

Ordinance No. 118369

Council Bill No. 111506

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*Law Department*  
The City of Seattle

Council Bill/Ordinance

INDEXED

AN ORDINANCE relating to the Seattle Engineering Department; abolishing the Street Use Appeals Board; repealing SMC Chapter 15.90; establishing a process whereby the Director of Engineering may review or reconsider certain Engineering Department decisions; adding a new Section 15.04.112; and amending SMC Sections 11.16.120, 11.16.317, 15.04.037, 15.04.045, 15.14.050, 15.14.080, 15.22.026, 15.28.060, 15.44.130, 15.50.23, 15.50.25, 15.64.030, 15.64.060, 15.64.065, 15.64.070, and 16.60.030;

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CF No. \_\_\_\_\_

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Date Re - Referred:	To: (committee)
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This file is complete and ready

Law Dept. Review



ORDINANCE **118369**

AN ORDINANCE relating to the Seattle Engineering Department; abolishing the Street Use Appeals Board; repealing SMC Chapter 15.90; establishing a process whereby the Director of Engineering may review or reconsider certain Engineering Department decisions; adding a new Section 15.04.112; and amending SMC Sections 11.16.120, 11.16.317, 15.04.037, 15.04.045, 15.14.050, 15.14.080, 15.22.026, 15.28.060, 15.44.130, 15.50.23, 15.50.25, 15.64.030, 15.64.060, 15.64.065, 15.64.070, and 16.60.030;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.16.120 of the Seattle Municipal Code (Ordinance 108200, Section 2, last amended by Ordinance 115995, Section 1) is further amended as follows:

**SMC 11.16.120 Director of Engineering -- Authority.**

The Director of Engineering is authorized:

- A. To increase the maximum speed allowed upon arterial streets;
- B. To declare a minimum speed limit which shall be effective when appropriate signs giving notice thereof are erected when it is determined that slow speeds on any part of an arterial street unreasonably impede the normal movement of traffic;
- C. To make recommendations to the City Council for parking meter rates within parking meter zones and for fees for permits issued pursuant to this subtitle;
- D. To determine the maximum load limits on all streets, alleys, bridges or elevated structures in the City;
- E. To adopt a Traffic Control Manual for In-street Work;
- F. To ~~((recommend to the Street Use Appeals Board the establishment,~~

1 ~~revision, or abolition of~~) establish, revise, or abolish restricted parking zones. A decision to  
2 establish, or to refuse to establish, a restricted parking zone is subject to review or reconsideration  
3 pursuant to SMC 11.16.317.B;

4 G. To promulgate rules and regulations for the use of restricted parking zones, and the issuance or  
5 revocation of permits in accordance with the provisions of the Administrative  
6 Code (SMC Chapter 3.02).

7 Section 2. Section 11.16.125 of the Seattle Municipal Code (Ordinance 115995  
8 Section 2, as last amended by Ordinance 116871, Section 1) is amended as follows:

9 **11.16.125 Director of Engineering - Authority-~~((subject to~~**  
10 **~~appeal to Street Use Appeals Board-))~~ Street and alley closures.**

11 The Director of Engineering is authorized(~~(, subject to appeal to the Street Use Appeals~~  
12 ~~Board))~~):

13 A. To close, or authorize closure, of any street or alley or portion thereof to any or all traffic  
14 pursuant to the provisions of this subtitle;

15 B. To close or authorize closure of any alley for entry or travel by the general public in order to  
16 make repairs or maintenance of the street; to accommodate construction on abutting properties or of  
17 utilities in the alley or a special use of an abutter under permit; to protect the public from a health or  
18 sanitation hazard, a hazard or obstruction in the alley or an unsafe structure on abutting property; or  
19 based on a recommendation of the Chief of Police that such a closure is necessary in order to prevent  
20 criminal activity occurring in or emanating from the alley. Unless otherwise ordered, the alley shall  
21 remain open to access by the following persons: owners and occupants of the abutting properties and  
22 their guests; agents of utilities with facilities in the alley or serving the abutting properties;  
23 government employees and emergency personnel in the performance of their duties; and permittees  
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under a street use permit issued pursuant to Title 15. Upon ordering the closure, the Director shall  
1 cause the area to be posted with signs or barricades stating the hours of closure;

2 Section 3. Section 11.16.317 of the Seattle Municipal Code (Ordinance 108200,  
3 Section 2, last amended by Ordinance 117235, Section 2) is amended as follows:

4 **SMC 11.16.317 Establishing, expanding and reducing restricted parking zones.**

5 A. The Director of the Engineering Department may establish a restricted parking zone whenever  
6 seventy-five percent (75%) or more of the capacity of the streets available for parking in such  
7 designated area is generally occupied during regular business hours or any consecutive eight (8) hour  
8 period during evenings or during any consecutive eight (8) hour period on both Saturdays and  
9 Sundays; at least twenty-five percent (25%) of the vehicles parked on the street in the area during  
10 such hours are not owned by residents of the designated area; a petition signed by, or a survey  
11 indicating that, a majority of the residents in the designated area approves the restricted parking zone;  
12 and the public interest would be served. In cases where the criteria listed above are not all met, the  
13 Director of the Engineering Department is authorized to establish a restricted parking zone when, in  
14 his or her judgment, the parking problem will be ameliorated by a restricted parking zone and the  
15 public interest would be served.

16 B. The ~~((Director of the))~~ Engineering Department's decision to establish or not to establish a  
17 restricted parking zone may be ~~((appealed to the Street Use Appeals Board))~~ subject to review or  
18 reconsideration within fifteen (15) days of publication in the Seattle Daily Journal of Commerce  
19 and/or local newspaper. ~~((The decision of the Street Use Appeals Board is final.))~~ ~~((Appeals))~~  
20 Requests for review or reconsideration may be initiated by residents, business owners, or employees  
21 in the proposed RPZ. On review or reconsideration, the Director, or his or her designee, shall  
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conduct a public hearing before the Director makes a final decision. Grounds for ~~((appeal))~~ review or reconsideration may include the validity of the study; the stringency of the parking restrictions; the boundaries of the restricted parking zone; and violations of Policies and Procedures Concerning the Implementation of Residential Parking Zones.

