

ORDINANCE No. 118396

st Oversight

COUNCIL BILL No. 111465

Council Bill No. 111465, AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Water Department.

INDEXED

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President

Your Committee on

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

Full Council Vote 7-1 Nov

COMPTROLLER FILE No.

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Committee Chair

NO DISK

Over Size

The City of Seattle-- Legislative Department

INDEXED

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____

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

Full Council Vote 7-1 Noland

Committee Chair

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ORDINANCE 118396

1
2 AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the
3 functions of the Water Department with the solid waste, drainage and wastewater, engineering
4 services, and related executive management functions of the Engineering Department, and the
5 customer service call center and construction engineering functions of the City Light
6 Department; and amending or repealing an array of Seattle Municipal Code sections to
7 accomplish this reorganization and to abolish the former Water Department.

8 WHEREAS, the City has undertaken a comprehensive review and reorganization of its
9 utility and transportation functions to take effect in the 1997-1998 biennium; and

10 WHEREAS, as a result of that review, it has been determined that the functions of the
11 Water Department, the sewer, drainage, solid waste, and engineering service functions of the
12 Engineering Department, and the customer service call center and construction engineering
13 functions of the City Light Department would be better served by being consolidated in a new
14 agency, the Seattle Public Utilities, Now Therefore,

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

16 I. ABOLITION OF THE WATER DEPARTMENT AND TRANSFER OF FUNCTIONS

17 Section 1. Abolition of the Water Department and Transfer of Powers, Duties and Resources

18 Related to Water Supply. Effective January 1, 1997, the Water Department is abolished. From and after
19 that date all functions, responsibilities, agreements, obligations, authorizations, powers, equipment,
20 records, appropriations, assets and liabilities of the Water Department shall be transferred to the newly
21 created Seattle Public Utilities. The Director of Seattle Public Utilities is hereby authorized to perform
22 all responsibilities, duties and obligations and exercise all powers related to water supply functions
23 heretofore belonging to the Superintendent of Water.

24 Section 2. Creation of Seattle Public Utilities. Effective January 1, 1997, there is created the
Seattle Public Utilities based on the functions of the Water Department with the solid waste, drainage

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1 and wastewater, engineering services, and related executive management functions of the Engineering
2 Department, and the customer service call center and construction engineering functions of the City
3 Light Department.

4
5 Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations,
6 notices and proceedings in effect with respect to the water supply functions of the former Water
7 Department and with respect to the sewer, drainage, and solid waste functions of the former Engineering
8 Department shall continue in effect unless and until they expire of their own terms or are superseded by
9 order of the Director of Seattle Public Utilities or by ordinance.

10
11 Section 4. Continuation of Separate Funds. The Seattle Public Utilities shall continue to
12 maintain the Water Fund, the Drainage and Wastewater Fund the Solid Waste Fund and the Engineering
13 Services Fund as separate funds and allocate expenditures and receipts to each of the funds
14 respectively according to the nature of the functions performed.

15
16 II. AMENDMENTS TO CODE SECTIONS

17 A. PURPOSE

18 Section 5. Purpose of Code Section Amendments. The purpose of amending the following array
19 of Seattle Municipal Code sections is to accomplish the transfer of functions of the Water Department
20 together with the solid waste, drainage and wastewater, engineering services, and related executive
21 management functions of the Engineering Department, and the customer service call center and
22 construction engineering functions of the City Light Department into a new agency, the Seattle Public
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1 Utilities, in addition to the transfer of functions by the general provisions of this ordinance. In doing
2 so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In
3 such cases, therefore, any remaining references to the Water Department or the Superintendent of Water
4 shall be interpreted to be references to the newly created Seattle Public Utilities and the Director of
5 Seattle Public Utilities. Any remaining references to the solid waste, drainage and wastewater,
6 engineering services, and related executive management functions of the Engineering Department or to
7 the Director of Engineering in that regard shall likewise be interpreted to be references to the newly
8 created Seattle Public Utilities and the Director of Seattle Public Utilities.

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B. AMENDMENTS

Section 6. SMC Chapter 3.12 is hereby amended as follows:

~~((WATER DEPARTMENT))~~ SEATTLE PUBLIC UTILITIES

Sections:

- 3.32.010 ~~((Department created Superintendent))~~ Seattle Public Utilities -- Director.
- 3.32.020 Adoption of rules.
- 3.32.030 ~~((Superintendent's))~~ Director's duties.
- ~~((3.32.040 -- Transfer from Charter authorization.))~~

3.32.10 ~~((Department created Superintendent))~~ Seattle Public Utilities -- Director.

A. There shall be ~~((a Water Department))~~ the Seattle Public Utilities consisting of the municipal water system, the solid waste, drainage and wastewater, engineering services, and related executive management functions, and the customer service call center and construction engineering functions formerly within the City Light Department, the head of which shall be the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities.

B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall serve for a four (4) year term (~~((; provided, that the Superintendent of Water serving on December 31, 1978, shall serve as such until a new Superintendent is appointed pursuant to the terms of this chapter))~~).

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3.2.1.020 Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228), the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may adopt whatever rule he or she deems useful for the conduct of ~~((the Department's))~~ Seattle Public Utilities business.

3.32.030 ~~((Superintendent's))~~ Director's duties.

Under the direction of the Mayor, the functions of the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities include:

- A. Operating, maintaining, managing and controlling the municipal water system and related facilities;
- B. ~~Managing, controlling, operating and maintaining the municipal sewerage utility system;~~
- C. ~~Managing, controlling, operating and maintaining the municipal solid waste utility and resource recovery programs and projects;~~
- D. ~~Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of City activities and contracts affecting drainage and the City's rights and duties with respect to stream flows and riparian rights within the City;~~
- E. ~~Managing controlling and operating a central customer service call center for the City's utility operations;~~
- ~~((B))~~ F. Enforcing and implementing City ordinances, contracts and rules which relate to the ~~((Water Department))~~ Seattle Public Utilities;
- ~~((C))~~ G. Appointing, supervising and controlling officers and employees of the ~~((Water Department))~~ Seattle Public Utilities, subject to personnel ordinances and rules of the City;
- ~~((D))~~ H. Making surveys, maps, profiles, plans, specifications, estimates and reports in connection with the ~~((Water Department))~~ Seattle Public Utilities;
- ~~((E))~~ I. Laying out, directing, constructing and supervising all public works of the ~~((Water Department))~~ Seattle Public Utilities, and providing engineering and construction engineering services to other City departments as requested by those departments;
- J. Performing other duties as assigned by the City.

~~(3.32.040 Transfer from Charter authorization)~~

A. The Water Department heretofore established by Charter Article VII shall become the Water Department established pursuant to the provisions of this chapter. All of the records, books, papers, properties, equipment, offices, rights and responsibilities of the Department heretofore created by Charter are transferred to the department established by this chapter.

B. The appointment of each and every employee of the Water Department heretofore established by Charter is ratified and confirmed as an appointment to the Water Department established pursuant to the provisions of this chapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time,

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1 ~~sick leave, compensation time, or any other benefit, on account of this transfer from a department~~
2 ~~created by Charter to a department created by this chapter.))~~

3 Section 7. SMC 3.121.010 is hereby amended as follows:

4 **Charges for dishonored checks to City utilities and Municipal Court.**

5 The Superintendent of ~~((Water and))~~ City Light and the Director of ~~((Engineering, as director of~~
6 ~~the solid waste, sewer, and drainage utilities.))~~ Seattle Public Utilities are authorized to set, charge and
7 collect a fee from any person making or presenting a check, which is later dishonored, for a payment to
8 the City for the credit of their respective utilities. The Presiding Judges of the Municipal Court are
9 authorized to set, charge and collect a similar fee for payments to the City for the credit of the Municipal
10 Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City,
11 costs to the City in making collection, and other City expenses caused by its return without payment.

12 Section 8. SMC 5.78.080 is hereby amended as follows:

13 **Expenditures-~~((Water Department))~~ Seattle Public Utilities.**

14 The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized to direct
15 expenditures for the donations made to the ~~((Water Department))~~ Seattle Public Utilities programs in the
16 City's Gift Catalogue as designated by the donor; and the City Finance Director is authorized to draw
17 and to pay warrants against said program accounts or subaccounts on vouchers approved by the
18 ~~((Superintendent))~~ Director of Seattle Public Utilities as to payee and purpose.

19 Section 9. SMC Chapter 10.06 is hereby amended as follows:

20 **EMERGENCY CONTROL OF DRAINAGE PROBLEMS, EARTH SLIDES
21 AND MUD FLOWS**

22 **Sections:**

23 **10.06.010 Owner request for assistance-Authority of Director of**
24 **~~((Engineering))~~ Seattle Public Utilities.**

10.06.010 Owner request for assistance-Authority of Director of
~~((Engineering))~~ Seattle Public Utilities.

For the emergency control of drainage problems, earth slides and mud flows occurring or
threatening to occur on private property, the Director of ~~((Engineering))~~ Seattle Public Utilities is
authorized upon the request of the owner or occupant of any such property to render necessary
emergency assistance for such period of time as will enable such owner or occupant to arrange with

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1 private agencies to carry on the work, and for such purpose the Director of ((Engineering)) Seattle Public
2 Utilities is authorized to enter into agreements with any such owner or occupant providing for
3 reimbursement of the City's cost of performing such emergency assistance, and is further authorized to
4 collect such costs.

5 Section 10. SMC Chapter 10.22 is hereby amended as follows:

6 **FLUORIDATION OF WATER SUPPLY**

7 **Sections:**

8 **10.22.010 Addition-Administration.**

9 **10.22.010 Addition-Administration.**

10 A source of fluoridation approved by the Washington State Department of Social and Health
11 Services be added to the Seattle water supply under the rules and regulations of the Washington State
12 Department of Social and Health Services, such addition to be administered by the ((Superintendent of
13 Water)) Director of Seattle Public Utilities under the direction of the Director of ((Public Health of
14 Seattle)) the Seattle-King County Department of Public Health.

15 Section 11. SMC Chapter 10.46 is hereby amended as follows:

16 **SEPTIC TANKS, CESSPOOLS AND GREASE TRAPS**

17 **Sections:**

18 **10.46.010 Permit for disposal required.**

19 **10.46.020 Authority to make rules and regulations.**

20 **10.46.030 Violation-Penalty.**

21 **10.46.010 Permit for disposal required.**

22 It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools,
23 grease traps and seepage pits within the City without a proper permit issued by the ((City)) Director of
24 ((Engineering)) Seattle Public Utilities authorizing the disposal of such cleanings at points to be
specified by the ((City)) Director of ((Engineering)) Seattle Public Utilities. The fee for such permit,
which shall be issued only to the holder of a proper registration and inspection certificate to carry on or
engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the
Seattle-King County Health Department pursuant to law for carrying on such business, shall be Thirty
Dollars (\$30.00) per month, payable in advance on the first day of each and every month to defray the
costs of supervision of such waste disposal and in addition such permit holder shall deposit with the City
Finance Director in the Guaranty Deposit Fund the sum of One Hundred Fifty Dollars (\$150.00) to

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1 guarantee compliance with the terms of Section 10.48.020.

2
3 **10.46.020 Authority to make rules and regulations.**

4 The ~~((City Engineer))~~ Director of Seattle Public Utilities is authorized to promulgate rules and
5 regulations governing the issuance of such permits, the dumping of such cleanings under the terms of
6 this chapter, fixing the locations and times at which dumping of such cleanings shall be made.

7
8 **10.46.030 Violation-Penalty.**

9 Any violation of or failure to comply with any of the provisions of this chapter or of the rules and
10 regulations referred to in Section 10.46.020 shall subject the offender on conviction thereof to a fine in
11 any sum not exceeding Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for a term
12 not exceeding ninety (90) days or by both such fine and imprisonment and each day on which violation
13 or failure to comply occurs shall constitute a separate offense.

14 Section 12. SMC 10.76.040 is hereby amended as follows:

15 **Hazardous Waste Management Committee.**

16 The Seattle/King County Hazardous Waste Management Coordination Committee is hereby
17 established. The Committee shall be composed of five (5) members:

- 18 A. The Director of the King County Public Works Department or his/her designee;
19 B. The Director of ~~((The City of))~~ Seattle ~~((Engineering Department))~~ Public Utilities or his/her
20 designee;
21 C. A representative appointed by the Suburban Cities Association;
22 D. The Director of Metro or his/her designee; and
23 E. The Director of the Seattle-King County Health Department or his/her designee.

24 Section 13. SMC 10.76.060 is hereby amended as follows:

Fees.

The following fees, which shall be remitted to the Department on a quarterly basis, are
established to provide funds for the implementation of the Local Hazardous Waste Management Plan:

- A. The City of Seattle, ~~((Solid Waste Utility))~~ Seattle Public Utilities shall pay to the
Department from the Solid Waste Fund an amount of One Million, One Hundred Two Thousand Two
Hundred Fifty-nine Dollars (\$1,102,259.00) in 1994. Effective January 1, 1995, the City of Seattle,
~~((Solid Waste Utility))~~ Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an
amount equivalent to Sixty Cents (\$0.60) per month for each residential customer.

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1 B. The City of Seattle, (~~Solid Waste Utility~~) Seattle Public Utilities shall pay to the
2 Department from the Solid Waste Fund an amount equivalent to Two Dollars and Sixty-one Cents
3 (\$2.61) per ton for each self hauler load of solid waste brought to a transfer station operated by the City.

4 C. Each privately owned transfer station or landfill located within the City shall pay to the
5 Department an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each load of
6 solid waste brought to such transfer station or landfill.

7 Section 14. SMC 15.46.040 is hereby amended as follows:

8 **Owner's and contractor's responsibility.**

9 The owner or lessee of the property who contracts for construction, an excavation or fill, or a
10 demolition, and any general contractor responsible for the work, are responsible for preventing dumping,
11 spillage, washing or overflow, tracking, or windblow of materials from or for the premises onto an
12 adjoining public place. This responsibility includes activities of subcontractors and transportation of
13 materials to or from the premises. The responsibility is joint and several.

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

20 Section 15. SMC 20.16.070 is hereby amended as follows:

21 **SMC 20.16.070 Substitution or enlarging of mains-Costs.**

22 Whenever, in the prosecution of any of the improvements contemplated in this chapter, it is determined
23 by the (~~Water Department~~) Seattle Public Utilities to substitute or enlarge the mains passing through
24 the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing
25 mains, shall be borne by the Water Fund.

26 Section 16. SMC 21.04.010 is hereby amended as follows:

27 **Definitions-Number and gender.**

28 The word (~~"Superintendent"~~) "Director" wherever used in this chapter, means the
29 (~~Superintendent of Water of the City~~) Director of Seattle Public Utilities, and any act in this chapter
30 required or authorized to be done by the (~~Superintendent~~) Director, may be done on behalf of the
31 (~~Superintendent~~) Director by an authorized officer or employee of the (~~Water Department~~) Seattle
32 Public Utilities. The word "person" wherever used in this chapter means and includes natural persons of
33 either sex, associations, copartnerships and corporations whether acting by themselves or by a servant,
34

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1 agent or employee; the singular number includes the plural and the masculine pronoun includes the
2 feminine.

3 Section 17. SMC 21.04.020 is hereby amended as follows:

4 **Connection to water supply system-Application.**

5
6 Any person desiring to have premises connected with the water supply system of the City shall
7 present at the office of the ~~((Water Department))~~ Seattle Public Utilities a copy of a building permit or a
8 regular certified copy from the Director of Construction and Land Use, containing his or her name,
9 description of the lot, block and addition and the official house number of the premises on which water
10 is desired, and shall make application therefor upon a printed form to be furnished for that purpose,
11 which application shall contain the description of the premises where such water is desired, and shall
12 specify the size of service pipe required and shall state fully the purposes for which water is to be used,
13 and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be
14 filed in the office of the ~~((Superintendent))~~ Director, and at the time of filing such application the
15 applicant shall pay to the City Finance Director and make his or her receipt therefor, the fees for
16 installation of water service provided in this chapter.

17 Section 18. SMC 21.04.050 is hereby amended as follows:

18 **Connection-City responsibility.**

19 Upon the presentation at the office of the ~~((Superintendent))~~ Director of the Finance Director's
20 receipt for the installation fees and the execution of the contract provided for in Section 21.04.030, the
21 ~~((Superintendent))~~ Director shall cause the premises described in the application, if the same abut upon a
22 street in which there is a City water main, to be connected with the City's water main by a service pipe
23 extending at right angles from the main to the property line, except as provided in Sections 21.04.060,
24 21.04.070 and 21.04.080 The City connection, which shall include a union placed at the end of pipe,
and a stopcock placed within the curblin, shall be maintained by and kept within the exclusive control
of the City.

Section 19. SMC 21.04.060 is hereby amended as follows:

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

A. Whenever it has been ascertained that a retaining wall, ornamenta! wall or landscape rockery
or any other form of permanent structure is to be, or has been, erected upon any portion of a City street
or public place in which a water service connection has been installed, the ~~((Superintendent))~~ Director

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1 may cause the relocation or readjustment of such water service connection or any portion thereof. The
2 cost of such relocation or readjustment shall be charged against the property at which the erection of the
3 permanent structure, as herein above referred to, is to be or has been done, and to the owner thereof. In
no case shall the City be required to maintain or repair any portion of the service connection between the
union and property line.

4 B. In case of application for water service to supply premises not abutting upon a street in which
5 there is a standard City water main, the ~~((Superintendent))~~ Director will require construction of a
6 standard water main abutting the property before a connection is made, provided, that under certain
7 conditions, a temporary connection may be provided for the property, or a service to the property of the
8 applicant may be placed along and beneath any public street or avenue. The ~~((Superintendent))~~ Director,
9 pursuant to the Administrative Code (Chapter 3.02), shall establish criteria and procedures for making
the aforementioned exceptions.

7 C. Where water main construction is required and the applicant and/or other property owners
8 jointly wish to construct the required water mains and appurtenances, the ~~((Superintendent))~~ Director is
9 authorized to enter into a water main addition or extension agreement as set forth in the application and
agreement forms attached as Exhibit "A" to Ordinance 658771 or such revised forms as approved by the
City Attorney and adopted by Rule.

10 D. The ~~((Superintendent))~~ Director may limit the size and number of service connections which
11 may be allowed for any separate property. No service connection will be allowed from the City mains to
12 any property supplied by water from any other source unless special permission is given by the
13 ~~((Superintendent))~~ Director, which special permission may be terminated at any time, if in the judgment
of the ~~((Superintendent))~~ Director the public interest would be best served.

13 Section 20. SMC 21.04.070 is hereby amended as follows:

14 **Cross-connections.**

15 A. Cross-connections, as defined in Section 248-54 of the Washington Administrative Code
16 (1991), or as may be amended, shall be eliminated or controlled in accordance with the administrative
17 rules of the ~~((Water Department))~~ Seattle Public Utilities and any applicable rules of the State of
Washington Department of Health or any other applicable City, State, or federal laws.

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

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

21 D. When in the discretion of the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities
22 appropriate circumstances so warrant, the ~~((Superintendent))~~ Director may charge the account of any
customer who violates any applicable rules and regulations concerning cross-connections for all costs,

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1 including service calls, and any damages incurred by the ((Water-Department)) Seattle Public Utilities
2 in relation to such violation.

3 Section 21. SMC 21.04.080 is hereby amended as follows:

4 **Separate service connections for each house-Exceptions.**

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

10 Section 22. SMC 21.04.090 is hereby amended as follows

11 **Connection-Pipe materials and covering-Sprinkler systems.**

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

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

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

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

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Section 23. SMC 21.04.100 is hereby amended as follows:

Connection-Minimum size-Fees and charges.

