffic redirection, barricades, fences and other measures taken
15 to protect the public, the ((street)) public place and utilities
16 therein, and for the extraction of soldier piles and other
17 materials that are situated within a public place for shoring
18 purposes and will be removed as part of and prior to completion
19 of a construction project for which the permit is sought.

20 Section 106. Seattle Municipal Code Section 15.44.060
21 (Ordinance 30047, Section 41(f), as last amended by Ordinance
22 109507, Section 1 (part)) is further amended as follows:

23 **15.44.060 Entry and inspection.**

24 The filing of an application for a permit ((~~provided for~~
25 ~~in~~)) required by Section 15.44.020 or the making of an excava-
26 tion or fill described in Section 15.44.020, shall constitute
27 consent by the applicant, contractor, and property owner for the
28 ((~~Director of Engineering~~)) authorizing official to enter upon
29 the property at reasonable times and to inspect and investigate
30 the soil conditions, the progress of the excavation or fill, or
31 any facts and circumstances related to the application, permit
32 or excavation or fill.

33 Section 107. Seattle Municipal Code Section 15.44.070

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1 (Ordinance 90047, Section 41(g), as last amended by Ordinance
2 109507, Section 1 (part)) is further amended as follows:

3 **15.44.070 Special plans.**

4 A. If the safety or stability of a public place may be
5 jeopardized by an excavation or fill described in Section
6 15.44.020, the (~~Director of Engineering~~) authorizing official
7 may require special plans, specifications and proposed methods
8 of construction to be submitted for (~~his~~) approval prior to
9 issuing the permit (~~provided for in~~) required by Section
10 15.44.020.

11 B. Approval of the plans shall not relieve the contractor
12 and/or owner making such excavation or fill of responsibility
13 (~~of the contractor~~) for damages, expenses or costs which may
14 result from the excavation or fill, the failure of shoring, or
15 the (~~contractor's~~) method of operation.

16 Section 108. Seattle Municipal Code Section 15.44.080
17 (Ordinance 90047, Section 41(h), as last amended by Ordinance
18 109507, Section 1 (part)) is further amended as follows:

19 **15.44.080 Permit fees.**

20 Fees for the permit required (~~in~~) by Sections 15.44.003
21 or 15.44.020 shall be established as provided in Section
22 (~~15.04.074~~) 15.04.074.

23 Section 109. Seattle Municipal Code Section 15.44.090
24 (Ordinance 90047, Section 41(i), as last amended by Ordinance
25 109507, Section 1 (part)) is further amended as follows:

26 **15.44.090 Permit procedures.**

27 The following procedures and criteria shall be used in
28 processing an application for the permit (~~provided for in~~)
29 required by Section 15.44.003 or Section 15.44.020:

30 A. Plans, specifications and methods of construction
31 required by the (~~Director of Engineering~~) authorizing
32 official shall be submitted in quadruplicate.

33 B. Shoring plans submitted shall be designed by and bear

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1 the seal of a professional engineer ((or architect)) licensed in
2 the state.

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

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

9 E. Soil investigations and reports may be required for
10 all excavations described in Section 15.44.020 so that appro-
11 priate pressures may be established. The ((Director of
12 Engineering)) authorizing official may require investigations at
13 any depth whenever specific conditions existing at the site of
14 such excavation reveal an unstable soil structure, circumstances
15 indicate that the excavation may impair the lateral support of
16 any public place or any adjacent City property, or that such
17 further investigation will supply information necessary to
18 property evaluate the application for ((said)) the permit or
19 shoring plans submitted. When highway traffic can come within
20 a horizontal distance from the top of the shoring equal to one-
21 half ($\frac{1}{2}$) of its height, the pressure shall have added to it a
22 live load surcharge equal to not less than two feet (2') of
23 earth.

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

32 G. When the plans presented show an encroachments upon
33 the property interest of an abutting owner or of a franchise

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1 holder in a public place, the ((Director of Engineering))
2 authorizing official may require that the consent of the person
3 so affected be obtained as a condition of the issuance of the
4 permit provided for in Section 15.44.020.

5 H. If in the opinion of the Director of Engineering or
6 Director of Construction and Land Use the design of any excava-
7 tion or fill, whether shored or not, does not adequately protect
8 the public place, the authorizing official may require a third
9 party review of the design. Third party review requires the
10 applicant's geotechnical and/or additional technical studies to
11 be reviewed by an independent third party, paid for by the
12 applicant but hired by the authorizing official. Third party
13 review shall be conducted by a qualified engineering consultant.

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

16 Section 110. Seattle Municipal Code Section 15.44.100
17 (Ordinance 90047, Section 41(j), as last amended by Ordinance
18 109507, Section 1 (part)) is further amended as follows:

19 **15.44.100 Compliance.**

20 All excavations and fills described in Sections 15.44.003
21 and 15.44.020 shall be made in accordance with the plans
22 approved by the ((Director of Engineering)) authorizing offi-
23 cial, or as modified with his or her approval, and unless the
24 permit shall provide otherwise, all soldier piles and other
25 material used for shoring purposes shall be removed from public
26 places as part of and prior to completion of the construction
27 project for which an excavation or fill was made.

28 Section 111. Seattle Municipal Code Section 15.44.110
29 (Ordinance 90047, Section 41(k), as last amended by Ordinance
30 109507, Section 1 (part)) is further amended as follows:

31 **15.44.110 Permit -- Suspension, revocation.**

32 A. The ((Director of Engineering)) authorizing official
33 may revoke or suspend the permit ((provided for in)) required by

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1 Sections 15.44.003 or 15.44.020 whenever:

2 1. The permittee requests such revocation or suspen-
3 sion;

4 2. The work does not proceed in accordance with the
5 plans, as approved, or is not in compliance with the require-
6 ments of this ((sub))title, the Seattle Building and Construc-
7 tion Code (Title 22), or other City ordinances and the ((State
8 safety Code)) Washington Industrial Safety and Health Act (RCW
9 Chapter 49.17), and their implementing regulations;

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

12 4. The permittee has made a misrepresentation of a
13 material fact in applying for ((said)) the permit;

14 5. The progress of the work indicates that the plan
15 is or will be inadequate to protect the public, the adjoining
16 property, ((street)) utilities in the ((street)) public place,
17 or the excavation or fill endangers or will endanger the public,
18 the adjoining property, ((street)) public place, or utilities in
19 the ((street)) public place;

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

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

24 B. Upon suspension or revocation of the permit, all work
25 thereupon shall cease, except as authorized or directed by the
26 ((Director of Engineering)) authorizing official.

27 Section 112. Seattle Municipal Code Section 15.44.120
28 (Ordinance 90047, Section 41(1), as last amended by Ordinance
29 109507, Section 1 (part)) is further amended as follows:

30 **15.44.120 Protection of public.**

31 A. Where excavations are to be made in any area adjacent
32 to a public place, the owner, agent, or contractor making such
33 excavation shall maintain the lateral support of the public

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1 place. Where fills are to be made in any area adjacent to a
2 public place, the owner, agent or contractor shall prevent any
3 overflow, slide or other trespass upon the public place. Where
4 excavations or fills are to be made in a public place, itself,
5 the owner, agent or contractor shall maintain the lateral
6 support of the remainder of the public place and any utilities
7 therein, and shall prevent any overflow, slides, or damage from
8 fills to areas outside the scope of the permit.

9 B. ~~((A-))~~ Whenever an excavation has been made in a public
10 place, a cave-in or slide of earth has occurred extending into
11 a public place, or an excavation or fill ((described in Section
12 15.44.020)) has caused or contributed to a condition that
13 appears to substantially impair the lateral support of the
14 ((adjoining street or)) adjacent public place, or endangers the
15 public, an adjoining public place, ((street)) utilities in a
16 public place, or City property, the authorizing official
17 ((Director of Engineering)) may require that ((direct)) the
18 contractor making such excavation or fill and/or the owner of
19 the property upon which such excavation or fill is being made,
20 at his or her own expense, ((to)) take actions to protect the
21 public, adjacent public places, City property, and ((street))
22 utilities, including compliance within a prescribed time.

23 C. ~~((B-))~~ In the event that the owner or contractor fails
24 or refuses to take the actions directed promptly, or fails to
25 fully comply with such directions given by the ~~((Director of~~
26 ~~Engineering))~~ authorizing official, or if emergency conditions
27 exist requiring immediate action, the ((Director of Engineer-
28 ing)) authorizing official may enter upon the property and take
29 such actions as he or she deems necessary to protect the public,
30 the adjacent ((streets)) public places, or ((street)) utilities
31 in the public places, or to maintain the lateral support there-
32 of, including placing of temporary shoring, backfilling, altera-
33 tion of drainage patterns and any other actions reasonably

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1 necessary to decrease the possibility or extent of earth move-
2 ment, or regarded as necessary safety precautions; and the
3 owner, agent and/or contractor shall be jointly and severally
4 liable to the City for the costs thereof together with a charge
5 equal to fifteen percent (15%) of the City's costs to cover
6 administrative expenses.

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

13 Section 113. Seattle Municipal Code Section 15.44.130
14 (Ordinance 90047, Section 41(m), as last amended by Ordinance
15 115994, Section 37) is further amended as follows:

16 **15.44.130 Collection of charges.**

17 A. The holder of any permit (~~((provided for in))~~) required
18 by SMC Sections 15.44.003 or 15.44.020, or contractor making the
19 excavation or fill described in SMC Sections 15.44.003 or
20 15.44.020, or the owner of the property upon which such excava-
21 tion or fill is being made shall pay all charges assessed
22 pursuant to this ((sub))title on or before thirty (30) days
23 after mailing of a statement of charges by the ((Director of
24 Engineering)) authorizing official. In event of an appeal
25 pursuant to SMC Sections 15.44.140 and 15.44.150 from a deter-
26 mination of the Director of Engineering, the Street Use Appeals
27 Board may extend the time for payment pending its determination
28 of the appeal and for a reasonable time thereafter.

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

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1 civil action in the manner provided by law.

2 Section 114. Seattle Municipal Code Section 15.44.140
3 (Ordinance 90047, Section 41(n), as last amended by Ordinance
4 115994, Section 38) is further amended as follows:

5 **15.44.140 Appeal.**

6 A. An applicant for the permit ~~((provided for in))~~ re-
7 quired by SMC Section 15.44.003 ((15.44.020)), feeling aggrieved
8 by any of the following actions, charges or determinations of
9 the Director of Engineering may within ten (10) days thereof
10 appeal the same to the ~~((Street Use Appeals Board))~~ Director
11 personally, or the Director's designated hearing officer by
12 filing a written notice of appeal with the ~~((Board))~~ Director:

13 1. The denial of a permit to excavate or fill re-
14 quired by SMC Section 15.44.003 ((15.44.020));

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

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

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

21 5. Actions imposing conditions modifying or
22 rejecting any special plans, specifications, shoring plans, and
23 proposed methods of construction required by SMC Sections
24 15.44.070 or 15.44.090((;)).

25 ~~((Provided))~~ ~~((R))~~ No Appeal may be made from such actions
26 or determinations after the applicant has accepted the permit to
27 excavate or fill. Unless otherwise ~~((directed by the Board))~~
28 determined by the Director of Engineering, no such permit to
29 excavate or fill shall issue until after final determination of
30 any such appeal.

31 B. A holder of the permit ~~((provided for in))~~ required by
32 SMC Sections 15.44.003 or 15.44.020, feeling aggrieved by any of
33 the following actions, charges or determinations of the Director

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1 of Engineering may within (~~ten (10)~~) three (3) days thereof
2 (exclusive of Saturdays, Sundays, and holidays) appeal the same
3 to the (~~Street Use Appeals Board~~) Director personally or the
4 Director's designated hearing officer by filing a written notice
5 of appeal with the (~~Board~~) Director:

6 1. A directive by the (~~City Engineer~~) Director of
7 Engineering to increase the security required pursuant to SMC
8 Section 15.44.030;

9 2. The amount of charges for actions taken pursuant
10 to SMC Section 15.44.120 or 15.22.090 to protect the public;

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

13 C. Any such permit holder feeling aggrieved by any
14 action, directive or determination of the Director of
15 Engineering made or taken pursuant to SMC Section 15.44.120,
16 other than the amount of charges made thereunder, may appeal
17 from the same to the (~~Street Use Appeals Board~~) Director
18 personally or to the Director's designated hearing officer by
19 filing a written notice of appeal with the (~~Board~~) Director
20 within three (3) days (exclusive of Saturday, Sunday and
21 holidays) from the date the direction or determination was first
22 made, or the action first taken; provided, that the permit
23 holder shall fully comply with the Director of Engineering's
24 direction or determination pending the decision (~~of~~) on the
25 (~~Board~~) appeal, and no compensation shall be paid or allowed
26 such permit holder for any expenses incurred in connection with
27 compliance.

28 D. The (~~Street Use Appeals Board~~) Director may delegate
29 to a designated hearing officer the conduct of a hearing and
30 may, after opportunity for a hearing, sustain, modify or reverse
31 any such action, charge or determination. The decision of the
32 Director of Engineering (~~and its decision~~) shall be final.

33 Section 115. Seattle Municipal Code Section 15.44.160

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1 (Ordinance 90047, Section 41(p), as last amended by Ordinance
2 109507, Section 1 (part)) is further amended as follows:

3 **15.44.160 Indemnity agreement -- Shoring materials in**
4 **public places**

5 If the application for permit to excavate or fill, or the
6 materials submitted therewith, shows that the applicant requests
7 the soldier piles and other materials used for shoring purposes
8 be allowed to remain in a public place after completion of con-
9 struction of the project for which the permit is sought, the
10 owner of the abutting property to be improved and of the
11 improvement to be built shall execute and deliver to the City an
12 agreement in writing, on a form supplied by the (~~Director of~~
13 ~~Engineering~~) authorizing official, signed and acknowledged in
14 the manner provided by law for the execution of deeds, contain-
15 ing an accurate legal description of the premises, which
16 covenants on the part of such owner(s) for themselves and their
17 heirs, successors, and assigns to promptly remove the same on
18 the order of the City in the event that the space occupied by
19 the obstruction is needed for a primary or secondary street use
20 and to hold and save the City free and harmless from any and all
21 claims, actions or damages of every kind and description which
22 may accrue to or be suffered by any person by reason of the use
23 of such public place for soldier piles and materials situated in
24 place. The document shall be recorded with the Department of
25 Records and Elections of King County and the covenants shall
26 respectively be a covenant running with the land and an encum-
27 brance upon the improvement.

28 Section 116. Seattle Municipal Code Section 15.44.170
29 (Ordinance 90047, Section 41(q), as last amended by Ordinance
30 115994, Section 40) is further amended as follows:

31 **15.44.170 Restriction on encroachments by shoring.**

32 ((A-)) All soldier piles or other shoring materials
33 situated within four (4) vertical feet or less of the estab-
lished grade of a public place shall be removed at or prior to

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1 completion of construction of a project for which an excavation
2 or fill permit was granted.

3 ~~((B. Should the Director of Engineering find:~~

4 ~~1. The encroachment in a public place contemplated~~
5 ~~by soldier piles and other shoring materials will not interfere~~
6 ~~with any of its present or prospective primary or secondary~~
7 ~~uses; and~~

8 ~~2. Should the need for the street area occupied~~
9 ~~arise, it would be feasible to remove the encroachment without~~
10 ~~expense to the public, he/she may by permit authorize the~~
11 ~~portion of soldier piles and shoring materials situated four~~
12 ~~feet (4') or more below the established grade of a public place~~
13 ~~to remain in place until such time as such official or his/her~~
14 ~~successor determines that the same obstructs a primary or~~
15 ~~secondary street use and orders removal of the same.))~~

16 Section 117. Seattle Municipal Code Chapter 15.46 is
17 amended by adding new sections 15.46.040 and 15.46.050, as
18 follows:

19 **15.46.040. Owner's and contractor's responsibility.**

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

28 ~~If a dumping, spillage, washing or overflow, tracking or~~
29 ~~windblow of materials should occur, the owner and/or contractor~~

30 ~~shall promptly cause the same to be removed and the public place~~
31 ~~cleaned. If the material should flow or be washed into City~~
32 ~~storm drains, the Director of Engineering shall be notified. If~~
33 ~~the owner or contractor should fail to remove the material and~~

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1 restore the public place, the owner and/or the contractor shall
2 be liable to the City for the costs thereof together with a
3 charge equal to fifteen percent (15%) of the City's costs to
4 cover administrative expenses.

5 **15.46.050 Rebuttable Presumption.**

6 For the purposes of this subchapter, there is a rebuttable
7 presumption that:

8 A. Earth or construction materials found dumped, spilled,
9 tracked, or windblown in a public place within one hundred feet
10 (100') of a construction site and similar to earth or materials
11 on the construction site came from the construction site;

12 B. If there are no other apparent sources in the imme-
13 diate vicinity, earth, debris, spillage, and other liquids
14 collected in a storm drain or a gutter in the natural flow of
15 drainage from a construction site came from the construction
16 site;

17 C. Earth, debris or other spillage linked by tire track-
18 age or other trail to a construction site result from trans-
19 portation to or from the construction site; and

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

24 Section 118. Seattle Municipal Code Section 15.46.010
25 (Ordinance 90047, Section 36) is amended as follows:

26 **15.46.010 Removal of obstructions or nuisances.**

27 Whenever it ~~((is expedient to))~~ furthers the safety or
28 convenience of the public, the ~~((City Engineer))~~ Director of
29 Engineering, and, as to park drives and boulevards, the Superin-
30 tendent of Parks and Recreation, may remove obstructions,
31 hazards or nuisances from public places, and anyone causing the
32 obstruction~~((s))~~, hazard~~((s))~~ or nuisance~~((s))~~ shall be re-
33 sponsible for reimbursing the City ~~((Engineer))~~ for the expense

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1 of removing the same and cleaning the public place together with
2 a charge equal to fifteen percent (15%) of the City's costs to
3 cover administrative expenses. ((as well as being subject to
4 prosecution in the Municipal Court))

5 Section 119. Seattle Municipal Code Section 15.46.020
6 (Ordinance 90047, Section 37) is amended as follows:

7 **15.46.020 Spilled loads.**

8 The owner or operator of any vehicle which has spilled,
9 dropped, dumped, or in any manner deposited any matter upon a
10 public place shall cause the public place to be cleaned when
11 notified so to do by the City ~~((Engineer))~~ Director of Engineer-
12 ing, or as to park drives and boulevards, by the Superintendent
13 of Parks and Recreation.

14 Section 120. Seattle Municipal Code Section 15.46.030
15 (Ordinance 90047, Section 38) is amended as follows:

16 **15.46.030 ~~((Debris))~~ Deposits in street or gutter.**

17 It ~~((shall be))~~ is unlawful to wash or sweep or otherwise
18 deposit any matter in any street or gutter.

19 Section 121. Seattle Municipal Code Chapter 15.48
20 "UNLAWFUL ACTS" is retitled "MISCELLANEOUS ACTS."

21 Section 122. Seattle Municipal Code Section 15.48.010
22 (Ordinance 90047, Section 39) is amended as follows:

23 **15.48.010 Snow and ice removal.**

24 It ~~((shall be unlawful for))~~ is the responsibility of the
25 owner or occupant of private property to ~~((allow))~~ remove snow
26 and ice on the sidewalks abutting his or her property ~~((to~~
27 ~~become or to remain))~~ in a timely manner and, if practical,
28 prevent its becoming or remaining in an icy, ridged, uneven or
29 humped condition or in a condition which is potentially hazard-
30 ous to users of the public sidewalks.

31 Section 123. Seattle Municipal Code Section 15.48.020
32 (Ordinance 90047, Section 40) is amended as follows:
33

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1 **15.48.020 Barbed wire or electric fence.**

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

6 Section 124. Seattle Municipal Code Section 15.48.030
7 (Ordinance 90047, Section 42) is renumbered as 12A.14.083 and
8 amended as follows:

9 **12A.14.083 ((Air-guns)) Weapons in public places.**

10 It (~~shall be~~) is unlawful to carry or shoot any spring
11 gun, air gun, sling or slingshot, in, upon, or onto any public
12 place.