C. The Director may modify boundaries or hours of an existing RPZ ~~((A restricted parking zone may be expanded))~~ consistent with Policies and Procedures Concerning the Implementation of Residential Parking Zones.

D. A restriction of parking shall first take effect on a street segment when it is signed or posted, and shall cease when the signs or posting are removed pursuant to lawful order; provided, that vandalism or destruction of parking control signs shall not affect the validity of a restriction upon parking on any street segment designated by the Director of the Engineering Department if other signs or traffic control devices give notice that parking in the street segment is restricted.

Section 4. Section 15.04.037 of the Seattle Municipal Code (Ordinance 117569, Section 5) is hereby amended as follows:

**SMC 15.04.037 Overview of indemnity deposit, accounts, escrow, insurance, and surety bond.** ~~((--Appeals to Street Use Appeals Board))~~

A. Sections 15.04.040 through 15.04.060 are coordinated elements of a package of protections intended to assist the City in collection of expenses charged under this ordinance and costs associated with a use under permit; to assure performance of the requirements of this ordinance and the covenants or conditions in a permit; to place on the user the risks associated with the use and provide a degree of financial responsibility in the event of an accident or injury; and, when their use is completed, to have public place restored to at least as good a condition as before the use began; and

1 thereby further compliance and protect the public treasury. The City's acceptance of an indemnity  
2 deposit, an escrow account, a surety bond, or insurance or the establishment of a subaccount in the  
3 City Treasury in favor of a permittee do not limit a permittee's liability to the amount thereof.

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

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

9 2. An escrow account maintained under Section 15.04.042 may be an alternative to a deposit  
10 under Section 15.04.040 for amounts at or over One Thousand Dollars (\$1,000.00) and/or to  
11 providing a surety bond under Section 15.04.044 in an amount up to Ten Thousand Dollars  
12 (\$10,000.00), or a supplement to either or both of them. It differs from a deposit in that the  
13 stakeholder, rather than the City, is a public depository; interest on the deposit accrues to the account,  
14 rather than to the City; and withdrawals from the account are governed by the escrow agreement  
15 rather than by City rules on guaranty deposits.

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

19 4. A surety bond under Section 15.04.044 provides a promise by a licensed surety company,  
20 within the limits and according to the terms of the bond, to perform work or pay the City's expenses  
21 to perform the work in the event of the permittee's default. A surety bond is not a substitute for  
22 providing the City public liability insurance for any tortious injury.  
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1 5. Liability insurance under Section 15.04.045 protects the City as an additional insured from  
2 public liability as a result of an accident, injury, or damage arising from the use of a public place, and  
3 assists in making permittees financially responsible for meeting liabilities that may arise from their  
4 use of public places.

5 6. The covenant for indemnity under Section 15.04.060 holds the City harmless from any and  
6 all claims, actions, or damages. It applies independently of the foregoing and authorizes a tender of  
7 defense by the City to the permittee in event of a claim or lawsuit arising from the use.

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

10 C. The amount set by an authorizing official for an indemnity deposit, an escrow account or a  
11 surety bond, and the correctness of a charge or deduction shown on the City's account statement or  
12 made from an escrow account shall be subject to ~~((appeal to the Street Use Appeals Board))~~ review or  
13 reconsideration pursuant to SMC 15.04.112.

14 Section 5. Section 15.04.045 of the Seattle Municipal Code (Ordinance 90047 Section  
15 10, as last amended by Ordinance 117569, Section 8) is further amended as follows:

16 **SMC 15.04.045 Liability insurance.**

17 An applicant for a permit shall maintain in full force and effect during the full period of the permit,  
18 public liability insurance in an amount sufficient to cover potential claims for any bodily injury,  
19 death, or disability and for property damage, which may arise from or be related to the use allowed  
20 by the permit. The insurance policy shall name the City as an additional insured; apply as primary  
21 insurance regardless of any insurance which the City may carry; and obligate the insurance company  
22 to give notice to both the authorizing official and the City's Risk Manager at least thirty (30) days  
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before any cancellation of the policy. The authorizing official may establish the amount of such insurance, subject to ~~((appeal to the Street Use Appeals Board))~~ review or reconsideration pursuant to SMC 15.04.112, and unless constitutional liberties prohibit it, may require that the insurance be provided prior to issuance of the permit.

Section 6. The following new section shall be added to the Seattle Municipal Code:

**SMC 15.04.112 Decisions - Review or Reconsideration**

A person aggrieved by any of the following Engineering Department decisions may timely request the Director to review the decision, or if the decision be that of the Director, to reconsider the decision:

A. The closure of any street or alley or portion thereof pursuant to SMC 11.16.125;

B. The revision, pursuant to SMC Section 11.16.120.F, of the boundaries of a residential parking zone;

C. The issuance or revocation, pursuant to SMC Section 11.16.315.B, of permits for parking in a residential parking zone;

D. The approval or denial, pursuant to SMC Section 15.04.010, of a street use permit;

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

F. The determination, pursuant to SMC Section 15.04.045, of the amount of public liability insurance coverage that is required of an applicant for a street use permit;

G. The determination, pursuant to SMC Section 15.04.044, of the amount of any surety bond that is required of an applicant for a street use permit;

H. The revocation, pursuant to SMC Section 15.04.070, of any street use permit;

1 I. The approval or denial, pursuant to SMC Section 15.08.080, of a request to construct a street  
2 elevator;

3 J. The approval or denial, pursuant to SMC Section 15.10.020, of a request for exception to  
4 minimum height requirement applicable to marquees, awnings and canopies;