- A. No service connection less than three-fourths inch (3/4") in size shall be installed.
- B. The fees for the installation of water service as herein before provided shall be the actual cost of labor and material plus overhead charges to be determined by the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities in laying such a service and replacing the pavement.
- C. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service. Such standard charges shall be subject to annual review.

Section 24. SMC 21.04.110 is hereby amended as follows:

Special tap charge-Imposed-Agreement and payment.

A. In addition to water service connection fees and charges required by ordinance, the owners of properties, which have not been assessed or charged or borne an equitable share of the cost of the City's water distribution and hydrant system, shall pay, prior to connection to a City water main or at the time of transfer of an existing metered water service connection to a standard main designed to serve the property, a special tap charge in an amount to be computed under Section 21.04.120; provided, that the special tap charge shall not apply to property which is so located that it would not have been assessed for the construction of the water main had a local improvement district been formed for such purposes. All properties with connections to a substandard water main which is replaced by a standard water main shall be transferred to the replacement water main, unless the ~~((Superintendent))~~ Director determines that such transfer is impractical and uneconomical.

The collection of the special tap charge to serve a residence may be deferred at the request of a person responsible for its payment who is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be connected to the City system. Interest on deferred charges shall be computed at the same rate as provided in Section 21.04.110 B as if payment were being made in a timely manner under an installment contract. A request for deferral must be made thirty (30) days prior to the levy of the special tap charge. All charges, including interest so deferred, shall become due and payable in full at the time of sale or transfer of the property or if there is a change to a higher use than single family.

B. The special tap charge shall be paid in cash or under installment contract with interest computed on unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue unless such charges are deferred pursuant to 21.04.110 A. Such contract shall provide for a down payment of one-fortieth (1/40) of the total special tap charge, payable upon execution of such contract and for payment of the balance in equal installments payable at specified intervals throughout the term of the contract, in addition to interest as provided in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall

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1 describe the property served by water, shall be recorded by the ~~((Superintendent of Water))~~ Director of
2 Seattle Public Utilities in the office of the County Auditor at the expense of the property owner. Such
3 contract shall include a provision that in the event of default the ~~((Superintendent of Water))~~ Director of
4 Seattle Public Utilities may disconnect the City's water service from and refuse to supply water to the
premises in default until the same is paid. Upon full payment of the contract, the ~~((Superintendent of~~
owner a release of such lien.

5 / Section 25. SMC 21.04.120 is hereby amended as follows:

6 **Special tap charge-Computation and payment.**

7 A. The special tap charge imposed by Section 21.04.110 hereof shall be paid into the water fund
8 and shall be computed as follows: The number of units of property frontage determined in the manner
9 prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage," shall be
10 multiplied by the average local improvement assessment per unit of frontage for such facilities in Seattle
accepted as completed, as set forth in C.F. 257032.

11 B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized and directed
12 to annually compute and establish the average local improvement assessment paid by property owners
13 for water mains and hydrants completed and accepted by the City during the previous calendar year. If
14 no water main and hydrant local improvement districts are completed and accepted or those completed
and accepted are not representative of the average current costs of construction, the ~~((Superintendent of~~
15 Water)) Director of Seattle Public Utilities is hereby authorized to compute and establish an average
16 water main and hydrant construction cost per assessable unit of frontage, using all water main and
hydrant projects completed during the previous calendar year.
This average assessment or average cost shall be used in computing the special tap charge imposed in
Section 21.04.110 as to water main and hydrant improvements completed in each year. A copy of such
computation shall be delivered to the City Clerk not later than April 30th of each such year to be filed by
him or her in C.F. 257032.

17 C. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120
18 A and B shall be decreased for those properties with existing metered water service connections installed
19 prior to December 31, 1984 and connected to abutting and certain non-abutting substandard water mains
20 which are being replaced with mains of standard size, material and related appurtenances in accordance
with standards and replacement criteria established by the ~~((Superintendent))~~ Director pursuant to the
Administrative Code (Chapter 3.02). Such decrease may also be applied to the special tap charges
imposed upon properties connected to non-abutting substandard mains if the ~~((Superintendent))~~ Director
determines that there will be no future abutting water mains.

21 D. Properties eligible for a decreased special tap charge under Section 21.04.120 C shall be
22 charged a percentage of the full special tap charge, based upon the sizes of the existing substandard main
and the new standard main, according to the following schedule.

23 **Existing Substandard Main Size** **Percent of Special Tap**

24

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**Charge to be Charged
for Replacement New
Mains**

| | 8 inches or smaller new main size | 12 inches or larger new main size |
|---|--|--|
| 2 inches and smaller, without hydrants | 35% | 70% |
| 3 inches through 6 inches, without hydrants | 15% | 50% |
| 8 inches, without hydrants | 0% | 40% |
| 4 inches through 8 inches, with hydrants | 0% | 40% |
| Greater than 8 inches | 0% | 0% |

1. The percentages in the above schedule are based upon estimates of the differential between the cost of replacing the existing substandard water mains and appurtenances with facilities of the same original size and the cost of replacing them with the larger standard size facilities. The ~~((Superintendent))~~ Director pursuant to the Administrative Code (Chapter 3.02) may change the above percentages. A copy of such changes shall be delivered to the City Clerk and filed by him or her in C.F. 257035.

2. Properties eligible for and charged the decreased special tap charge under Section 21.04.120 C and D are subject to the payment requirements authorized in Section 21.04.110 B.

E. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120 may be decreased by the amount of a service line credit. Eligibility for such a credit is limited to properties which do not abut a public street, and where an abutting water main will not be required, and where there has been no reduction in the special tap charge according to the previous subsection or in certain other cases in accordance with criteria established by the ~~((Superintendent))~~ Director pursuant to the Administrative Code (Chapter 3.02). Service line credits shall be computed by multiplying the lineal foot distance from the street margin to the property line abutting the access route times the service line credit rate established for the year the water main was constructed, as set forth in Exhibit "B" attached to and by reference made part of the ordinance codified in this chapter. For water mains constructed after 1984, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall compute the service line credit based upon estimates of changes in costs of labor and materials and shall deliver a copy of such computation to the City Clerk not later than April 30th of each year to be filed by him or her in C.F.257032.

Section 26. SMC 21.04.160 is hereby amended as follows:

Stop and waste cocks-Inspection of water pipes.

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2 A. Before water will be turned on to any premises connected with the City's mains, the service
3 pipes upon such premises must be made to conform to the following regulations: The service pipes must
4 be so located that the supply for each separate house or premises shall be controlled by separate stop and
5 waste cocks of the best standard make, approved by the ((Superintendent)) Director, with extension
6 handle, properly protected from the frost, and so placed within the premises that all service pipes and
7 fixtures may be thoroughly drained during freezing weather. Where sags or depressions occur in the pipe
8 and this stop and waste cock is not sufficient to fully drain all the pipes and fixtures within the premises,
9 additional stop and waste cocks, with extension handles, or other approved vents must be so placed as to
10 fully drain them. In cases where no fixtures are placed between the property line and the basement the
11 stop and waste cock may be placed in the basement, provided the basement is not less than six feet (6')
12 in height and is provided with stairways or other means of access thereto; provided further, that where
13 basements are enclosed in wooden walls the stop and waste cock shall be placed at least twelve inches
14 (12") below the surface of the ground, and shall be provided with an extension handle. Stop and waste
15 cocks on premises fronting on ungraded streets shall be placed at least six feet (6') inside of property line
16 of the premises. The connection between the City's pipes at the property line and the service pipes on the
17 premises must be made with a union. Every existing service or branch service not already equipped as
18 required in this section must be so equipped at the owner's expense as soon as the defect is noted.

19 B. All water pipes which shall hereafter be laid, relaid or repaired on any private premises or in
20 any street or public place within the City, shall be subject to inspection by the ((Superintendent))
21 Director, before such water pipes are covered.

22 Section 27. SMC 21.04.170 is hereby amended as follows:

23 **Request to turn on water.**

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

Section 28. SMC 21.04.180 is hereby amended as follows:

21.04.180 Supplying water to additional premises-Application.

It shall be unlawful for any person whose premises are supplied with water to furnish water to
additional premises unless he shall first make application in writing so to do at the office of the
((Superintendent)) Director.

Section 29. SMC 21.04.190 is hereby amended as follows:

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1 **Supplying water to additional premises-Charges.**

2 When additional premises are connected without the application prescribed in Section 21.04.180,
3 such premises may be charged at double the rate for the time they are in use, and the service may be shut
4 off by the ((Superintendent)) Director and the current standard charges made for shutting off and turning
5 on such service. In case water shall be turned off as provided in this section, the same shall not be turned
6 on again until all rates and charges against the premises have been paid in full.

7 Section 30. SMC 21.04.200 is hereby amended as follows:

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

9 When new buildings are to be erected on the site of the old ones and it is desired to increase the
10 size or change the location of the old service connection, or where a service connection to any premises
11 is abandoned or no longer used, the ((Superintendent)) Director may cut out or remove such service
12 connection, after which, should a service connection be required to the premises, a new service shall be
13 placed only upon the owner making an application and paying for a new tap in the regular manner.
14 When service connection of any premises on an unpaved street does not exceed one inch (1") in size and
15 the same does not come from the main in front of the premises the ((Superintendent)) Director shall,
16 when a main is laid in front of the premises, after notifying the owner or tenant thereof, transfer the
17 service connection to the new main without charge, and at the same time cut out the old service
18 connection. When a new main is laid in any street owners of premises on the street, or within one-half
19 (1/2) block on side streets, who are being supplied with City water from a private main or a connection
20 to a private service shall make application for tap and shall connect up with a separate service
21 connection to the main in front of premises.

22 Section 31. SMC 21.04.210 is hereby amended as follows:

23 **Discontinuance of service-Reinstallation application-Temporary service.**

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

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

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

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

4 Section 32. SMC 21.04.230 is hereby amended as follows:

5 **Reconnections-Procedure.**

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

10 ✓ Section 33. SMC 21.04.240 is hereby amended as follows:

11 **Water shut off by City.**

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

15 Section 34. SMC 21.04.260 is hereby amended as follows:

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

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

21 B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may establish and collect
22 charges based on actual costs, for special meter readings ordered in connection with property ownership
23 or occupancy changes.

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1 / Section 35. SMC 21.04.270 is hereby amended as follows:

2 **Water for construction purposes.**

3 A. It shall be the duty of the (~~Superintendent of Buildings~~) Director of the Department of
4 Construction and Land Use to report to the (~~Superintendent of Water~~) Director of Seattle Public
5 Utilities the beginning of construction or repairs of all buildings in the City, such reports to be a
6 duplicate of the building permit issued, containing a general description of the building to be erected or
7 repaired, the name of the owner and contractor thereof, the official house number and street name, the
8 lot, block and addition.

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

11 C. Water for construction purposes shall be furnished by meter, and charged to the premises
12 supplied and the owner thereof.

13 / Section 36. SMC 21.04.330 is hereby amended as follows:

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

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

B. If in the event water is used for any other purpose than firefighting, through a fire service,
after notice of a prior violation has been given by letter to the owner and/or occupant, and such service is
not equipped with a device for accurately recording such flow of water, the (~~Superintendent~~) Director
shall install a detector meter on such service and charge all cost of such installation to the property.

20 / Section 37. SMC 21.04.340 is hereby amended as follows:

21 **Fire protection services-Applications from apartments and hotels.**

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1 The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized to accept
2 applications for fire protection service connections from owners of apartment houses, apartment hotels
3 and hotels constructed prior to May 4, 1970, for purposes of complying with provisions of the Seattle
4 Fire Code (Ordinance 87870, as amended) contained in Sections 8.31.010, 8.31.030 and 8.31.040
5 thereof, 1 and there is imposed upon those owners of apartment houses, apartment hotels and hotels
6 making such applications and electing to install such fire protection devices a special tapping charge
7 computed and payable pursuant to Section 21.04.350.

8 Section 38. SMC 21.04.350 is hereby amended as follows:

9 **Fire protection services-Special tap charge.**

10 The special tap charge imposed by Section 21.04.340 shall be in an amount equal to the actual
11 installation cost to the City and be paid in cash or under installment contract with interest computed on
12 unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local
13 Improvement District Bond Issue. Such contract shall provide for a down payment of one-fortieth (1/40)
14 of total estimated installation cost of such service connection at the time of application to the ~~((Water
15 Department))~~ Seattle Public Utilities for such service connection and for payment of the balance, such
16 balance being based upon actual installation cost less down payment, in equal installments payable at
17 specified intervals throughout the term of the contract, in addition to interest as provided for in this
18 section. Such installment contract shall provide that any unpaid balance may be paid in full at any time,
19 shall describe the property served by such fire protection service connection, shall be acknowledged by
20 the property owner and shall be recorded by the ~~((Superintendent of Water))~~ Director of Seattle Public
21 Utilities in the office of the County Auditor at the expense of the property owner and become a lien upon
22 the property served. Such contract shall include a provision that, in the event of default, the
23 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may disconnect the City's water service
24 from and refuse to supply water to the premises in default until the same is paid. Upon full payment of
the contract, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, on behalf of the City,
shall execute and deliver to the property owner a release of such lien.

Section 39. SMC 21.04.360 is hereby amended as follows:

Right of entry for ~~((Superintendent))~~ Director-Unlawful obstruction of water meter.

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

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

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

4 Section 40. SMC 21.04.370 is hereby amended as follows:

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

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

12 Section 41. SMC 21.04.380 is hereby amended as follows:

13 **Meter installations between curblin and property line.**

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

20 Section 42. SMC 21.04.390 is hereby amended as follows:

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

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

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

Section 43. SMC 21.04.400 is hereby amended as follows:

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Protection of connections from driveways or crossings.

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

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

Section 44. SMC 21.04.410 is hereby amended as follows:

Accounts of charges and penalties.

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

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

Section 45. SMC 21.04.420 is hereby amended as follows:

Flat rates.

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

| | |
|---|--------|
| Paving and laying sidewalks, concrete, per hundred sq.yds. or less for: | |
| 6" base or less | \$0.50 |
| 6 1/4" and over. | .75 |
| Earthwork, for settling each 100 cubic yards of earth | 1.40 |
| Curing pavement, per sq. yd. | .04 |
| Portable engines: | |
| For first horsepower (per month or less) | |
| | .80 |
| For each additional horsepower. | .20 |
| For laying brick, per thousand. | .15 |

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1 Cement, per barrel.10

2 B. Water used for all other purposes not enumerated in this section shall be furnished and
3 charged for either at meter rates or a special rate to be fixed by the ((Superintendent)) Director.

4 Section 46. SMC 21.04.450 is hereby amended as follows:

5 **Cost for new mains constructed outside City limits.**

6 In areas outside the limits of the City where new mains or replacements are constructed by the
7 City the cost thereof together with interest at four percent (4%) per year computed on unpaid balances
8 shall be repaid by users of water in the districts served by the mains by payment at the rate of One Dollar
9 (\$1.00) per month or more by agreement, in addition to the general rate established by ordinance for
10 water outside the City. The additional payments shall begin upon completion of the installation of such
11 mains and continue until the cost thereof with interest at four percent (4%) per year computed as above
12 is returned to the City. In the event of delinquency in payment of any such charges for water or water
13 service or construction costs the ((Superintendent of Water)) Director of Seattle Public Utilities is
14 directed to disconnect the City's water service from and refuse to supply water for the premises so in
15 default until the same are paid.

16 Section 47. SMC 21.04.465 is hereby amended as follows:

17 **Standard and administrative charges.**

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

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

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

Section 48. SMC 21.04.470 is hereby amended as follows:

Bills for water used-Delinquency.

A. The ((Superintendent)) Director in his or her discretion may cause bills for water used for
domestic purposes to be issued and mailed every three (3) months (quarterly) or less.

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

3 C. Upon nonpayment of bills as prescribed in this section, water supply will be subject to shut
off. A standard charge will be assessed upon production of notice of intent to shut off, in order to
4 compensate in part for the cost of delivery and associated collection efforts. The ((Superintendent of
Water)) Director of Seattle Public Utilities shall prescribe by administrative rule a standard charge based
5 on a review of prevailing actual costs for shutting off water service. The ((Superintendent)) Director may
6 give a further grace period as provided by ((Water Department)) Seattle Public Utilities administrative
rule before actual shutting off. The water shall again be turned on upon payment of all charges due and
7 owing or upon approval of credit arrangements for payment of such charges. If credit arrangements are
paid in full.

8 Section 49. SMC 21.04.480 is hereby amended as follows:

9 **Meters-Property of City-Failure to register properly.**

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

17 Section 50. SMC 21.04.490 is hereby amended as follows:

18 **Meters-Test for accuracy.**

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

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1 B. No meter shall be removed, or in any way disturbed, nor the seal broken, except in the
2 presence or under the direction of the ~~((Superintendent))~~ Director.

3 Section 51. SMC 21.04.500 is hereby amended as follows:

4 **Emergency water use restrictions.**

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

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

16 C. Before putting into effect any restrictions on water use for more than twenty-one (21) days
17 pursuant to this section, the ~~(Superintendent of Water)~~ Director of Seattle Public Utilities shall explain
18 fully to the Mayor ~~((s))~~ and the City Council ~~((and Board of Public Works))~~ the reasons for such
19 restrictions ~~((; and shall in addition give notice of a public hearing before the Board of Public Works for~~
20 ~~the ratification and confirmation, or modifications or rejection of the Superintendent's order, which~~
21 ~~notice shall be given as provided in the Administrative Code of the City (Ordinance 102228); provided~~
22 ~~that such public hearing shall be held and such order ratified and confirmed, modified, or rejected not~~
23 ~~more than ten (10) days from the date of such notice)).~~

24 Section 52. SMC 21.04.505 is hereby amended as follows:

Emergency rate surcharge.

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

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

C. Prior to the imposition of any surcharge authorized by this section, the ~~((Water Department))~~
Seattle Public Utilities shall notify customers through public announcements that mandatory water
restrictions are in effect. Such notice shall advise customers that a surcharge shall be imposed for any

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1 water usage contrary to mandatory water restrictions established by the ((Superintendent)) Director, and
2 shall advise the customers of the amount of such surcharge.

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

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

11 Section 53. SMC 21.04.510 is hereby amended as follows:

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

13 It shall be the duty of the employees of the Police, Fire, ((Engineer's and Streets and Sewers))
14 and Transportation Departments to give vigilant aid to the ((Superintendent)) Director in the
15 enforcement of the provisions of this chapter, and to this end they shall report all violations thereof
16 which come to their knowledge to the office of the ((Superintendent)) Director, and it shall be the duty
17 of the Chief of the Fire Department to report immediately to the ((Superintendent)) Director in case of
18 fire in premises having metered service for fire protection purposes that fire has occurred there.

19 Section 54. SMC 21.04.530 is hereby amended as follows:

20 **Use of fire hydrants.**

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

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

Section 55. SMC 21.04.540 is hereby amended as follows:

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Unlawful interference or damage to property.

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

Section 56. SMC 21.04.570 is hereby amended as follows:

Unlawful connections to water supply system.

It shall be unlawful for any person to make a connection with any fixtures or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission so to do from the ((Superintendent)) Director. It shall also be unlawful to connect to, or use, any water main or water pipe belonging to the municipal water supply system for electrical grounding purposes.

Section 57. SMC 21.04.590 is hereby amended as follows:

Violation-Reward for securing conviction.

The ((Superintendent)) Director shall cause a reward not to exceed ((Ten)) One Hundred Dollars (\$100.00) to be paid to any person securing the conviction of any person for violation of any of the provisions of this chapter.

Section 58. SMC 21.04.600 is hereby amended as follows:

Authority of ((Superintendent)) Director

The ((Superintendent)) Director shall have authority to decide any question which may arise and which is not fully answered by the provisions of this chapter, and his decisions in such cases shall be final.