13 Section 125. Seattle Municipal Code Chapter 15.50
14 (Ordinance 90047, Sections 44 through 47, inclusive) is amended
15 by adding Sections 15.50.023, 15.50.025, 15.50.028, 15.50.050,
16 15.50.070, 15.50.080, and 15.50.090, as follows:

17 **15.50.023 Stop order -- Activity in a public place.**

18 A. Order Effect: Whenever the Director of Engineering
19 or Superintendent of Parks and Recreation as to park drives and
20 boulevards (collectively called "the authorizing official")
21 shall post a Stop Order at a site in a public place and serve a
22 copy upon a person doing or responsible for the work, all work
23 in the public place shall cease except that authorized in the
24 Stop Order.

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

27 1. The order is ancillary to or to implement an
28 order authorized in Section 15.44.100 -.110;

29 2. The order is authorized by Sections 15.76.050 -
30 .060 with respect to a bridge, trestle, viaduct, retaining wall
31 or other structure;

32 3. No permit has been issued for the activity in the
33 public place; the permit issued to the permittee does not

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1 authorize the work being stopped; or the permit has expired;

2 4. A violation of this title is occurring that would
3 be grounds for suspending or revoking the permit;

4 5. There is a hazard that creates a substantial risk
5 of injury to the public, the utilities in the public place, or
6 damage to the public place, itself; or

7 6. If required, the public liability insurance to be
8 furnished by the permittee is no longer in force.

9 C. Contents: The Stop Order shall state the work being
10 stopped and state the basis of the order. The Stop Order shall
11 permit work to continue for the purpose of correcting the viola-
12 tion or hazard that prompted the order.

13 D. Review: A Stop Order of the Director of Engineering
14 directed to activity in a public place may be appealed to the
15 Street Use Appeals Board and shall be heard under the Board's
16 rules as a contested matter as soon as practicable. Unless the
17 Director provides otherwise, the Stop Order shall remain in
18 effect pending the hearing. The decision of the Board shall be
19 final. A person aggrieved by a Stop Order of the Superintendent
20 may request the Superintendent to reconsider the matter and
21 shall be granted a hearing to present evidence and make objec-
22 tions; the decision of the Superintendent upon reconsidering the
23 matter is final.

24 **15.50.025 Stop Orders -- Adjacent property.**

25 A. Authorization: When activity in a public place is
26 related to activity upon adjacent property, and the Director of
27 Engineering or the Superintendent of Parks and Recreation as to
28 park drives and boulevards (collectively called the "authorizing
29 official") has issued, or is about to issue, a Stop Order as to
30 activity in a public place, the authorizing official may issue
31 a Stop Order for the activity on the adjacent property that
32 would supplement the Stop Order issued, or about to be issued,
33 as to the public place if he or she, upon inspection, determines

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1 that one of the following circumstances exists:

2 1. There is a hazard that, unless corrected
3 promptly, creates a substantial risk of injury to the public in
4 the public place or damage to the public place or utilities in
5 a public place; or there is a substantial risk that the work, if
6 allowed to continue in its current course, will create such a
7 hazard unless the City intervenes;

8 2. The order is authorized by Sections 15.44.100 -
9 .110 with respect to excavations or fills;

10 3. The order is authorized by Sections 15.76.050 -
11 .060 with respect to bridges, trestles, viaducts, and other
12 structures;

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

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

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

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

31 D. Review. A Stop Order as to property adjoining a
32 public place shall be subject to appeal to the Street Use
33 Appeals Board within ten (10) days after the date of the Order.

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1 The decision of the Board on review shall be final. A person
2 aggrieved by a Stop Order of the Superintendent may request the
3 Superintendent to reconsider the matter and shall be granted a
4 hearing to present evidence and make objections; the decision of
5 the Superintendent upon reconsidering the matter is final.

6 **15.50.028 Violation of Stop Order.**

7 A. It is unlawful for anyone to engage in or cause any
8 further work to be done in a public place when a Stop Order has
9 been posted at or upon the premises, except as authorized by the
10 order or a written authorization from the Director of Engineer-
11 ing, or as to park drives and boulevards, the Superintendent of
12 Parks and Recreation.

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

18 C. The term "work" includes, but is not limited to, con-
19 struction, demolition, repair, transportation of materials or
20 equipment to or from the premises, installation or testing of
21 equipment, excavation or fill, and connection of utility
22 service.

23 **15.50.050 Civil infractions.**

24 A. Except as otherwise provided in Section 15.50.040,
25 failure to perform any act required or the performance of any
26 act prohibited by this title or the failure to remove any
27 obstruction or discontinue a use or occupancy of a public place
28 when ordered to do so by an authorized City official is
29 designated a civil infraction as and shall be processed as
30 contemplated by RCW Chapter 7.80.

31 B. All civil infractions under this title shall be sub-
32 ject to a monetary penalty as a class 1 civil infraction under
33 RCW 7.80.120 of not more than Two Hundred Fifty Dollars (\$250),

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1 not including statutory assessments, except those identified in
2 subsection C and in Section 15.48.050.

3 C. Violation of the following sections shall be subject
4 to a monetary penalty as a class 4 civil infraction under RCW
5 7.20.120 of not more than Twenty-five Dollars (\$25), not includ-
6 ing statutory assessments, and a default amount of Twenty-five
7 Dollars (\$25.00):

- 8 15.12.040 "Signs, Banners and Street Clocks"
- 9 15.14.030 "Newsstands", Mandatory Requirements
- 10 15.14.040 "Newsstands," When Permit Required --
11 Issuances
- 12 15.14.050 "Newsstands," Congestion Control
- 13 15.14.070 "Newsstands," Authority of Director of
14 Engineering and violation of a rule
promulgated pursuant thereto

15 (Quotation marks above enclose chapter headings.)

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

18 **15.50.060 Assignment of civil liability only.**

19 The following sections set standards, assign civil lia-
20 bility for a condition or action, but do not establish criminal
21 offenses or civil infractions:

- 22 15.05.030B "Constitutional Liberties," General
Restrictions
- 23 15.05.040 "Constitutional Liberties," Vending by
24 non-profit organizations
- 25 15.16.040B "Sidewalk Cafes," Terms and Conditions
of permits.
- 26 15.28.040 "Building and Equipment Moving," Removal
27 or trimming of trees or shrubbery
- 28 15.32.070 "Franchise and Public Utility Permits and
Regulations," Additional ducts or conduits
- 29 15.32.080 "Franchise and Public Utility Permits and
30 Regulations," Joint use poles
- 31 15.32.090 "Franchise and Public Utility Permits and
32 Regulations," City use for governmental
communication
- 33 15.38 "Impounding"

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1 15.42.015 "Planting Trees and Shrubs, Tree root
2 damage -- Liability

3 15.42.030 "Planting Trees and Shrubs," Contact
4 with electric or telephone wires

5 15.46.040 "Deposits in Public Places," Owner's and
6 Contractor's Responsibility

7 15.48.010 "Miscellaneous Acts," Snow and ice removal

(Quotation marks above enclose chapter headings.)

8 **15.50.070 Citation, prosecution, and civil actions.**

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

14 B. An action for a penalty for a civil infraction may be
15 initiated by the issuance, service, and filing of a notice of
16 civil infraction as contemplated by RCW 7.80.050 and the infrac-
17 tion Rules for Courts of Limited Jurisdiction (IRLJ). For
18 purposes of RCW 7.80.040, the "enforcement officer" authorized
19 to enforce the provisions of this title are: (1) as to park
20 drives and boulevards, the Superintendent of Parks and Recrea-
21 tion, and as to other public places, the Director of Engineer-
22 ing; (2) authorized representatives or assistants of either of
23 them; and (3) a commissioned officer of the Seattle Police
24 Department and a person issued a Special Police Officer Commis-
25 sion by the Chief of Police with authority to enforce this
26 title.

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

29 D. The City Attorney is authorized for and on behalf of
30 The City of Seattle to bring a prosecution for a criminal and
31 civil penalty in order to enforce this title as needed, appro-
32 priate and bring a civil action for damages and/or injunctive
33 relief.

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1 **15.50.080 Failure to respond.**

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

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

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

11 D. There shall be a maximum penalty and a default amount
12 of Twenty-five Dollars (\$25.00) plus statutory assessments for
13 anyone who shall (1) as contemplated by RCW 7.80.000(1) and
14 7.80.070(2)(K), fail to respond to a notice of a violation of a
15 civil infraction of this title; (2) as contemplated by RCW
16 7.80.160(2) and 7.80.070(2)(K), fail to appear at a requested
17 hearing of the Seattle Municipal Court or of the Seattle
18 District Justice Court; and/or (3) as contemplated by RCW
19 7.80.160(3) fail to pay a monetary penalty imposed by the court,
20 provided, as contemplated by RCW 7.80.160, a person who fails to
21 sign a notice of civil infraction or who willfully violates his
22 or her written and signed promise to appear in court, or his or
23 her written and signed promise to respond to a notice of civil
24 infraction, is guilty of a misdemeanor, subject to the provi-
25 sions of Chapters 12A.02 and 12A.04, regardless of the disposi-
26 tion of the notice of civil infraction.

27 Section 126. Seattle Municipal Code Section 15.50.010
28 (Ordinance 90047, Section 44, as last amended by Ordinance
29 11599, Section 41) is further amended as follows:

30 **15.50.010 Notice calling for compliance.**

31 The Director of Engineering, and, as to park drives and
32 boulevards, the Superintendent of Parks and Recreation, is
33 authorized to post notice on private property at or abutting the

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1 scene of any violation of this ((sub))title, calling for the
2 terms of this ((sub))title to be complied with

3 Section 127. Seattle Municipal Code Section 15.50.020
4 (Ordinance 90047, Section 45) is amended as follows:

5 **15.50.020 Removing or destroying notices prohibited.**

6 It ((shall be)) is unlawful for anyone to remove, mutilate,
7 destroy or conceal any notice issued or posted by ((the Board of
8 Public Works or the)) a City ((Engineer)) official pursuant to
9 the provisions of this ((sub))title.

10 Section 128. Seattle Municipal Section 15.40.040
11 (Ordinance 90047, Section 47, as last amended by Ordinance
12 115994, Section 43) is divided into two sections, 15.50.040 and
13 15.50.070, and further amended as follows:

14 **15.50.040 ((Violation)) Criminal offenses -- Penalty.**

15 A. Anyone who shall violate or fail to comply with any of
16 the following provisions of this ((sub))title, ((or who shall
17 fail to remove any obstruction or discontinue use or occupancy
18 of any public place when ordered to do so by the Director of
19 Engineering, under the authority of this subtitle,)) shall upon
20 conviction be punished by a fine in a sum not exceeding Three
21 Thousand ((Five Hundred (\$500.00))) Dollars (\$3,000.00) or by
22 imprisonment for a term not exceeding ((six (6) months)) thirty
23 (30) days or by both such fine and imprisonment:

24 15.04.010 "Use and Occupation Permits," Permit --
25 Required

26 15.16.010 "Sidewalk Cafes," Permit -- Required

27 15.17.005 "Vending," Vending and Display in public
28 places

29 15.17.010 "Vending," Areas where mobile vending is
30 restricted.

31 15.17.050 "Vending," Street vending by Kingdome

32 15.20.010 "Building Cleaning or Painting," Permit --
33 Required.

15.22.010 "Building Construction/Demolition," Mixing
of Mortar or Concrete

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- 1 15.28.010 "Building & Equipment Moving," Permit --
2 Required
- 3 15.32.010 "Franchise and Public Utility Permits and
4 Regulations," Permit -- Required
- 5 15.40.010 "Warning Lights & Barricades," Lights and
6 Barricades Required
- 7 15.40.050 "Warning Lights & Barricades," Unlawful
8 Acts Designated
- 9 15.44.003 "Excavations and Fills," Permit --
10 Required
- 11 15.44.010 "Excavations and Fills," Barricades and
12 Warning Devices
- 13 15.44.020 "Excavations and Fills," Excavation and
14 fill near improved public place
- 15 15.46.030 "Debris in Public Place," Deposits in
16 street or gutter
- 17 15.48.020 "Miscellaneous Acts," Barbed wire or elec-
18 tric fence
- 19 15.50.020 "Enforcement, Removing or destroying
20 notices prohibited

21 (Quotation marks above enclose chapter headings.)

22 B. The fine and the limitation on the amount of the fine
23 excludes such amounts, if any, as may be imposed for restitu-
24 tion. Sums imposed as restitution shall be in addition to the
25 fine.

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

29 **15.50.070 Each day and occurrence separate violation.**

30 ~~((and))~~ ~~((e))~~ Each day any person shall continue to violate
31 or fail to comply with the provisions of this ~~((sub))~~ title and
32 each occurrence of a prohibited activity shall be deemed and
33 considered a separate offense or infraction.

Section 129. Seattle Municipal Code Section 15.52.040
(Ordinance 115982, Section 1 (part)) is amended as follows:

15.52.040 Special event(s) permits required.

A. A special event permit or authorization from the
Special Events Committee is required for any event in a park or

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1 public place that is reasonably anticipated to require police
2 personnel in order to provide crowd or traffic control. Such
3 special event permit shall be in addition to any street or park
4 use, or other regular permits as may be required by ordinance.

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

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

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

25 Section 130. There is added to Seattle Municipal Code
26 Chapter 15.60, to replace Section 15.60.010, a new section
27 15.60.015 as follows:

28 **15.60.015 Street classification system.**

29 The classification of streets contemplated by RCW 35.78.010
30 and RCW 47.26.180, adopted by Ordinance 113194 and amended from
31 time to time, and the "Seattle Comprehensive Transportation
32 Program -- Street Classification Guidelines" adopted by Resolu-
33 tion 27152, as revised from time to time, are available for

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1 inspection and copying at the Engineering Department, Traffic
2 and Transportation Division, and at the office of the City
3 Clerk, Seattle Municipal Building.

4 Section 131. Subsection A of Seattle Municipal Code
5 Section 15.62.090 (Ordinance 113022, Section 3, subsection A) is
6 amended as follows:

7 A. Ordinances vacating any street or alley or part there-
8 of shall not be passed by the City Council until a sum equal to
9 one-half ($\frac{1}{2}$) of the appraised value of the area vacated is paid
10 to the City, provided that where the area vacated was acquired
11 at public expense, the sum to be paid to the City shall be equal
12 to the full appraised value of the area vacated. State and
13 federal agencies shall be exempt from such payment, but shall
14 pay to the City all costs incurred by the City in processing the
15 vacation request. As contemplated by RCW 35.79.035(3), the full
16 market value shall be paid upon vacation of streets abutting
17 upon bodies of water.

18 Section 137. There is added to Seattle Municipal Code
19 Section 15.64.010 (Ordinance 110422, Section 1 (part)) a new
20 subsection C as follows:

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

24 Section 133. Subsection E of Seattle Municipal Code
25 Section 15.64.040 (Ordinance 110422, Section 1, subsection E
26 (part), as amended by Ordinance 115994, Section 45, subsection
27 E (part)) is amended as follows:

28 E. An environmental checklist as defined by WAC ((197-10-
29 365)) 197-11-742 and WAC 197-11-960 and adopted by SMC Sections
30 ((25.04.020)) 25.05.315 and 25.05.960.

31 Section 134. A new subsection C is added to Seattle
32 Municipal Code Section 15.64.065 (Ordinance 110422, §1 (part),
33 as amended by Ordinance 115994, § 47) as follows:

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1 C. No Master Use Permit under Chapter 23.76 of the
2 Seattle Municipal Code shall be issued for a development that
3 includes a proposal for a skybridge or skybridges until the City
4 Council has granted conceptual approval for all proposed
5 skybridges included in the proposed development.

6 Section 135. Seattle Municipal Code Section 15.64.080
7 (Ordinance 110422, Section 1 (part)) is amended as follows:

8 **15.64.080 Council Consideration of petition.**

9 A. ~~The Director of Engineering ((Board of Public Works))~~
10 shall determine if the construction plans are in substantial
11 conformance with the application which was given preliminary
12 conceptual approval, including any requirements or conditions
13 imposed by the Council.

14 B. Upon completion of ((its)) final review of construc-
15 tion plans, the ~~Director of Engineering ((Board of Public~~
16 ~~Works))~~ shall transmit ((its)) a final recommendation to the
17 City Council for its decision to grant or deny the petition for
18 a skybridge permit.

19 C. Approval of a petition for a skybridge and permit
20 shall be granted only by ordinance.

21 Section 136. There is added to Seattle Municipal Code
22 Chapter 15.64 (Ordinance 110422, Section 1, as amended) a new
23 Section 15.64.100 as follows:

24 **15.64.100 Inspection; maintenance.**

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

29 Section 137. Seattle Municipal Code Chapter 15.76
30 (Ordinance 96715) is retitled as follows: **Inspection of Certain**
31 **Structures ((Near)) in Public ((Streets)) Places.**

32 Section 138. There are added to Seattle Municipal Code
33 Chapter 15.76 new Sections 15.76.050 and 15.76.060 as follows:

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1 **15.76.050 Barricading of hazards authorized.**

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

15 **15.76.060 Other protective action.**

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

27 B. If the inspection should disclose that the structure
28 endangers persons in the public place (whether through a
29 collapse, dropping of materials, channelizing water or debris,
30 or subsidence of the surface of the public place) or that the
31 structure does not meet applicable standards of the Building and
32 Construction Code (Title 23), the authorizing official may
33 direct that the grantee at his or her expense make immediate

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1 repairs to correct the hazard to the public place and to bring
2 the structure into conformity with applicable City codes. The
3 authorizing official, in consultation with the Director of
4 Construction and Land Use, may set a reasonable deadline for the
5 grantee to complete the necessary repairs or removal of the
6 structure.

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

17 D. In the event a franchise ordinance provides an alter-
18 native procedure for remedying a hazard to the public health,
19 safety or welfare, from such structures, the procedure in the
20 franchise ordinance shall be followed.

21 Section 139. Seattle Municipal Code Section 15.76.010
22 (Ordinance 96715, Section 1) is amended as follows:

23 **15.76.010 Inspection of bridges, trestles, viaducts, sky-**
24 **bridges and other structures.**

25 The ((City)) Director of Engineering ((shall)) may
26 annually, or as often((er)) as ((he shall)) deemed necessary for
27 the protection of the public safety, inspect or cause to be
28 inspected all bridges, trestles, viaducts, tunnels, grade cross-
29 ings, skybridges and other structures which have been or may be
30 constructed or installed in, along, over or across the public
31 ((streets)) places of the City pursuant to ordinance granting
32 any franchise or special permit and required by such ordinance
33 to be maintained by the grantee of any such franchise or special
permit. Pursuant to agreement with the Superintendent of Parks

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1 and Recreation, the Director of Engineering may also inspect or
2 cause to be inspected such structures in, along, over, or across
3 park drives and boulevards.

4 Section 140. Seattle Municipal Code Section 15.76.020
5 (Ordinance 96715, Section 2) is amended as follows:

6 **15.76.020 Inspection costs.**

7 The cost of such inspection shall be paid by the grantee of
8 any such franchise or special permit. ~~((and)) ((The ((City))~~
9 Director of Engineering, and/or as to park drives and boule-
10 vards, the Superintendent of Parks and Recreation, is authorized
11 to bill for and collect fees in such amounts as are commensurate
12 with the reasonable cost of such inspections.