5 K. The approval or denial, pursuant to SMC Section 15.10.030, of a request for exception to  
6 vertical depth requirement applicable to marquees;

7 L. The approval or denial, pursuant to SMC Section 15.12.030, of a request for a permit to hang  
8 a banner;

9 M. The approval or denial, pursuant to SMC Sections 15.14.040 and 15.14.050, of a request for a  
10 permit for a newsstand location not generally permitted by ordinance, or the placement of a newsstand  
11 pursuant to Section 15.14.080;

12 N. Conditions imposed regarding a permit to move a building or equipment; the assessment and  
13 allocation, pursuant to Section 15.28.050, of the costs of relocating wires or cables; and the amount  
14 of City costs assessed pursuant to Section 15.28.070;

15 O. The determination of the cost of removal of a handbill, sign or poster pursuant to Sections  
16 15.48.120;

17 P. An order to paint or repaint a pole pursuant to Section 15.32.100 ;

18 Q. Any of the actions relating to an excavation or fill identified in Section 15.44.140 ;

19 R. A Stop Order of the Director of Engineering pursuant to Sections 15.50.023 or 15.50.025; and

20 S. The issuance or denial, pursuant to SMC Chapter 16.60, of a permit to use or occupy any part  
21 of a waterway or any part of the land portion of a waterway.  
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1 An aggrieved person may request review or reconsideration by filing a request for  
2 review or reconsideration with the Director within ten (10) days of the date of the decision. The  
3 request shall identify the decision for which review or reconsideration is requested, the objection(s) to  
4 the decision; and the specific alternative being proposed. The Director shall designate a review  
5 officer, who shall make a recommendation to the Director. The Director may, at his or her  
6 discretion, stay implementation of a decision pending review or reconsideration. The Director's  
7 decision on review or reconsideration shall be final.

8 Section 7. Section 15.14.050 of the Seattle Municipal Code (Ordinance 90047 Section  
9 19-E, last amended by Ordinance 117569 Section 38) is further amended as follows:

10 **SMC 15.14.050 Congestion control.**

11 A. Without a permit no newsstand shall be placed within one hundred twenty feet (120') of any  
12 corner or other location with more than four (4) newsstands, or a modular unit newsstand with a  
13 capacity of at least four (4) units, or within one hundred twenty feet (120') of an attended newsstand.

14 B. As long as the requirements of Section 15.14.030 are not violated, an authorizing official may  
15 defer enforcing the congestion control criteria of subsection A at a location until a complaint is made  
16 by a publisher, distributor, property owner, or member of the public.

17 C. If a complaint is made that the criteria in subsection A are exceeded, or an application is made  
18 for a permit under this section, the authorized official shall determine whether the totality of  
19 newsstands at such location will conflict with the requirements of Section 15.14.030. If no such  
20 conflict is evident, and the authorizing official using the  
21

1 guidelines in Section 15.14.010 shall determine that the placement represents a reasonable  
2 accommodation furthering the overall public interest, the authorizing official may issue a permit for  
3 such proposed newsstand.

4 D. ~~((Upon the timely appeal of the issuance or denial by the authorizing official of))~~ In determining  
5 whether to issue or deny a permit for a proposed newsstand under this section, the ~~((Street Use~~  
6 ~~Appeals Board))~~ Director of Engineering shall ~~((determine))~~ consider: (1) whether there is a  
7 satisfactory alternate location for such newsstand in the vicinity, and if no such location exists, (2)  
8 whether an existing newsstand shall be displaced for such proposed newsstand. When necessary,  
9 allocations of space for newsstands at particular locations as provided herein shall be made in a  
10 manner which:

11 (a) Offers the public convenient access to all publications, whether  
12 of large or small circulation;

13 (b) Guarantees to all publishers a reasonable representation of their  
14 newsstands in public places;

15 (c) Provides opportunity for placement of newsstands for new  
16 publications;

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

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

21 Before allocating space at any location, the Director of Engineering ~~((or the Street Use Appeals~~  
22 ~~Board, as the case may be,))~~ shall afford the publishers affected a reasonable opportunity to do so  
23 voluntarily.  
24

Section 8. Section 15.14.080 of the Seattle Municipal Code (Ordinance 90047 Section

1 19-H, last amended by Ordinance 117569, Section 40) is amended as follows:

2 **SMC 15.14.080 Review and hearings -- Appeals**

3 A. Engineering Any person or publisher aggrieved by the placement of a newsstand in a public  
4 place under the jurisdiction of the Engineering Department or an action of the Director of Engineering  
5 with respect to a newsstand may seek review of such action, by filing within ten (10) days after such  
6 action a notice of ~~((appeal with the Street Use Appeals Board))~~ review or reconsideration with the  
7 Director pursuant to SMC 15.04.112 on a form provided by the Director ~~((or the Board))~~. Such notice  
8 shall identify the action being appealed, the appellant's objections thereto, and the relief or action  
9 desired. ~~((from the Board. The Street Use Appeals Board shall then conduct a hearing thereon.))~~

10 Unless an emergency or an unsafe condition exists, a newsstand already in place shall remain in place  
11 during a timely appeal until the ~~((Street Use Appeals Board))~~ Director makes ~~((its))~~ a final decision.

12 On review, ~~((The Street Use Appeals Board))~~ the Director may sustain, modify, prohibit, or reverse  
13 any such newsstand placement ~~((or action of the Department of Engineering, and its))~~. The Director's  
14 decision on review shall be final and conclusive, subject to judicial review.

15 B. Parks Any person or publisher aggrieved by the placement of a newsstand in a park drive or  
16 boulevard under the jurisdiction of the Department of Parks and Recreation identified in Appendix I  
17 or shown on the map as Appendix II or an action of the Superintendent with respect to a newsstand  
18 may seek review of such placement by the Superintendent, or if the action be that of the  
19 Superintendent, its reconsideration by the Superintendent; and for that purpose, the appellant may  
20 request a hearing by the Superintendent, sitting with the Board of Park commissioners, by filing a  
21 notice of review within ten (10) days after such action. At or promptly after the close of the hearing,  
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the Board shall give its advice and recommendations to the Superintendent, whose decision shall be  
1 final and conclusive, subject to judicial review.