Section 59. SMC 21.08.010 is hereby amended as follows:

Definitions.

A. The following words and terms used in this chapter shall have the meanings set forth in this section unless otherwise indicated by their context:

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1 1. "Anticorrosion chemical feeding equipment" means any apparatus designed or used to
2 introduce measured quantities of chemicals into the potable hot water supply in order to prevent or
3 control corrosion.

4 2. "Backflow prevention device" means equipment designed or used to counteract
5 pressures or prevent back siphonage.

6 3. "Cross-connection" means a physical arrangement whereby a public water supply is
7 connected, directly or indirectly, to a device which meters, injects, or otherwise applies chemical
8 substances thereto.

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

11 5. "Licensed steam engineer" means a person holding a currently valid license as a steam
12 engineer, grade III, or superior grade, issued in accordance with Ordinance 94595.

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

16 7. "~~((Superintendent of Water))~~ Director of Seattle Public Utilities" means the
17 ~~((Superintendent))~~ Director of the Seattle ~~((Water Department))~~ Public Utilities or his or her authorized
18 representative.

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

23 Section 60. SMC 21.08.030 is hereby amended as follows:

24 **Unlawful acts.**

 It is unlawful for:

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

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

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

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

 E. Anyone to use or operate any anticorrosion chemical feeding equipment during a period when
 a permit is suspended or after it has been revoked.

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1 Section 61. SMC 21.08.040 is hereby amended as follows:

2 **Construction permit-Applications.**

3 Applications for a permit to install, construct, reconstruct, or alter anticorrosion chemical feeding
4 equipment shall be made in duplicate to the Director of the Seattle-King County Department of Public
5 Health, who shall forward a copy thereof to the ~~((Superintendent of Water))~~ Director of Seattle Public
6 Utilities. The application shall identify the premises, state the nature of the anticorrosion chemical
7 feeding equipment to be installed or the work to be undertaken, the location of the connection and such
8 other reasonable information as the Director of the Seattle-King County Department of Public Health or
9 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may require and shall be
10 accompanied by a copy of the plans for the work and the specifications of all equipment.

8 Section 62. SMC 21.08.070 is hereby amended as follows:

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

10 Upon approval of the plans and specifications, as submitted or as modified with the concurrence
11 of the Director of the Seattle-King County Department of Public Health and of the ~~((Superintendent of
12 Water))~~ Director of Seattle Public Utilities, the applicant shall have ninety (90) days or such greater time
13 as the Director of the Seattle-King County Department of Public Health or ~~((Superintendent))~~ Director
14 of Seattle Public Utilities may allow to undertake and complete the work authorized. All construction
15 shall be performed in accordance with the plans and specifications, as approved or as modified with the
16 written approval of the Director of the Seattle-King County Department of Public Health and the
17 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities.

15 Section 63. SMC 21.08.090 is hereby amended as follows:

16 **Construction permit-Inspection of work.**

17 Upon completion of any installation, construction, alteration, or renovation, the applicant or an
18 authorized agent shall notify the Director of the Seattle-King County Department of Public Health and
19 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities of its readiness for inspection. No
20 equipment shall be used until inspected and approved by the Director of the Seattle-King County
21 Department of Public Health and the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, or
22 their authorized deputies, as in compliance with this chapter and applicable rules and regulations
23 established in accordance herewith.

21 Section 64. SMC 21.08.100 is hereby amended as follows:

22 **Annual operating permit-Application.**

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1 Applications for a permit to operate an anticorrosion chemical feeding equipment system and to
2 introduce anticorrosion chemicals into the potable hot water supply shall be made in duplicate to the
3 Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to
4 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities. The application shall designate a
5 licensed steam engineer, who shall be responsible for maintenance of the system, and who shall be
6 empowered by the owner as his agent to accept service of notices and directives contemplated by
7 Sections 21.08.250 through 21.08.280. Applications to use equipment shall be made on a form provided
8 by the Director of the Seattle-King County Department of Public Health before January 1st of each year
9 by the person operating the anticorrosion chemical feeding equipment or by the person responsible for
10 maintenance and use of the premises where the anticorrosion chemical feeding equipment is installed.
11 Applications to operate facilities newly constructed and not previously registered for operation shall be
12 made on or before the date that the equipment is approved for use under Section 4(g) of Ordinance
13 103095.

14 Section 65. SMC 21.08.120 is hereby amended as follows:

15 **Annual operating permit-Inspections.**

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

21 Section 66. SMC 21.08.130 is hereby amended as follows:

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

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

28 Section 67. SMC 21.08.170 is hereby amended as follows:

29 **Water quality.**

30 The water treated by the anticorrosion chemical feeding equipment shall at all times meet such
31 standards of chemical, physical, and bacteriological quality set by the Director of the Seattle-King

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1 County Department of Public Health and ((Superintendent of Water)) Director of Seattle Public Utilities
2 and shall not cause a person drinking or using the water to be exposed to any disease-producing
3 organisms or to any chemical conditions that may be toxic, irritating or discoloring.

4 Section 68. SMC 21.08.190 is hereby amended as follows:

5 **Chemicals to be approved.**

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

10 Section 69. SMC 21.08.210 is hereby amended as follows:

11 **Daily records.**

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

19 Section 70. SMC 21.08.220 is hereby amended as follows:

20 **Responsible officials.**

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

Section 71. SMC 21.08.230 is hereby amended as follows:

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Unscheduled inspections.

Unscheduled inspections may be held whenever and as often as the Director of the Seattle-King County Department of Public Health or the ((Superintendent of Water)) Director of Seattle Public Utilities deem appropriate to protect the public health. The inspections include inspection of equipment, examination of Pipes, and the taking of chemical samples from, or making of tests with, water from taps used by consumers.

Section 72. SMC 21.08.240 is hereby amended as follows:

Right of entry.

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

Section 73. SMC 21.08.250 is hereby amended as follows:

Enforcement authority.

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

Section 74. SMC 21.08.270 is hereby amended as follows:

Directive for correction of violation.

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

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

8 Section 76. SMC 21.08.280 is hereby amended as follows:

9 **Stop Order**

10 When upon discovery of an unsanitary or hazardous condition, the Director of the Seattle-King
11 County Department of Public Health or the ((Superintendent of Water)) Director of Seattle Public
12 Utilities reasonably believes that continuation of chemical treatment or further use of the hot water
13 supply may have harmful effects upon users or subject users to risk of harm, the Director of the Seattle-
14 King County Department of Public Health and/or ((Superintendent)) Director of Seattle Public Utilities
15 may, after giving notice, issue a stop order requiring cessation of use of the anticorrosion chemical
16 feeding equipment or of anticorrosion chemicals, and/or suspending water service to the premises. Stop
17 orders shall be served on the permit holder as soon as practicable and shall be posted on the premises.

18 Section 76. SMC 21.08.290 is hereby amended as follows:

19 **Permit-Reasons for suspension.**

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

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

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1 Section 77. SMC 21.08.320 is hereby amended as follows:

2 **Reinstatement of permit.**

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

8 Section 78. SMC 21.08.330 is hereby amended as follows:

9 **Revocation of permits.**

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

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

14 B. Interference with the Director of the Seattle-King County Department of Public Health or the
15 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities in the performance of their duties;

16 C. Failure to comply with any lawful order of the Director of the Seattle-King County
17 Department of Public Health or the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities; or

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

16 Section 79. SMC 21.08.340 is hereby amended as follows:

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

18 A party feeling aggrieved by any notice, directive, stop order, suspension or threatened
19 suspension of a permit may seek review by filing a written request with the Director of the Seattle-King
20 County Department of Public Health within ten (10) days after service or posting, whichever is later.

21 Section 80. SMC 21.08.350 is hereby amended as follows:

22 **Department review.**

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

7 Section 81. SMC 21.08.360 is hereby amended as follows:

8 **Hearing for revocation of permit.**

9 Notice shall be given and hearings for revocation of permits shall be conducted in the manner
10 provided for contested cases in the Administrative Code (Ordinance 102228)1 by the Director of the
11 Seattle-King County Department of Public Health or by a Hearing Examiner appointed by him to make a
12 recommended decision.

12 Section 82. SMC 21.08.370 is hereby amended as follows:

13 **Applicability of chapter.**

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

18 Section 83. SMC 21.12.010 is hereby amended as follows:

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

20 Whenever the water supply in any portion of the City is about to be cut off, the ~~((Superintendent
21 of Water)) Director of Seattle Public Utilities~~ shall cause notice to be given to the Chief of the Fire
22 Department of the same, designating the portions of the City from which the water is so cut off together
23 with a statement of the probable length of time during which such cut-off will continue, and when the
24 same shall be again turned on(~~(, the Board shall cause notice of such fact to be given to the Chief)).~~

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Section 84. SMC 21.12.020 is hereby amended as follows:

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

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

Section 85. SMC 21.12.050 is hereby amended as follows:

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

A. To protect that portion of the City's water supply to be derived from the Tolt River South Fork Watershed from contamination, the City exercises authority and jurisdiction over the drainage area of said watershed more particularly described as follows:
North 1/2 of Sections 1, 2 and 3, Township 25 North, Range 9 East, W. M.;
NE 1/4 of the NE 1/4; W 1/2 of the NE 1/4; and the NW 1/4, all in Section 4, Township 25 North, Range 9 East, W. M.;
NE 1/4 and the E 1/2 of the NW 1/4, all in Section 5, Township 25 North, Range 9 East, W. M.;
Gov. Lots 2 thru 4, both inclusive, Section 4, Township 25 North, Range 10 East, W. M.;
Gov. Lots 1 thru 4, both inclusive, Section 5, Township 25 North, Range 10 East, W. M.;
Gov. Lots 1 thru 5, both inclusive and Gov. Lot 12; E 1/2 of the NW 1/4; W 1/2 of the NE 1/4; NE 1/4 of the NE 1/4, all in Section 6, Township 25 North, Range 10 East, W. M.;
S 1/2 of the S 1/2 of Section 20, Township 26 North, Range 9 East, W. M.;
NW 1/4 of the SW 1/4; S 1/2 of the SW 1/4; S 1/2 of SE 1/4, all in Section 21, Township 26 North, Range 9 East, W. M.;
S 1/2 of the SW 1/4; S 1/2 of the SE 1/4; NE 1/4 of the SE 1/4, all in Section 22, Township 26 North, Range 9 East, W. M.;
S 1/2 of Section 23, Township 26 North, Range 9 East, W. M.; S 1/2 of Section 24, Township 26 North, Range 9 East, W. M.; Sections 25, 26, 27 and 29, all in Township 26 North, Range 9 East, W. M.;
E 1/2 of the E 1/2 of Section 30, Township 26 North, Range 9 East, W. M.;
SE 1/4 of the NE 1/4; NE 1/4 of the SE 1/4, all in Section 31, Township 26 North, Range 9 East, W. M.;
Sections 32, 33, 34, 35 and 36, all in Township 26 North, Range 9 East, W. M.;
S 1/2 of the NW 1/4; SW 1/4, all in Section 28, Township 26 North, Range 10 East, W. M.;

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1 S 1/2 of the N 1/2; S 1/2, all in Section 29, Township 26 North, Range 10 East, W. M.;
S 1/2 of the N 1/2; S 1/2, all in Section 30, Township 26 North, Range 10 East, W. M.;
2 Sections 31 and 32, all in Township 26 North, Range 10 East, W. M.;
Section 33, except the NE 1/4 of the NE 1/4, Township 26 North, Range 10 East, W. M.;
3 SE 1/4 of the SW 1/4; SW 1/4 of the SE 1/4; W 1/2 of the SE 1/4 of the SE 1/4, all in Section 28,
Township 26 North, Range 8 East, W. M.;
4 N 330 feet of the NE 1/4 of the NE 1/4 of the NW 1/4; N 330 feet of the NW 1/4 of the NW 1/4 of the
NE 1/4; N 990 feet of the E 1/2 of the NW 1/4 of the NE 1/4; N 990 feet of the W 1/2 of the NE 1/4 of
5 the NE 1/4; N 750 feet of the E 1/2 of the NE 1/4 of the NE 1/4, all in Section 33, Township 26 North,
Range 8 East, W. M.;
6 including all of the property occupied by the works, rivers, systems, springs, branches and pipes and all
lakes, rivers, springs, streams, creeks or tributaries therein and all the property within the areas draining
7 into such lakes, rivers, springs, streams, creeks or tributaries, as contemplated by the laws of the state
and the rules and regulations of the State Board of Health.

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

13 Section 86. SMC 21.12.060 is hereby amended as follows:

14 **Cedar River Watersh. -Designated-Permit for use.**

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

17 **CEDAR RIVER AREA**

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

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

22 North half of Section Seven; north half and southeast quarter of Section Eight; north half and
southeast quarter of Section Fifteen; north half of Section Sixteen; northeast quarter and east half of
23

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

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

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

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

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

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

South half of south half of Section Nineteen; south half of southwest quarter, southwest quarter
of southeast quarter of Section Twenty-seven; southwest quarter and south half of southeast quarter of
Section Twenty-eight; south half of north half and south half of Section Twenty-nine; all of Section
Thirty-five except north half of north half thereof; all of Sections Thirty, Thirty-one, Thirty-two, Thirty-

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1 three, Thirty- four and Thirty-six, in Township Twenty-two North, Range Ten East W. M.
2 Southwest quarter of Section Thirty-one, Township Twenty-two North, Range Eleven East W.
3 M.

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

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

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

LAKE YOUNGS AREA

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

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

23 Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two
24 North, Range Six East W. M. including all the property occupied by the works, rivers, systems, springs,
branches and pipes and all the lakes, rivers, springs, streams, creeks or tributaries therein and all
property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries.

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

Section 87. SMC 21.16.030 is hereby amended as follows:

Definitions.

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

3 ~~((1. "Board of Public Works" means that Board defined in Chapter 3.44 of the Seattle Municipal
4 Code.))~~

5 ~~((2))~~ 1. "City" means The City of Seattle.

6 ~~((3))~~ 2. "Comprehensive plans" means plans which are large in scope and intended to provide
7 for the ultimate development of the drainage basins served by the sewers and drains, as determined by
8 the Director of ~~((Engineering))~~ Seattle Public Utilities at the time the plan was proposed.

9 ~~((4))~~ 3. "Cover" means the depth of material between the top of the side sewer or service drain
10 pipe and the finished grade immediately above it.

11 ~~((5))~~ 4. "Director of Health" means the Director of Public Health or employees of the Seattle-
12 King County Department of Public Health.

13 ~~((6))~~ 5. "Director of Construction and Land Use" means the Director or employees of The City
14 of Seattle Department of Construction and Land Use.

15 ~~((7))~~ 6. "Director of ~~((Engineering))~~ Seattle Public Utilities" means the Director of
16 ~~((Engineering))~~ Seattle Public Utilities, or his or her designee, or employees of ~~((The City of Seattle
17 Engineering Department))~~ Seattle Public Utilities.

18 ~~((8))~~ 7. "Downspout" means a pipe which conducts water from a roof of a building.

19 ~~((9))~~ 8. "Footing drain" means an open joint or perforated pipe located near the foundation of a
20 building, intended to intercept and carry groundwater.

21 ~~((10))~~ 9. "Garbage" means putrescible waste from the preparation, cooking and dispensing of
22 food, and from the handling, storage and sale of produce.

23 ~~((11))~~ 10. "Garbage, properly shredded" means garbage that has been shredded to such a degree
24 that it will be carried or suspended freely under the flow conditions normally prevailing in public
sewers, with no particle larger than three-eighths inch (3/8") in any dimension.

~~((12))~~ 11. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof,
resulting from any process of industry, manufacturing, food processing, business, trade or research,
including the development, recovering or processing of natural resources and including garbage, but
distinguished from sanitary sewage or storm drainage.

~~((13))~~ 12. "Main sewer" means a pipe which is part of the public sewer system and to which a
side sewer is connected.

~~((14))~~ 13. "Metro" means King County.

~~((15))~~ 14. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other
body of surface water.

~~((16))~~ 15. "Owner or occupant" means the owner of real property or the agent or lessee of the
owner.

~~((17))~~ 16. "Permit card" means a card issued in conjunction with a permit (or a carbon copy of
the permit) which shall be posted on the premises of the work being accomplished.

~~((18))~~ 17. "Person" means any individual, company, partnership, corporation, association, society
or group and the singular term shall include the plural.

~~((19))~~ 18. "Ph" means a numerical indicator of the degree of acidity or alkalinity of a substance.

~~((20))~~ 19. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure
which carries the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily
designed to carry stormwater or unpolluted water.

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1 ((21)) 20. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries stormwater or unpolluted water.

2 ((22)) 21. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of ((Engineering)) Seattle Public Utilities.

3 ((23)) 22. "Public place," "public area" or "street area" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles and rights-of-way dedicated for the use of the public, and the space above or beneath the surface of the same.

4 ((24)) 23. "Registered side sewer contractor" means a person approved and registered by the Director of ((Engineering)) Seattle Public Utilities to construct or repair side sewers.

5 ((25)) 24. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the City, Rainier Vista Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired, constructed or maintained by such agencies.

6 ((26)) 25. "Service drain" means a privately owned and maintained drainage system which carries only stormwater runoff, surface water, foundation drainage and/or other unpolluted waters and which discharges at an approved outlet as defined by the Director of ((Engineering)) Seattle Public Utilities. Service drains include, but are not limited to, conveyance pipes, catchbasin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet. Service drains do not include groundwater collection systems upstream from the point of connection to a service drain.

7 ((27)) 26. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

8 ((28)) 27. "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating wastewater.

9 ((29)) 28. "Sewer, combined" means a publicly owned and maintained sewerage system which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and water from foundation drains.

10 ((30)) 29. "Sewer, sanitary" means a publicly owned and maintained sewage system which carries wastewater, and is not designed to carry stormwater or unpolluted water.

11 ((31)) 30. "Side sewer" means a privately owned and maintained pipe system which is designed to carry sewage and/or stormwater runoff, surface water, foundation drainage, and other unpolluted water leading from a plumbing outlet, drain or other facilities to the public sewer system or approved outlet.

12 ((32)) 31. "Sidewalk" means the walkway in a public area lying generally parallel to the roadway.

13 ((33)) 32. "Standard Plans and Specifications" means the standard plans and specifications ((adopted by the Board of Public Works and)) in effect on the date of issuance of the permit.

14 ((34)) 33. "Storm drain" means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.

15 ((35)) 34. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.

16 ((36)) 35. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director of Health or

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1 the Director of (~~Engineering~~) Seattle Public Utilities has the authority to determine which waters are
2 unpolluted waters.

3 (~~37~~) 36. "Use" means and includes use or occupancy of a public place pursuant to Chapter
4 15.02 of the Seattle Municipal Code for the purpose of doing work, disturbing the surface, or erecting
5 any structure under, along or over the public place.

6 (~~38~~) 37. "Wastewater" is a comprehensive term including industrial waste, sewage, and other
7 unpolluted waters, as determined by the Director of Health or Director of (~~Engineering~~) Seattle Public
8 Utilities.

9 (~~39~~) 39. "Watercourse" means a channel in which a natural flow of stormwater and/or
10 groundwater occurs either continuously or intermittently.

11 Section 88. SMC 21.16.040 is hereby amended as follows:

12 **Connection or abandonment of side sewers.**

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

24 B. Service Drain Connections. Connections of service drains to combined sewers or storm
drains shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

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

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to
the charge that would be made for sewer service if the property were connected to the sewer system,
which amount shall be paid and collected at the times and in the manner provided by ordinance for the
payment and collection of sewer service charges; and

2. The Director of Health has waived the requirement as provided in subsection A of this
section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must
connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as
determined by the Director of Health. The exemption will remain in effect until the on-site sewer

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1 system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay
2 the charges referred to in subdivision 1 of this subsection, whichever occurs first, at which time the
property shall be connected to the public sewer system as required in subsection A herein.