13 Section 141. Seattle Municipal Code Section 15.90.020
14 (Ordinance 115994, Section 55 (part), as last amended by
15 Ordinance 117006, Section 4) is further amended as follows:

16 **15.90.020 Street Use Appeals Board -- Functions.**

17 In addition to the advisory and quasi-legislative decision-
18 making specified in SMC Sections 11.16.315 and 11.16.317, the
19 Street Use Appeals Board may hear and decide appeals of the
20 determinations and actions of the Director of Engineering and
21 Traffic Engineer listed below:

22 A. The closure, or authorization to close, pursuant to SMC
23 Section 11.16.125 A, of any street or alley or portion thereof
24 to any or all traffic;

25 B. The designation of which streets shall be used for one
26 (1) way traffic, and the allowable direction thereof, under SMC
27 Section 11.16.125 B;

28 C. The addition or deletion, pursuant to SMC Section
29 11.16.317, of streets or street segments within a residential
30 parking zone along which parking shall be restricted;

31 D. The issuance of revocation, pursuant to SMC Section
32 11.78.200, of permits for parking in a residential parking zone;

33 E. The approval or denial of a street use permit,

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- 1 generally, pursuant to SMC Section 15.04.010;
- 2 F. The determination, pursuant to SMC Section 15.04.040,
3 of the amount of any cash indemnity deposit, or surety bond in
4 lieu thereof or in addition thereto, that is required of an
5 applicant for a street use permit;
- 6 G. The determination, pursuant to SMC Section 15.04.045,
7 (~~15.04.040~~) of the amount of public liability insurance
8 coverage that is required of an applicant for a street use
9 permit;
- 10 H. The determination, pursuant to SMC Section 15.04.050,
11 of the amount of any surety bond that is required of an
12 applicant for a street use permit;
- 13 I. The revocation, pursuant to SMC Section 15.04.070, of
14 any street use permit;
- 15 J. The approval or denial, pursuant to SMC Section
16 15.08.080, of a request to construct a street elevator;
- 17 K. The approval or denial, pursuant to SMC Section
18 15.10.020, of a request for exception to minimum height
19 requirement applicable to marquees, awnings and canopies;
- 20 L. The approval or denial, pursuant to SMC Section
21 15.10.030, of a request for exception to vertical depth
22 requirement applicable to marquees;
- 23 M. The approval or denial, pursuant to SMC Section
24 15.12.030, of a request for a permit to hang a banner;
- 25 N. The approval or denial, pursuant to SMC Sections
26 15.14.040 and 15.14.050, of a request for a permit for a news-
27 stand location not generally permitted by ordinance, or the
28 placement of a newsstand pursuant to Section 15.14.080;
- 29 S. A resolution of objections to the moving of a building
30 or equipment; the assessment, pursuant to section 15.28.050, of
31 the costs of relocating wires between persons moving a building
32 or equipment and the utility maintaining the wires or appurten-
33 ances; and objections to the amount of City costs assessed

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1 pursuant to Section 15.28.070;

2 P. The determination of the cost of removal of a hand-
3 bill, sign or poster pursuant to Sections 15.48.120 and
4 15.48.130;

5 Q. An order to paint or repaint a pole pursuant to
6 Section 15.32.100;

7 R. Any of the actions relating to an excavation or fill
8 identified in Section 15.44.140;

9 S. A Stop Order of the Director of Engineering pursuant
10 to Section 15.50.023; or of either authorizing official under
11 Section 15.50.025; and

12 T. The issuance or denial, under SMC Chapter 16.60, of a
13 permit to use or occupy any part of a waterway or any part of
14 the land portion of a waterway.

15 Section 142. The following sections of the Seattle Muni-
16 cipal Code are hereby repealed:

17 Section 15.04.080 (Ordinance 90047, Section 14, as last
18 amended by Ordinance 115994 Section 7);

19 Section 15.08.020 (Ordinance 90047, Section 17(B), as last
20 amended by Ordinance 108020, Section 3);

21 Section 15.08.030 (Ordinance 90047, Section 17 (C), as last
22 amended by Ordinance 108020, Section 3);

23 Section 15.08.040 (Ordinance 90047, Section 17(D), as last
24 amended by Ordinance 108020, Section 3);

25 Section 15.20.030 (Ordinance 90047, Section 24(C));

26 Section 15.22.090 (Ordinance 90047, Section 25(H), as last
27 amended by Ordinance 106780, Section 2 (part));

28 Section 15.22.130 (Ordinance 90047, Section 25(L), as last
29 amended by Ordinance 106780 (part));

30 Section 15.22.140 (Ordinance 90047, Section 25(M), as last
31 amended by Ordinance 10780, Section 2 (part));

32 Section 15.30.010 (Ordinance 90047, Section 29 (part), as
33 last amended by Ordinance 115944, Section 27);

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1 Section 15.30.020 (Ordinance 90047, Section 29 (part), as
2 last amended by Ordinance 115994, Section 28);

3 Section 15.30.030 (Ordinance 90047, Section 29 (part), as
4 last amended by Ordinance 115994, Section 28);

5 Section 15.34.010 (Ordinance 90047, Section 31, as last
6 amended by Ordinance 115994, Section 28);

7 Section 15.50.030 (Ordinance 90047, Section 46);

8 Section 15.60.010 (Ordinance 96932, Section 1);

9 Section 15.74.010 (Ordinance 95776, Section 1, as last
10 amended by Ordinance 109754, Section 11);

11 Section 15.74.020 (Ordinance 95776, Section 2, as last
12 amended by Ordinance 109754, Section 11 (part));

13 Section 15.74.030 (Ordinance 95776, Section 3, as last
14 amended by Ordinance 115994, Section 53);

15 Section 15.74.050 (Ordinance 95776, Section 5);

16 Section 15.76.040 (Ordinance 96715, Section 4);

17 Section 15.78.010 (Ordinance 2532, Section 1, as last
18 amended by Ordinance 115994, Section 54).

19 These repeals shall not affect any pending prosecutions,
20 permits issued, or rights that are vested based upon the
21 foregoing sections while in effect.

22 Section 143. Severability. The several provisions of this
23 ordinance are declared to be separate and severable and the
24 invalidity of any clause, sentence, paragraph, subdivision,
25 section, or portion of this ordinance, or the invalidity of the
26 application thereof to any person or circumstance, shall not
27 affect the validity of the remainder of this ordinance or the
28 validity of its application to other persons or circumstances.

29 Section 144. Ratification. Any act consistent with the
30 authority and prior to the effective date of this ordinance is
31 hereby ratified and confirmed.

32 Section 145. This ordinance shall take effect and be in
33 force thirty (30) days from and after its approval by the Mayor,

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but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 1995, and signed by me in open session in authentication of its passage this ____ day of _____, 1995.

President _____ of the City Council

Approved by me this ____ day of _____, 1994.

Mayor

Filed by me this ____ day of _____, 1994.

City Clerk

(Seal)

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1 this ordinance does not authorize the taking of an action that
2 conflicts with another City ordinance or with other state or federal
3 laws. An applicant is responsible for ascertaining and complying
4 with other applicable laws.

5 A permit under this ordinance does not authorize the damaging
6 of privately-owned property lawfully within the public place unless
7 the permit expressly states otherwise and identifies the property
8 involved. An applicant has the responsibility for identifying the
9 limits of the public place, for locating and protecting underground
10 utilities pursuant to RCW Chapter 19.222, for avoiding unnecessary
11 interference with surface and overhead uses, for preserving trees,
12 and for preventing damage to such privately-owned property. When
13 a permit authorizes displacement of privately-owned property, the
14 permit holder shall first give notice to the owner, if known, and
15 allow the owner an opportunity to remove it.

16 **15.02.070 Nearest equivalent.**

17 When an activity combines elements which come within two or
18 more chapters of this title, the provisions of each chapter shall
19 apply to each element to the extent practical; where two provisions
20 of this chapter are overlapping on a particular activity, the pro-
21 vision providing the greater protection to the public safety shall
22 apply and duplicate forms and processing avoided.

23 In the event a use contains a single element that may be
24 classified within two or more chapters or categories within a
25 chapter, the City official responsible for issuing the permit shall
26 select the chapter or classification within a chapter, as the case
27 may be, that is most descriptive of the proposed use.

28 **15.02.100 Effect of Ordinance.**

29 This title prohibits an action or activity whenever it requires
30 a permit for a "use" defined in Section 15.02.048, and:

31 A. This title authorizes issuance of a permit for the type of
32 activity, but the applicant fails to apply for and secure a permit;

33 or

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*Insert
15.02.080 085
+ 090 27
from 11/31/98*

1 B. The applicant is granted a permit upon conditions or
2 subject to restrictions and the applicant fails to comply therewith; C

3 C. The City, by policy, does not issue permits for that type
4 of use.

5 *Issuance of permits under this title is discretionary, this title does not
6 create any right to a street use permit.*

6 **15.02.110 Authority Cumulative.** The authority granted by this title to any City officer or
7 employee is in addition to and supplemental of powers granted by
8 other sections of the Seattle Municipal Code or City ordinances and
9 *not* does limit any other authority granted *to City officials* by other ordinances or laws.

10 Section 2. Seattle Municipal Code Section 15.02.040 (Ordinance
11 90047, Section 6, as last amended by Ordinance 109271, Section 4) is
12 subdivided and further amended as follows:

13 **15.02.040 Definitions -- general principles.**

14 ((A-)) The words and phrases identified in Sections
15 15.02.042 through 15.02.048 shall be construed in accordance with
16 their respective definitions or explanations. ((used in this
17 subtitle)) except where the same shall be clearly contrary to or
18 inconsistent with the context of this ((sub)) title or the section
19 in which used. ((shall be construed as follows:))

20 ((B-)) Words in the present tense shall include the future
21 tense, words in the masculine gender shall include the feminine and
22 neuter genders, and words in the singular shall include the plural
23 and plural words shall include the singular.

24 **15.02.042 Definitions A through C.**

25 ((1)) A. "Adjacent property" means and includes the property
26 abutting the margin of ((a public place)) and contiguous ((and with
27 reference)) to the public place.

28 B. "Appendix I" and "Appendix II" mean, respectively, the
29 description of park drives and boulevards and the map at the end of
30 this title.

31 ((2)) C. "Areaway" means ((and includes)) a ((sunken)) space
32 below the level of the sidewalk, ((either)) covered or uncovered,
33 ((or a court)) affording room, access or light to a building. An

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1 or informative purposes. ((other than paint on the surface of a
2 building)).

3 H. "SMC" is an abbreviation for Seattle Municipal Code.

4 I. "Superintendent" or "Superintendent of Parks and
5 Recreation" means the City Superintendent of Parks and Recreation
6 and his or her authorized representatives.

7 **15.02.048 Definitions -- Use.**

8 ((18)) A. "Use" means ((and) the exercise of dominion or
9 control over or occupation of all or part of a public place, or the
10 right to do so. It includes ((to) constructing, storing ((e)),
11 erecting, placing ((e) upon, or main^{te}aining, operating ((e)) any
12 inanimate thing or object in, upon, over or under any public place.
13 It includes but is not limited to any of the following in a public
14 place:

- 15 • an areaway, marquee, awning or canopy, clock, newsstand,
16 sign, banner, billboard, sidewalk elevator or door, fuel
17 opening, sidewalk cafe ((or restaurant)) or other
18 structure;
- 19 • fencing, staging, ((swinging)) scaffolding, an elevator or
20 other structure or material, machinery or tools used or to
21 be used in connection with the erection, alteration, demo-
22 lition, repair or painting of any building, or an excava-
23 tion in connection therewith;
- 24 • the ((or to)) moving of any building along or across any
25 public place;
- 26 • ((e to use or occupy any public place for)) the storage
27 or placement of any material, equipment, inanimate object,
28 or thing, provided that "use" shall not include the
29 placement of an inanimate object in such a location and
30 or such a limited duration of time that, under the
31 circumstances, no reasonable person could conclude that
32 the public's right to use or enjoy the public place, in
33 whole or in part, has been or potentially could be

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1 interfered with;

2 • raising or lowering any safes, machinery, or other heavy
3 articles ((or to operate any elevated or tracked vehicle in
4 any public place));

5 • ((or to allow any vehicle to be in or upon any public
6 place other than that portion used as a roadway));

7 • ((or to allow any vehicle to be upon that portion of
8 roadway designated as parking or curb space for purposes
9 of selling or soliciting in addition to merely parking));

10 • ((or to deposit or permit the deposit of any liquids which
11 cause a noxious effluvia into any public place.))

12 • kindling, ((or to kindle, make, or have)) making or having
13 any fire on any public place;

14 • opening, ((or to open, excavate, or in any manner disturb
15 or break)) excavating, or in any manner disturbing or
16 breaking the surface or foundation of any permanent
17 pavement, or altering ((to alter)) the established grade
18 of any street, or disturbing ((to disturb)) the surface
19 of, digging ((dig)) up, cutting ((cut)), excavating,
20 ((excavate)) or filling ((fill)) in any public place;

21 • constructing, reconstructing, repairing or removing
22 ((construct, reconstruct, maintain or remove)) any
23 driveway, curb, or curb set-back, sidewalk, or crosswalk,
24 pavement, sewers, watermains, grading, street lighting,
25 street utilities, or appurtenances thereto, except when
26 permitted by ordinance, or ((to do)) doing any work in, or
27 erecting ((erect)) any structure under, along, or over any
28 public place.

29 • Closing or altering the appearance of streets for filming,
30 block parties, or street fairs;

31 • Regular usage by trucks and other vehicles of an adjoining
32 owner or occupant as an integral part of activities on
33 adjoining property whenever the only practical access to

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Insert
from 29
send amending + vending

1 permit.

2 E. Fees for the use of public places under the jurisdiction
3 of the Department of Parks and Recreation shall be deposited to the
4 credit of the Park and Recreation Fund; all other fees shall be
5 deposited to the credit of the General Fund.

6 Section 12. Seattle Municipal Code Section 15.04.090
7 (Ordinance 84706, Section 1, as last amended by Ordinance 116368,
8 Section 219) is further amended as follows:

9 **15.04.090 Refund of ~~((on))~~ permit fee.**

10 Whenever the fee paid for any ~~((street))~~ use or occupation
11 permit shall be erroneous for any reason, and application is made
12 for refund, the ~~((Director of Engineering))~~ authorizing official
13 shall certify the facts justifying such refund, the amount thereof,
14 and his or her approval of such refund, and upon presentation of
15 such certificate to the City Finance Director ~~((is authorized to~~
16 ~~draw and pay))~~, a warrant shall be drawn and paid in the amount of
17 such refund. ~~((and))~~ ~~((t))~~ The necessary appropriations are hereby
18 made and authorized.

19 Section 13. There is added to the Seattle Municipal Code Title
20 15 (Ordinance 90047, as amended) a new Chapter 15.05, entitled
21 Constitutional Liberties, with the following new sections:

22 **15.05.010 Activities which do not constitute**
23 **a "use;" no permit required.**

24 No permit is needed for any of the following expressive
25 activities in a public place that is open for public use:

26 Speaking, singing, or entertaining without using sound-
27 amplifying equipment other than aids for the disabled in speaking at
28 voice levels;

29 Soliciting signatures for a petition using a clipboard carried
30 on the person;

31 Offering or distributing without charge samples of products,
32 which may lawfully be given to minors, to people who are willing to
33 accept the gift;

Picketing, carrying or wearing a sign or apparel with a

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1 message;

2 Assembling in numbers that do not impede pedestrian or
3 vehicular traffic;

4 Soliciting contributions as a charity without causing inter-
5 ference with pedestrians as prohibited by Section 12A.12.015; and

6 Offering or distributing expressive material that communicates
7 a religious, political, philosophical or ideological message, (e.g.,
8 buttons, posters and bumperstickers) without charge or in conjunc-
9 tion with a solicitation of bona fide contributions in order to
10 defray all or part of the costs of distribution.

11 **15.05.020 Permit Required.**

12 A permit for the following uses must first be obtained from the
13 Superintendent of Parks and Recreation as to park drives and boulev-
14 ards, and from the Director of Engineering as to other public
15 places:

16 Use of sound amplifying equipment, other than aids for the
17 disabled in speaking at voice level;

18 Placing of tables, racks, stands, or other equipment to assist
19 in distribution of literature or a product other than newsstands
20 regulated under Chapter 15.14;

21 Vending of any kind, whether a product or service, other than
22 newsstands regulated under Chapter 15.14;

23 Reserving the use of a public place for an assemblage or
24 closing it off or redirecting the flow of traffic;

25 Activities in a public place that are closed off from public
26 use or are to occur during hours that the facility is closed to
27 public use; and, as to park drives and boulevards in residential
28 areas without street lighting, activities later than one-half hour
29 after sunset and before one-half hour before sunrise.

30 **15.05.030 General Restrictions.**

31 A. The exercise of constitutional liberties in public places,
32 both with and without a permit, are subject to:

33 Compliance with applicable statutes and City ordinances;

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1502098

1 Respecting the rights of the owners of adjacent properties and
2 the constitutional liberties of others to use public places;

3 Accommodating the needs of the public for use of the streets
4 and boulevards for travel and transportation; and

5 Reasonable rules of authorized City officials as to time,
6 place, and manner of exercising a right and of reasonable on-site
7 directions of City officials that are necessary in order to protect
8 the public health and safety.

9 B. Unless specifically authorized by the City, no person may:

10 1. Obstruct pedestrian or vehicular traffic; impede
11 passage on a wheel chair ramp or stairway; block driveways; or
12 occupy areas that are required to be kept clear by statute or
13 ordinance;

14 2. Impair loading at any bus, passenger, or truck load-
15 ing zone; obstruct sightlines of motorists to intersecting traffic
16 at an intersection; or impede access to an adjoining property
17 without the consent of the occupant; or

18 3. Damage trees, plantings, City equipment or facili-
19 ties, or privately-owned property lawfully in the street area.

20 C. If activities in a public place disturb the conduct of
21 business on adjoining property or the tranquility of a residential
22 area, the City may require the user of the public place to make a
23 reasonable accommodation or to relocate to another location.

24 D. Maximum sound levels may not exceed the limits in Chapter
25 25.08.

26 15.17.202 (p.57) *street fairs and*
27 15.05.040 *A* **Vending by non-profit organizations.**

28 A non-profit organization may secure a permit from the Super-
29 intendent, as to park drives and boulevards, and from the Director
30 of Engineering as to other public places, for vending merchandise in
31 which the organization's political, religious, sociological or
32 ideological message is inextricably intertwined when the sale exer-
33 cises the vendor's rights guaranteed by the United States or the
Washington Constitution. To qualify, the non-profit organization

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1 must be (a) incorporated under RCW Chapters 24.03 or 24.06 or the
2 equivalent laws of another state or the United States, and in good
3 standing with its incorporating authority and, to the extent
4 applicable, with the State of Washington; and (b) a tax exempt
5 organization under 26 USC Section 501(c)(1), (3), or (4), 26 USC
6 Section 501(d), or 26 USC Section 527 eligible for such tax exempt
7 status, or is an organization that has filed with the State Public
8 Disclosure Commission under RCW Chapter 42.17, and is in good
9 standing as a "political committee" or a "continuing political
10 committee." In addition, it must first register with the Director
11 of Engineering.

12 Any one organization may be authorized to use only one location
13 between intersecting streets of any one block face on the same day.
14 Permits for vending are suspended during crowd control events
15 authorized under Chapter 15.52.

16 The Director of Engineering, the Superintendent, and the
17 Director of the Seattle Center are authorized to adopt rules
18 relating to the time, place and manner ^{in which a non-profit organization may} of exercising constitutional ^{ven}
19 liberties, ^{Such rules may address} ~~such as~~ the issuance and duration of permits, the size ^{of}
20 and placement of tables and other equipment used, their siting and ^{P.3}
21 location on the sidewalks, the type of merchandise offered for sale,
22 advertising and posting of prices, the display of licenses, the
23 exclusion of ineligible merchandise, documentation to accompany
24 applications for registration, and prohibitions against discrim-
25 ination, among other subjects.

26 ^{02.030}
~~15.05.050~~ Assemblies and gatherings.

27 It is City policy to encourage the holding of public assemblies
28 and other gatherings in parks and at the Seattle Center rather than
29 in streets open for vehicular travel or sidewalks with substantial
30 pedestrian traffic; and it is City policy to permit use of Univer-
31 sity Street between Fourth and Fifth Avenues (Victory Square) on
32 weekdays only if the event can not reasonably be accommodated in
33 Seattle's downtown parks and pedestrian ways.

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02.085
15.05.060 Public fora.

The Director of Engineering and the Superintendent are authorized ~~by rule~~ to designate ^{by permit from time to time} one or more particular areas within a public place where citizens may place commemorative displays, monuments, or symbols, for up to ten (10) days in order to communicate a message to the public, and to establish the terms and conditions of their placement. Unless the permit expressly provides otherwise, the commemoration must be removed between the hours of 12:01 a.m. and 6:00 a.m. each day. An appropriate sign shall be placed near the commemoration identifying its sponsor and the location as a public forum.