2 Section 9. Section 15.22.026 of the Seattle Municipal Code (Ordinance 90047, Section  
3 25, last amended by Ordinance 117569, Section 60) is further amended as follows:

4 **SMC 15.22.026 Insurance; conditions. ~~((appeal.))~~**

5 A. Upon completion of the investigation of the application, the authorizing official may grant the  
6 requested permit, subject to the applicant's furnishing public liability insurance and a deposit and/or  
7 surety bonds or an escrow account as the authorizing official deems  
8 necessary to protect the City from any claims for damages to persons or property or any other cause  
9 arising out of the proposed use.  
10

11 B. The authorizing official may alter a condition of the permit at any time that the authorizing  
12 official finds that such use may cause damage to persons or property.

13 C. The Director of Engineering shall determine the adequacy of protective devices installed in a  
14 public place to safeguard utility and traffic facility devices.

15 D. All determinations of the Director of Engineering with respect to the issuance or denial of  
16 permits under this chapter are final subject to ~~((appeal to the Street Use Appeals Board))~~. review  
17 pursuant to SMC 15.04.112. A person aggrieved by a determination of the Superintendent may  
18 petition the Superintendent for an opportunity for a hearing and reconsideration of the decision.  
19

20 Section 10. Section 15.28.060 of the Seattle Municipal Code (Ordinance 90047,  
21 Section 28-A, last amended by Ordinance 117569, Section 81) is further amended as follows:

22 **SMC 15.28.060 Determination of probable interference.**  
23  
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1 A. Investigation. The Director of Engineering shall ascertain the probable interference with the  
2 rights of the public that such moving will cause, and any other facts which may aid in determining  
3 whether or not such permit should be granted. The Director of Engineering shall also prescribe the  
4 time such moving shall be done, the route to be followed and such traffic barricades and escorts and  
5 any other stipulations such official may deem necessary for public safety and convenience. The  
6 determinations of the Director shall be subject to the concurrence of the Superintendent with respect  
7 to movement along or across a park drive or boulevard.

8 B. Opportunity for Hearing. If the Director of Engineering finds the injury and inconvenience to  
9 the public, to owners of private property, and to public utilities is minor, or that the affected parties  
10 consent to the move, and the Superintendent concurs in authorizing the movement planned along or  
11 across a park drive or boulevard, the Director may grant the permit without a hearing. If the Director  
12 of Engineering finds that there would be substantial injury or inconvenience to the public, to public  
13 utilities or to owners of private property and there are unresolved objections to the move, the Director  
14 shall notify the applicant that the permit may only be granted through a public hearing process, and, if  
15 the applicant so requests, the Director shall designate a hearing officer and schedule a hearing.

16 ~~((before the Street Use Appeals Board.))~~  
17

18 C. Hearings. If a hearing is scheduled, the Director shall notify the applicant and the owners or  
19 agents of the properties that may be affected of the date, time, and place of the public hearing ~~((before~~  
20 ~~the Street Use Appeals Board))~~ regarding such application. At this hearing, all persons interested may  
21 appear and offer their opinion regarding whether or not such permit should be granted.

22 D. Cost of Advertising. Whenever the Director of Engineering determines that a public hearing  
23 must be held to determine whether or not a permit to move a building or equipment should be  
24 granted, the applicant shall pay the cost to the City for advertising the hearing.

1 E. Decision. Based upon the findings of the hearing officer (~~Director of Engineering~~) with respect  
2 to such application and the testimony received during (~~its~~) the public hearing on such application,  
3 the (~~Street Use Appeals Board~~) Director shall determine whether or not such permit shall be  
4 granted.

5 Section 11. Section 15.44.130 of the Seattle Municipal Code (Ordinance 90047  
6 Subsection 41, last amended by Ordinance 117569 Subsection 112) is further amended as follows:

7 **SMC 15.44.130 Collection of charges.**

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

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

20 Section 12. Section 15.50.023 of the Seattle Municipal Code (Ordinance 117569  
21 Section 124 part) is amended as follows:

22 **SMC 15.50.023 Stop Order-Activity in a public place.**

1 A. Order; Effect. Whenever the Director of Engineering or Superintendent of Parks and Recreation  
2 as to park drives and boulevards (collectively called "the authorizing official") shall post a Stop Order  
3 at a site in a public place and serve a copy upon a person doing or responsible for the work, all work  
4 in the public place shall cease except that authorized in the Stop Order.

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

- 7 1. The order is ancillary to or to implement an order authorized in Sections 15.44.100 -  
8 15.44.110 ;
- 9 2. The order is authorized by Sections 15.76.050 - 15.76.060 with  
10 respect to a bridge, trestle, viaduct, retaining wall or other structure;
- 11 3. No permit has been issued for the activity in the public place; the permit issued to the  
12 permittee does not authorize the work being stopped; or the permit has expired;
- 13 4. A violation of this title is occurring that would be grounds for suspending or revoking  
14 the permit;
- 15 5. There is a hazard that creates a substantial risk of injury to the public, the utilities in  
16 the public place, or damage to the public place, itself; or,  
17
- 18 6. If required, the public liability insurance to be furnished by the permittee is no longer  
19 in force.

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

23 D. Review. A Stop Order of the Director of Engineering directed to activity in a public place may  
24 be ~~((appealed to the Street Use Appeals Board and shall be heard under the Board's rules as a~~

1 ~~contested matter as soon as practicable~~) reviewed pursuant to SMC 15.04.112. Unless the Director  
2 provides otherwise, the Stop Order shall remain in effect pending the hearing. The decision of the  
3 ((Board)) Director on review shall be final. A person aggrieved by a Stop Order of the  
4 Superintendent may request the Superintendent to reconsider the matter and shall be granted a hearing  
5 to present evidence and make objections; the decision of the Superintendent upon reconsidering the  
6 matter is final.