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

4
5 Section 89. SMC 21.16.050 is hereby amended as follows:

6 **Connection-Notice to owner or occupant.**

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

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

15 Section 90. SMC 21.16.060 is hereby amended as follows:

16 **Registered side sewer contractor-Qualification-Insurance-Bond.**

17 A. To obtain registration from the City as a side sewer contractor, an applicant must:

- 18 1. Pay to the City Finance Director an examination fee of Sixty Dollars (\$60.00) for each
individual who takes the examination required by this subsection;
- 19 2. Successfully complete or employ an individual who has successfully completed an oral
and written examination administered by the Director of ((Engineering)) Seattle Public Utilities;
- 20 3. Possess a current Washington State Contractor's license;
- 21 4. Possess a current City Business and Occupation license;
- 22 5. File with the Director of ((Engineering)) Seattle Public Utilities a certificate of
insurance as prescribed by subsection B; and
- 23 6. Post a bond as prescribed by subsection C.

24 B. Each registered side sewer contractor shall file with the Director of ((Engineering)) Seattle
Public Utilities a certificate of insurance and maintain in full force and effect a policy of insurance from

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1 an insurance company licensed to do business in the State of Washington. The certificate shall state that
2 the contractor carries comprehensive general liability insurance with bodily injury limits of not less than
3 Three Hundred Thousand Dollars (\$300,000.00) for any one (1) person killed or injured in any one (1)
4 accident or occurrence, and One Million Dollars (\$1,000,000.00) for more than one (1) person killed or
5 injured in any one (1) accident or occurrence and with property damage liability limits of at least One
6 Hundred Thousand Dollars (\$100,000.00) for all damages arising out of injury to or destruction of
7 property. Such policy shall contain an endorsement naming the City as an additional insured and
8 providing for not less than ten (10) days' notice to the City of any change, cancellation or expiration of
9 such policy. The Director of ((Engineering)) Seattle Public Utilities shall, upon notice, cancel the
10 contractor's registration if such insurance shall cease to be of full force and effect.

11 C. Each registered side sewer contractor shall post with the City Clerk and maintain in full force
12 and effect a bond in the sum of Fifteen Thousand Dollars (\$15,000.00) conditioned that the applicant
13 shall indemnify and save harmless the City from all claims, actions, or damages of every kind or
14 description which may accrue to or be suffered by any person by reason of any opening in any street,
15 alley, avenue or other public place made by the contractor or those in the contractor's employ, in making
16 any connection with any public or private sewer, or for any other purpose or object whatever, and that
17 the contractor shall also replace and restore such street, alley, avenue or other public place to as good a
18 state and condition as at the time of commencement of said work, and maintain the same in good order,
19 and that the contractor shall comply with all of the provisions of this subtitle and any other ordinance of
20 the City, relating to the business of side sewer contracting.

21 Section 91. SMC 21.16.065 is hereby amended as follows:

22 **Cancellation, suspension or denial of registration.**

23 A. In addition to other penalties provided by law, the Director of ((Engineering)) Seattle Public
24 Utilities may cancel or suspend the registration of a registered side sewer contractor, or may deny an
application for registration, for any of the following causes:

- 25 1. Failure to successfully complete the examination or to employ an individual who has
successfully completed the examination required by Section 21.16.060;
- 26 2. Failure to maintain the comprehensive general liability insurance or bond required by
Section 21.16.060;
- 27 3. Failure to comply with this Title of the Seattle Municipal Code or the rules and
regulations issued by the Director of ((Engineering)) Seattle Public Utilities governing the construction
28 and laying of side sewers;
- 29 4. Fraud or misrepresentation in registering as a side sewer contractor;
- 30 5. Failure to pay for labor or material used in the construction of a side sewer;
- 31 6. Fraud or misrepresentation to the owner or occupant of a building for the purpose of
obtaining a contract for the construction of a side sewer;
- 32 7. Nonpayment for work performed by the City for which the side sewer contractor is
liable; or
- 33 8. Construction or other performance showing dissatisfactory work by the side sewer
34 contractor.

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1 B. Upon information and belief that a registered side sewer contractor's registration should be
2 suspended or canceled, or an application for registration denied, for any of the causes enumerated in
3 subsection A of this section, the Director of ((Engineering)) Seattle Public Utilities shall send notice by
4 certified mail to the contractor that the contractor's registration as a side sewer contractor may be
5 suspended or canceled or an application for registration may be denied in not less than ten (10) days
6 from the date of the notice. The notice shall contain a statement of the basis for the suspension or
7 cancellation, or for denial of application for registration.

8 C. If the contractor wishes to appeal the action, the contractor must file with the Director of
9 ((Engineering)) Seattle Public Utilities a request for a hearing before the Hearing Examiner within ten
10 (10) days of the date of service or mailing of such notice. The contractor shall submit the Hearing
11 Examiner's filing fee with
12 such request.

13 D. If a timely request for a hearing is filed by the contractor or applicant, a hearing shall be
14 scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner according to
15 his/her rules for contested cases.

16 E. When a hearing has been requested by a contractor in connection with a suspension or
17 cancellation of the contractor's registration, the registration shall remain in effect pending the
18 determination made as a result of such hearing; provided, that in cases involving a substantial threat to
19 the public health, safety or welfare, the registration may be summarily suspended.

20 F. If a timely appeal is not filed by the contractor or applicant, the order of the Director of
21 ((Engineering)) Seattle Public Utilities denying, suspending or revoking the registration shall be final;
22 provided, that the Hearing Examiner may waive the ten (10) day requirement upon satisfaction that
23 failure to receive notice of the order was beyond the control of the person requesting the hearing.

24 G. The Director of ((Engineering)) Seattle Public Utilities' decisions shall be reversed only if the
Hearing Examiner finds that the decision was arbitrary and capricious.

H. The record shall be established at the hearing before the Hearing Examiner. The Hearing
Examiner shall either close the record after the hearing or leave it open to a specified date for additional
testimony, written argument or exhibits.

I. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the
record. The Hearing Examiner may affirm, reverse, remand or modify the Director of ((Engineering))
Seattle Public Utilities' decision. Written findings and conclusions supporting the Hearing Examiner's
decision shall be made. The Director of ((Engineering)) Seattle Public Utilities and all parties of record
shall be bound by the terms and conditions of the Hearing Examiner's decision.

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

K. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner's
decision specifically states that the Hearing Examiner retains jurisdiction.

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

M. Whenever a registration is denied, no reapplication for registration will be considered by the
Director of ((Engineering)) Seattle Public Utilities until correction of the disability on which the denial
was based.

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1 N. Whenever a registration is revoked, no new application for registration that has been revoked
2 will be considered by the Director of ((Engineering)) Seattle Public Utilities for a period of one (1) year,
commencing on the date the order to revoke becomes final.

3 O. The period of suspension shall be a period as stated in the order to suspend, and may be for
any period up to one (1) year, commencing on the date the order to suspend becomes final.

4 Section 92. SMC 21.16.070 is hereby amended as follows:

5 **Permit required.**

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

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

9 C. Unless an emergency exists, as determined by the Director of ((Engineering)) Seattle Public
Utilities, a side sewer permit must be obtained from the Director of ((Engineering)) Seattle Public
10 Utilities before any work may be started on a side
sewer located within the City's sewer service area, either on private property or within a public place.

11 D. No permit shall be altered and no work shall be performed on a side sewer other than that
provided for in the permit. If additional work is necessary, the Director of ((Engineering)) Seattle Public
Utilities may require an additional permit and/or fees.

12
13 Section 93. SMC 21.16.080 is hereby amended as follows:

14 **Permit-Application-Director of ((Engineering)) Seattle Public Utilities' authority.**

15 A. For work in a public place, a permit shall only be issued to an individual who has successfully
completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a
16 duly authorized representative of a registered side sewer contractor.

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

18 C. Whenever a registered side sewer contractor applies for a permit, a permit shall be issued only
to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the
Seattle Municipal Code and who is a duly authorized representative of the contractor.

19 D. Application for the permit required by this chapter shall be filed with the Director of
((Engineering)) Seattle Public Utilities with the following:

- 20 1. The name, address and telephone number of the applicant;
21 2. Name, mailing address, and telephone number of the property owner;
22 3. Legal description and address of property to be served;
4. A scale drawing showing the location of all structures on the property, dimensions of
the structures, and the location of all existing and proposed side sewers;
23 5. Purposes for which all structures are to be used;

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1 6. Proof that all necessary permits have been obtained in conjunction with or prior to
issuance of the side sewer permit;

2 7. Proof that all necessary easements, releases, and/or permissions to connect have been
obtained and recorded with the King County Department of Records and Elections;

3 8. Proof of payment of all permit fees and other charges required by Chapter 21.24 of the
Seattle Municipal Code.

4 E. The Director of ((Engineering)) Seattle Public Utilities may change or modify the application
and designate the manner and place where the side sewer shall connect to the public sewer system, may
5 specify the material, size and grade of the side sewer, and determine whether or not a permit shall be
granted. The Director of ((Engineering)) Seattle Public Utilities may require the applicant to furnish
6 plans prepared and stamped by a professional engineer, licensed in the State of Washington. The
Director of ((Engineering)) Seattle Public Utilities shall keep such records as he/she deems necessary of
7 all side sewer permits and inspection reports.

8 F. Notwithstanding any other provisions of this chapter, the Director of ((Engineering)) Seattle
Public Utilities may refuse, until the condition is corrected, to issue a permit to a registered side sewer
contractor for any of the following conditions:

9 1. Failure to pay within sixty (60) days any bill for work performed by the City and for
which the contractor is liable;

10 2. Failure to maintain the comprehensive general liability insurance or the bond required
by Section 21.16.060 of the Seattle Municipal Code; or

11 3. Failure to comply with a notice posted pursuant to Section 21.16.360 of the Seattle
Municipal Code.

12
13 Section 94. SMC 21.16.090 is hereby amended as follows:

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

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

17 B. Side sewer permits are not transferable.

18 C. All side sewer permits shall expire ninety (90) days after issuance unless extended by the Director of
((Engineering)) Seattle Public Utilities prior to the date of expiration. Expired permits are not subject to
refunds pursuant to Section 21.24.090 of the Seattle Municipal Code.

19 D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily
and safely accessible to the Director of ((Engineering)) Seattle Public Utilities.

20
21 Section 95. SMC 21.16.100 is hereby amended as follows:

22 **Police officer's authority.**

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1 It shall be the duty of any police officer and of the Director of Health, finding any person
2 breaking ground for the purpose of making connection with a public or private sewer system, to
3 ascertain if such person has a permit therefor and if not to immediately report the fact to the Director of
4 ((Engineering)) Seattle Public Utilities.

4 Section 96. SMC 21.16.110 is hereby amended as follows:

5 **Permit for temporary connection.**

6 The Director of ((Engineering)) Seattle Public Utilities may, upon receiving an application
7 containing such information as is required by this chapter, issue a permit for a temporary connection to a
8 combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a
9 condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary
10 sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the
11 Director of ((Engineering)) Seattle Public Utilities at any time upon sixty (60) days' notice posted upon
12 the premises and directed to the owner or occupant of the premises; and in the event the side sewer or
13 drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director
14 of ((Engineering)) Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and
15 charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the
16 owner or occupant. Such charges shall be immediately payable to the City Finance Director following a
17 written notice of the amount thereof given to such owner or occupant or posted on the premises. The
18 amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien
19 upon the premises and such lien may be foreclosed by the City as provided by State law. The Director of
20 ((Engineering)) Seattle Public Utilities may require that the applicant record with the King County
21 Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if
22 required to do so, and to save the City harmless from all damage or claims resulting to the City by
23 reason of such temporary connection or disconnection, and exhibit to the Director of ((Engineering))
24 Seattle Public Utilities the recording number of said instrument.

16 Section 97. SMC 21.16.140 is hereby amended as follows:

17 **Inspections.**

18 A. Any person performing work pursuant to the provisions of this chapter shall notify the
19 Director of ((Engineering)) Seattle Public Utilities when the work will be ready for inspection, and shall
20 specify in such notification the location of the premises by address and the file number of the permit.

21 B. The Director of ((Engineering)) Seattle Public Utilities shall schedule inspection times. On
22 any call for inspection forty-eight (48) hours' notice plus Saturday, Sunday and holidays may be required
23 by the Director of ((Engineering)) Seattle Public Utilities.

24 C. If the Director of ((Engineering)) Seattle Public Utilities finds the work performed or
materials used not in accordance with this chapter and rules and regulations and/or the City "Standard
Plans and Specifications" for side sewer construction, he/she shall notify the person doing the work and

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1 the owner or occupant of the premises by posting a notice on or near the permit card. Such posted notice
2 shall be all the notice that is required to be given of the defects in the work or materials found in such
inspection.

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

5 E. If the permittee is a registered side sewer contractor, either the contractor or a competent
6 representative shall be on the premises, whenever so directed to meet the inspector. A property owner
shall also meet the inspector at a mutually convenient time during the regular hours of business when
requested.

7
8 Section 98. SMC 21.16.150 is hereby amended as follows:

9 **Trenches and excavations.**

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

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

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

15 D. All work in public places shall conform to the requirements of the current edition of The
16 City of Seattle Traffic Control Manual for In-Street Work.

17 Section 99. SMC 21.16.160 is hereby amended as follows:

18 **Filling of excavations.**

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

21 B. Work within the limits of any public area shall be prosecuted to completion with due
diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably
22 necessary to fill the same, the Director of ~~((Engineering))~~ Seattle Public Utilities may cause the same to
be backfilled and the public area restored forthwith. Cost incurred by the Director of ~~((Engineering))~~
Seattle Public Utilities in such work plus fifteen percent (15%) for administrative costs shall be charged
23

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1 to the side sewer contractor in charge of such work and shall be immediately payable to the City Finance
2 Director by the contractor upon written notification of the amount thereof given to the contractor or
3 posted on the premises.

4 Section 100. SMC 21.16.170 is hereby amended as follows:

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

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

17 Section 101. SMC 21.16.180 is hereby amended as follows:

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

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

Section 102. SMC 21.16.210 is hereby amended as follows:

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Mechanical lifting or backwater sewage valves.

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

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

Section 103. SMC 21.16.220 is hereby amended as follows:

Drainage of hard-surfaced or graded areas.

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

Section 104. SMC 21.16.250 is hereby amended as follows:

Easements and agreements.

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

B. When two (2) or more structures are allowed to connect to one (1) side sewer, an instrument(s) which identifies all affected properties and which shall save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side

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1 sewer must be executed by all affected property owners and recorded with the King County Department
of Records and
2 Elections for each affected property. The instrument(s) shall be upon a form approved by the Director of
((Engineering)) Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the
3 affected properties.

4
5 Section 105. SMC 21.16.260 is hereby amended as follows:

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

7 If, in the opinion of the Director of Construction and Land Use, after consulting with the Director
of ((Engineering)) Seattle Public Utilities, physical conditions make compliance with the provisions of
8 this chapter impracticable, the Director of ((Engineering)) Seattle Public Utilities may issue a permit for
installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible,
9 and such permit shall be issued only upon the condition that the property owner shall record with the
King County Department of Records and Elections an instrument acceptable to the Director of
10 ((Engineering)) Seattle Public Utilities agreeing to save harmless and indemnify the City from any
damage or injury resulting from the installation, operation and maintenance of said side sewer. Such
instrument shall be upon a form approved by the Director of ((Engineering)) Seattle Public Utilities.
11 This section is not intended to be used to allow storm drainage connections to a sanitary sewer.

12 Section 106. SMC 21.16.270 is hereby amended as follows:

13 **Construction requirements and specifications.**

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

18 B. Unless authorized by the Director of ((Engineering)) Seattle Public Utilities, an owner or
occupant who is required, or wishes, to connect to a public sewer shall be required to build a main sewer
19 line extension if a public sewer is not accessible within an abutting public area, or if the building,
habitable structure, plumbing outlet or source of polluted water is more than two hundred feet (200')
from the public sewer.

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

23

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

5 E. Unless authorized by the Director of ~~((Engineering))~~ Seattle Public Utilities, all side sewers
6 shall be constructed with not less than two percent (2%) grade and not more than one hundred percent
7 (100%) grade.

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

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

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

17 I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to the property
18 line as possible without interrupting service to any other building.

19 Section 107. SMC 21.16.280 is hereby amended as follows:

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

21 Streets, sidewalks, planting strips, and other public areas except as mentioned in Section
22 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored by the
23 side sewer contractor to the original surface condition as approved by the Director of ~~((Engineering))~~
24 Seattle Public Utilities; and in event of the failure of the contractor to so restore the area the Director of
~~((Engineering))~~ Seattle Public Utilities may make such restoration and charge the cost thereof to the
side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of
such notice at the area make immediate payment thereof to the City Finance Director.

Section 108. SMC 21.16.300 is hereby amended as follows:

Prohibited discharge of certain substances.

Unless approved by the Director of ~~((Engineering))~~ Seattle Public Utilities it is unlawful to
discharge or cause to be discharged any of the following substances in the public sewer system or any
drain, ditch or natural outlet:

A. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit (150°
F.);

B. Wastewater which contains more than one hundred (100) parts per million by weight of fat,
oil or grease of animal, vegetable, or mineral petroleum origin;

1 C. Flammables capable of causing explosion or supporting combustion in the public sewer
2 system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent,
kerosene, fuel oil, crankcase oil, and acetylene generation sludge;

D. Garbage that has not been properly shredded;

3 E. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea
4 shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to
the flow of sewers or other interference with the proper operation of the public sewer
system;

5 F. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause
damage to structures or equipment or which is hazardous to personnel of the public sewer system;

6 G. Wastewater containing a toxic or poisonous substance including chlorinated hydrocarbons in
sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to
7 humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment
plant;

8 H. Wastewater containing suspended solids of such character and quantity that unusual attention
or expense is required to handle such materials in a main sewer, at a sewage treatment plant, or a
9 pumping station;

I. Noxious or malodorous gas or substance capable of creating a public nuisance.

10
11 Section 109. SMC 21.16.310 is hereby amended as follows:

12 **Pretreatment facilities.**

13 A. Grease, oil, sand, liquid waste containing grease or flammable material or other harmful
14 ingredients shall be intercepted prior to being discharged to the public sewer system by the installation
and operation of pretreatment facilities which shall be of a type and capacity approved by the Director of
15 ((Engineering)) Seattle Public Utilities and shall be so located as to be readily accessible for
maintenance and inspection.

16 B. When pretreatment facilities are installed for private use, they shall be maintained by the
owner or occupant at his or her expense in continuously efficient operation at all times. The Director of
17 ((Engineering)) Seattle Public Utilities shall determine whether such equipment shall be allowed or
required to be installed, and whether the effluent produced is satisfactory.

18 C. Plans, specifications and any other pertinent information relating to proposed preliminary
treatment facilities shall be submitted for approval of the Director of ((Engineering)) Seattle Public
19 Utilities; and construction of such facilities shall not begin until such approval is noted on the plan.

20 Section 110. SMC 21.16.330 is hereby amended as follows:

21 **Standards for measurements and analyses.**

22 Measurements, tests and analyses of the characteristics of waters and waste to which reference is
23 made in this chapter shall be determined in accordance with the standards prescribed by "Standard
24

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1 Methods for the Examination of Water and Sewage," filed in the City Clerk's office under
2 ((Comptroller)) Clerk's File No. 260956. In any property served by a side sewer carrying industrial
3 wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation,
4 sampling and measurement of the wastes, when required by the Director of ((Engineering)) Seattle
Public Utilities. Such manhole shall be accessible, safely located, and shall be constructed and installed
in accordance with plans approved by the Director of ((Engineering)) Seattle Public Utilities. Such
manhole shall be installed and maintained by the owner or occupant at his or her expense.