02.090
15.05.070 Appeals to Municipal Court.

If an applicant asserts a right protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying a permit, and time be of the essence, the applicant may petition the presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be granted priority as a case involving constitutional liberties and shall be heard in the manner provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final subject only to judicial review.

Section 14. Seattle Municipal Code Section 15.06.010 (Ordinance 90047 Section 16, part) is amended as follows:

15.06.010 Construction (~~Temporary permission~~).

A driveway must be constructed to provide vehicular access from a public place over and across a concrete curb and gutter and/or sidewalk to the adjacent property. The Director of Construction and Land Use has authority to issue a permit for construction of a driveway associated with a development proposal as contemplated by Section 23.76.006. All applications for other permits for driveways shall be submitted to the Director of Engineering for public places under the jurisdiction of the Engineering Department, and to the

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1 **15.16.070 Indemnity.**

2 The applicant for a sidewalk cafe permit shall execute and
3 deliver to the City upon a form supplied by the Director of
4 Engineering an agreement in writing and acknowledged by the
5 applicant, forever to hold and save the City free and harmless from
6 any and all claims, actions or damages of every kind and description
7 which may accrue to, or be suffered by any persons by reason of or
8 related to the operation of such sidewalk cafe. In addition, such
9 agreement shall contain a provision that the permit is wholly of a
10 temporary nature, that it vests no permanent right whatsoever, that
11 upon thirty (30) days' notice, posted on the premises, or by publi-
12 cation in the official newspaper of the City, or without such
13 notice, in case the permitted use shall become dangerous or unsafe,
14 or shall not be operated in accordance with the provisions of this
15 ((sub))title, the same may be revoked and the sidewalk cafe furni-
16 ture ordered removed.

17 Every such agreement, after it has been received in his or her
18 office and numbered, shall be filed with the City Clerk in the
19 records of his or her office.

20 Section 47. Chapter 15.17 of the Seattle Municipal Code,
21 now titled **Mobile Vending** is retitled **Vending**.

22 Section 48. There is added to Seattle Municipal Code
23 Chapter 15.17 a new Section 15.17.005, as follows:

24 **15.17.005 Vending and display in public places.**

25 It is unlawful to display for sale to the public or sell
26 goods, wares, merchandise or services in a public place, unless:

27 (a) the activity exercises a civil liberty or consti-
28 tutional right illustrated by ~~Chapter 15.075~~ ^{section 17.200}

29 (b) the activity implements a right or privilege
30 granted by state law; a license authorized by ordinance (e.g.,
31 Chapter 6.212, Taxicabs; Chapter 15.14, newsstands); or a
32 franchise granted by the City;

33 (c) the activity occurs in an area under permit that

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1 tobacco, firearms or munitions, or any article which a minor is
2 prohibited by law from purchasing; nor any material restricted
3 by the Fire Code from direct access or handling by the public;

4 F. The display must be removed at any time that the
5 Director of Engineering, the Chief of Police, or the Fire Chief
6 determine that a clear sidewalk is needed for use of travel or
7 transportation, street cleaning or maintenance, street utility
8 work, a crowd control event or parade, or an emergency and
9 request removal;

10 G. The City assumes no responsibility for the items on
11 display, irrespective of whether the loss occurs through acci-
12 dent, collision, vandalism, theft or otherwise;

13 H. The applicant must provide public liability insurance
14 naming the City as an insured on any additional insured in an
15 amount determined by the authorizing official by rule; and

16 I. The applicant shall provide the City an indemnity
17 agreement and acknowledgment of the temporary nature of the
18 permission granted comparable to that required of sidewalk cafes
19 under Section 15.16.070.

20 ~~15.17.200 Constitutional liberties and Street fairs~~ *and vending by non-profit organizations*

21 Vending in the exercise of constitutional liberties is
22 regulated as to time, place and manner by Chapter 15.05, and by
23 applicable rules adopted by the Engineering Department, the
24 Department of Parks and Recreation, and the Seattle Center.

25 An authorizing official may authorize vending in a public
26 place as part of a street fair, carnival, athletic activity, or
27 other public event authorized by and in accordance with a permit
28 issued by the Special Events Committee under Chapter 15.52.

29 Section 52. Seattle Municipal Code Chapter 15.18
30 (Ordinance 90047, Sections 23 (A) and 23 (B)) is retitled and
31 amended as follows:

32 **CHAPTER 15.18 DANGEROUS ((BUILDINGS)) STRUCTURES ON**
33 **ADJOINING PROPERTY**

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1 civil action in the manner provided by law.

2 Section 114. Seattle Municipal Code Section 15.44.140
3 (Ordinance 90047, Section 41(n), as last amended by Ordinance
4 115994, Section 38) is further amended as follows:

5 **15.44.140 Appeal.**

6 A. An applicant for the permit (~~provided for in~~) re-
7 quired by SMC Section 15.44.003 ((15.44.020)), feeling aggrieved
8 by any of the following actions, charges or determinations of
9 the Director of Engineering may within ten (10) days thereof
10 appeal the same to the (~~Street Use Appeals Board~~) Director
11 personally, or the Director's designated hearing officer by
12 filing a written notice of appeal with the (~~Board~~) Director:

13 1. The denial of a permit to excavate or fill re-
14 quired by SMC Section 15.44.003 ((15.44.020));

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

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

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

21 5. Actions imposing conditions modifying or
22 rejecting any special plans, specifications, shoring plans, and
23 proposed methods of construction required by SMC Sections
24 15.44.070 or 15.44.090(;;).^a

25 (~~Provided,~~) ((n)) No appeal may be made from such actions
26 or determinations after the applicant has accepted the permit to
27 excavate or fill. Unless otherwise (~~directed by the Board~~)
28 determined by the Director of Engineering, no such permit to
29 excavate or fill shall issue until after final determination of
30 any such appeal.

31 B. A holder of the permit (~~provided for in~~) required by
32 SMC Sections 15.44.003 or 15.44.020, feeling aggrieved by any of
33 the following actions, charges or determinations of the Director

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Also correct date on ending - last page

3-6-75

Street Use Ordinance, Chew, Harris

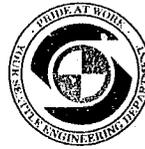
Chew, Murray [Kirk Jones]

Self Admin - Kingdom: Solves major problems faced by
Kilome.

- Ped / vehicle congestion
- Question: Can we get it to Council's Att.

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Seattle
Engineering Department



MEMORANDUM

Date: January 18, 1995
To: Martha Choe, Chair, Transportation Committee
From: Kirk T. Jones, Manager, Street Use *Kirk*
Subject: Revised Street Use Code

Council Bill 110278 was filed with the City Council in August of 1994 to amend the Street Use Code. The Transportation Committee had it scheduled for final vote at the October 18, 1994 committee meeting. The City Attorney's office requested that the legislation be held because of a lawsuit that had been filed against the City. The proposed definition of "use" in the legislation had a significant bearing on the City's defense in this case, and they desired to revise the definition. Because of this delay, the Law Department, SED and DCLU staff took the opportunity to further amend the legislation to:

1. implement the transfer of SED responsibilities to DCLU, consistent with the transfer of Plan Review from SED to DCLU in the budget process and,
2. require Council approval of skybridges prior to the issuance of a MUP, per the Transportation Committee member's comments at the September 8, 1994 meeting.

Because of the many changes to implement the above elements, we have prepared a complete new ordinance to substitute for the original bill. The title is unchanged so it is not necessary to reintroduce the ordinance, merely substitute the attached for the bill introduced in August.

We are prepared to fully discuss these issues at the February 7, 1995 committee meeting. In the meantime, Gary Keese, Law Department, and I are available to respond to any questions you may have about these changes.

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Appendix I

Description of Parks, Drives and Boulevards

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

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

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

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

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

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

SOUTH HORTON STREET (AKA HORTON HILL CORRIDOR) - South Horton Street From 36th Avenue South to 37th Place South;

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

LAKE WASHINGTON BOULEVARD - Northerly along Lake Washington Boulevard South, beginning at the east end of South Juneau Street (at the entrance of Seward Park) and continuing to the south margin of South College Street;
[thence across Colman Park];
thence northerly along Lake Washington Boulevard South from Colman Park (180 feet south of South Massachusetts Street) to Frink Park (100 feet north of South Lane Street);
[thence across Frink and Leschi Parks to East Yesler Street];

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Thence northeasterly along Lake Washington Boulevard from East Yesler Street to Lakeside Avenue and continuing northerly along Lake Washington Boulevard to East Olive street; thence northerly along Lake Washington Boulevard from East Olive Street to East Howell Street; thence northerly along Lake Washington Boulevard East from East Howell Street to McGilvra Boulevard East; [thence northwesterly across Lake View Park from McGilvra Boulevard East to East Harrison Street]; thence northwesterly along Lake Washington Boulevard East from East Harrison Street to East Madison Street; thence across Washington Park to 26th Avenue East]; thence northerly along Lake Washington Boulevard East (the extension of 26th Avenue East) to East Lake Washington Boulevard; thence westerly along East Lake Washington Boulevard to East Montlake Place.

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

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

MAGNOLIA BOULEVARD - Beginning at West Emerson Street and Magnolia Boulevard West; thence southwesterly and southerly along Magnolia Boulevard West from West Emerson Street to West Montfort Place; thence southerly along Magnolia Boulevard West from West Montfort Place to 34th Court West and continuing northerly to the west end of the West Howe Street; thence easterly along West Howe Street to Clise Place West (except bridge structure); [thence southerly across Magnolia Park property from West Howe Street to 29th Avenue West]; thence west along West Galer Street from 29th Avenue West to Magnolia Way West; thence northerly along Magnolia Way West and across Park property to Thorndyke Avenue West at West Howe Street.

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

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

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

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

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

QUEEN ANNE BOULEVARD (A continuous path comprised of the following streets.) - Beginning at Bigelow Avenue North and Prospect Street; thence northeasterly and northerly along Bigelow Avenue North from Prospect Street to Wheeler Street; thence west along Wheeler Street from Bigelow Avenue North to Nob Hill Avenue North; thence south along Nob Hill Avenue North from Wheeler Street to McGraw Street; thence west along McGraw Street from Nob Hill Avenue North to 2nd Avenue North (except bridge structure); thence northwest along McGraw Place from 2nd Avenue North to Warren Avenue North; thence west along Smith Street from Warren Avenue North to Queen Anne Avenue North; thence west along West Smith Street from Queen Anne Avenue North to West McGraw Place; thence southwesterly along West McGraw Place to West McGraw Street; thence west along West McGraw Street from 2nd Avenue West to 3rd Avenue West (West McGraw Place); thence northwest along West McGraw Place from 3rd Avenue West to 5th Avenue West; thence north along 5th Avenue West from West McGraw Place to West Raye Street; thence west along West Raye Street from 5th Avenue West to 8th Avenue West; thence north along 8th Avenue West from West Raye Street to West Fulton Street; thence west along West Fulton Street from 8th Avenue West to 10th Avenue West; thence south along 10th Avenue West from West Fulton Street to West Wheeler Street; thence east along West Wheeler Street from 10th Avenue West to 8th Avenue West; thence south along 8th Avenue West from West Wheeler Street to West McGraw Street; thence east along West McGraw Street from 8th Avenue West to 7th Avenue West; thence south along 7th Avenue West from West McGraw Street to West Blaine Street; thence west along the upper roadway of West Blaine Street from 7th Avenue West to 8th Avenue West; thence south along the upper roadway of 8th Avenue West from West Blaine Street to West Galer Street and continuing south and southeasterly along the upper roadway of 8th Place West to West Highland Drive; and West Highland Drive from 8th Place West to 7th Avenue West.

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

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

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

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

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

VOLUNTEER PARKWAY - 14th Avenue East from East prospect street to approximately 100 feet south of Roy Street;
East Roy Street from 14th Avenue East to approximately 90 feet east thereof;
East Valley Street from 14th Avenue East to approximately 90 feet east thereof;
East Aloha Street from 14th Avenue East to approximately 90 feet east thereof and 120 feet west thereof;
East Ward Street from 14th Avenue East to approximately 90 feet east thereof; and
East Prospect Street from 14th Avenue East to approximately 90 feet east and 100 feet west thereof.

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

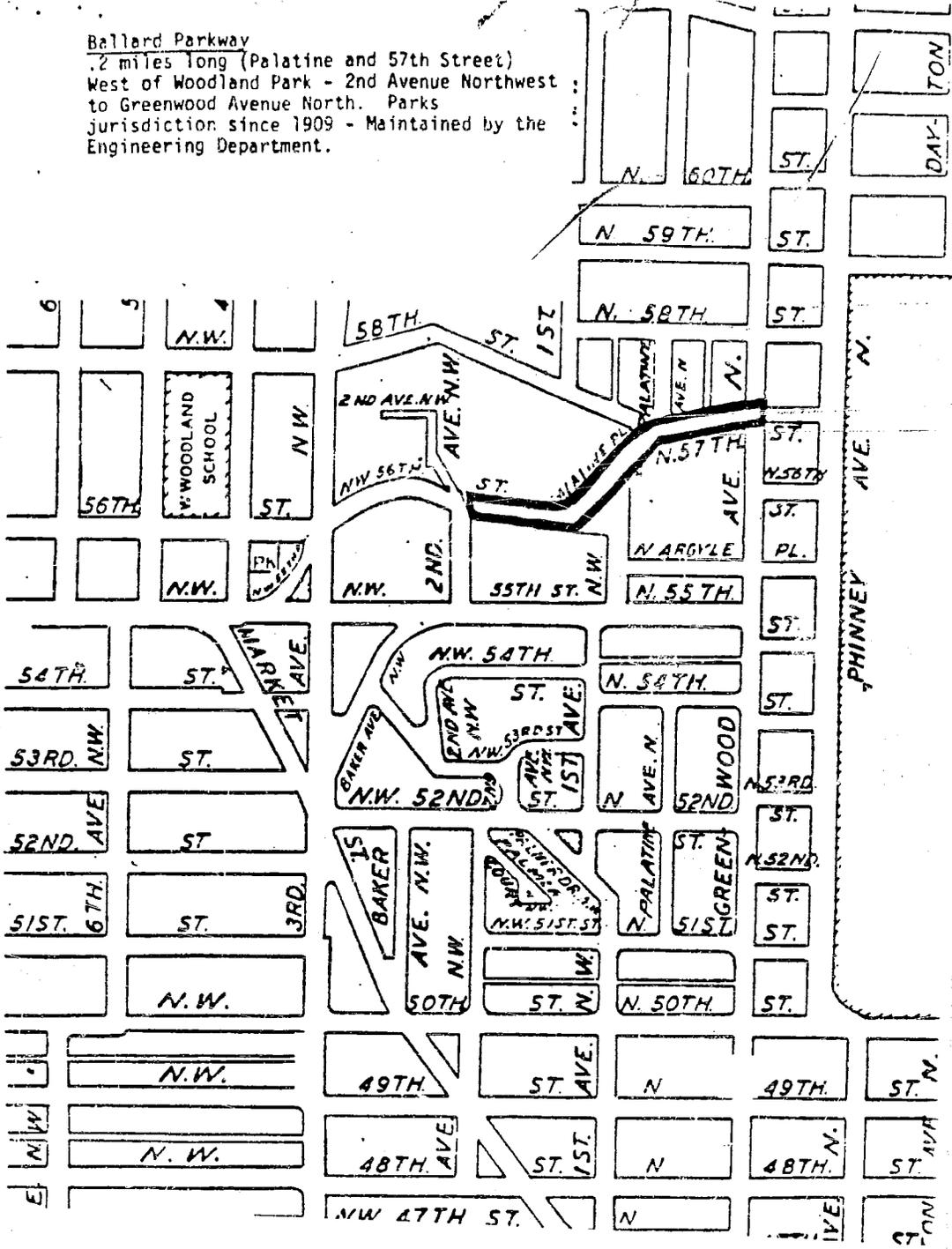
17TH AVENUE NORTHEAST from Northeast 45th Street to Northeast Ravenna Boulevard (median only).

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

Appendix II
Corresponding Maps
Parks, Drives and Boulevards

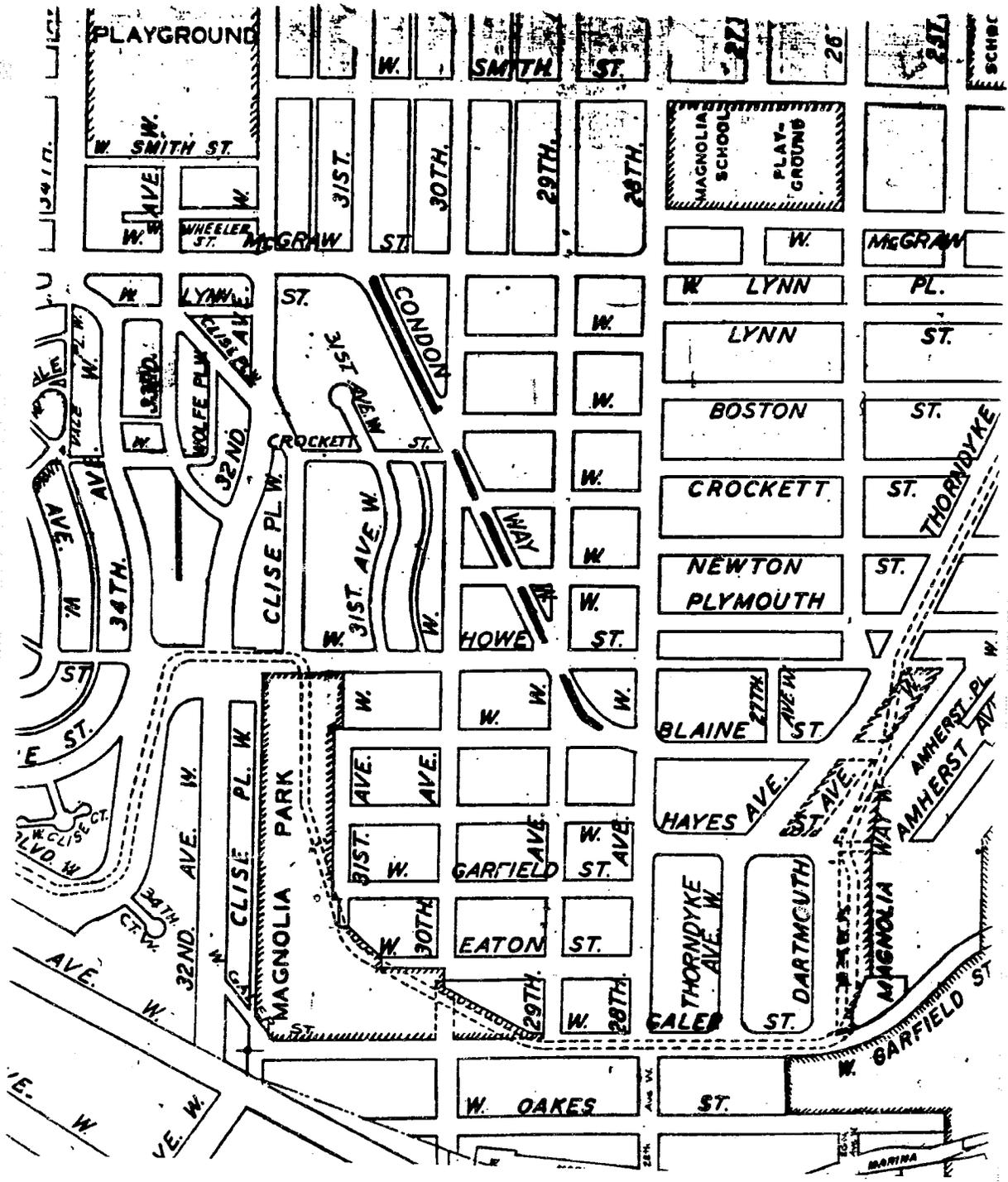
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Ballard Parkway
 .2 miles long (Palatine and 57th Street)
 West of Woodland Park - 2nd Avenue Northwest
 to Greenwood Avenue North. Parks
 jurisdiction since 1909 - Maintained by the
 Engineering Department.