7 Section 13. Chapter 15.50.025 of the Seattle Municipal Code (Ordinance 117569  
8 Section 124 part) is hereby amended as follows:

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10  
11 **SMC 15.50.025 Stop Orders-Adjacent property.**

12 A. Authorization. When activity in a public place is related to activity upon adjacent property, and  
13 the Director of Engineering or the Superintendent of Parks and Recreation as to park drives and  
14 boulevards (collectively called the "authorizing official") has issued, or is about to issue, a Stop Order  
15 as to activity in a public place, the authorizing official may issue a Stop Order for the activity on the  
16 adjacent property that would supplement the Stop Order issued, or about to be issued, as to the public  
17 place if he or she, upon inspection, determines that one (1) of the following circumstances exists:

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

1           2.     The order is authorized by Sections 15.44.100 - 15.44.110 with respect to  
excavations or fills;

2           3.     The order is authorized by Sections 15.76.050 - 15.76.060 with respect to bridges,  
3           trestles, viaducts, and other structures;

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

6           5.     The authorizing official has served notice upon the permittee to correct the violation, a  
7           reasonable time has elapsed and the violation remains uncorrected, the delay is without  
8           satisfactory excuse, and the public need for getting the violation corrected justifies the  
9           remedy requested by the authorizing official.  
10

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

14        C. Contents. The Stop Order shall identify the work to be stopped and the violation or hazard to be  
15        corrected. The Stop Order shall permit work to continue for the purpose of correcting the violation or  
16        hazard that prompted the Stop Order.  
17

18        D. Review. A Stop Order as to property adjoining a public place shall be subject to ~~an~~ ~~((appeal to~~  
19        ~~the Street Use Appeals Board within ten (10) days after the date of the Order.))~~ review pursuant to  
20        SMC 15.04.112. The decision of the ~~((Board))~~ Director on review shall be final. A person aggrieved  
21        by a Stop Order of the Superintendent may request the Superintendent to reconsider the matter and  
22        shall be granted a hearing to present evidence and make objections; the decision of the Superintendent  
23        upon reconsidering the matter is final.  
24

Section 14. Section 15.64 of the Seattle Municipal Code is hereby amended as

1 follows:

2 **SMC CHAPTER 15.64 SKYBRIDGE PERMITS**

3 Sections: 15.64.010 Purpose and intent statement.

4 15.64.020 Petition for skybridge permit.

5 15.64.030 Recommendation ((of Street Use Appeals Board.))

6 15.64.040 Preliminary application.

7 15.64.050 Circulation of preliminary application.

8 15.64.060 Preliminary conceptual approval.

9 15.64.065 Council conceptual approval.

10 15.64.070 Submission of construction plans.

11 15.64.080 Council consideration of petition.

12 15.64.090 Conditions imposed on grant of permit.

13 15.64.100 Inspection; maintenance.

14  
15 Section 15. Section 15.64.030 of the Seattle Municipal Code

16 (enacted by Ordinance 110422 , part 1, and amended by Ordinance 115994,

17 Section 44) is amended as follows:

18  
19 **15.64.030 Director's Recommendation ((of Street Use Appeal Board))**

20 The City Council shall refer each application for a skybridge permit to the ((Street Use  
21 Appeals Board)) Director of Engineering for a recommendation. Thereafter, the ((Street Use Appeals  
22 Board)) Director and the City Council shall follow the procedures set forth in SMC Sections  
23 15.64.040, et seq., of this chapter.  
24

Section 16. Section 15.64.060 of the Seattle Municipal Code (enacted by Ordinance 110422, part 1 and last amended by Ordinance 115994 Section 46) is amended as follows:

**15.64.060 Preliminary conceptual approval.**

The Director of Engineering shall compile the comments and recommendations of the Seattle Design Commission, the various City departments, Executive Department offices, and utilities and submit them, along with the preliminary application, conceptual drawings and environmental documents, ~~((to the Street Use Appeals Board for conceptual approval review of the proposed skybridge. Upon completion of review, the Street Use Appeals Board shall recommend and with the Director's recommendation to approve, deny, or modify the application, to approve, deny or modify the application, and transmit the recommendation, together with the preliminary application, conceptual drawings and environmental documents))~~ to the City Council or a committee thereof, for conceptual approval.

Section 17. Section 15.64.065 of the Seattle Municipal Code (Ordinance 110422, part 1, and last amended by Ordinance 117569, Sec. 133) is amended as follows.

**15.64.065 Council conceptual approval.**

A. The City Council or a committee thereof shall consider the recommendation of the ~~((Street Use Appeals Board))~~ Director and shall include in its consideration those elements set out in SMC Section 15.64.050 B. Upon completion of consideration of the recommendation of the ~~((Street Use Appeals Board))~~ Director, the City Council shall by resolution approve, deny, or approve with requirements or conditions, the application for conceptual approval of the skybridge.

1 B. The City Council shall not grant conceptual approval to construct, maintain and operate a  
2 skybridge unless it finds that the skybridge is in the public interest and no reasonable alternative to the  
3 skybridge exists.

4 C. No Master Use Permit under Chapter 23.76 of the Seattle Municipal Code shall be issued for a  
5 development that includes a proposal for a skybridge or skybridges until the City Council has granted  
6 conceptual approval for all proposed skybridges included in the proposed development.

7 Section 18. Section 15.64.070 of the Seattle Municipal Code  
8 (Ordinance 110422, Section 1 and amended by Ordinance 115994, Section 48)  
9 is amended as follows:

10 **SMC 15.64.070 Submission of construction plans.**

11 If conceptual approval of the preliminary application is obtained from the City Council, the applicant  
12 shall submit construction plans to the Director of Engineering, the Director of Construction and Land  
13 Use, and the Seattle Design Commission, for their final review and recommendation to the ((Street  
14 Use Appeals Board)) City Council.