5
6 Section 111. SMC 21.16.340 is hereby amended as follows:

7 **Right of entry for inspection.**

8 The Director of ((Engineering)) Seattle Public Utilities or other City officials or employees of the
City, bearing proper credentials and identification, may with the consent of the occupant or with the
9 consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any
and all premises at all reasonable times, or during an emergency at any time, for the purpose of
10 inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance
with the provisions of this chapter.

11
12 Section 112. SMC 21.16.350 is hereby amended as follows:

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

14 The Director of ((Engineering)) Seattle Public Utilities and the Director of Construction and
Land Use may make rules and regulations and amend the same from time to time, not inconsistent with
15 the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the
provisions of this chapter.

16
17 Section 113. SMC 21.16.360 is hereby amended as follows:

18 **Authority to post notices.**

19 The Director of Health or the Director of ((Engineering)) Seattle Public Utilities is authorized to
post notice on private property at or abutting the scene of any violation of this chapter, calling for the
20 terms of this chapter to be complied with, and the notice may require work to cease if necessary.

21
22 Section 114. SMC 21.16.370 is hereby amended as follows:

23 **Unlawful destruction of notices.**

24

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1 It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or
2 posted by the Director of Health or the Director of ((Engineering)) Seattle Public Utilities pursuant to the
3 provisions of this chapter.

4 Section 115. SMC 21.20.010 is hereby amended as follows:

5 **Connections authorized.**

6 Pursuant to authority granted by RCW 35.67.310 the Director of ((Engineering)) Seattle Public
7 Utilities is authorized to enter into agreements for and on behalf of the City with the owners of property
8 beyond the City limits permitting connection of such property with the City's sewers upon the terms,
9 conditions and subject to the payments prescribed in this chapter when, in the judgment of the Director
10 of ((Engineering)) Seattle Public Utilities, such connections will not overload or imperil the City's sewer
11 system.

12 Section 116. SMC 21.20.020 is hereby amended as follows:

13 **Specifications of agreement.**

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

B. In the event that such agreement provides for payment of the special connection charge in
installments, such agreement shall further provide for a down payment of five percent (5%) of the total

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1 connection charge, payable upon execution of such agreement and for payment of the balance in forty
2 (40) quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall
3 further provide that any unpaid balance may be paid in full in any year at the time the first quarterly
4 payment of such year is due and payable.

4 Section 117. SMC 21.24.010 is hereby amended as follows:

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

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

10 Section 118. SMC 21.24.021 is hereby amended as follows:

11 **Permit application and fee.**

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

15 **A. Sanitary Sewers.**

16 **1. Sanitary Sewer Connection, Relocation, or Alteration.**

- 17 a. Single-family.
18 Connection. \$135.00
19 Pump. 45.00
20 More than one (1) connection
21 to main, each
22 additional. 135.00
23 Inspection time in excess of one (1) hour will be billed separately.

- 21 b. Multiple-family.
22 Connection per Building.
23 First unit \$ 135.00
24 Plus each additional

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|---|----------|
| unit | 30.00 |
| Pump | 45.00 |
| Maximum permit fee | 1,000.00 |
| More than one (1) connection to main, each additional | 135.00 |

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

c. Commercial Structures and Additions.

| | |
|---------------------------------------|----------|
| Connection, each square foot | \$ 0.04 |
| Pump | 45.00 |
| Minimum fee | 250.00 |
| Maximum permit fee | 1,000.00 |

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

d. Combination Commercial and Residential.

| | |
|---|----------|
| Connection. Each square foot of commercial | \$ 0.04 |
| Plus each residential unit | 30.00 |
| Pump | 45.00 |
| Minimum fee | 250.00 |
| Maximum fee | 1,000.00 |
| More than one (1) connection to main, each additional | 250.00 |

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

2. Additional Connections to Existing Side Sewers.

All Structures.

| | |
|---|-----------|
| One-half (1/2) of the rate for initial connection but not less than | ..\$70.00 |
|---|-----------|

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

3. Additional Direct Connections to Main Sewer.

All Structures.

Same as initial connection

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but not less than \$135.00
Inspection time in excess of one (1) hour will be billed separately.

4. Reconnection to Sanitary Sewer- Structures Moved From Another Location.

All Structures.

Same as initial fee but
not less than \$135.00

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

B. Repairs.

1. Repairs to Side Sewers.

All Structures.

Repairs on
property \$ 65.00
Repairs in street
area or both 130.00

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

C. Capping.

1. Cap Existing Side Sewers.

All Structures.

Per line capped \$ 65.00
plus
Guarantee deposit per line to be
capped 100.00

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

D. Storm Drainage.

1. Drainage Systems Connecting Directly to Storm Drains or Discharging Directly to
Receiving Waters.

a. Single-family (Less than Nine Thousand (9,000)
Square Feet of Developmental Coverage).

Connection fee \$160.00

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

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1 b. Multi-family or Commercial with less than Nine
2 Thousand (9,000) Square Feet of Developmental Coverage.
3 Connection fee \$300.00
4 Inspection time in excess of two (2) hours will be billed
5 separately.

6 c. All Developments with Greater than Nine Thousand
7 (9,000) Square Feet of Developmental Coverage.
8 Connection fee \$0.02 per
9 square foot
10 plus \$285.00
11 Inspection time in excess of two (2) hours will be billed
12 separately.

13 2. Drainage Systems with Detention Required.

14 a. Single-family (Less than Nine Thousand (9,000)
15 Square Feet of Developmental Coverage).
16 Connection fee \$245.00
17 Inspection time in excess of one (1) hour will be billed
18 separately.

19 b. Multi-family or Commercial with Less than Nine
20 Thousand (9,000) Square Feet of Developmental Coverage.
21 Connection fee \$400.00
22 Inspection time in excess of two (2) hours will be billed
23 separately.

24 c. All Developments with Greater than Nine Thousand
25 (9,000) Square Feet of Developmental Coverage.
26 Connection fee \$0.02 per
27 square foot
28 plus \$350.00
29 Inspection time in excess of two (2) hours will be billed
30 separately.

31 E. Additional Fees Levied. When side sewer or drainage work, as regulated by Seattle
32 Municipal Code Chapter 21.16 (Ordinance 97016) is without the required permit, the fee shall be double
33 the fee fixed by this chapter, except that the double-fee charge shall not apply in cases where, in the
34 discretion of the Director of ((Engineering)) Seattle Public Utilities, an emergency has arisen at a time
35 other than business hours and a permit is secured before noon (12:00 noon) of the first business day
36 following an emergency.

37 F. Legal Document Fee.

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1 For each document prepared
2 by the City. \$65.00

3 G. Inspection Fee.

4 For the purpose of this
5 section inspection time
6 in excess of the base
7 fee will be charged per
8 hour \$90.00

9 In all cases of dispute regarding fees, permits or other matters relating to this chapter, the
10 decision of the Director of ~~((Engineering))~~ Seattle Public Utilities shall be final and conclusive.

11 Section 119. SMC 21.24.030 is hereby amended as follows:

12 **Special connection charge-Imposed.**

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

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

Section 120. SMC 21.24.040 is hereby amended as follows:

Special connection charge-Computation.

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1 A. The special connection charge imposed by Section 21.24.030 shall be paid into the ((Sewer))
2 Drainage and Wastewater Fund and, in order that property owners bear their equitable share of the cost
of the sewer system, shall be computed as follows:

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

11 2. For Trunk Sewers. The number of square feet of property area to be served by the
12 sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers
13 in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are
14 connected was constructed and accepted, provided that, for all sewers that are connected more than one
15 (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with
16 the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as
published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the
year the City sewer was or is completed and available for connection until the connection is made, but
excluding both the year of completion of construction and the year connection is made, except that, for
connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for
U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged
pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10)
years.

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

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

22 D. The collection of the special connection charge to serve a residence may be deferred at the
23 request of a person responsible for its payment who is economically disadvantaged, as defined in Section
24

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1 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be
2 connected to the City system. Interest on deferred charges shall be computed at the same rate as
3 provided in subsection A of Section 21.24.030 as if payment were being made in a timely manner under
4 an installment contract. A request for deferral must be made thirty (30) days prior to levy of the special
5 connection charge. All charges, including interest, so deferred, shall become due and payable in full at
6 the time of sale or transfer of the property.

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

17 F. For connection to side sewers constructed by the City, the property owner for whose benefit
18 connection is made shall pay the cost of the side sewer. The cost shall be computed as follows: The
19 actual cost to the City of the side sewer, plus fifteen percent (15%) for City design and administrative
20 costs, plus interest at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and
21 bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise
22 available from the Federal Reserve Bank, for the year the City sewer was or is completed and available
23 for connection and applied until the connection is made, but excluding both the year of completion of
24 construction and the year connection is made.

Section 121. SMC 21.24.070 is hereby amended as follows:

Fee payment.

The fee shall be paid to the City Finance Director before the permit is issued and the amount of
the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in
the office of the City Director of ((Engineering)) Seattle Public Utilities.

Section 122. SMC 21.24.090 is hereby amended as follows:

Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are
exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason
and application is made for refund, the Director of ((Engineering)) Seattle Public Utilities shall certify
the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon
presentation of such certificate, the City Finance Director is authorized to draw and to pay a warrant on

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1 the General Fund in the amount of such refund and the necessary appropriations are hereby made from
2 any surplus in the fund.

3 Section 123. SMC 21.24.100 is hereby amended as follows:

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

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

10 Section 124. SMC 21.28.005 is hereby amended as follows:

11 **Definitions.**

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

13 A. "Average winter water consumption" means the average of measured water used during a
consecutive four month period, after October 31st and before May 1st, with the consumption measured
entirely within that period.

14 B. "CCF" means one hundred (100) cubic feet, equivalent to seven-hundred and forty-eight
(748) gallons.

15 C. "Commercial" means customers with two (2) or more residential dwelling units, or
municipal, institutional, commercial, or industrial properties.

16 D. "Customer" means an owner or operator of a property receiving wastewater charges from the
17 ((Drainage and Wastewater Utility)) Seattle Public Utilities on a Combined Utility Billing Statement
(CUBS) or by direct invoice.

18 E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of the
19 ((Drainage and Wastewater Utility)) drainage and wastewater functions of the Seattle Public Utilities,
which fund was renamed in Ordinance 116455 from the "Sewer Fund," which had been established
under Ordinance 84390.

F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.

20 G. "High strength industrial waste or HSIW" means a surcharge determined by King County on
21 high strength wastes generated by industries, primarily food, beverage and laundry industries, and is
computed on the basis of biochemical oxygen demand.

22 H. "Irrigation" means water used exclusively for watering lawns and gardens.

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1 I. "Metered water consumption" means water measured through public utility meters or meters
2 owned and installed by the customer and approved by the Director of ~~((Engineering))~~ Seattle Public
Utilities.

3 J. "Seasonal customers" means residential customers who leave their Seattle homes vacant
4 during a significant portion of the four (4) month period used to calculate the average winter water
5 consumption.

6 K. "Sewage" means refuse liquids or waste matter carried off by sewers.

7 L. "Sewer" means an artificial conduit to carry off sewage and sometimes surface water (as from
8 rainfall).

9 M. "Sewerage" means the removal and disposal of sewage and surface water by sewers, or a
10 system of sewers.

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

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

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

17 Q. "Wastewater volume charge" means the wastewater volume rate multiplied by the volume of
18 measured water consumed on the premises in accordance with this chapter.

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

21
22 Section 125. SMC 21.28.010 is hereby amended as follows:

23
24 **Sewerage system a public utility.**

It is necessary for the public health, safety and welfare that the existing sewerage system of the
City, in conjunction with the storm and surface water sewers, together with such extensions additions
and improvements thereto as may from time to time be authorized, continue to be maintained, conducted
and operated as a public utility of the City ~~((called the Drainage and Wastewater Utility))~~ within the
Seattle Public Utilities. The ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities shall have
jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature
owned or held by the City within its boundaries which comprise or relate to storm and surface water
sewers, including all facilities constructed and to be constructed with moneys from the Drainage and
Wastewater Fund, former Sewer Improvement Fund, but excepting such properties, interests and
rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department,
~~((the Water Department,))~~ the City Light Department and the Executive Services Department ~~((of~~
Administrative Services)). Nothing contained in this chapter is intended to be nor shall be construed to
create or form the basis for any liability on the part of the City, or its officers, employees or agents, for
any injury or damage resulting from or by reason of any act or omission in connection with the
implementation or enforcement of this chapter on the part of the City by its officers, employees or
agents.

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Section 126. SMC 21.28.020 is hereby amended as follows:

Administration of utility.

The Director of (~~Engineering~~) Seattle Public Utilities, through the (~~Department of Engineering~~) Seattle Public Utilities, shall operate and administer (~~the Drainage and Wastewater Utility~~) drainage and wastewater functions and enforce this chapter and there shall be kept a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Finance Director, as required by law.

Section 127. SMC 21.28.040 is hereby amended as follows:

Wastewater volume charge.

A. There is hereby imposed upon all premises (~~served by the Drainage and Wastewater Utility~~) for which Seattle Public Utilities provides wastewater services and on which water is consumed a volume charge for wastewater services. The volume charge shall be the amount obtained when the wastewater volume rate is multiplied by the volume of water consumed on the premises, whatever the source of such water. Wastewater shall be metered water consumption. However, every premise shall pay at the minimum a wastewater volume charge equal to one (1) CCF (hundred cubic feet) per month to cover billing and general administrative costs. The following premises shall be exempt from the charge imposed by this section.

1. Premises which are not connected and not required under SMC 21.16.040 (Section 3 of Ordinance 97016) to be connected to the public sewer system;

2. Premises, the owner, agent, lessee, or occupant of which has not been notified in accordance with SMC 21.16.040 (Section 4 of Ordinance 97016) to connect to the public sewer system.

B. There is hereby imposed upon all premises served by the (~~Drainage and Wastewater Utility~~) Seattle Public Utilities and on which water is consumed, a City wastewater volume rate per CCF of metered flow per month. The minimum monthly wastewater volume charge shall be equal to the wastewater volume rate for one CCF regardless of actual metered flow. Effective January 1, 1996, the 1995 wastewater volume rate shall be increased only to the amount necessary to pass-through the cost to the (~~Drainage and Wastewater Utility~~) Seattle Public Utilities of the increase, if any, in the King County wastewater treatment rate for 1996; provided that such King County increase shall not increase the (~~Drainage and Wastewater Utility~~) Seattle Public Utilities' wastewater volume rate to more than Four Dollars and Twenty-three Cents (\$4.23) per CCF, and the actual rate has been determined by the (~~Drainage and Wastewater Utility~~) Seattle Public Utilities to be Four Dollars and Five Cents (\$4.05) per CCF.

Section 128. SMC 21.28.080 is hereby amended as follows:

Calculation of residential wastewater volume charge.

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1 A. It is the intent of this section to calculate residential wastewater charges based on water that
2 should enter the sewerage system, and not on water used exclusively for irrigation or sprinkling.
3 Wastewater charges for single-family and duplex residences shall be calculated in the following manner:
4 For the six (6) months from November 1st through April 30th, the wastewater charge shall be based on
5 metered water consumption. For the six (6) months from May 1st through October 31st, the wastewater
6 charge shall be based on average winter water consumption or metered water consumption, whichever is
7 less. Average winter water consumption shall be calculated using the first four (4) month billing period
8 that falls between November 1st and April 30th. The following is an example of residential billing:

| Billing Period | Water Use (ccf) | Wastewater Use (ccf) |
|----------------|-----------------|----------------------|
| Nov-Dec | 13 | 13 |
| Jan-Feb | 14 | 14 |
| Mar-April | 15 | 15 |
| May-Jun | 18 | 14 |
| July-Aug | 22 | 14 |
| Sept-Oct | 16 | 14 |

9
10
11 B. The Director of ((Engineering)) Seattle Public Utilities may use an assumed volume of six
12 CCF per household, or prior water consumption records if those records are more representative of
13 expected usage, to calculate residential wastewater charges under the following circumstances;

1. When the water meter has been determined to be malfunctioning;
2. When customers have insufficient water consumption history to calculate average
14 winter water consumption;
3. When water use in the period used to calculate average winter water consumption is
15 not representative of expected water use, such as rental property that is vacant between tenants or in the
16 case of seasonal customers; and
4. When customers are not served by a publicly owned water supply system.

17 Section 129. SMC 21.28.090 is hereby amended as follows:

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

19 A. It is the intent of this section to charge commercial customers for water that should enter the
20 sewer system. Wastewater charges shall be based on the metered water delivered to the premises except
21 as noted below:

- 22 1. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to
23 ships shall not be subject to any wastewater charge or rate.
- 24 2. Where the use of water is such that a portion of all water used is lost by evaporation,
irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, customers may
install, at their own expense, submeters approved by the Director of ((Engineering)) Seattle Public
Utilities to enable measurement of the amount of water so used or lost. These submeters must measure

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1 in CCF, must be calibrated on a regular basis, and must be easily accessible for meter reading. If the
2 submeter is unable to be read or if the reading is unreliable, an estimate can be used, but the ((~~Drainage
and Wastewater Utility~~)) Seattle Public Utilities must get at least one (1) accurate meter reading per
3 year. It will be the responsibility of the ((~~Drainage and Wastewater Utility~~)) Seattle Public Utilities or
its designee to inspect and approve the installation of a new submeter.

4 Where it is impractical to install a meter as described above, customers may apply to the Director
of ((~~Engineering~~)) Seattle Public Utilities for an evaporation allowance or an irrigation allowance,
5 provided that customer provide proof of the amount of water so used or lost. Evaporation loss
allowances of eleven percent (11%) for industrial laundries and three percent (3%) for laundromats are
6 established. Irrigation allowances shall apply from June 1st through September 30th and will be
calculated based on the residential methodology in Section 21.30.80.

7 B. Direct discharge of wastewater or industrial waste to salt or fresh water or to points other than
the City sewer system shall not be cause for adjustment or reduction of the wastewater charge or rate.

8
9 Section 130. SMC 21.28.100 is hereby amended as follows:

10 **Adjustments to wastewater volume charge.**

11 A. Upon receipt of satisfactory evidence of hidden or underground water leakage, the Director of
((~~Engineering~~)) Seattle Public Utilities shall adjust the wastewater volume charge to the premises for
12 water so lost and shall not use the period during which such leakage occurs in computing the average
winter water consumption when to do so would result in a higher wastewater charge to such premises,
13 provided that no such adjustment shall be made for leakage occurring more than four (4) months prior to
the date of application therefor.

14 B. Where wastewater service is provided to premises outside the City limits, the wastewater
charge shall be computed on the same basis as premises located inside the City, except that a sum equal
to thirty percent (30%) of the wastewater charge shall be added, with the exception of sewer districts, or
15 portions thereof, outside the City limits which are now or may hereafter be covered by special
agreements.

16 C. Where wastewater service is provided to qualified low-income customers as defined in
Section 21.76 of the Seattle Municipal Code, wastewater charges shall be partially offset in accordance
17 with that chapter.

18
19 Section 131. SMC 21.28.200 is hereby amended as follows:

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

21 A. In cases where the character of wastewater or industrial wastes from any manufacturing or
industrial plant, building or premises is such that it will damage the sewerage system, or cannot be
22 treated satisfactorily, the Director of ((~~Engineering~~)) Seattle Public Utilities shall require such users to
dispose of such waste and prevent it from entering the system.

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1 B. In cases where the character of the industrial waste from any manufacturing or industrial
2 plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system
3 greater than that imposed by the average wastewater entering the system, the Director of ((Engineering))
4 Seattle Public Utilities may by rule, require such manufacturing or industrial plant, building or premises,
5 to pretreat such wastewater by means satisfactory to the Director of ((Engineering)) Seattle Public
6 Utilities before discharging such wastewater into the sewerage system of the City.