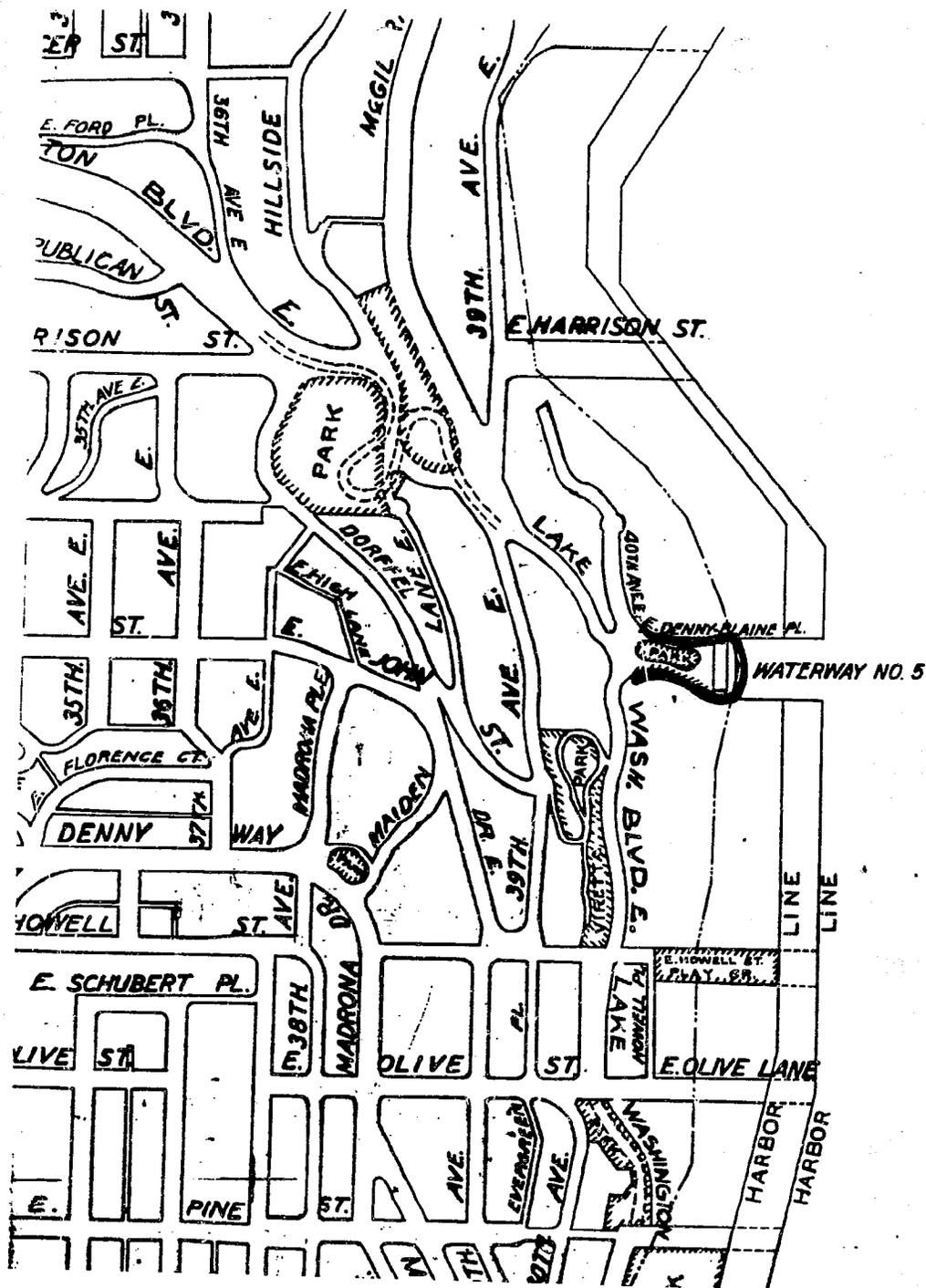
BALLARD PARKWAY

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CONDON WAY WEST
(Median and triangle only)

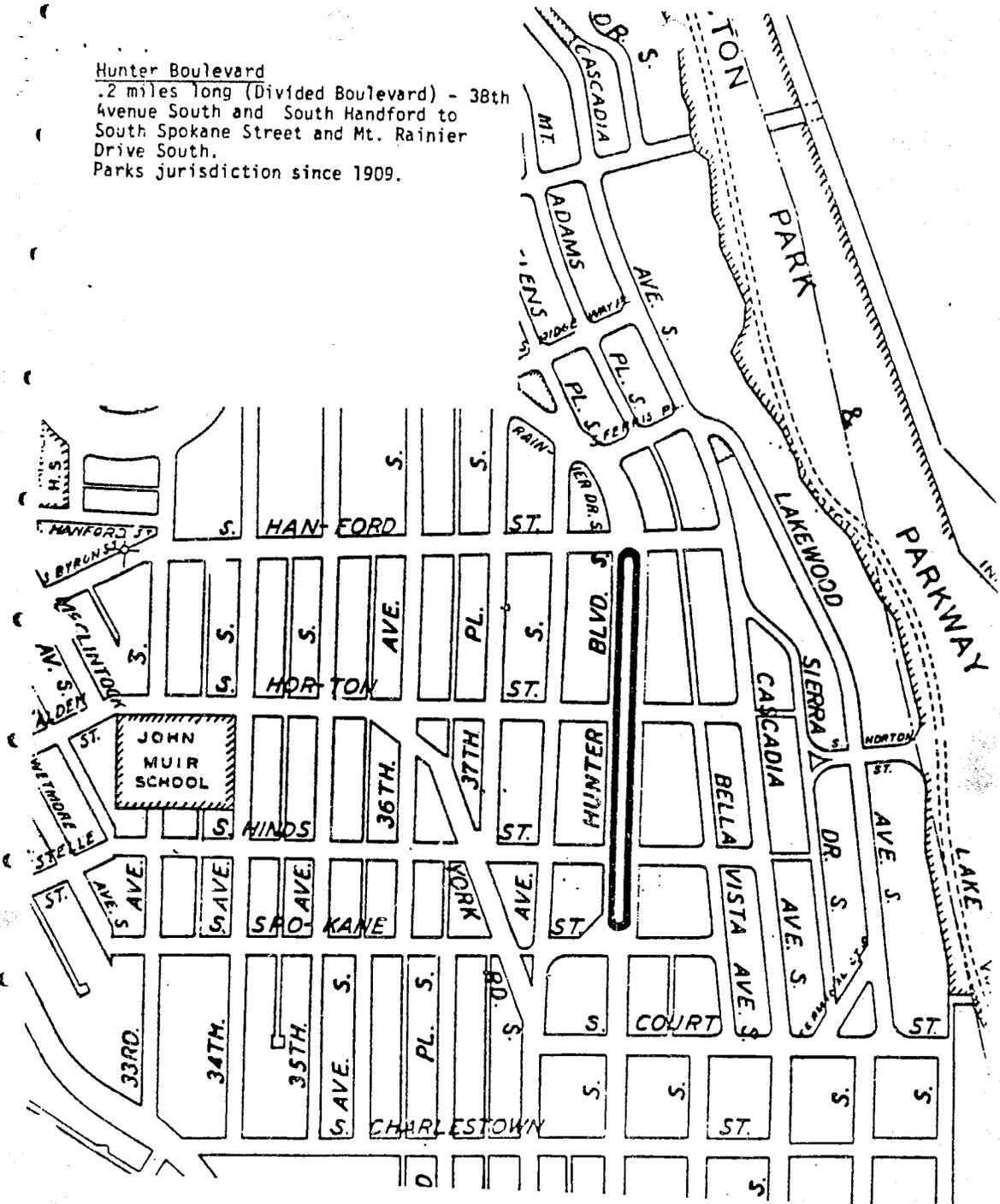
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EAST DENNY BLAINE PLACE

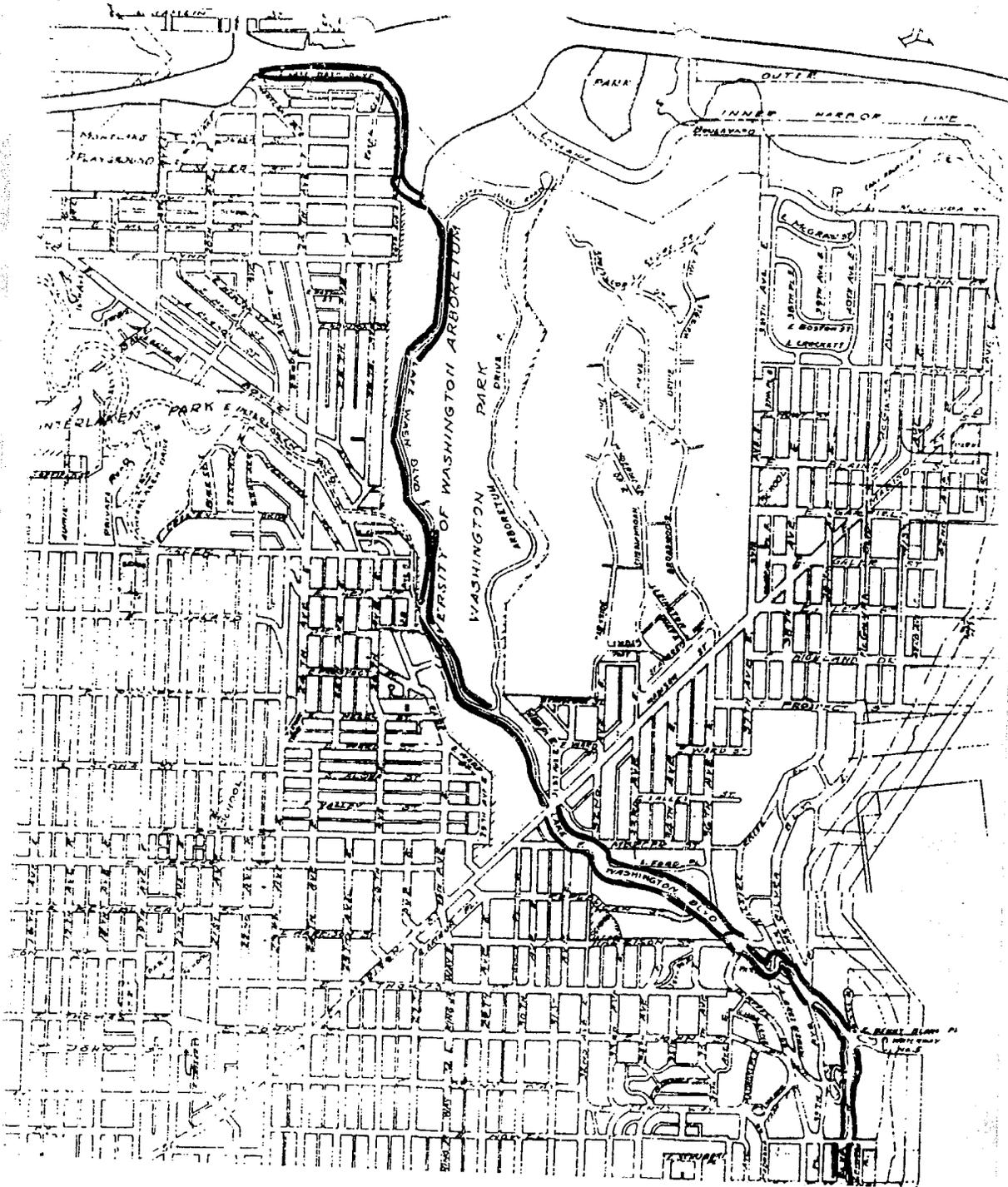
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Hunter Boulevard
 .2 miles long (Divided Boulevard) - 38th
 Avenue South and South Handford to
 South Spokane Street and Mt. Rainier
 Drive South.
 Parks jurisdiction since 1909.



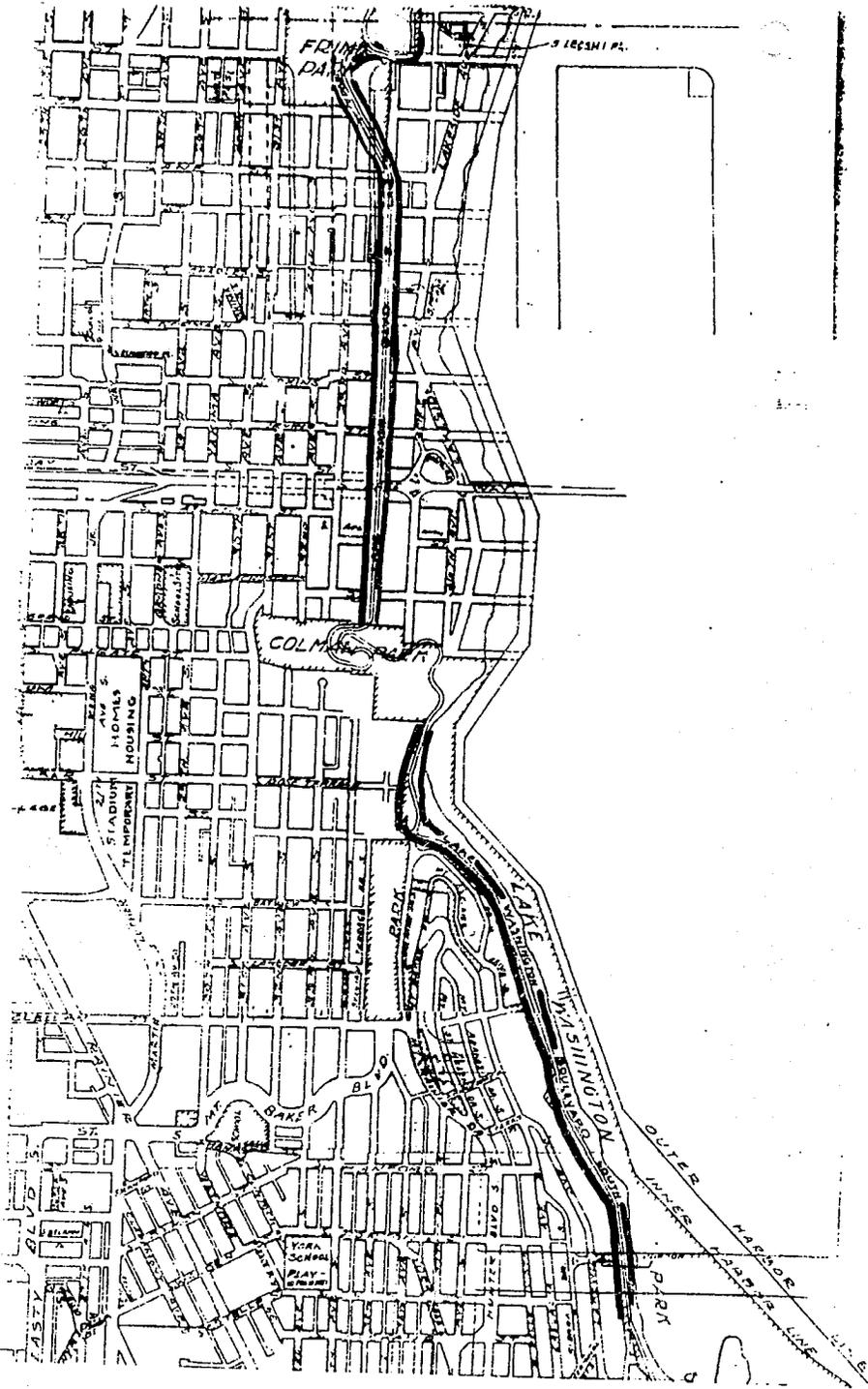
HUNTER BOULEVARD
 (median only)

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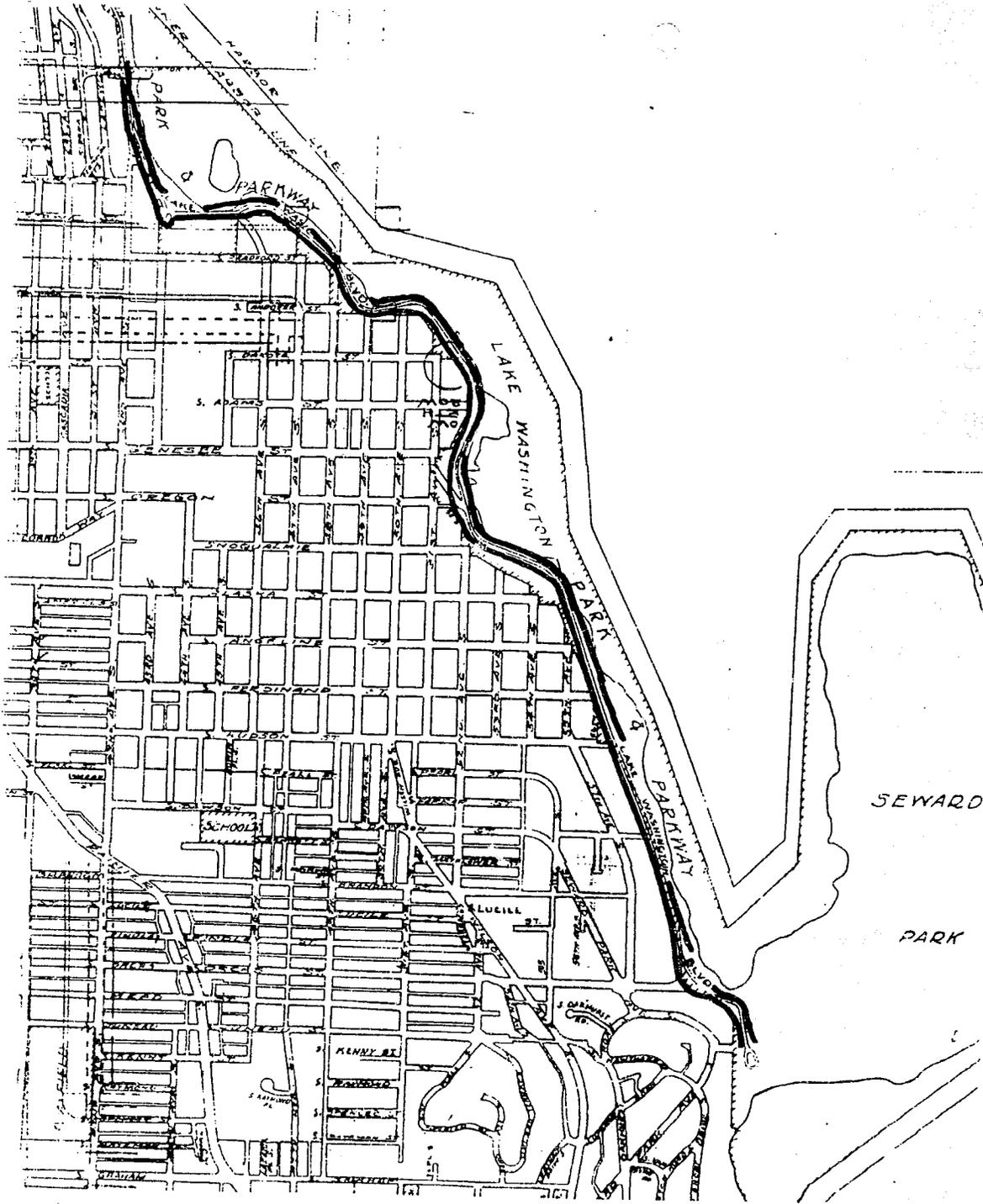
LAKE WASHINGTON BOULEVARD, Sht. 1