15 Section 19. Chapter 15.90 of the Seattle Municipal Code is hereby repealed.

16 Section 20. Section 16.60.030 of the Seattle Municipal Code (Ordinance 87983 Section  
17 68, last amended by Ordinance 115994 Section 58) is further amended as follows:

18 **SMC 16.60.030 Permits for use of waterways.**

19 A. Authorization. The Director of Engineering may authorize the use and occupancy of all of or any  
20 portion of a waterway, including land and water parts, by a written use and occupation permit as  
21 provided in this section, and may issue an interim permit pending the final determination regarding  
22 the permit application. Such a permit may authorize use of either a specific area of waterway or use  
23  
24

of a particular waterway by specified vessels, watercraft or obstructions, and shall be processed in the same manner as permits pursuant to SMC Title 15, Subtitle I unless otherwise specified in this chapter. The issuance or denial of any such permit shall be ~~((appealable to the Street Use Appeals Board))~~ reviewable pursuant to SMC 15.04.112.

B. Application. Any person seeking the use and occupation of a waterway or a portion thereof for a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by regulations or posted notice of the Port Warden for a particular waterway, or an occupancy for a vessel, watercraft or obstruction in excess of seven (7) consecutive days within sixty (60) days of a prior occupancy, shall apply in writing to the Director of Engineering therefor. The application shall be accompanied by a deposit to cover the cost of publishing notice when required by subsection D of this section. If the application be for a specific vessel, watercraft or obstruction, the application shall state the owner and master's name, address and telephone number, the type and size of vessels or watercraft, the waterway(s) in which anchorage or moorage is requested, the reason for the application, and the length of time for which the permit is desired.

C. Processing. The Director of Engineering shall investigate the application; give notice to the owner, managing agent or principal lessee of property, which may have water access affected by the use sought by the application; and make his recommendation to the Director of Administrative Services. In the event that the application shall request a use for a period in excess of three hundred sixty-five (365) days, the application shall be referred to the Department of Construction and Land Use, which shall make its recommendations thereon.

D. Notice. In the event that the application shall seek a usage in excess of three hundred sixty-five (365) days the Director of Engineering shall mail notice of the application and the date, time and place at which such official will consider such application, at least ten (10) days prior thereto to the

1 State of Washington, Commissioner of Public Lands, and the Port of Seattle, publish such notice in a  
2 newspaper of general circulation in the county and post a copy of the same in prominent places in the  
3 immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

4 E. Issuance. The Director of Engineering may issue a permit for the use and occupancy of a  
5 waterway with appropriate terms and conditions upon finding that the use and occupation sought is  
6 compatible with use of the waterway as public ways for watercraft and the convenience of commerce,  
7 is consistent with the City's land use planning in the immediate vicinity, and does not deprive adjacent  
8 properties of reasonable water access. The Director of Engineering may waive compliance with the  
9 terms and conditions of this section with permit applications by the United States of America and its  
10 agencies, by the state and by municipal corporations, and in the case of an application for moorage of  
11 a vessel listed upon the national historic register maintained by the United States, with the bond  
12 requirements in subsection G of this section.

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

20 F. Insurance. An applicant for a permit shall, prior to issuance of the permit, provide and maintain  
21 in full force and effect while the permit is in force, public liability insurance in an amount specified  
22 by the Director of Engineering sufficient to cover potential claims for bodily injury, death or  
23  
24

1 disability and for property damage, which may arise from or be related to the applicant's use of the  
2 waterway, naming the City as an additional insured.

3 G. Bond. An applicant for a permit shall provide prior to issuance of the permit and thereafter  
4 maintain during the period of the permit, a bond or cash deposit in an amount specified by the  
5 Director of Engineering sufficient to cover the potential cost of removal of watercraft, vessel(s), or  
6 obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly  
7 owned structures, to cost of repair thereof in event of collision; and in the event of fixed structures,  
8 the estimated cost of removal upon expiration of the permit.

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

14 Section 21. The following terms used in this ordinance have the following meanings:

15 A. "Department" means the Seattle Engineering Department.

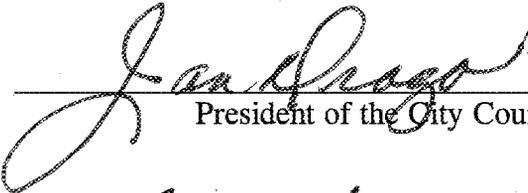
16 B. "Director" means the Director of the Seattle Engineering Department.

17 C. If, either prior or subsequent to enactment of this ordinance, the City enacts an ordinance  
18 delegating to another department primary responsibility for implementing SMC Chapter 15,  
19 "Department" and "Director" shall be read to include that department and its director, respectively.  
20

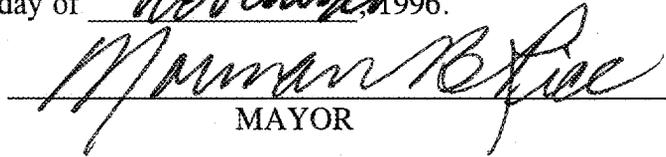
21 Section 22. The Department is directed to review the effectiveness of the Director's Review or  
22 Reconsideration process described in Section 6 of this ordinance, SMC 15.04.112, and to report to the  
23 City Council by December 31, 1997 his or her findings and recommendations.  
24

1 Section 23. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after /  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

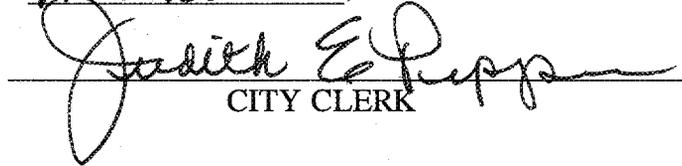
4 Passed by the City Council the 12 day of November, 1996, and signed by me in open  
5 session in authentication of its passage this 12 day of November, 1996.