7 C. If such pretreatment is not accomplished, the Director of ((Engineering)) Seattle Public
8 Utilities shall recommend to the Council the levying of a surcharge which shall be in addition to the
9 regular charge. The Council thereupon, by ordinance, may fix the amount of the surcharge.

10 Section 132. SMC 21.28.220 is hereby amended as follows:

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

12 A. The Director of ((Engineering)) Seattle Public Utilities is assigned the responsibility for
13 billing and collecting for and on behalf of King County, King County's High Strength Industrial Waste
14 (HSIW) charges upon industrial users within the City's jurisdiction who deposit high-strength industrial
15 wastes in the King County sewerage system, said charges to be determined by King County pursuant to
16 Metro Resolution 2557 provided, however, that the Director of ((Engineering)) Seattle Public Utilities
17 shall not bill such charges to users until the amounts thereof have been certified to him or her by King
18 County.

19 B. The Director of ((Engineering)) Seattle Public Utilities shall provide King County each
20 quarter with a listing of the water consumption by or metered flow to each HSIW industry served by the
21 City.

22 C. In addition to the high-strength industrial waste charges as computed and certified to him or
23 her by King County, the Director of ((Engineering)) Seattle Public Utilities shall add thereto in each
24 instance a sum equal to the City and state taxes against such charges, if any, and a sum equal to the
25 user's proportional share of the administration, billing and collection costs as determined by the Director
26 of ((Engineering)) Seattle Public Utilities, and in connection with such billing the Director of
27 ((Engineering)) Seattle Public Utilities may include on the same statement but as a separate item the
28 High Strength Industrial Waste charges to be collected by the City for/ and on behalf of King County.

29 Section 133. SMC 21.28.260 is hereby amended as follows:

30 **Billing and Collection of water and wastewater charges.**

31 The rates and charges set out in this subchapter shall be effective and shall be computed and
32 billed monthly or bimonthly by the Director of ((Engineering)) Seattle Public Utilities through an
33 interdepartmental arrangement with the ((Superintendent of Water)) Director of Seattle Public Utilities,
34 as a separate charge on the water bill, or through a direct invoice, and shall become due and payable to
35 the City Finance Director as stated in such billing; and any wastewater rate or charge which becomes
36 delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the

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1 City as provided by state law. Wastewater charges or any part thereof which become delinquent shall
2 bear interest as authorized by RCW 35.67.200, at the rate of eight percent (8%) per year, or such rate as
3 may hereafter be authorized by state law, computed on a monthly basis from the date of delinquency
4 until paid. As authorized, RCW 35.67.200 shall have the effect and the City shall have a lien for all
5 delinquent and unpaid wastewater charges, including interest thereon, against any parcel for which the
6 wastewater charges are delinquent. The lien shall have superiority as established by RCW 35.67.200
7 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.210 through RCW
8 35.67.290. In the case of actions to collect delinquencies, the City shall seek also to collect
9 reimbursement of reasonable costs of collection including but not limited to attorney's fees, staff time,
10 and filing fees. As an additional and concurrent method of the collection of any such wastewater rate or
11 charge, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall ~~((upon written request~~
12 ~~from the Director of Engineering))~~ have the authority to cut off the water service or supply from the
13 premises to which such rate or charge for wastewater has attached until such rates and charges are paid.

8 Section 134. SMC 21.28.280 is hereby amended as follows:

9 **Drainage and Wastewater Fund.**

10 There exists a special fund of the City known as the "Drainage and Wastewater Fund." Any and
11 all revenues received for the use of sewers and for wastewater service as set forth in this chapter, or in
12 connection therewith, shall be credited to the Drainage and Wastewater Fund, and all expenses for the
13 operation and maintenance of the existing sewerage system of the City, for the servicing of bonds of the
14 Drainage and Wastewater Utility and the Sewerage Utility, as the utility was named prior to adoption of
15 Ordinance 116455, and as these utilities were named prior to the creation of the Seattle Public Utilities,
16 and for the cost of operation and maintenance of the sewerage plant and system of the City, as newly
17 constructed or added to, and for maintenance of the utility in sound financial condition, shall be charged
18 to the fund in the manner and to the extent provided by ordinance. Such expenses shall include the cost
19 of billing and collection by the ~~((Water Department))~~ Seattle Public Utilities and all other
20 interdepartmental charges for services related to wastewater functions ~~((of the Utility))~~ rendered by other
21 departments for the ~~((wastewater utility))~~ Seattle Public Utilities, and payments to King County and
22 Southwest Suburban for wastewater interception, treatment and disposal.

18 Section 135. SMC 21.28.350 is hereby amended as follows:

19 **Refunds of wastewater charges.**

20 The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized to make refunds where any
21 amount paid for wastewater services is found to be erroneous, or where adjustments have been made by
22 him or her as authorized by this chapter ~~((The Superintendent of Water also is authorized to make~~
23 ~~refunds)),~~ and the City Finance Director is authorized to draw and to pay the necessary warrants on the
24 Drainage and Wastewater Fund upon certification by the Director of ~~((Engineering))~~ Seattle Public
Utilities that the refund is authorized.

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Section 136. SMC 21.33.010 is hereby amended as follows:

Definitions.

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

- A. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.
- B. "City" means The City of Seattle.
- C. "Condominiums" or "townhouses" means residential properties or parcels which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.
- D. "Drainage service charge" means the fee imposed by the City upon all parcels of real property, except exempted properties, located within the boundaries of the City.
- E. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.
- F. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.
- G. "Non-single-family residential properties or parcels" means properties or parcels which contain more than two (2) residential dwelling units and institutional, commercial or industrial properties.
- H. "Open space" means parcels defined as greenbelts, natural areas, or park zones in the Mayor's Recommended Open Space Policies and identified as such on the Mayor's Recommended Open Space Zoning Map or as subsequently adopted by the City Council.
- I. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.
- J. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the total parcel size. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.
- K. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.
- L. "Rate category" means the classification of properties, based upon the estimated percentage of impervious surface on the parcel, for purposes of establishing drainage service charges.
- M. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.
- N. "Single-family residential property or parcel" means any property or parcel which contains

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1 one (1) or two (2) residential dwelling units.

2 O. "Submerged" means that portion of a parcel that extends beyond the shoreline as drawn on the
King County Assessor's maps.

3 P. "System" means the entire system of flood protection and stormwater drainage and surface
4 water runoff facilities owned or leased by the City or over which the City has right of use for the
movement and control of storm drainage and surface water runoff, including both naturally occurring
and man-made facilities.

5 Q. "Utility" means (~~The City of Seattle Drainage and Wastewater Utility~~) Seattle Public
Utilities.

6
7 Section 137. SMC 21.33.080 is hereby amended as follows:

8 **Drainage and Wastewater Fund.**

9 The existing Sewer Fund is hereby renamed the Drainage and Wastewater Fund, and is to be
used in the operation of the drainage and wastewater functions of (~~Drainage and Wastewater Utility~~)
10 the Seattle Public Utilities. Changing the name of the fund to the Drainage and Wastewater Fund shall
not in any way impair any obligations of the City where reference to the "Sewer Fund" may have been
made.

11
12 Section 138. SMC 21.36.012 is hereby amended as follows:

13 **Definitions C-E.**

14 1. "City" means The City of Seattle.

15 2. "City's Waste" means all residential and nonresidential solid waste generated within the City,
excluding Unacceptable Waste, Special Waste, Construction, Demolition and Landclearing Waste, and
materials destined for recycling. City's Waste includes all such waste, regardless of which private or
16 public entity collects or transports the waste. City's Waste includes all waste remaining after recycling.

17 3. "Clean wood waste" means and will consist of wood pieces generated as byproducts from
manufacturing of wood products, hauling and storing of raw materials, tree limbs greater than four
18 inches (4") in diameter and wood demolition waste (lumber, plywood, etc.) thrown away in the course of
remodeling or construction, and waste approved for wood- waste recycling by the Director of the (~~Solid
Waste Utility~~) Seattle Public Utilities. It excludes clean yardwaste, treated lumber, wood pieces, or
19 particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock,
and glass.

20 4. "Composting" means the controlled degradation of organic waste yielding a product for use as
a soil conditioner.

21 5. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means waste comprised
primarily of the following materials:

22 a. Construction Waste: waste from building construction such as scraps of wood,
concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation, other building materials,
23
24

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1 plastics, styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging
2 materials and containers.

3 b. Demolition Waste: solid waste, largely inert waste, resulting from the demolition or
4 razing of buildings, roads and other man-made structures. Demolition Waste consists of, but is not
5 limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing
6 paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plaster board) or any
7 other material, other than wood, that is likely to produce gases or leachate during its decomposition
8 process and asbestos wastes are not considered to be Demolition Waste.

9 c. Landclearing Waste: natural vegetation and minerals from clearing and grubbing land
10 for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and
11 rocks.

12 6. "Contaminated Soils" means soils removed during the cleanup of a remedial action site, or a
13 dangerous waste site closure or other cleanup efforts and actions which contain harmful substances but
14 are not designated dangerous wastes. Contaminated Soils may include excavated soils surrounding
15 underground storage tanks, vector wastes (street and sewer cleanings), and soil excavated from property
16 underlying industrial activities.

17 7. "Contractor" means those contracting with the City to collect and dispose of solid waste as
18 described in this section, or the authorized representative of such contractors.

19 8. "Dangerous waste" means those solid wastes designated in WAC 173-303-070 through WAC
20 173-303-103 as dangerous or extremely hazardous waste.

21 9. "Detachable container" means a watertight, all-metal container, not less than one-half (1/2)
22 cubic yard in capacity and equipped with a tight-fitting metal or other City-approved cover. The term
23 shall also apply to containers of other material of similar size when approved by the Director of
24 ((Engineering)) Seattle Public Utilities. Containers two (2) cubic yards and under shall be equipped with
at least three (3) wheels.

10. "Director of ((Engineering)) Seattle Public Utilities " ((or "City Engineer")) means the
Director of ((Engineering)) Seattle Public Utilities of The City of Seattle and authorized employees.

11. "Disposal site" means the areas or facilities where any final treatment, utilization, processing
or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

12. "Dwelling unit" in addition to its ordinary meaning includes a room or suite of rooms used as
a residence and which has cooking facilities therein, but does not include house trailers in trailer courts,
rooms in hotels or motels, or cells or rooms in jails or government detention centers.

13. "Energy recovery" means a process operating under federal and state environmental laws and
regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

Section 139. SMC 21.36.014 is hereby amended as follows.

Definitions F-P.

1. "Fraternity, sorority or group student house" means a building occupied by and maintained
exclusively for students affiliated with an academic or professional college or university or other
recognized institution of higher learning, which is regulated by such institution.

2. "Garbage" means all discarded putrescible waste matter, including small dead animals

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1 weighing not over fifteen (15) pounds, but not including sewage or sewage sludge or human or animal
2 excrement or yardwaste.

3 3. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity,
4 weighing not over twenty- six (26) pounds when empty and without cover, fitted with two (2) sturdy
5 handles one (1) on each side and a tight cover, except in the case of sunken cans. The term shall also
6 apply to containers of similar size and weight when approved by the Director of ((Engineering)) Seattle
7 Public Utilities.

8 4. "Garbage container" means either:

9 a. A garbage can; or

10 b. A mini-can, or thirty-two (32), sixty (60), or ninety (90) gallon cart supplied by the
11 collector and approved by the Director of ((Engineering)) Seattle Public Utilities for use under the solid
12 waste collection contract.

13 5. "Hazardous substances" means any liquid, solid, gas or sludge, including any material,
14 substance, product, commodity or waste, regardless of quantity, that exhibits any of the physical,
15 chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102 or 173-
16 303-103.

17 6. "Health Officer" means the Director of the Seattle-King County Department of Public Health
18 or his/her designated representative.

19 7. "Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge,
20 including any material, substance, product, commodity or waste used or generated in the household,
21 regardless of quantity, that exhibits any of the characteristics or criteria of dangerous waste set forth in
22 Chapter 173.303 WAC.

23 8. "Incineration" means a process of reducing the volume of solid waste operating under federal
24 and state environmental laws and regulations by use of an enclosed device using controlled flame
combustion.

9. "Interim solid waste handling site" means any interim treatment, utilization or processing site
engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes,
baling and compaction sites, source separation centers, and treatment are considered interim solid waste
handling sites.

10. "Litter" means solid waste such as, but not limited to, disposable packages and containers
dropped, discarded or otherwise disposed of upon any property.

11. "Mini-can" means a fifteen (15) to twenty (20) gallon container that is supplied by the
contractor, made of galvanized metal or plastic, and meets the approval of the Director of
((Engineering)) Seattle Public Utilities .

12. "Mixed-use building" means a building with both residential and commercial solid waste
with common garbage chute(s), and/or the residential and commercial solid waste generated in such
building cannot be readily separated.

13. "Passenger vehicle" means any motor vehicle with a passenger car license plate.

14. "Person" means any governmental entity, or any public or private corporation, partnership or
other form of association, as well as any individual.

15. "Planting strip" means that part of a street right-of-way between the abutting property line
and the curb or traveled portion of the street, exclusive of any sidewalk.

16. "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys,
sidewalks and planting (parking) strips, squares, triangles, and rights-of- way, whether open to the use of

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1 the public or not, and the space above or beneath the surface of the same.

2 Section 140. SMC 21.36.016 is hereby amended as follows:

3 **Definitions R-Z.**

4 1. "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such
5 as papers, metals and glass, that are identified as recyclable material pursuant to The City of Seattle's
6 Comprehensive Solid Waste Plan.

7 2. "Recycling" means transforming or remanufacturing waste materials into usable or marketable
8 materials for use other than incineration (including incineration for energy recovery) or other methods of
9 disposal.

10 3. "Refuse" means either garbage or rubbish or both garbage and rubbish, and includes litter, but
11 excludes yardwaste.

12 4. "Rubbish" means all discarded nonputrescible waste matter excluding yardwaste.

13 5. "Scavenging" means removal of material at a disposal site or interim solid waste handling site
14 without the approval of the site owner or operator or of the Health Officer.

15 6. "Service unit" means a "garbage container."

16 7. "Small quantity generator hazardous waste" means any discarded liquid, solid, contained gas,
17 or sludge, including any material, substance, product, commodity or waste used or generated by
18 businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter
19 173.303 WAC, but which is exempt from regulation as dangerous waste.

20 8. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including
21 but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious wastes, swill,
22 demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. This
23 includes all liquid, solid and semisolid materials which are not the primary products of public, private,
24 industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to
sludge from wastewater treatment plants, seepage from septic tanks, wood waste, dangerous waste, and
problem wastes.

9. "Solid waste container" means a garbage container, detachable container, or any other secure,
rigid, watertight container with a tight-fitting lid.

10. "Special category wastes" means wastes whose disposal is limited by certain restrictions and
limitations, as identified in Section 21.36.029.

11. "Special Waste" means contaminated soils, asbestos and other waste specified by
Washington Waste Systems in the Special Waste Management Plan included in the Operations Plan as
requiring special handling or disposal procedures.

12. "Street" means a public or private way, other than alleys, used for public travel.

13. "Sunken can" means a garbage can which is in a sunken covered receptacle specifically
designed to contain garbage cans and where the top of the garbage can is approximately at the ground
level.

14. "Unacceptable Waste" means all waste not authorized for disposal at the Columbia Ridge
Landfill and Recycling Center or successor site designated by the City, by those governmental entities
having jurisdiction or any waste the disposal of which would constitute a violation of any governmental

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1 requirement pertaining to the environment, health or safety. Unacceptable Waste includes any waste that
2 is now or hereafter defined by federal law or by the disposal jurisdiction as radioactive, dangerous,
3 hazardous or extremely hazardous waste and vehicle tires in excess of those permitted to be disposed of
4 by the laws of the disposal jurisdiction.

5 15. "Yardwaste" means plant material (leaves, grass clippings, branches, brush, flowers, roots,
6 wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens,
7 including sod and rocks not over four inches (4") in diameter; and biodegradable waste approved for the
8 yardwaste programs by the Director of the ~~((Solid Waste Utility))~~ Seattle Public Utilities. It excludes
9 loose soils, food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four inches
10 (4") in diameter; human or animal excrement; and soil contaminated with hazardous substances.

11 Section 141. SMC 21.36.018 is hereby amended as follows:

12 **Enforcement authority.**

13 A. The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized and directed to
14 supervise and manage the collection and disposal of solid waste under this chapter and to provide,
15 designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of
16 Police have general charge of supervision over the administration and enforcement of this chapter;
17 provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening),
18 21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting
19 facilities). The fire, health, engineering, construction and land use and other appropriate City
20 departments are authorized to assist in enforcing the provisions of this chapter.

21 B. Upon a determination that in order to promote the public health, safety or welfare and that
22 the successful operation of the system for collection and disposal of solid waste within the City requires
23 such action, the Director of ~~((Engineering))~~ Seattle Public Utilities may direct that anyone, including but
24 not limited to the persons or organizations exempted from the proscription of Section 21.36.030, must
deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The
determination by the Director of ~~((Engineering))~~ Seattle Public Utilities shall set forth the reasons
therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and
organizations covered by exemptions A through D and F of Section 21.36.030, and shall be published
within three (3) days thereafter in the City official newspaper.

C. The Director of ~~((Engineering))~~ Seattle Public Utilities may request that the Chief of Police
commission authorized representatives of the Director as nonuniformed special police officers with
powers to enforce the provisions of the Solid Waste Code.

Section 142. SMC 21.36.026 is hereby amended as follows:

Household hazardous wastes.

A. It is generally recommended that no household hazardous wastes are disposed in municipal
solid waste. Specific household hazardous wastes which are prohibited from disposal as municipal solid

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1 waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and
2 degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials;
3 PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries;
4 hobby chemicals and artists' paints; and liquid paints.

5 B. The Director of ~~((Engineering))~~ Seattle Public Utilities by Administrative Rule, pursuant to
6 Seattle Municipal Code Section 3.12.020, may prohibit additional substances from disposal or delete
7 substances from the list in subsection A and authorize their disposal.

8 C. Household hazardous wastes prohibited from disposal as municipal solid waste are also
9 prohibited from disposal in places where disposal of solid waste is prohibited.

10 D. Household hazardous wastes prohibited from municipal solid waste disposal shall be disposed
11 of at special collection facilities, locations, and/or events designated by the Director of ~~((Engineering))~~
12 Seattle Public Utilities.

13 E. When empty, containers for household hazardous products may be disposed of as refuse.

14

15 Section 143. SMC 21.36.028 is hereby amended as follows:

16

17 **Asbestos material and asbestos-containing waste material.**

18

19 Asbestos material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-
20 303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA) as
21 follows:

22

23 A. Removal. Persons removing asbestos material shall provide advance notification to PSAPCA,
24 which enforces regulations concerning removal and disposal. Asbestos-containing waste material must
be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos-
containing wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a
combined six (6) mils thickness or greater, identified with the proper warning label.

25

26 **B. Disposal.**

27

28 1. It shall be unlawful for anyone to deposit, throw, place, discard or deliver, or cause to
29 be deposited, thrown, placed, discarded or delivered any asbestos-containing waste material on any
30 property, public or private, or in any public place; provided asbestos-containing waste material may be
31 delivered to disposal sites or interim solid waste handling sites designated by the Director of
32 ~~((Engineering))~~ Seattle Public Utilities for such purpose.

33

34 2. Disposal sites or interim solid waste handling sites which are designated to receive
asbestos-containing waste material must be approved by the Seattle-King County Department of Public
Health for this purpose.