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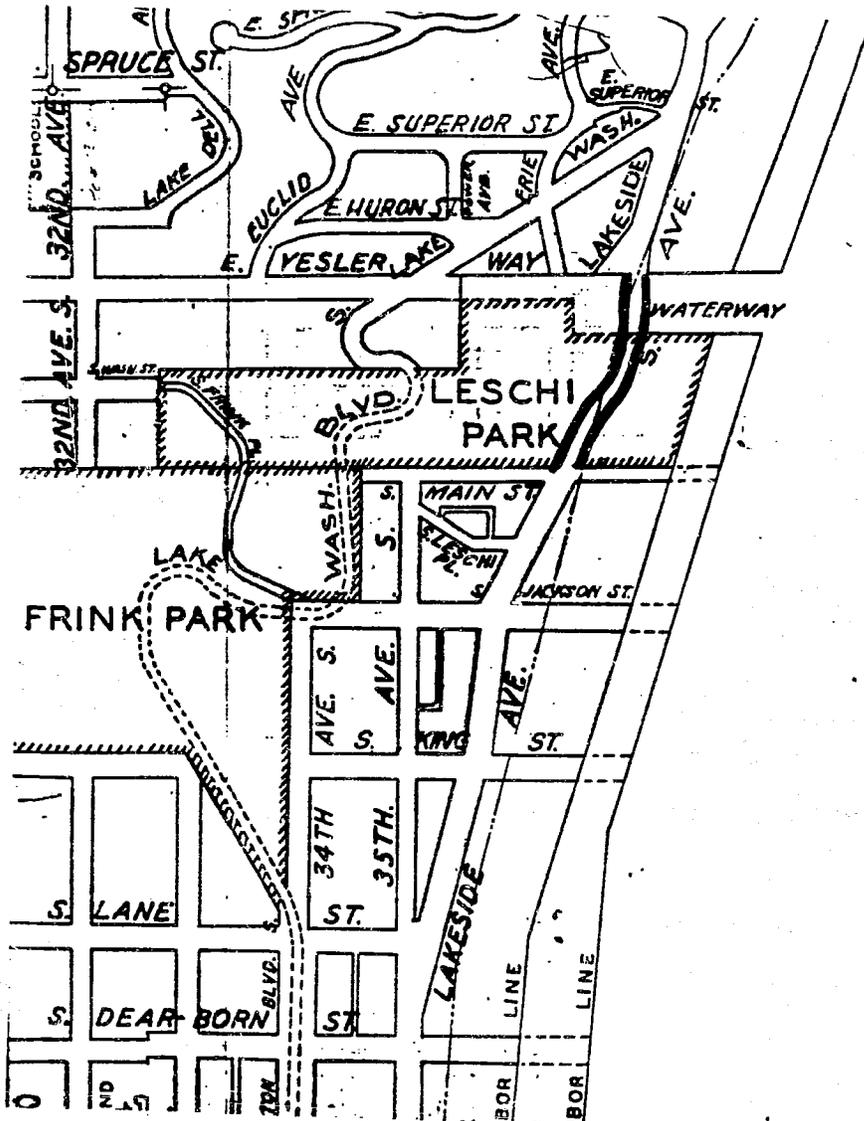
LAKE WASHINGTON BOULEVARD, Sht. 3

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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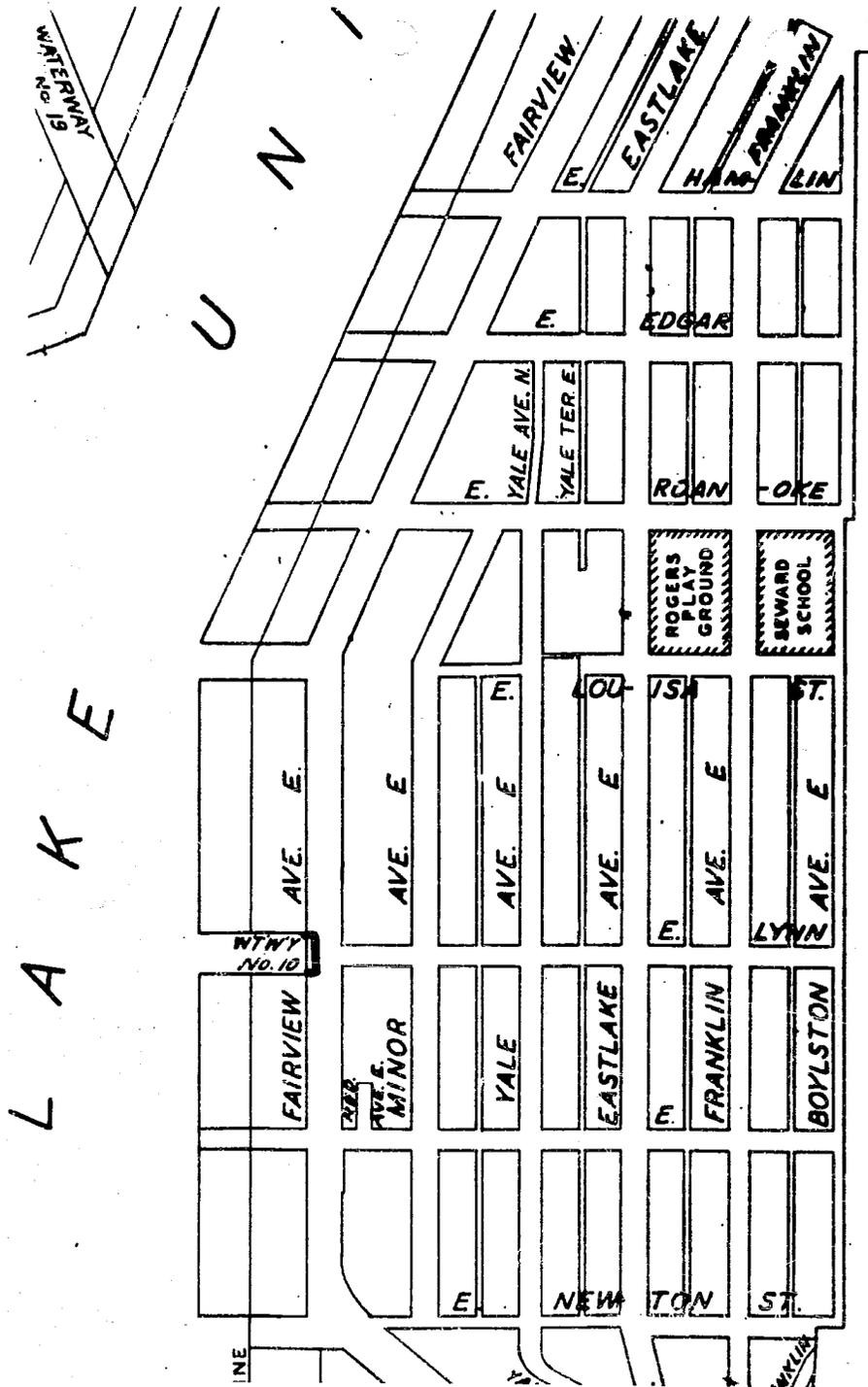
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

LAKE WASHINGTON BOULEVARD, Sht. 4



LAKESIDE AVENUE SOUTH

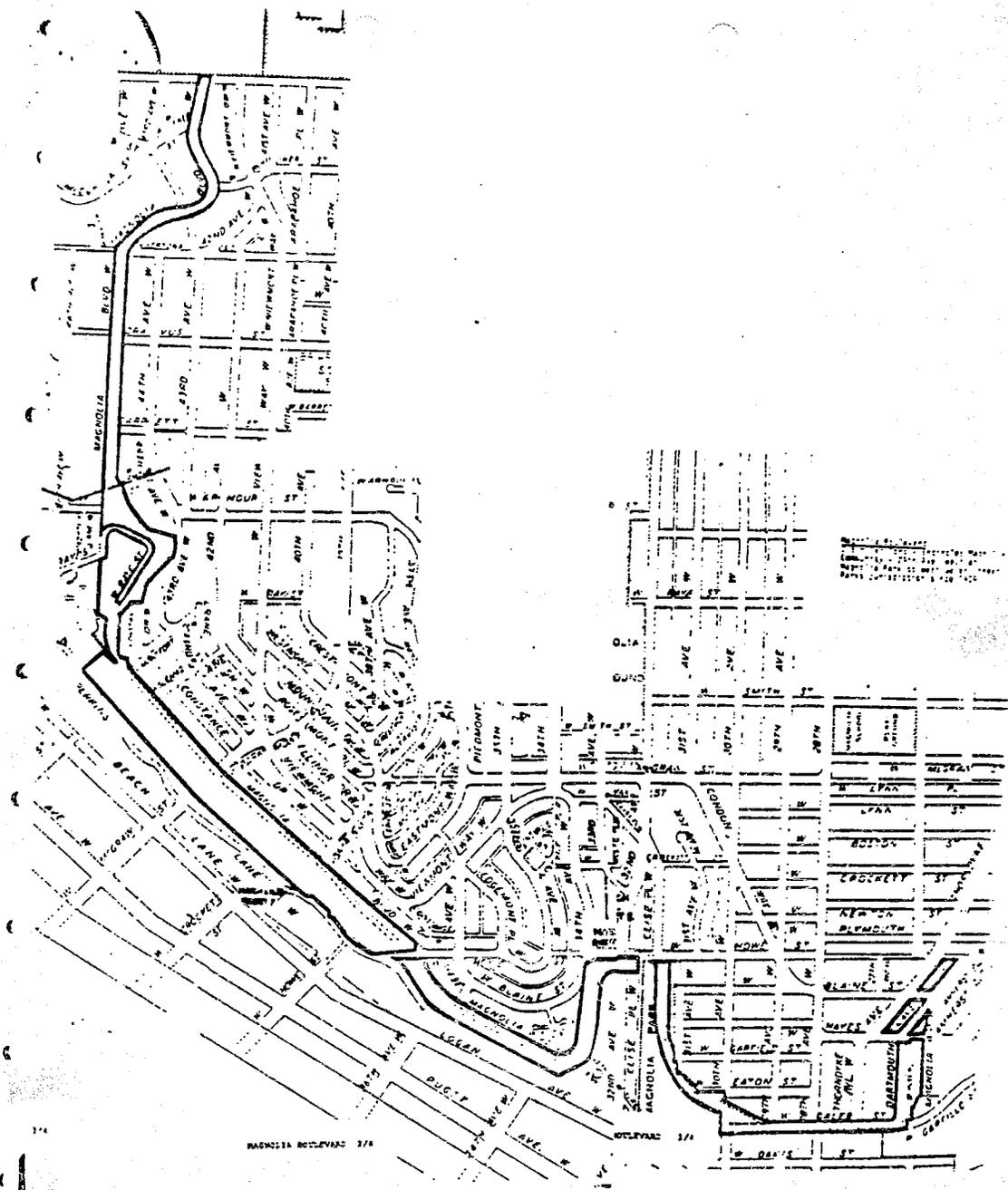
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



LYNN STREET-END PARK



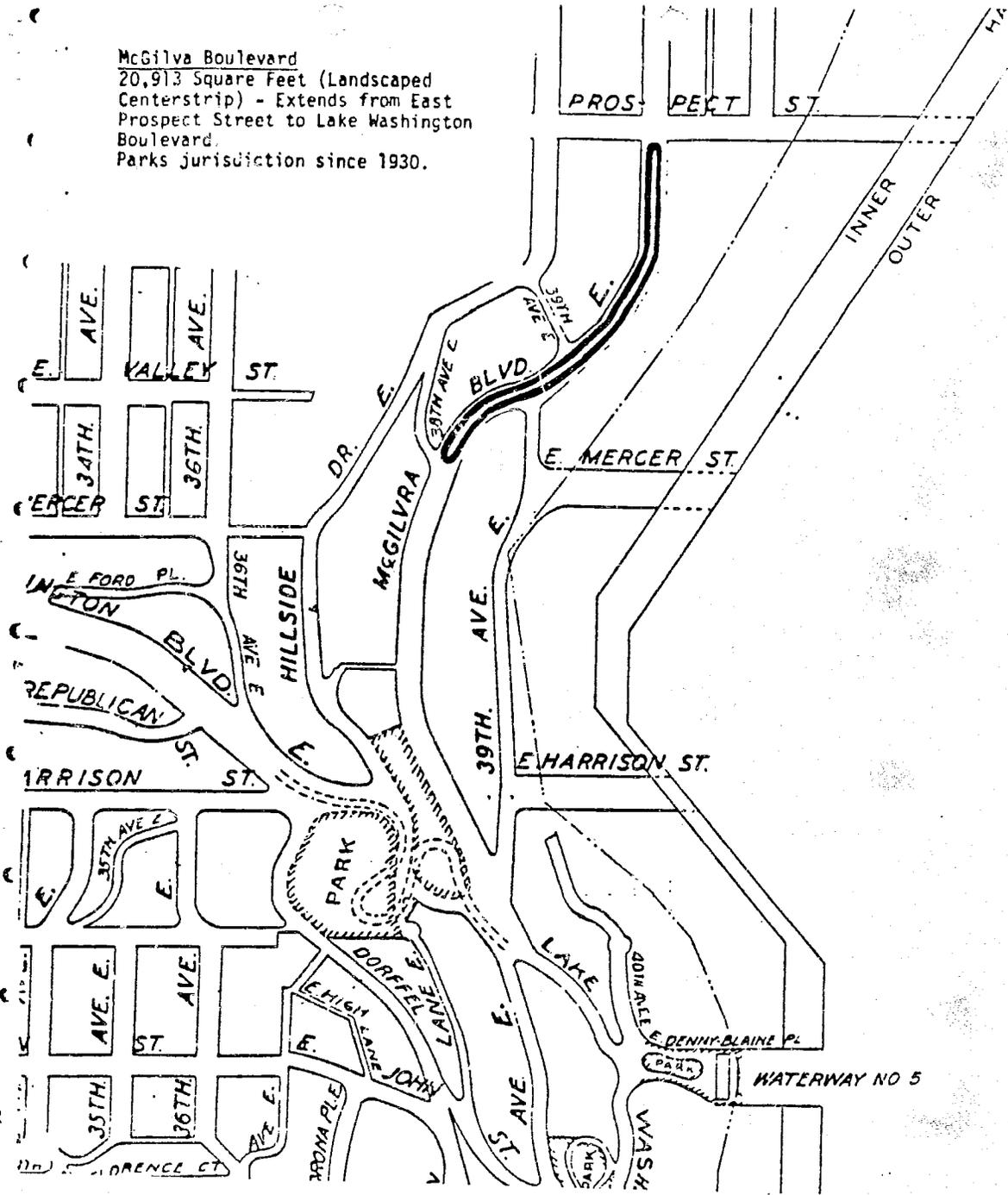
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MAGNOLIA BOULEVARD

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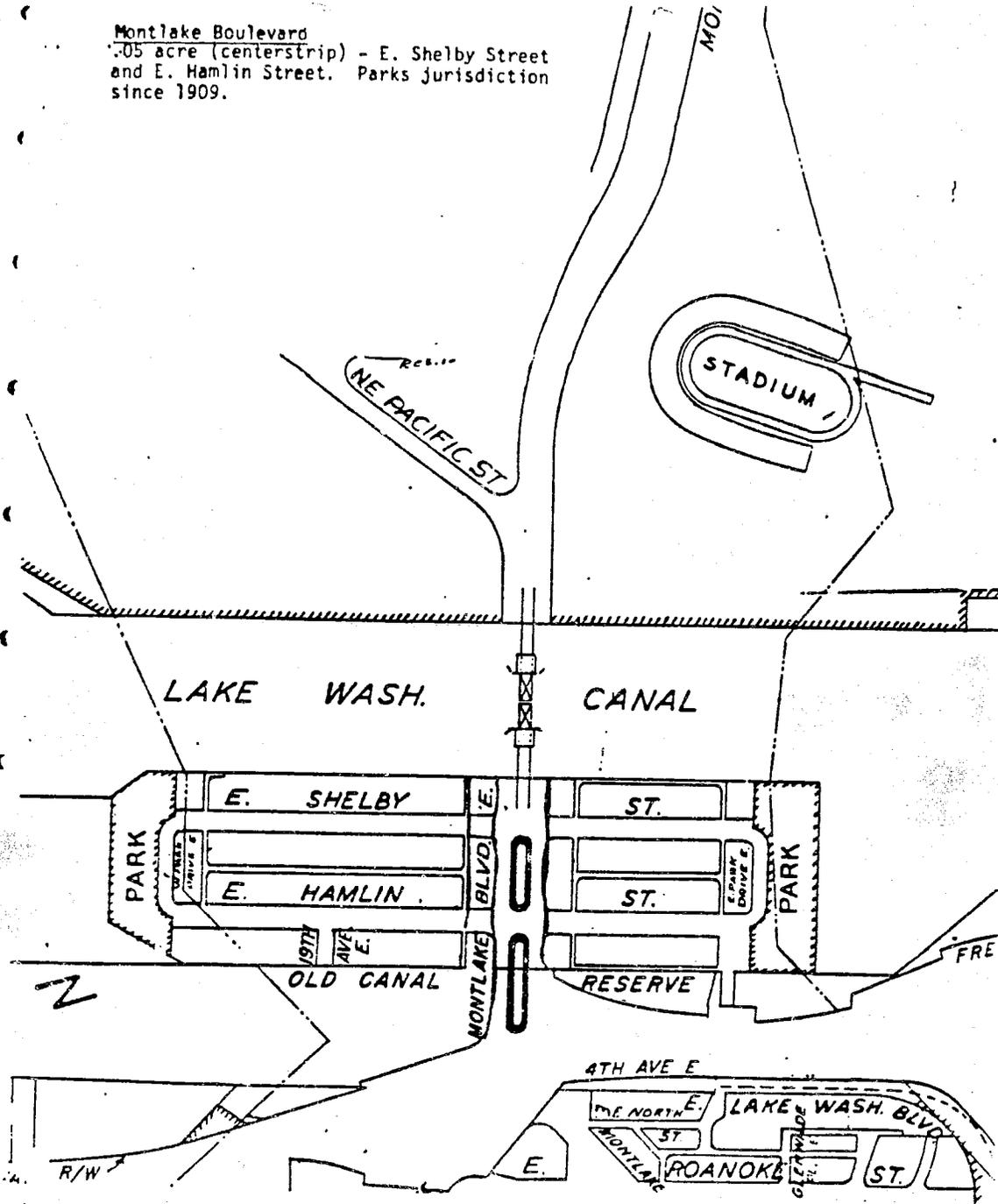
McGilva Boulevard
 20,913 Square Feet (Landscaped
 Centerstrip) - Extends from East
 Prospect Street to Lake Washington
 Boulevard.
 Parks jurisdiction since 1930.



MCGILVRA BOULEVARD
 (median only)

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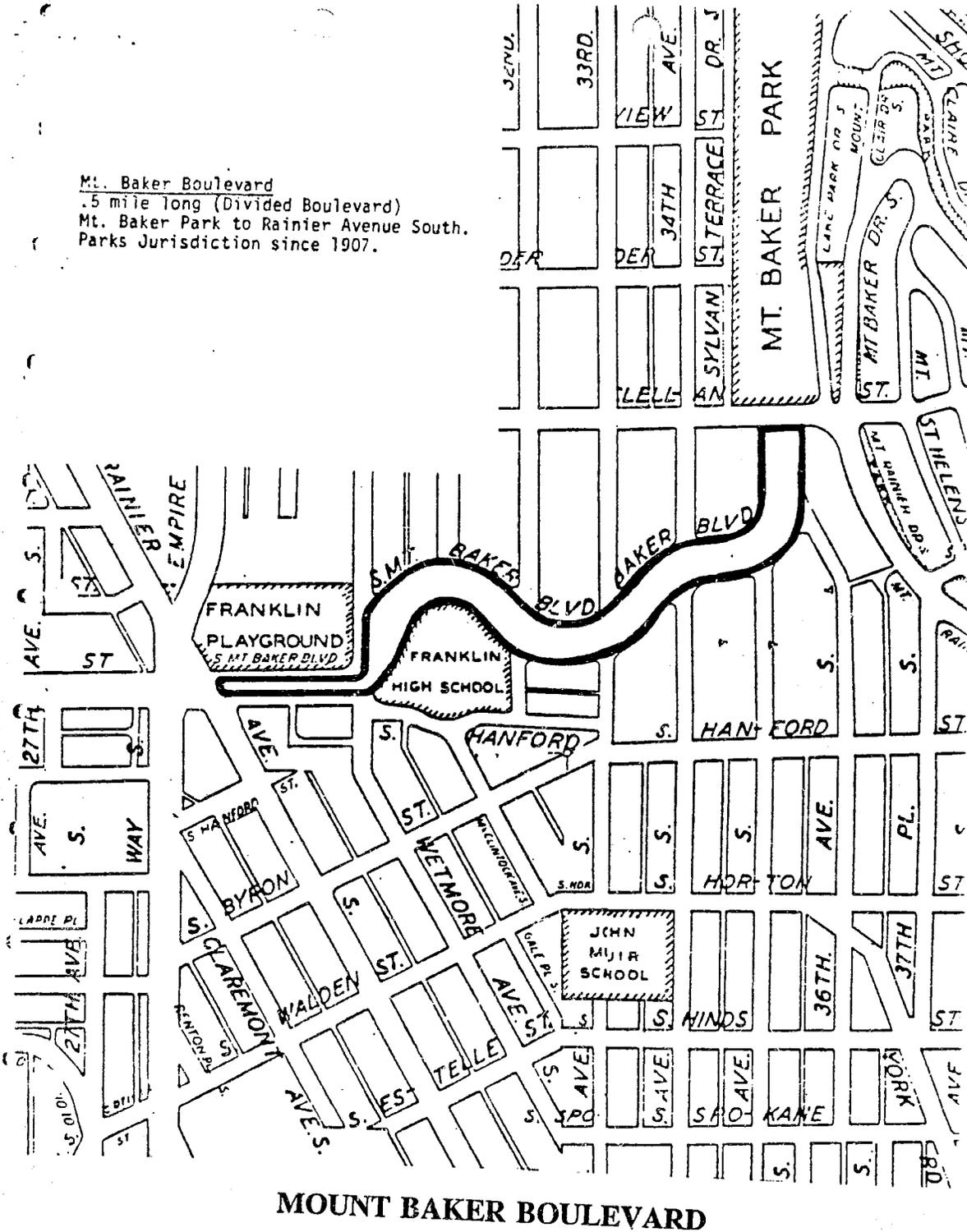
Montlake Boulevard
.05 acre (centerstrip) - E. Shelby Street
and E. Hamlin Street. Parks Jurisdiction
since 1909.