6   
7 \_\_\_\_\_  
8 President of the City Council

9 Approved by me this 19 day of November, 1996.

10   
11 \_\_\_\_\_  
12 MAYOR

13 Filed by me this 19 day of November, 1996.

14   
15 \_\_\_\_\_  
16 CITY CLERK

1 disability and for property damage, which may arise from or be related to the applicant's use of the  
2 waterway, naming the City as an additional insured.

3 G. Bond. An applicant for a permit shall provide prior to issuance of the permit and thereafter  
4 maintain during the period of the permit, a bond or cash deposit in an amount specified by the  
5 Director of Engineering sufficient to cover the potential cost of removal of watercraft, vessel(s), or  
6 obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly  
7 owned structures, to cost of repair thereof in event of collision; and in the event of fixed structures,  
8 the estimated cost of removal upon expiration of the permit.

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16 B. "Director" means the Director of the Seattle Engineering Department.

17 C. If, either prior or subsequent to enactment of this ordinance, the City enacts an ordinance  
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19 "Department" and "Director" shall be read to include that department and its director, respectively.  
20

21 Section 22. This ordinance shall take effect and be in force thirty (30) days from and after its  
22 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
23 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
24

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1996, and signed by me in open  
1 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1996.

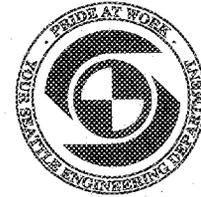
\_\_\_\_\_  
MAYOR

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1996.

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CITY CLERK

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# Seattle Engineering Department



John D. Okamoto, Director  
Norman B. Rice, Mayor

August 19, 1996

RECEIVED OMP

AUG 30 1996

The Honorable Jan Drago, President  
Seattle City Council  
1100 Municipal Building  
600 Fourth Avenue  
Seattle, Washington 98104

VIA: Mayor Norman B. Rice

Attn: Tom Tierney, Director  
Office of Management and Planning

Subject: Abolish the Street Use Appeals Board and Establish an Administrative Review Process

Honorable Members:

We request adoption of the enclosed ordinance, which will abolish the Street Use Appeals Board, and establish an administrative review process in the Seattle Engineering Department.

In the fall of 1991, Ordinance 115994 was adopted establishing a new Street Use Appeals Board (SUAB), composed of five Department Directors or their designee. This Board was intended to function as an unbiased forum to which any party may appeal a Director of Engineering's decision authorized by the Street Use Ordinance. In addition, the SUAB was established as the reviewing body to provide a recommendation to the City Council on all skybridge permit applications.

Based upon the experience since the establishment of the SUAB, several Board members and other City staff have questioned the need to have five Department Directors hear and resolve the type of issue being brought before them. On street vacation and skybridge applications, the Board rarely made any changes to the staff recommendations. These could go directly to the City Council as a Director's recommendation. Neighborhood issues revolving around the issuance or denial of a street use permit, can be heard and resolved through an administrative review process similar to DCLU's appeal process for notice of violations.

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Seattle Engineering Department, Room 400, Seattle Municipal Building, 600 Fourth Avenue, Seattle, Washington 98104-1879 (206) 684-5000 VTDD (206) 233-1088

The Honorable Jan Drago  
August 19, 1996  
Page 2

Adoption of this ordinance will streamline and reduce applicant's costs for the City's regulatory review process on street vacations and skybridges. In addition, the costs to conduct street use appeals will be substantially reduced because there will be one SED director/manager hearing the issue versus the current five Department Directors that make up the Board.

Sincerely,



Cyril E. B. Juanitas, Acting Director  
Seattle Engineering Department

CEBJ/KTJ:jgaj

Enclosure

cc: Ken Bounds, Acting Superintendent, Parks and Recreation  
James Combs, Construction and Land Use  
Brent Crook, Department of Neighborhoods  
Jim Diers, Director, Department of Neighborhoods  
Fritz Hedges, Parks and Recreation  
Cyril Juanitas, Acting Director, Engineering Department  
Rick Krochalis, Director, Construction and Land Use

96-284

# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

October 7, 1996

COPY RECEIVED  
NOV - 7 AM 2:16  
SEATTLE CITY ATTORNEY



The Honorable Mark Sidran  
City Attorney  
City of Seattle

get OK  
10/7/96

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT:           Engineering Department

SUBJECT:                AN ORDINANCE relating to the Seattle Engineering Department; abolishing the Street Use Appeals Board; repealing SMC Chapter 15.90; establishing a process whereby the Director of Engineering may review or reconsider certain Engineering Department decisions; adding a new Section 15.04.112; and amending SMC Sections 11.16.120, 11.16.317, 15.04.037, 15.04.045, 15.14.050, 15.14.080, 15.22.026, 15.28.060, 15.44.130, 15.50.23, 15.50.25, 15.64.030, 15.64.060, 15.64.065, 15.64.070, and 16.60.030;

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Kwan Wong at 684-8083.

Sincerely,

Norman B. Rice  
Mayor

by

TOM TIERNEY  
Director

h:\admin\legis\lawltrs\wong31

Enclosure

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____	_____
_____	_____
_____	_____
_____	_____

*[Handwritten Signature]*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE



# City of Seattle

ORDINANCE 11883

AN ORDINANCE relating to the Seattle Engineering Department; abolishing the Street Use Appeals Board; repealing SMC Chapter 15.04; establishing a process whereby the Director of Engineering may review or reconsider certain Engineering Department decisions; adding a new Section 15.04.112; and amending SMC Sections 11.16.120, 11.16.317, 15.04.037, 15.04.045, 15.14.050, 15.14.080, 15.22.025, 15.28.060, 15.44.130, 15.50.23, 15.30.25, 15.64.030, 15.64.060, 15.64.065, 15.64.070, and 16.60.030;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.16.120 of the Seattle Municipal Code (Ordinance 108200, Section 2, last amended by Ordinance 115995, Section 1) is further amended as follows:

SMC 11.16.120 Director of Engineering -- Authority.