35

36 Section 144. SMC 21.36.029 is hereby amended as follows:

37

38 **Tires and special category wastes.**

39

40 A. Tires. The Director of ~~((Engineering))~~ Seattle Public Utilities may authorize collection of tires
41 at City of Seattle transfer stations according to restrictions established by Administrative Rule, in

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1 accordance with Seattle Municipal Code Section 3.12.020.

2 B. Special Category Wastes. The Director of ((Engineering)) Seattle Public Utilities may define
3 by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, special restrictions and
4 limitations on the disposal of certain types of wastes which cannot be handled safely through the
5 municipal solid waste collection system. Restricted materials may include items over certain sizes or
6 weights, and dust-producing materials.

7 C. Polystyrene Packaging Pieces. The Director of ((Engineering)) Seattle Public Utilities may set
8 special restrictions and limitations on the disposal of polystyrene packaging pieces in solid waste to be
9 collected by the City or a contractor making collection for the City. Restrictions may include
10 containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the
11 packaging pieces.

12 Section 145. SMC 21.36.030 is hereby amended as follows:

13 **Unlawful hauling of City's Waste-Exceptions.**

14 It is unlawful for anyone, except the following, to haul City's Waste through the streets in the
15 City:

- 16 A. The University of Washington or its contractor;
- 17 B. Military establishments or their contractors;
- 18 C. The City's solid waste contractors;
- 19 D. Anyone authorized to collect solid waste in the City under
20 RCW Chapter 81.77;

21 E. Business concerns, as to City's Waste originating within their own establishments; and
22 F. The Seattle Housing Authority or its contractor; provided, however, that the exempted persons
23 and organizations may be required to deposit such City's Waste at disposal, processing, or recovery sites
24 provided and/or designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to
Section 21.36.018.

Section 146. SMC 21.36.040 is hereby amended as follows:

Unlawful disposal sites.

It is unlawful for anyone to deliver and/or deposit any solid waste that is City's Waste generated
within the City at any disposal site other than a disposal, processing, or recovery site provided and/or
designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to Sections 21.36.030 and
21.36.018.

Section 147. SMC 21.36.060 is hereby amended as follows:

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1 **Garbage cans-Maintenance.**

2 A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary
3 storage of all solid wastes accumulated at that premises until it is removed to a disposal site or interim
4 solid waste handling site.

5 B. All garbage cans and detachable containers shall be kept tightly covered and in good condition
6 for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged
7 edges or holes shall not be used. The ((City Engineer)) Director of Seattle Public Utilities, at the request
8 of the contractor, in writing, shall determine whether or not the condition of any garbage can, garbage
9 container, or detachable container is satisfactory for use.

10 Section 148. SMC 21.36.080 is hereby amended as follows:

11 **Placement of garbage containers, bundles and detachable containers.**

12 A. All garbage cans and bundles for backyard collection shall be placed by the occupant in a
13 convenient, accessible location as near as practicable to the approximate rear of the building or near the
14 alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches (14") above
15 such level or floor, except that sunken cans may be below the ground level. Where no other suitable area
16 is available, garbage cans or bundles may be placed at a location selected by the customer and the
17 Director of ((Engineering)) Seattle Public Utilities. Garbage containers or bundles and bundles-of-
18 yardwaste for curbside/alley collection shall be placed as follows:

19 1. From properties with level planting strips, in the planting strip or driveway within one
20 (1) yard of the curb;

21 2. From properties with alleys of sufficient width, in the alley or within one (1) yard of
22 the alley gate if the gate is within one (1) yard of the alley;

23 3. From properties with sidewalks but not planting strips, on the owner's property, within
24 one (1) yard of the sidewalk, if level;

 4. When the foregoing location slopes at a grade making placement of a container
difficult, the nearest reasonable level area; and

 5. If the premises has no sidewalk or planting strip, dense shrubbery or extraordinary
circumstances preclude such a location, from a placement suitable to the customer and convenient to the
collection contractor.

 B. Containers and bundles for collection shall not be placed on the sidewalk or in the planting
strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed
within a reasonable time thereafter.

 C. Detachable containers may be stored within a building but shall be readily accessible for
servicing without unnecessary delay or special collection equipment.

21 Section 149. SMC 21.36.087 is hereby amended as follows:

22
23
24

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1 **White goods and bulky items.**

2 A. The Director of ~~((Engineering))~~ Seattle Public Utilities may determine from time to time the
3 items eligible for pickup under the ~~((Solid-Waste-Utility's))~~ Seattle Public Utilities' program for
4 collection of white goods and bulky items, and after consultation with the Purchasing Agent, arrange for
5 the disposition of the items collected without regard to the procedures of Section 3.14.828.

6 B. "White goods" are large household appliances, such as refrigerators, iceboxes, stoves, washing
7 machines, dryers, dishwashing machines and air conditioners. "Bulky items" include and are illustrated
8 by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and
9 wardrobes. Neither term includes motor vehicles or hulks; car parts and tires; commercial machinery or
10 equipment; lumber and building materials; or hazardous wastes.

11 C. By delivering possession to the collector, the customer relinquishes title to the white goods
12 and bulky items picked up. The ~~((Solid-Waste-Utility))~~ Seattle Public Utilities may decline to accept
13 such items that contain refuse, contraband, or hazardous wastes.

14 D. The Director of ~~((Engineering))~~ Seattle Public Utilities may:

15 1. Remove all hazardous and toxic constituents, including the recovery of CFCs
16 (chlorofluorocarbons), from white goods delivered to the City recycling and disposal stations and require
17 that the resultant scrap metal not be landfilled;

18 2. Accept a maximum of two (2) white goods per load at a rate established in subsection
19 A of Section 21.40.080 and subsection D of Section 21.40.080;

20 3. Reject vehicle loads at the City's recycling and disposal stations which contain more
21 than two (2) white goods or white goods from non-Seattle residents and provide information to the
22 haulers of rejected loads on alternative disposal sites for white goods available within Seattle;

23 4. Direct white goods from charitable organizations qualified under Section 21.40.080 to
24 the City's selected white- goods processor(s).

Section 150. SMC 21.36.112 is hereby amended as follows:

Designation of receiving facilities.

 A. Union Pacific's Seattle Intermodal Facility or successor receiving facility specified by the City
is hereby designated as the receiving facility for disposal of all City's Waste, including waste left over
after separating out Special Waste, CDL Waste or materials destined for recycling. All generators,
handlers, and collectors of City's Waste shall deliver or, for example, by taking City's Waste to a City
transfer station, shall ensure delivery of all City's Waste to Union Pacific's Seattle Intermodal Facility or
successor receiving facility designated by the City, in a manner specified by the Director of
~~((Engineering))~~ Seattle Public Utilities.

 B. Special Waste (excluding Contaminated Soils) may be disposed at any permitted solid waste
handling facility; provided, that no City's Waste, Special Waste or CDL Waste generated within The
City of Seattle shall be disposed of at a facility owned or operated by King County, unless specifically
agreed by the City and King County.

 C. The City of Seattle's North and South Recycling Disposal Stations, Waste Management of
Seattle's Eastmont Transfer Station and RABANCO's Third and Lander Transfer Station, or successor

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1 receiving facilities specified by the City, are hereby designated as the receiving facilities for disposal of
2 all nonrecycled CDL Waste and Contaminated Soils generated within the City. All generators, handlers
and collectors of CDL Waste and Contaminated Soils shall deliver or ensure delivery of all nonrecycled
CDL Waste and Contaminated Soils to the receiving facilities hereby designated by the City.

3 D. Each receiving facility designated in subsection C of SMC Section 21.36.112 or successor
receiving facility designated by the City, shall submit to the Director of ((Engineering)) Seattle Public
4 Utilities by the twentieth day of each month, commencing February 20, 1993, on a form available from
the Director of ((Engineering)) Seattle Public Utilities, a monthly flow report. The report shall
5 document, for the previous month, (1) the number of trucks delivering waste and recyclables, (2) the
type and amount (in tons) of waste and recyclables delivered to the receiving facility from each political
6 jurisdiction in which waste or recyclables originated and (3) the type and amount (in tons) of all waste
and recyclables leaving the receiving facility for each final destination. For waste, "type" means City's
7 Waste, CDL Waste, Contaminated Soils, wood waste, Yardwaste or Special Waste; for recyclables,
"type" means plastics, metal, paper, glass, wood waste, yardwaste and inert materials. Type of
8 recyclables shall, at a minimum, be specified further as mixed waste paper, newspaper, corrugated paper,
tin, iron, aluminum, glass, PET plastic, HDPE plastic, other plastic, and magazines.

9 E. In order to facilitate the designation of transfer stations and receiving facilities or successor
receiving facilities, the Director of ((Engineering)) Seattle Public Utilities shall:

10 1. Establish any specifications and procedures determined necessary to address the
manner in which waste is identified, packaged, loaded, containerized or delivered to transfer stations or
11 receiving facilities and establish any other specifications and procedures determined necessary for the
City to fulfill its obligations under its contract for the transportation and disposal of waste;

12 2. Mail, pursuant to SMC Section 21.36.018, a notice of the designated receiving
facilities and specifications and procedures for delivery of waste to the facilities. In addition, the notice
13 shall be mailed to all persons and organizations covered by exemptions A through E of SMC Section
21.36.030;

14 3. Publish such notice in the City official newspaper within three (3) days of mailing such
notice.

15
16 Section 151. SMC 21.36.113 is hereby amended as follows:

17 **Containers-Billing-Unacceptable waste.**

18 A. Containers shall be provided by Washington Waste Systems, Inc. to transfer stations in the
City for delivery of City's Waste to the designated receiving facility. All transfer stations delivering
19 City's Waste to the designated receiving facility shall load each container with waste, seal it with a cargo
security seal and prepare a bill of lading in accordance with the procedures established by the Director of
20 ((Engineering)) Seattle Public Utilities.

21 B. All persons shall use reasonable care in the handling of the containers supplied by Washington
Waste Systems, Inc. and shall be responsible for repair or replacement of containers they damage or
22 destroy through their own negligence. Washington Waste Systems, Inc. shall be responsible for ordinary
wear and tear.

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1 C. All persons required to deliver City's Waste to the designated receiving facility shall be billed
by the City at the rates specified by ordinance.

2 D. City's Waste delivered to the designated receiving facility shall be in compliance with all
3 applicable federal, state, and local environmental health laws, rules, and regulations. The designated
receiving facility and the Columbia Ridge Landfill or successor landfill are authorized to reject all
4 Unacceptable Waste and shall not take title to Unacceptable Waste.

5 Section 152. SMC 21.36.114 is hereby amended as follows:

6 **Enforcement authority-Inspections.**

7 A. The Director of ((Engineering)) Seattle Public Utilities and designated solid waste
enforcement officers are authorized and directed to enforce the flow provisions of this chapter.

8 B. The Director of ((Engineering)) Seattle Public Utilities and designated solid waste
enforcement officers are authorized to make lawful inspection of the premises of any person suspected
9 of violating the flow provisions of this chapter and to inspect the books and accounts related to the
subject of this ordinance.

10
11 Section 153. SMC 21.36.420 is hereby amended as follows:

12 **Unlawful dumping of solid waste.**

13 It is unlawful for anyone to dump, throw, or place solid waste on any property, public or private,
or in any public place except, as authorized by city ordinance, in a litter container, solid waste container,
14 or in a bundle as described in this chapter, or upon or at a disposal site or interim solid waste handling
site provided and/or designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to
15 Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this section shall
remove and properly dispose of it. This section does not apply to dumping, throwing or placing litter in
16 the amount of one (1) cubic foot or less which does not contain hazardous substances.

17 Section 154. SMC 21.36.425 is hereby amended as follows:

18 **Accumulation of solid waste.**

19 A. It shall be unlawful for any person to keep solid waste or allow solid waste to accumulate on
20 any property, or in any public place, except in a litter receptacle, in a solid waste container, or in a
bundle as described in this chapter, or as otherwise authorized by ordinance or by the Director of
21 ((Engineering)) Seattle Public Utilities. This subsection applies to any solid waste accumulation of
which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which
22 contains any hazardous substances or which is an immediate threat to the health or safety of the public.

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1 B. It shall be unlawful for any owner or occupant of abutting private property, residential or
2 nonresidential, to allow the accumulation of any solid waste on sidewalks or planting strips, whether the
3 solid waste is deposited by such owner or occupant or not. Solid waste that is prohibited to accumulate
4 includes but is not limited to litter, cigarette butts, burning or smoldering materials, garbage, and
rubbish. This subsection applies to any solid waste accumulation of which the total volume if gathered
together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or
which is an immediate threat to the health or safety of the public. This provision shall not apply:

- 5 1. To the Sheriff when removing the contents of a building to the sidewalk or planting
strip pursuant to an eviction ordered by the Superior Court;
- 6 2. To firefighters placing debris on the sidewalk or planting strip in the course of
extinguishing a fire or explosion;
- 7 3. To the use of receptacles placed or authorized by the City for the collection of solid
waste on sidewalks or planting strips; or
- 8 4. To accumulations temporarily authorized under a street use permit.

9 Section 155. SMC 21.36.430 is hereby amended as follows:

10 **Unlawful use of City litter receptacles.**

11 Except as authorized by the Director of (~~Engineering~~) Seattle Public Utilities, it shall be
12 unlawful to place in any receptacle provided by the City for litter disposal any solid waste accumulated
13 on private property or generated by any business, including but not limited to burning or smoldering
14 materials, asbestos material, asbestos-containing waste material, yardwaste, dangerous waste, household
hazardous waste, small quantity generator hazardous waste, human or animal excrement and dead
animals; nor shall the contents of any such litter receptacle be removed or disturbed by anyone except as
authorized by the Director of (~~Engineering~~) Seattle Public Utilities.

15 Section 156. SMC 21.36.922 is hereby amended as follows:

16 **Civil infractions.**

17 A. The violation of or failure to comply with any section of this chapter identified in this
18 section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

19 B. The violation of or failure to comply with the following section shall be a civil infraction and
subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default
amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

20 SMC Section 21.36.420 (Unlawful dumping of solid waste)

21 C. The violation of or failure to comply with any of the following sections shall be a civil
infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty
and default amount of Fifty Dollars (\$50.00), not including statutory assessments:

22 SMC Section 21.36.044 (Containers required -Nonresidential)

23 SMC Section 231.36.410 (Littering)

24

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- 1 SMC Section 21.36.425 (Accumulation of solid waste)
SMC Section 21.36.430 (Unlawful use of City litter and solid waste receptacles)
2 SMC Section 21.36.440 (Unlawful use of private solid waste container)
D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the
3 provisions of the Solid Waste Code are:
(1) the Director of ~~((Engineering))~~ Seattle Public Utilities; (2) authorized representatives, assistants or
4 designees of the Director of ~~((Engineering))~~ Seattle Public Utilities; and (3) commissioned officers of
the Seattle Police Department and persons issued non-uniformed special police officer commissions by
5 the Chief of Police with authority to enforce such provisions.
E. An action for a civil infraction shall be processed in the manner contemplated by RCW
6 Chapter 7.80.
F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal
7 action to enforce this chapter as deemed necessary and appropriate.

8 Section 157. SMC 21.36.975 is hereby amended as follows:

9 **Reimbursement for City expenses.**

10 Whenever it furthers the safety or convenience of the public, the Director of ~~((Engineering))~~
11 Seattle Public Utilities may remove obstructions, hazards or nuisances composed of solid waste from
public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for
12 reimbursing the City for the expense of removing the same and cleaning the public place together with a
charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses and together
13 with the costs of collection and interest.

14 Section 158. SMC 21.36.980 is hereby amended as follows:

15 **Crediting of reimbursement to Solid Waste Fund.**

16 All sums received by the City in reimbursement for the ~~((Solid Waste Utility's))~~ Seattle Public
17 Utilities' costs, expenses or charges relating to removal of solid waste or cleaning of property pursuant
to any section of this chapter shall be credited to the Solid Waste Fund.

18 Section 159. SMC 21.40.030 is hereby amended as follows:

19 **Administration.**

20 The Director of ~~((Engineering))~~ Seattle Public Utilities, through the ~~((Department of~~
21 Engineering)) Seattle Public Utilities, shall operate and administer such public utility and enforce this
22 chapter; and there shall be kept by him or her a classified system of accounts of revenues and
23

24

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1 disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction
2 with the City Finance Director, as required by law in such connection.

3 Section 160. SMC 21.40.050 is hereby amended as follows:

4 **Collection rates.**

5 A. There is imposed upon all residences and other dwelling units within the City a charge for
6 garbage and rubbish collection and disposal service in accordance with the following schedule, and the
amounts stated below shall be charged for optional ancillary services:

7 1. All single family residences with curbside/alley pickup: A charge per month or portion
thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant thereof
8 as follows:

| Service Units | Rates |
|---------------------------------|----------|
| Micro-can | \$ 10.05 |
| Mini-can | 12.35 |
| 1 | 16.10 |
| 2 | 32.15 |
| 3 | 48.25 |
| Each additional service unit | 16.10 |

13 2. All single family residences with backyard pickup: A charge per month or portion
14 thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant as
follows:

| Service Units | Rates |
|---------------------------------|----------|
| 1 | \$ 22.50 |
| 2 | 45.00 |
| 3 | 67.55 |
| Each additional service unit | 22.50 |

19 3. Multifamily variable can rate schedule for curbside/alley pickup: A charge per month
20 or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent
for the entire building as follows:

| Service Units | Rates |
|---------------|---------|
| Micro-can | \$ 9.75 |

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| | | |
|---|---------------------------------|-------|
| 1 | Mini-can | 12.05 |
| | 1 | 15.80 |
| 2 | 2 | 31.85 |
| | 3 | 47.90 |
| 3 | Each additional service unit | 16.10 |
| 4 | | |

4. Multifamily variable can rate schedule for backyard pickup: A charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for the entire building as follows:

| | Service Units | Rates |
|----|---------------------------------|----------|
| 7 | 1 | \$ 23.10 |
| 8 | 2 | 44.60 |
| | 3 | 67.10 |
| 9 | Each additional service unit | 22.50 |
| 10 | | |

5. Minimum Charge, No Pickup Service. A charge per month or portion thereof, for each dwelling unit, including single family dwellings not being used as residences, billed directly to the owner or occupant of Six Dollars and Twenty-five Cents (\$6.25) to cover landfill closure costs, billing, collection, Low Income Rate Assistance, hazardous waste costs, and litter cleanup costs. To be eligible for the minimum charge (zero (0) container rate) a customer may not generate any garbage or rubbish for collection or disposal. With occupied premises, the customer must demonstrate a consistent and effective practice of selective purchasing to minimize refuse, of recycling materials whenever practical, and of composting any yardwastes generated on the premises and the customer must have qualified for the rate on or before December 31, 1988. A customer is not eligible for the zero (0) container rate by hauling his or her garbage and rubbish to a transfer station, disposal site, or by disposal in another customer's containers or by the use of prepaid stickers. Vacant multifamily units do not qualify for the minimum charge.

6. Extra Bundles. A charge of Five Dollars (\$5.00) for a bundle. A customer may place an extra bundle with its container for regular pickup. The charge will be billed directly to the owner or occupant, unless a prepaid sticker is used. A prepaid sticker authorizes pickup of the bundle when placed with the customer's container. The sticker must be affixed to the bundle in order for the bundle to be picked up by the collector, and the customer not to be billed.