MONTLAKE BOULEVARD
(median only)

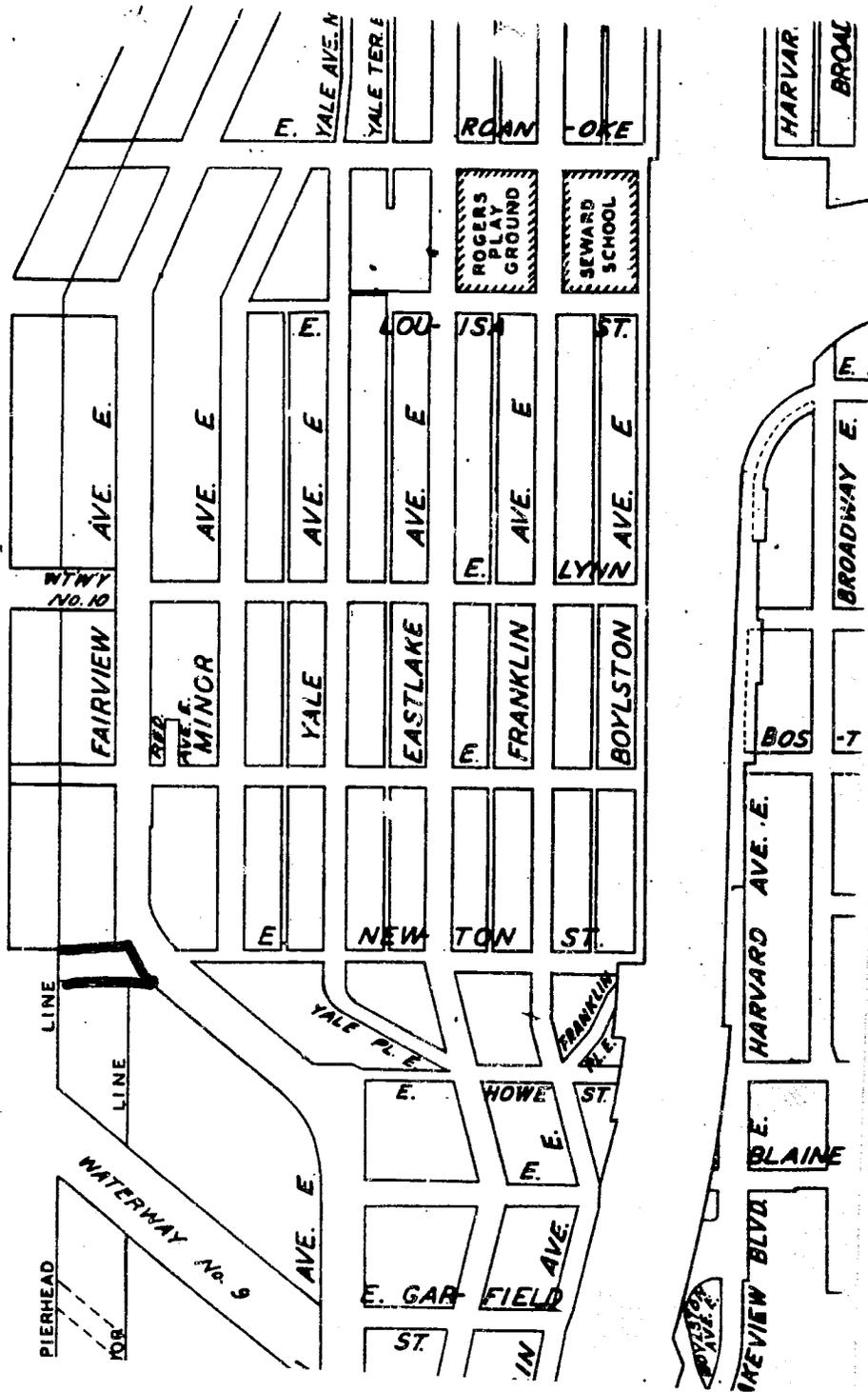
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Mt. Baker Boulevard
 .5 mile long (Divided Boulevard)
 Mt. Baker Park to Rainier Avenue South.
 Parks Jurisdiction since 1907.



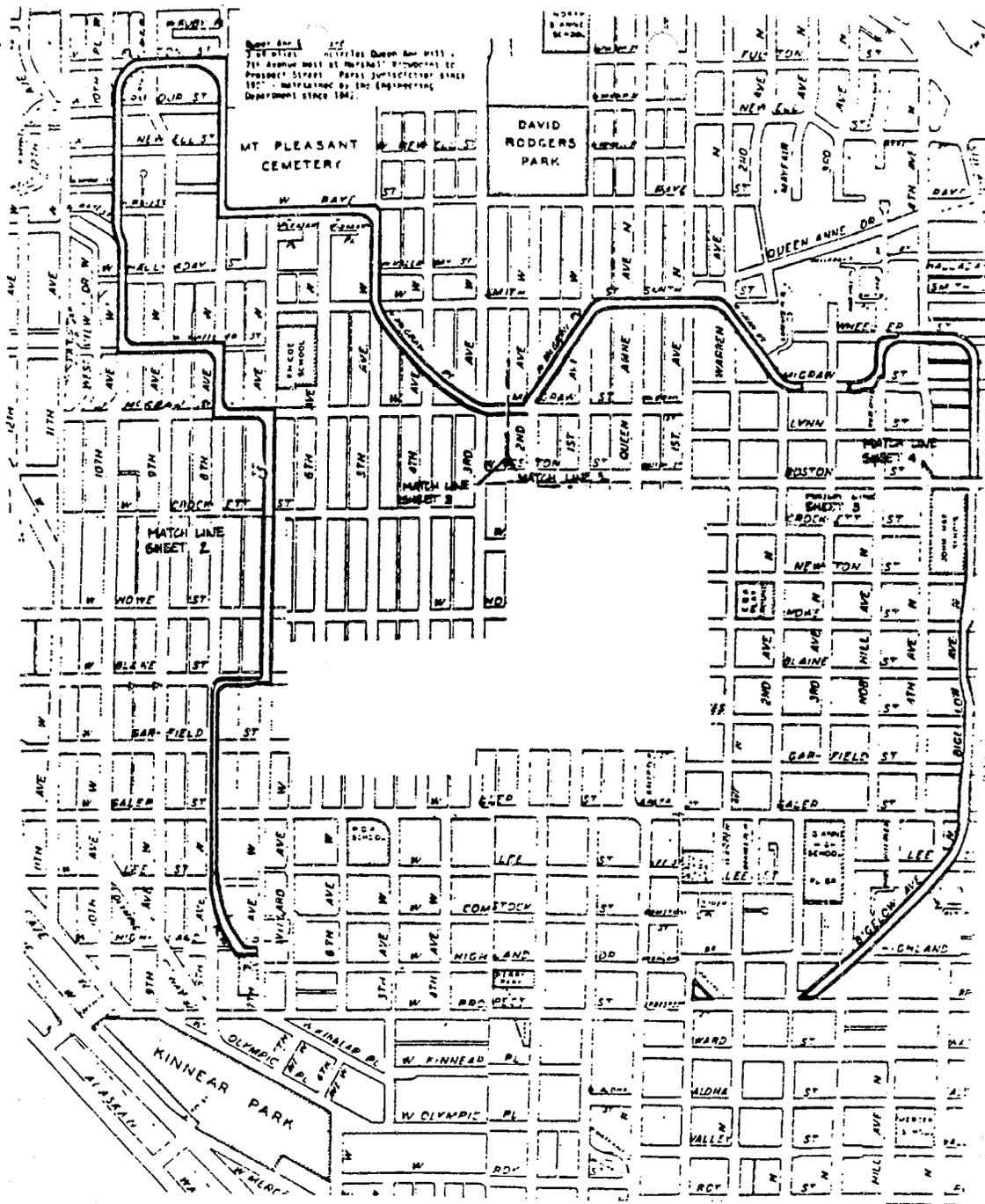
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L A K E



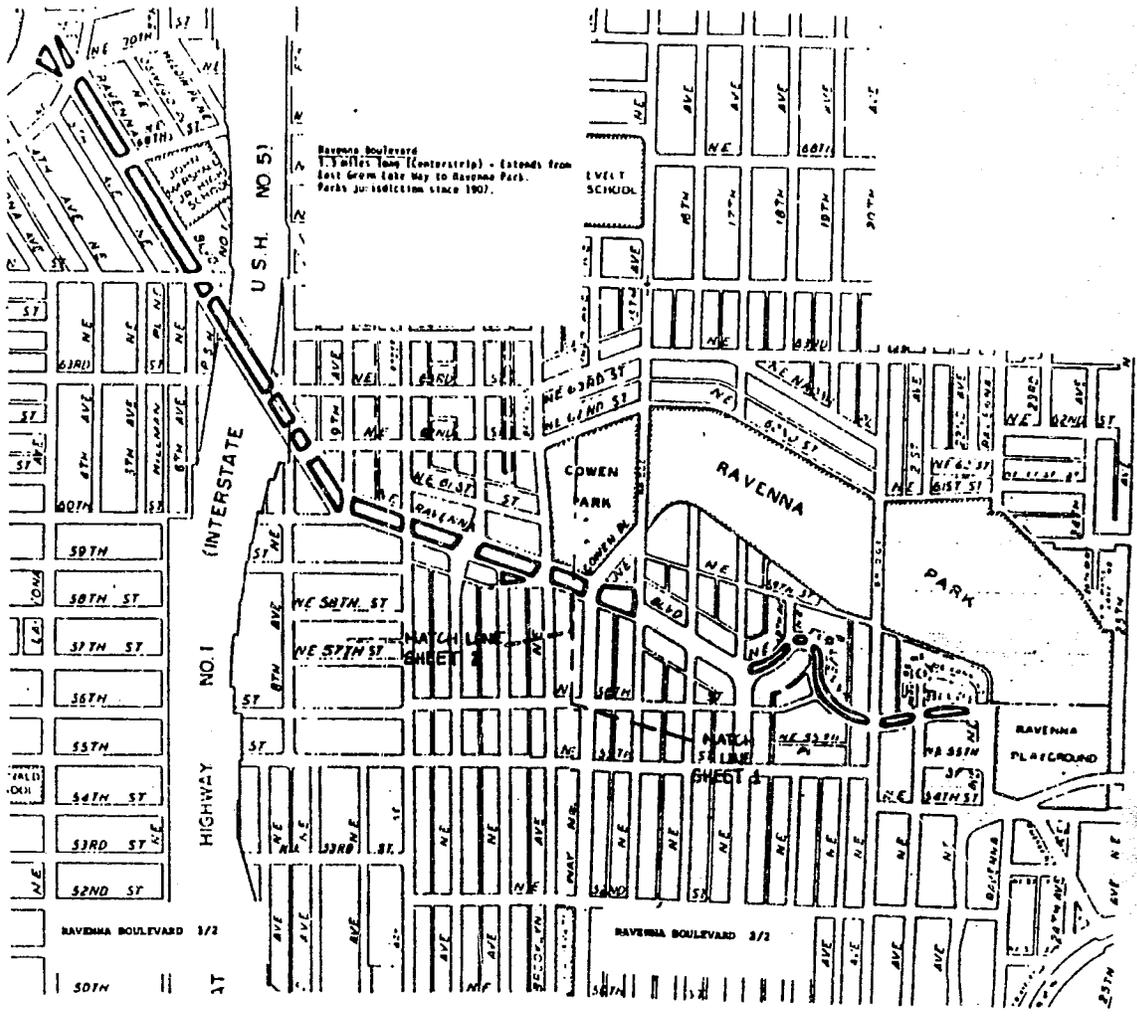
NEWTON STREET-END PARK

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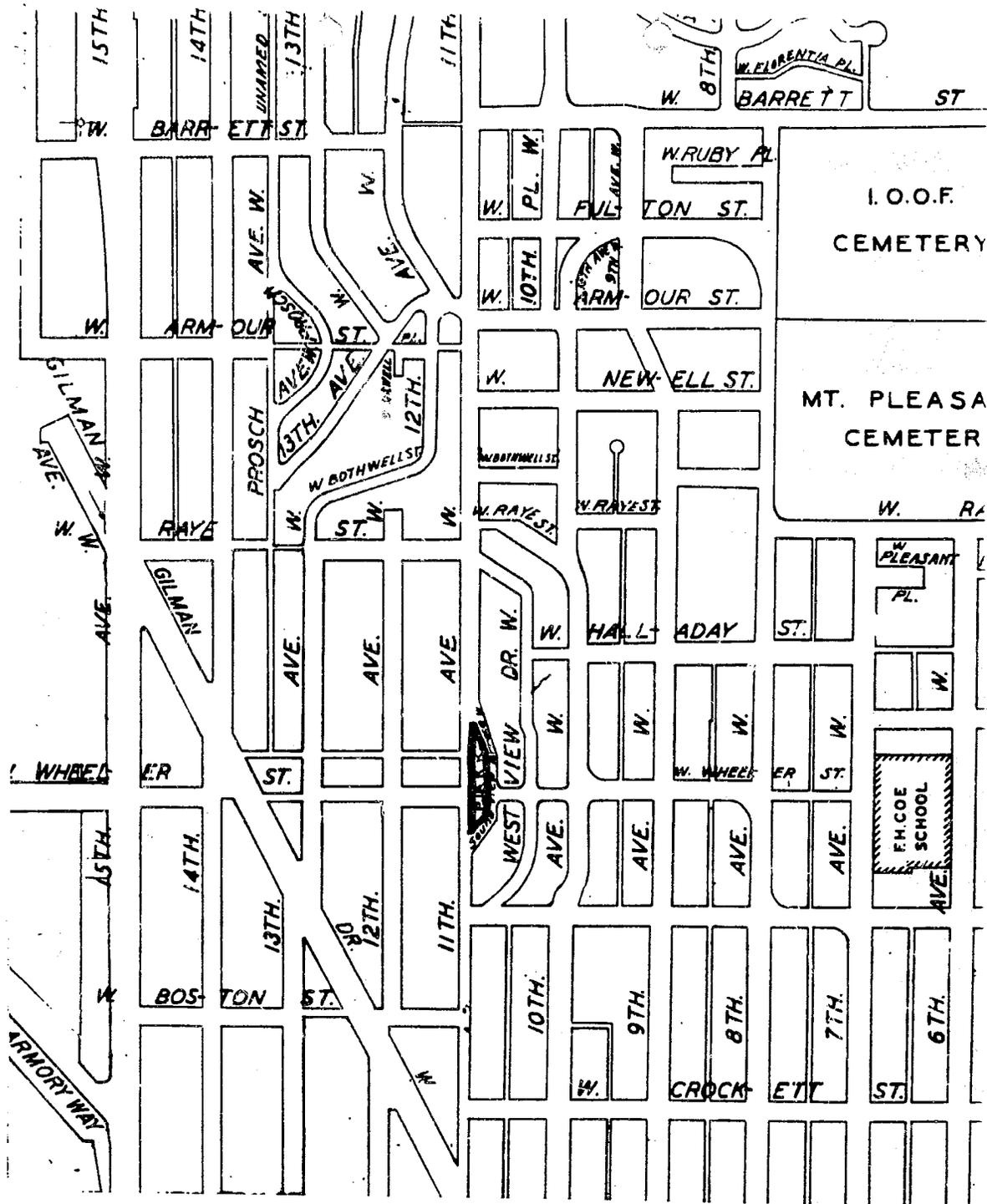
QUEEN ANNE BOULEVARD

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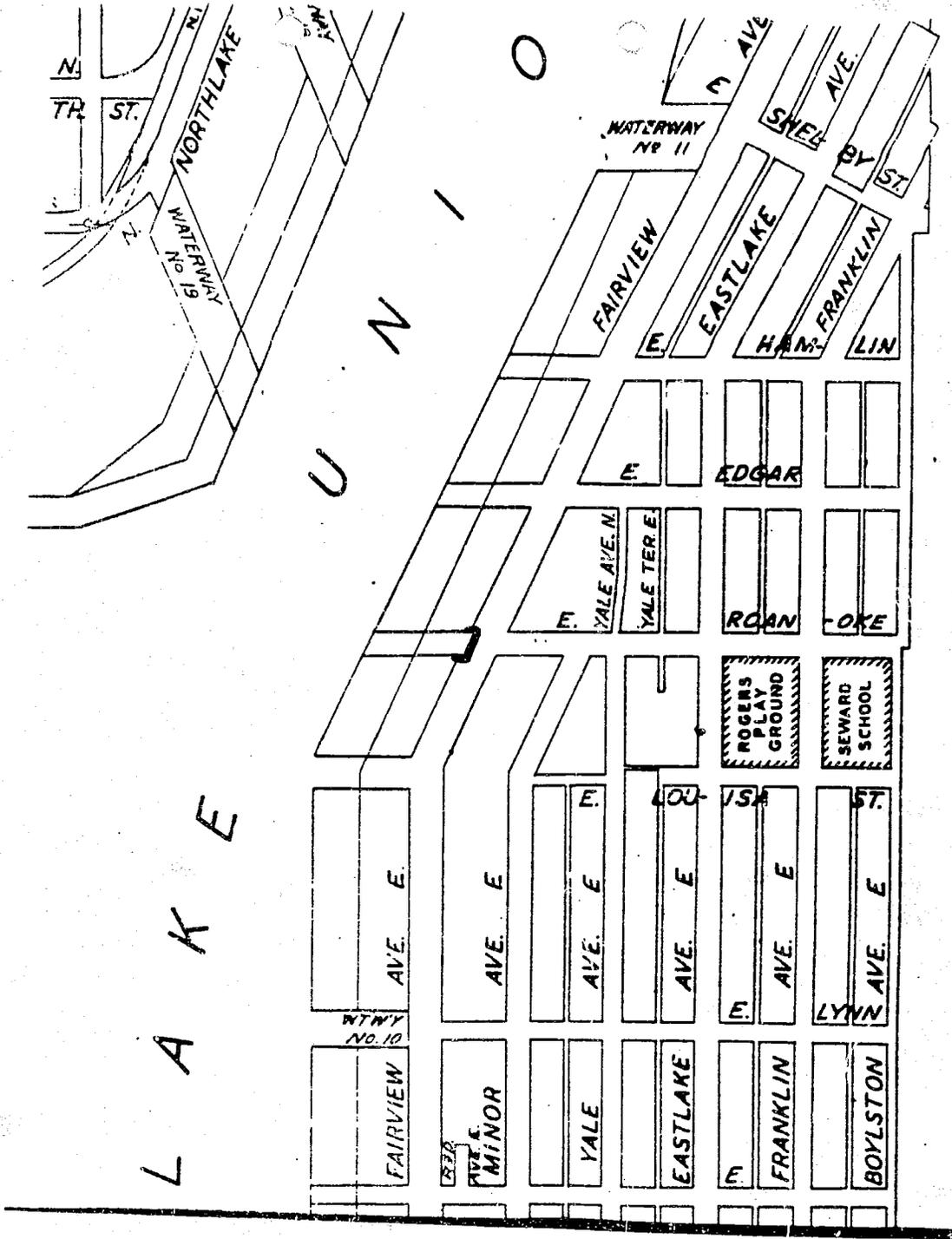
RAVENNA BOULEVARD
(median only).