The Director of Engineering is authorized:

- A. To increase the maximum speed allowed upon arterial streets;
- B. To declare a minimum speed limit which shall be effective when appropriate signs giving notice thereof are erected when it is determined that slow speeds on any part of an arterial street unreasonably impede the normal movement of traffic;
- C. To make recommendations to the City Council for parking meter rates within parking meter zones and for fees for permits issued pursuant to this subtitle;
- D. To determine the maximum load limits on all streets, alleys, bridges or elevated structures in the City;
- E. To adopt a Traffic Control Manual for In-street Work;
- F. To (recommend to the Street Use Appeals Board the establishment, revision, or abolition of) establish, revise, or abolish restricted parking zones. A decision to establish, or to refuse to establish, a residential parking zone is subject to review or reconsideration pursuant to SMC 15.04.112;
- G. To promulgate rules and regulations for the use of restricted parking zones, and the issuance or revocation of permits in accordance with the provisions of the Administrative Code (SMC Chapter 3.02).

Section 2. Section 11.16.125 of the Seattle Municipal Code (Ordinance 115995, Section 2, as last amended by Ordinance 118271, Section 1) is amended as follows:

11.16.125 Director of Engineering - Authority (subject to appeal to Street Use Appeals Board.) Street and alley closures.

The Director of Engineering is authorized (subject to appeal to the Street Use Appeals Board):

- A. To close, or authorize closure, of any street or alley or portion thereof to any or all traffic pursuant to the provisions of this subtitle;
- B. To close or authorize closure of any alley for entry or travel by the general public in order to make repairs or maintenance of the street; to accommodate construction on abutting properties or of utilities in the alley or a special use of an abutter under permit; to protect the public from a health or sanitation hazard, a hazard or obstruction in the alley or an unsafe structure on abutting property; or based on a recommendation of the Chief of Police that such a closure is necessary in order to prevent criminal activity occurring in or emanating from the alley. Unless otherwise ordered, the alley shall remain open to access by the following persons: owners and occupants of the abutting properties and their guests; agents of utilities with facilities in the alley or serving the abutting properties; government employees and emergency personnel in the performance of their duties; and permittees under a street use permit issued pursuant to Title 15. Upon ordering the closure, the Director shall cause the area to be posted with signs or barricades stating the hours of closure.

Section 3. Section 11.16.317 of the Seattle Municipal Code (Ordinance 108200, Section 2, last amended by Ordinance 117235, Section 2) is amended as follows:

SMC 11.16.317 Establishing, expanding and reducing restricted parking zones.

- A. The Director of the Engineering Department may establish a restricted parking zone whenever seventy-five percent (75%) or more of the capacity of the streets available for parking in such designated area is generally occupied during regular business hours or any consecutive eight (8) hour period during evenings or during any consecutive eight (8) hour period on both Saturdays and

approved by the City Council the 22nd day of November, 1996, rather than by City rules on guarantee deposits.

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

4. A surety bond under Section 15.04.044 provides a promise by a licensed surety company, within the limits and according to the terms of the bond, to perform work or pay the City's expenses to perform the work in the event of the permittee's default. A surety bond is not a substitute for providing the City public liability insurance for any bodily injury.

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

6. The covenant for indemnity under Section 15.04.060 holds the City harmless from any and all claims, actions, or damages. It applies independently of the foregoing and authorizes a tender of defense by the City to the permittee in event of a claim or lawsuit arising from the use.

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

C. The amount set by an authorizing official for an indemnity deposit, an escrow account or a surety bond, and the correctness of a charge or deduction shown on the City's account statement or made from an escrow account shall be subject to (appeal to the Street Use Appeals Board) review or reconsideration pursuant to SMC 15.04.112.

Section 5. Section 15.04.045 of the Seattle Municipal Code (Ordinance 90047, Section 10, as last amended by Ordinance 117569, Section 5) is further amended as follows:  
SMC 15.04.045 Liability Insurance.

An applicant for a permit shall maintain in full force and effect during the full period of the permit, public liability insurance in an amount sufficient to cover potential claims for any bodily injury, death, or disability and for property damage, which may arise from or be related to the use allowed by the permit. The insurance policy shall name the City as an additional insured, apply as primary insurance regardless of any insurance which the City may carry, and obligate the insurance company to give notice to both the authorizing official and the City's Risk Manager at least thirty (30) days before any cancellation of the policy. The authorizing official may establish the amount of such insurance, subject to (appeal to the Street Use Appeals Board) review or reconsideration pursuant to SMC 15.04.112, and unless constitutional liberties prohibit it, may require that the insurance be provided prior to issuance of the permit.

Section 6. The following new section shall be added to the Seattle Municipal Code:  
SMC 15.04.112 Decisions - Review or Reconsideration

A person aggrieved by any of the following Engineering Department decisions may timely request the Director to review the decision, or if the decision be that of the Director, to reconsider the decision:

- A. The closure of any street or alley or portion thereof pursuant to SMC 11.16.125;
- B. The revision, pursuant to SMC Section 11.16.120.F, of the boundaries of a residential parking zone;
- C. The issuance or revocation, pursuant to SMC Section 11.16.315.B, of permits for parking in a residential parking zone;
- D. The approval or denial, pursuant to SMC Section 15.04.010, of a street use permit;
- E. The determination, pursuant to SMC Section 15.04.040, of the amount of any cash indemnity deposit, or surety bond in lieu thereof or in addition thereto, that is required of an applicant for a street use permit;
- F. The determination, pursuant to SMC Section 15.04.045, of the amount of public liability insurance coverage that is required of an applicant for a street use permit;
- G. The determination, pursuant to SMC Section 15.04.014, of the amount of any surety bond that is required of an applicant for a street use permit;