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



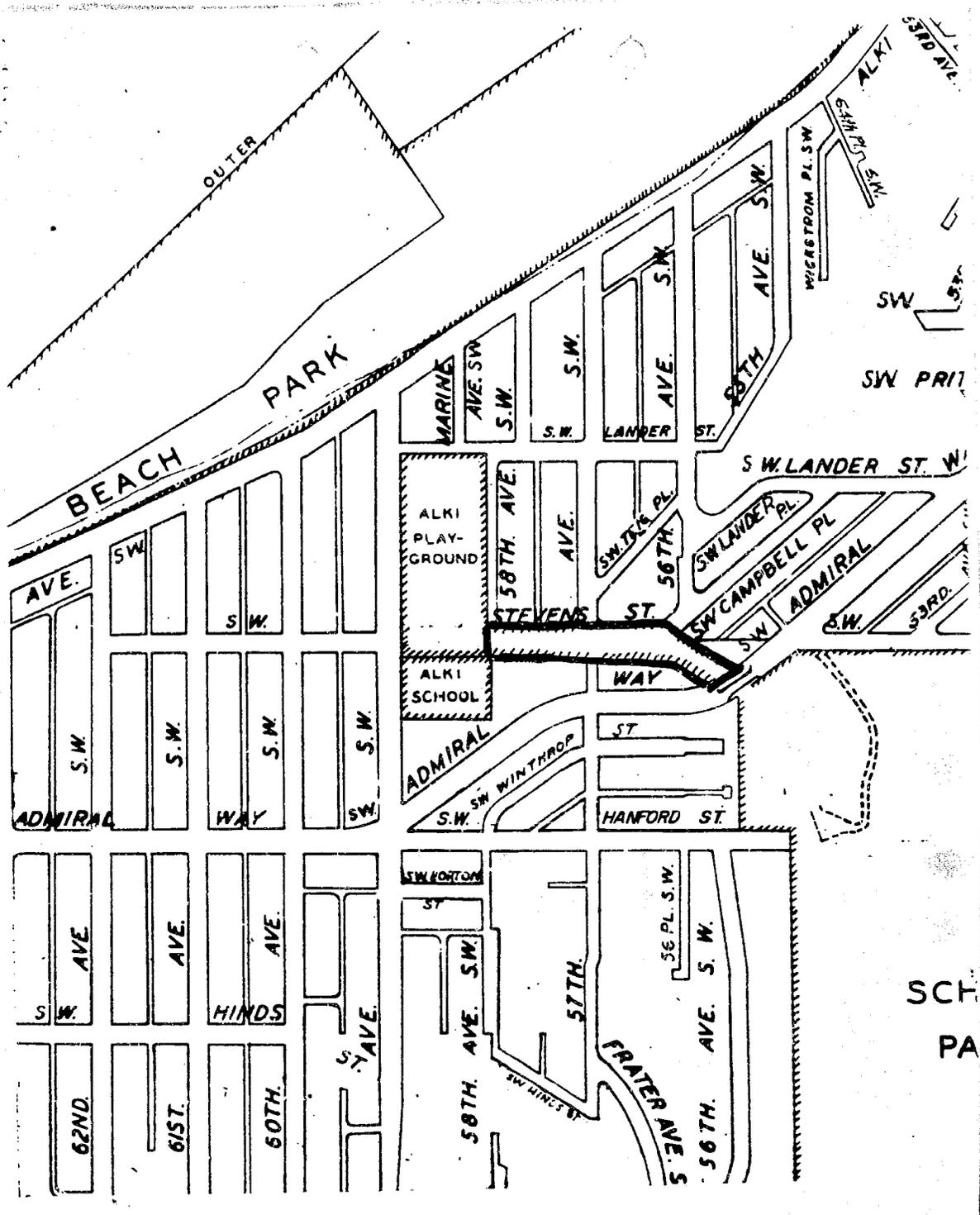
SOUND VIEW TERRACE

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ROANOKE STREET-END PARK

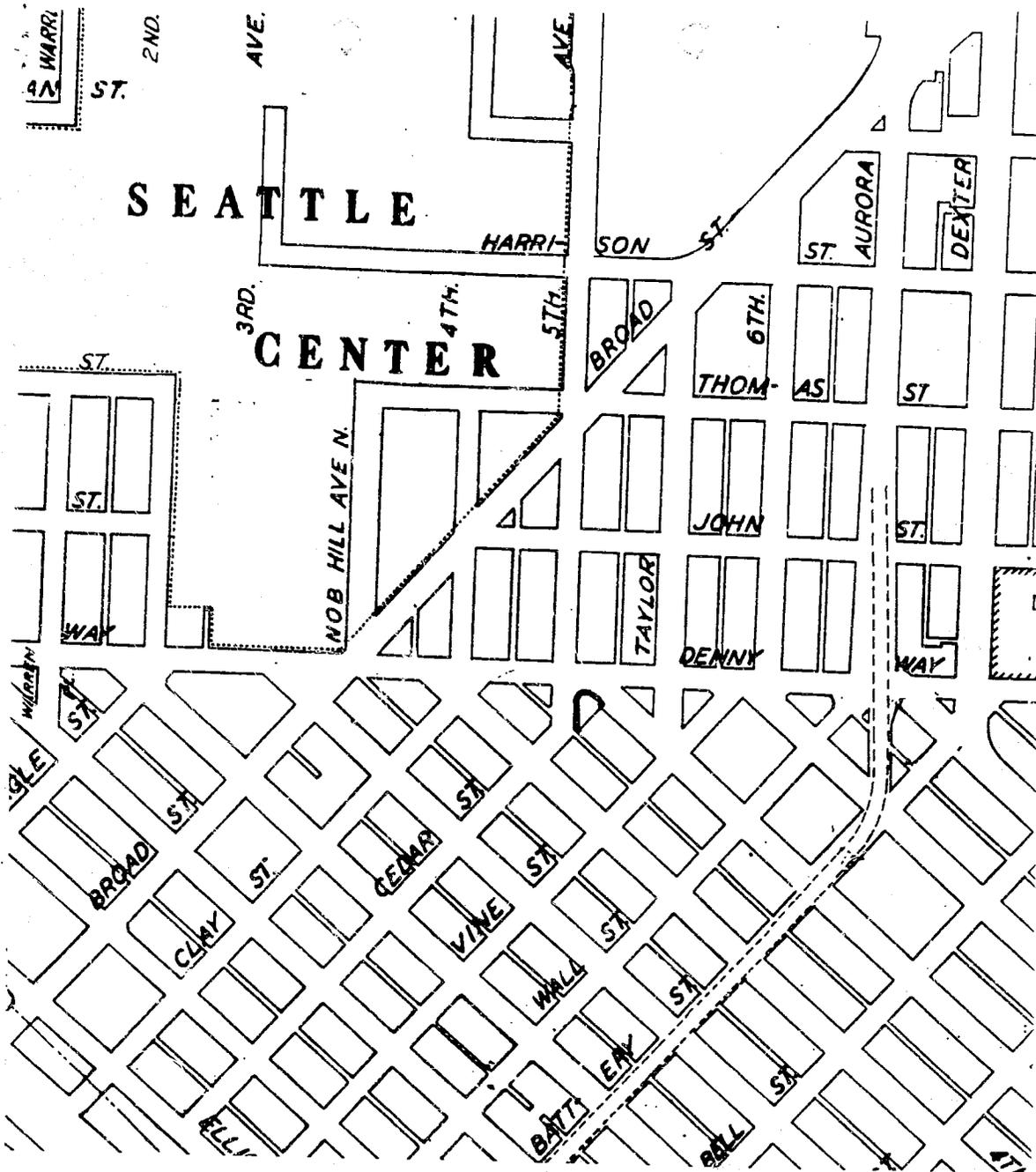
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SCHMITZ BOULEVARD

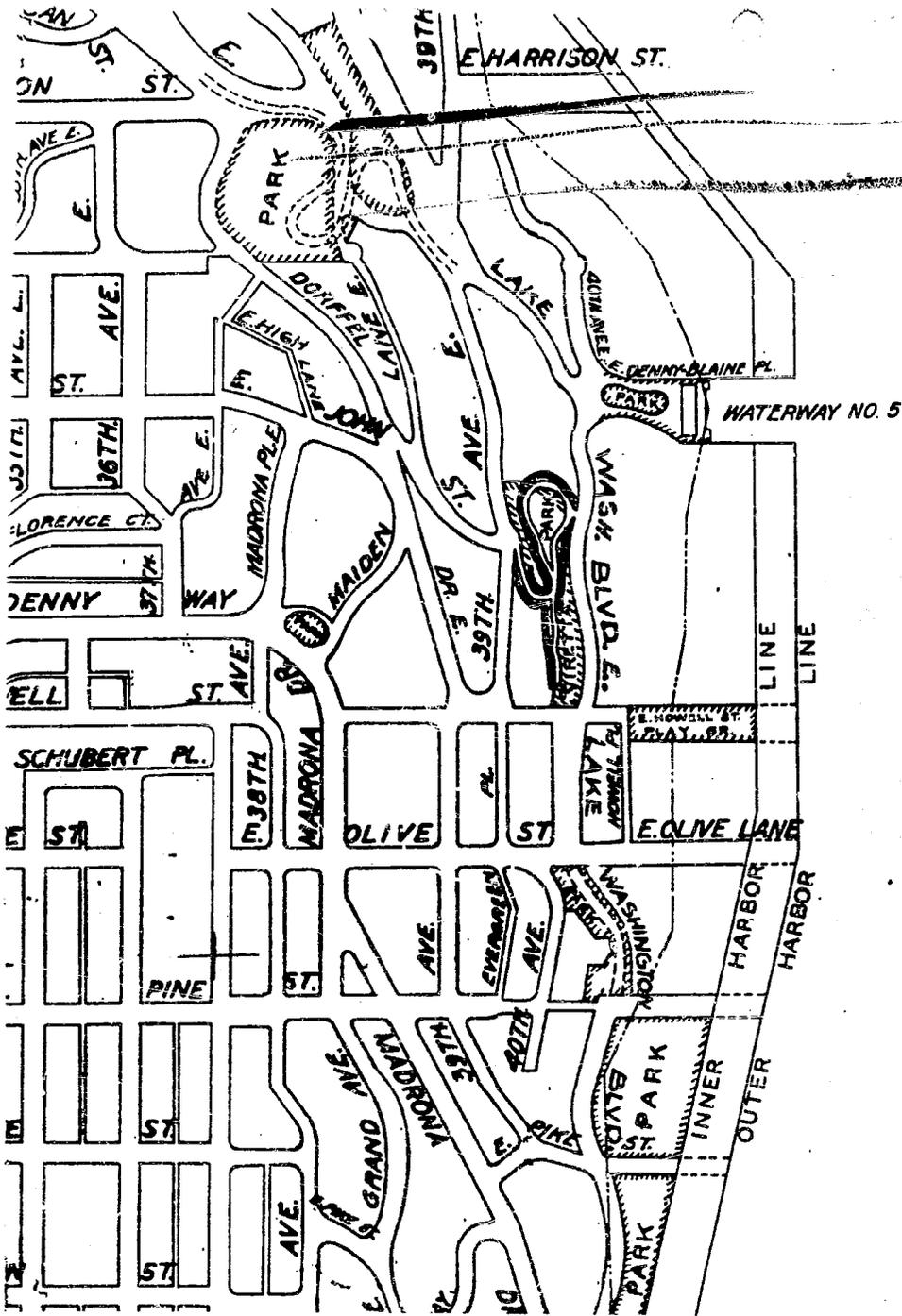
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

SC
PA



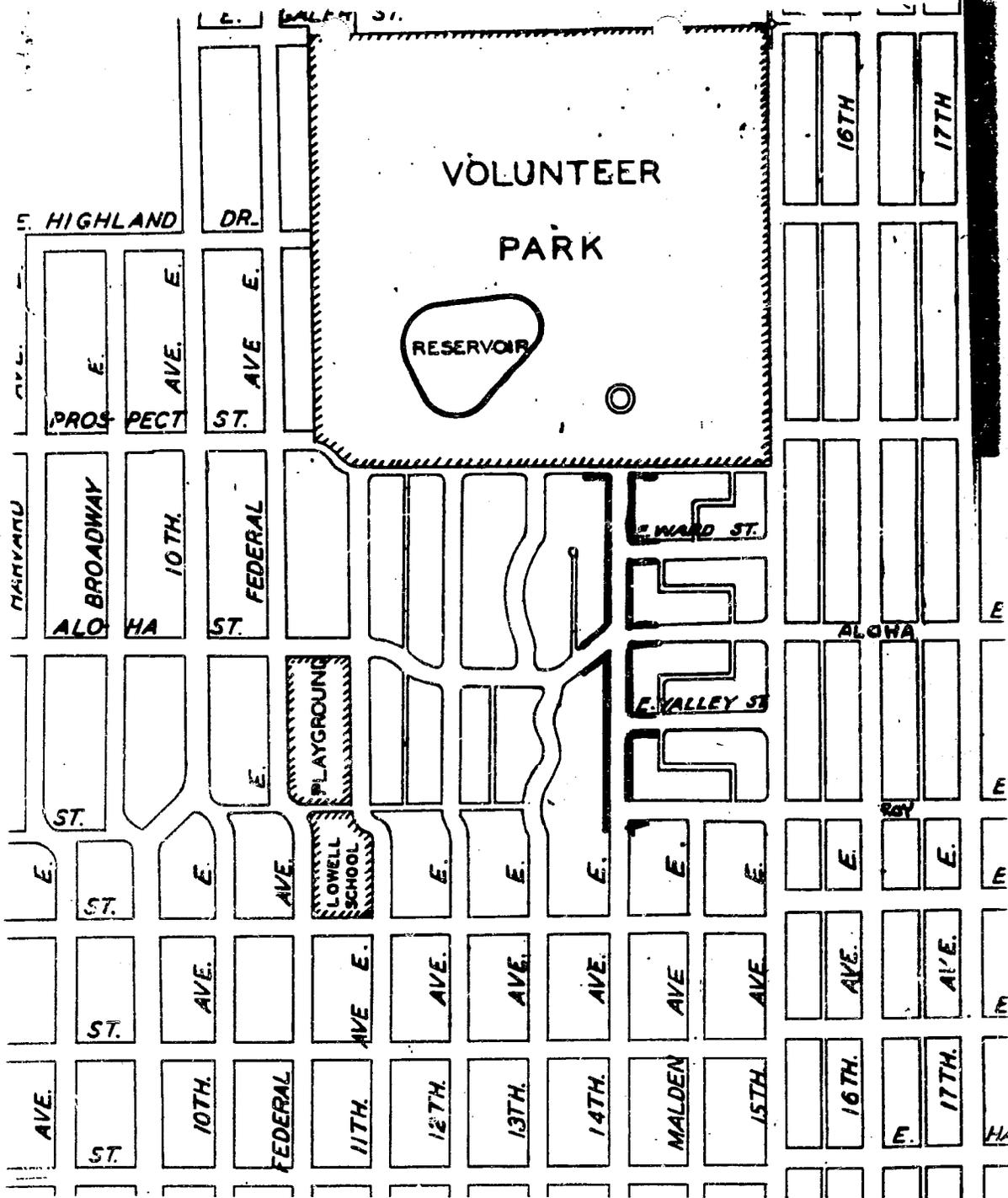
**TILIKUM PLACE
(AKA TILLICUM PLACE AND CHIEF SEATTLE
PARK)**

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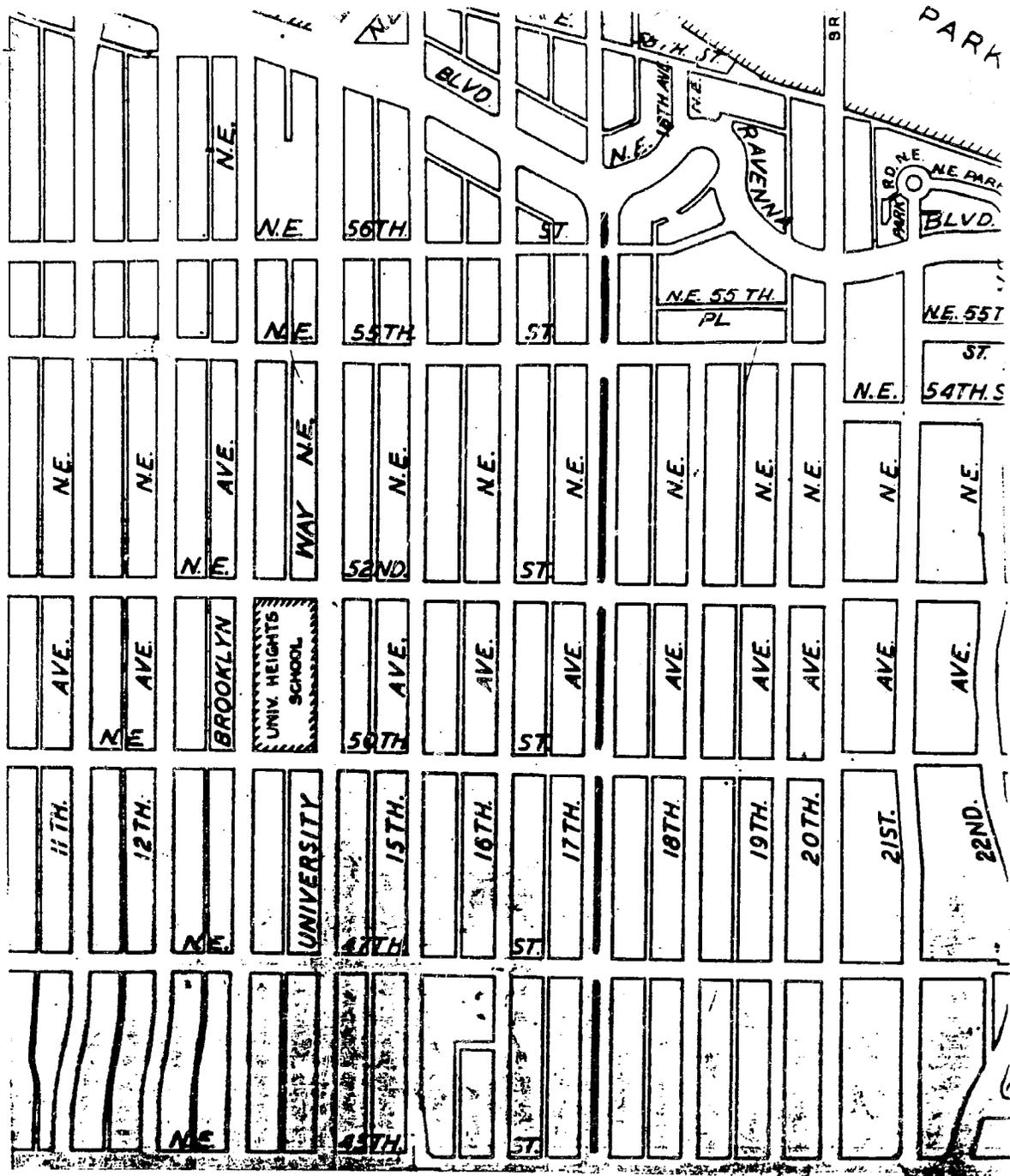
VIRETTA RIGHT-OF-WAY

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VOLUNTEER PARKWAY

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



17TH AVENUE NORTHEAST
(median only).

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

54662
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

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

CT:ORD 117569

was published on

04/25/95

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

Subscribed and sworn to before me on

04/25/95

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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