7. Bulky and White Goods Pickup. A charge of Twenty-six Dollars and Eight-five Cents (\$26.85) for each item.

8. Curbside/Alley Yardwaste. A charge per month or portion thereof for each dwelling unit, billed directly to the owner or occupant, of Four Dollars and Twenty-five Cents (\$4.25) except that such charge shall be Two Dollars and Fifteen Cents (\$2.15) for customers qualifying for Low Income Rate Assistance. To receive this service, a customer must be signed up with the ((Solid Waste Utility)) Seattle Public Utilities for a minimum of twelve (12) months' service and place his or her yardwaste at

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1 the curbside/alley for collection on the scheduled date. The maximum allowed to any customer is five
2 (5) bundles of yardwaste per week per subscription.

3 9. Providing, Exchanging and Replacing Containers. A charge to customers on
4 curbside/alley service for (a) providing, exchanging or replacing micro-cans, (b) exchanging or replacing
5 collector-supplied containers for larger containers; or (c) replacing lost, stolen or damaged collector-
6 supplied containers in accordance with written policy promulgated by the Director of the ((Solid-Waste
7 Utility)) Seattle Public Utilities, as follows:

| | | |
|---|---------------------|---------|
| 5 | Micro-can | \$ 6.00 |
| | Mini-can container | 10.00 |
| 6 | 32-gallon container | 12.25 |
| | 60-gallon container | 30.00 |
| 7 | 90-gallon container | 40.00 |

8 In order to encourage proper subscription levels during the initiation of the extra bundle program,
9 this charge will not apply to collector-supplied containers until April 1, 1996. The charge for micro-cans
10 will be applied regardless of the reason for, or the timing of, delivery.

11 10. New/Changed Account. A charge of Ten Dollars and Seventy-five Cents (\$10.75) for
12 the establishment of a new account or for each change in an existing account. This charge shall apply
13 when the owner or property manager of any single-family residence or multifamily structure (duplex, tri-
14 plex, four-plex, or structure with five (5) or more units) establishes a new account or requests any
15 change in his/her account requiring a change in account number or customer number. The new/changed
16 account charge is not applicable to customers qualified for Low Income Rate Assistance.

17 11. Physical Disability Exemption. An exemption will be provided to qualified residents
18 to allow for backyard collection at curbside rates when the resident is physically unable to take his or her
19 garbage and rubbish containers to the curb. Qualifying criteria shall include, but are not limited to, the
20 resident's physical condition, qualification for backyard service in other City programs, a physician's
21 recommendation, the presence of other physically capable persons in the household, special topography
22 and other unique property conditions, taking into account the contractors' ability to provide different
23 combinations of container sizes to make curbside pickup feasible.

24 B. The City shall calculate the charge for each multifamily dwelling unit within apartment
houses and apartment hotels and for each resident within boarding, rooming, fraternity, sorority and
group student houses for two (2) times a week service, billed directly to the owner or agent for the entire
building, by doubling the applicable one (1) container and multifamily rates in subsection A4 of this
section and reducing this calculated amount by Three Dollars and Sixty-five Cents (\$3.65) per unit to
adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

C. All Single-Family and Multifamily Customers Requesting and Receiving Special, Nonroutine
Collection Service for Garbage, Yardwaste, or Recyclable Materials. A per-pickup charge of Twenty-
three Dollars and Ninety Cents (\$23.90) for first container collected plus One Dollar and Eighty Cents
(\$1.80) for each additional container.

The following charges shall apply to detachable container customers requesting special
collections:

| Uncompacted | Compacted |
|-------------|-----------|
|-------------|-----------|

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| | Service Unit | Service | Service |
|----|------------------|----------|----------|
| 1 | | | |
| 2 | 3/4 cubic yards | | |
| 3 | -First container | \$ 42.90 | \$ 58.25 |
| 4 | -Each Additional | 21.35 | 36.70 |
| 5 | 1 cubic yard | | |
| 6 | -First container | 44.15 | 64.60 |
| 7 | -Each additional | 22.65 | 43.10 |
| 8 | 12 cubic yards | | |
| 9 | -First container | 52.55 | 83.15 |
| 10 | -Each additional | 31.05 | 61.70 |
| 11 | 2 cubic yards | | |
| 12 | -First container | 60.90 | 101.80 |
| 13 | -Each additional | 39.40 | 80.30 |
| 14 | 3 cubic yards | | |
| 15 | -First container | 77.70 | 139.00 |
| 16 | -Each additional | 56.20 | 117.50 |
| 17 | 4 cubic yards | | |
| 18 | -First container | 94.45 | 176.20 |
| 19 | -Each additional | 73.00 | 154.75 |
| 20 | 6 cubic yards | | |
| 21 | -First container | 122.20 | 244.80 |
| 22 | -Each additional | 100.65 | 223.30 |
| 23 | 8 cubic yards | | |
| 24 | -First container | 149.85 | 313.40 |
| | -Each additional | 128.35 | 291.85 |
| | 10 cubic yards | | |
| | -First container | 189.25 | 393.65 |
| | -Each additional | 167.75 | 372.15 |

D. The charges imposed by subsections A1 through A5 of this section inclusive shall not apply to dwelling units which elect to use detachable containers supplied either by the City's contractor or by the customer for the storage of garbage and rubbish. Application for detachable container service for a minimum period of six (6) months shall be made to the Director of ((Engineering)) Seattle Public Utilities on forms supplied by him/her, and collection of garbage and rubbish from such premises shall

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1 be made at such frequency as is necessary as determined by the Director of ((Engineering)) Seattle
2 Public Utilities, but in no event less than once each week. The monthly charges for detachable container
3 service for the container and frequency selected shall be in accordance with the rates set forth in Section
4 21.40.060.

5 E. The Director of ((Engineering)) Seattle Public Utilities may adjust the service level to a
6 single-family residence to match the garbage and rubbish actually collected from the premises, or, for
7 multifamily structures, to match the amount of garbage and rubbish reasonably anticipated from the
8 dwelling units on the premises.

9 Section 161. SMC 21.40.060 is hereby amended as follows:

10 **Detachable container rates.**

11 A. Uncompacted Rates. Effective September 1, 1994 there is imposed upon residential premises
12 that use detachable containers without mechanical compactors a monthly charge for garbage and rubbish
13 collection and disposal service in accordance with the following formula:

14 $(\$6.65 + cn + f(\$13.25 + \$20.70n + \$36.95ns) + \$.60d)$ where:

- 15 c = capital cost per container/60 months;
16 n = number of containers served;
17 f = number of pickups per week;
18 s = size of container in cubic yards; and
19 d = number of dwelling units

20 The capital cost per container/sixty (60) months for various container sizes is as follows:

| | | |
|----|----------------------------|---------|
| 21 | 3/4 cubic yard. | \$ 4.95 |
| 22 | 1 cubic yard. | 4.95 |
| 23 | 1 1/2 cubic yards. | 5.50 |
| 24 | 2 cubic yards | 6.10 |
| | 3 cubic yards | 7.55 |
| | 4 cubic yards | 9.20 |
| | 6 cubic yards | 11.05 |
| | 8 cubic yards | 15.20 |
| | 10 cubic yards. | 43.90 |

25 B. Compacted Rates. Effective September 1, 1994, there is imposed upon residential premises
26 that use detachable containers with compactors a monthly charge for garbage and rubbish collection and
27 disposal service in accordance with the following formula:

28 $\$6.65 + cn + f(\$13.25 + \$20.70n + \$90.10ns) + \$.60d$, where:

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- 1 c = capital cost per container/60 months;
- 2 n = number of containers served;
- 3 f = number of pickups per week; and
- 4 s = size of container in cubic yards; and
- 5 d = number of dwelling units.

6 The capital cost per container/sixty (60) months for various container sizes is as follows:

| | | |
|----|-----------------------------|---------|
| 7 | 3/4 cubic yard | \$ 4.95 |
| 8 | 1 cubic yard | 4.95 |
| 9 | 1 1/2 cubic yards | 5.50 |
| 10 | 2 cubic yards | 6.10 |
| 11 | 3 cubic yards | 7.55 |
| 12 | 4 cubic yards | 9.20 |
| 13 | 6 cubic yards | 11.05 |
| 14 | 8 cubic yards | 15.20 |
| 15 | 10 cubic yards | 43.90 |

16 C. Recycling Setup Fee. There is assessed on all accounts of residential structures of five (5) units or more, who opt for City-provided recycling collection services, except those customers selecting recycling collection services from Nuts and Bolts Recycling and West Seattle Recycling, a setup fee according to the following schedule:

17 1. Uncompacted Dumpster Accounts.

| 18 | Weekly Collection Service | Fee |
|----|-----------------------------|---------|
| 19 | 1 cubic yard | \$50.00 |
| 20 | 1.5-2 cubic yards | 100.00 |
| 21 | 3-5 cubic yards | 200.00 |
| 22 | 6-8 cubic yards | 350.00 |
| 23 | 9-10 cubic yards | 500.00 |

- 24 2. Can Service Accounts will be assessed a Fifty Dollar (\$50.00) setup fee.
- 25 3. Compacted Dumpster Accounts will be assessed a Five Hundred Dollar (\$500.00) setup fee.

26 No setup fee will be assessed on three-quarter (3/4) cubic yard per week garbage accounts, and no setup fee will be assessed on those accounts which are at minimum garbage collection service levels.

27 D. Mixed-Use Building. The Director of ((Engineering)) Seattle Public Utilities will determine the appropriate residential collection service level for a mixed-use building according to the estimated amount of residential garbage or refuse generated and to be collected by the City.

28 E. Charges for Lockable Containers. Customers using detachable containers (compacted or noncompacted) may have a lock installed by the collection contractors. A fee of Fifty-three Dollars and Forty Cents (\$53.40) will be assessed for installation of the lock. Additional keys are Three Dollars and

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1 Sixty Cents (\$3.60) and an extra padlock is Eight Dollars and Thirty Cents (\$8.30). Only customers who
own their own containers may install their own locks.

2 F. Customers who own their own detachable containers shall have the factor for the capital cost
3 of containers in the formulas in subsections A and B of this section omitted in calculating the collection
charge.

4
5 Section 162. SMC 21.40.085 is hereby amended as follows:

6 **Commercial railyard rate.**

7 A. Nonresidential solid waste generated within the City and directed by the City to the Argo
Yard or its successor facility for transport and disposal shall be charged Sixty-two Dollars and Twenty
8 Cents (\$62.20) per ton with a minimum charge of One Thousand Five Hundred Fifty-five Dollars
(\$1,555.00).

9 B. A hauler depositing waste at the Argo Yard or its successor receiving facility shall be subject
to an hourly shipping container rental charge if any shipping container supplied for transport and
10 disposal of waste is detained by the hauler more than twenty-four (24) hours. The charge shall be One
Dollar and Fifty Cents (\$1.50) for each hour and for each container detained beyond twenty-four (24)
11 hours. The Director of ((Engineering)) Seattle Public Utilities will provide exemptions from this charge
consistent with the City's operating agreement with Washington Waste Systems, Incorporated.

12 C. In the event the receiving facility turnaround time experienced by all trucks hauling waste to
the Argo Yard or its successor receiving facility averages more than twenty (20) minutes in a calendar
13 month, a hauler shall be entitled to receive a portion of any liquidated damage paid to the City by
Washington Waste Systems as a result of this excessive turnaround time. The total liquidated damage for
14 any calendar month will be equal to One Dollar and Twenty-five Cents (\$1.25) for each minute
exceeding twenty (20) minutes multiplied by the total number of containers deposited at the receiving
15 facility during the month. A hauler shall receive a portion of this liquidated damage equal to the total
liquidated damage multiplied by the hauler's share of containers deposited at the receiving facility during
16 the calendar month for which the liquidated damage applies.

17 D. A hauler who deposits waste at the Argo Yard or its successor receiving facility shall be
subject to payment of any cost incurred for the separation and proper disposal of any hazardous or
18 unacceptable waste found in the deposited waste.

19 Section 163. SMC 21.40.090 is hereby amended as follows:

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

21 To carry out the provisions of this chapter, the Director of ((Engineering)) Seattle Public Utilities
is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal
22 sites, which regulations shall designate what material may be disposed of at particular disposal sites,
23
24

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1 may establish and provide for the collection of reasonable fees for special services rendered to persons
2 requesting the same at such
3 disposal sites.

4 Section 164. SMC 21.40.120 is hereby amended as follows:

5 **Payment of charges-Delinquency and lien.**

6 A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three
7 (3) months in advance at the office of the City Finance Director and at the same time that water utility
8 charges are due and payable with respect to residences or other dwelling units contemporaneously
9 served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish
10 collection services and the balance to outstanding charges for water services. The charges imposed under
11 Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units,
12 whether occupied or not; provided, however, that where no portion of the premises is being used and
13 occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of
14 ((Engineering)) Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In
15 such connection the Director of ((Engineering)) Seattle Public Utilities may from time to time reduce the
16 liability for such charges upon request therefor whenever he or she is satisfied that the premises are not
17 being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed
18 and billed from time to time by the Director of ((Engineering)) Seattle Public Utilities ((through an
19 interdepartmental arrangement with the Superintendent of Water)) as a separate charge on the water bill
20 for residences or dwelling units served, and the Director of ((Engineering)) Seattle Public Utilities ((and
21 the Superintendent of Water shall cooperate, in the interest of economy and efficiency, in establishing))
22 establish common billing practices and procedures to the extent permitted by law.

23 B. Garbage and rubbish collection charges shall be against the premises served and when such
24 charges have not been paid within ninety (90) days after billing, they shall be delinquent and constitute a
lien against the residence or dwelling units served. Notice of the City's lien specifying the amount due,
the period covered and giving the legal description of the premises sought to be charged may be filed
with the County Auditor within the time required and may be foreclosed in the manner and within the
time prescribed for liens for labor and material as authorized by RCW 35.21.140.

18 Section 165. SMC 21.40.130 is hereby amended as follows:

19 **Solid Waste Fund-Purchase of recyclable solid waste.**

20 A. The ((utility created by this chapter shall be known as the Solid Waste Utility)) solid waste
21 functions authorized by this chapter shall be operated by the Seattle Public Utilities, and the Garbage
22 Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from
23 the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites,
24 and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of
the collection system, operation and maintenance of the disposal sites, operation and maintenance of

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1 recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of
operation and maintenance of the disposal system as constructed or added to, and to maintain the ((Solid
2 Waste Utility)) solid waste functions of the Seattle Public Utilities in sound financial condition, shall be
charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing
3 and collection and all interdepartmental charges for service rendered by other City departments to the
utility.

4 B. The City ((Engineering)) Seattle Public Utilities is authorized to purchase at the City's solid
waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue
5 received from the sale by the City of such recyclable solid waste, less costs of handling, accounting, and
transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste
6 purchased and sold by the City in the preceding quarterly period.

7
8 Section 166. SMC 21.76.030 is hereby amended as follows:

9 **Qualification.**

10 A. To implement the program provided for in Section 21.76.010, credits to partially offset the
billings for solid waste shall be issued to each household upon satisfactory proof that a member of the
household:

11 1. a. Is sixty-five (65) years of age or older, and has a maximum annual income, if
single, of not more than seventy percent (70%) of the Washington State median income for a one (1)
12 person household, as computed annually by the state or the City, or whose annual income, if married,
together with that of his or her spouse, does not exceed seventy percent (70%) of the Washington State
13 median income for a two (2) person household as computed annually by the state or the City, or

14 b. Receives Supplemental Security Income pursuant to 42 USC Sections 1381
through 1383, or

15 c. Is disabled and receives funds from a disability program as a result of a
disability that prevents him or her from working consistent with the requirements of 42 USC Section
16 401 et seq. and whose annual household income, together with all household members, does not exceed
seventy percent (70%) of the Washington State median income for the number of individuals in the
household as computed annually by the state or the City, or

17 d. Requires medical life-support equipment which utilizes mechanical or artificial
means to sustain, restore or supplant a vital function, and which generates a disproportionate amount of
18 solid waste; provided, that rate assistance issued on the basis of this qualification shall be limited to solid
waste service where a significant proportion of the solid waste is from medical purposes; and

19 2. Resides in a dwelling unit served directly by the City's solid waste ((utility)) services
and is billed by the light or ((solid waste utilities)) Seattle Public Utilities; or, if not so billed, has resided
20 for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of the solid
waste rate increase affects the amount of the rent charged.

21 B. To implement the program provided for in Section 21.76.010, "low-income water,
wastewater, drainage, and street utility credits" shall be issued to each person who shows satisfactory
22 proof that he or she resides in a dwelling unit that is directly served by the City's water, drainage and
wastewater or street utility services and is billed by ((the light, water, drainage and wastewater or street
23
24

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1 ~~utilities)) City Light, Seattle Public Utilities or Seattle Transportation~~; or if not so billed has resided for a
2 period of not less than ninety (90) consecutive days in a rental unit in which the amount of the (~~water,~~
~~wastewater, drainage or street utility~~) ~~Seattle Public Utilities or Seattle Transportation~~ rate increase
affects the amount of rent charged and:

3 1. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through
4 1383; or

5 2. Resides in a household whose annual income together with all household members
6 does not exceed one hundred twenty-five percent (125%) of the poverty level for the number of
7 individuals in the household as computed annually by the U.S. Government or the City; or

8 3. Resides in a household whose annual income together with all household members
9 does not exceed seventy percent (70%) of the Washington State median income for the number of
10 individuals in the household as computed annually by the state or the City and is:

11 a. Blind, or

12 b. Sixty-five (65) years of age or older, or

13 c. Disabled and receives funds from a disability program as a result of a disability
14 that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or

15 d. Requires medical life-support equipment which utilizes mechanical or artificial
16 means to sustain, restore, or supplant a vital function; or

17 4. Notwithstanding household income, requires medical life-support equipment which
18 utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a
19 disproportionate amount of water, provided that rate assistance issued on the basis of this qualification
20 shall be limited to water and wastewater service where a significant proportion of the water use is for
21 medical purposes.

22 C. Applicants shall verify such information, and shall provide such other data as is deemed
23 appropriate upon forms and in the manner determined by the Department of Housing and Human
24 Services.

Section 167. SMC 21.76.040 is hereby amended as follows:

Utility low-income rates assistance.

A. Drainage, Wastewater, and Water (~~(-, and Street Utility)~~). Persons qualified by the Department
of Housing and Human Services as eligible recipients of low-income utility credits provided for in
Section 1.76.010 shall be granted low-income billing credits in amounts equal to one-half (1/2) of the
monthly, or monthly equivalent bill for single-family, duplex or multi-family dwellings, as appropriate;
provided, however, that in no case shall the amount of the low income billing credit granted for a utility
service exceed the amount charging for that service.

B. Solid Waste. Persons qualified by the Director of Housing and Human Services as eligible
recipients of Low Income Rate Assistance (LIRA) shall be granted special rates in the following
amounts (stated in monthly rates). The rates for qualified solid waste customers become effective
September 1, 1994.

Single-Family LIRA -

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Variable Can Service (once a week service)

| Service Unit | Curbside/ Alley Service | Backyard Service |
|-------------------------|-------------------------------|---------------------|
| Minimum charge | \$ 2.50 | N/A |
| Micro-can | 4.05 | N/A |
| Mini-can | 4.95 | N/A |
| One (1) can | 6.45 | \$ 9.00 |
| Two (2) cans | 19.30 | 27.00 |
| Three (3) cans | 35.35 | 49.50 |
| Additional cans each | 16.10 | 22.50 |

Multi-Family LIRA -
Variable Can Service (once a week service)

| Service Unit | Curbside/ Alley Service | Backyard Service |
|-----------------|-------------------------------|---------------------|
| Minimum charge | \$ 2.40 | N/A |
| Micro-can | 3.90 | N/A |
| Mini-can | 4.85 | N/A |
| One (1) can | 6.30 | \$ 8.85 |
| Two (2) cans | 19.20 | 26.85 |
| Three (3) cans | 35.25 | 49.35 |
| Additional cans | 16.10 | 22.50 |

Qualified customers residing in dwellings subject to multi-family variable can rates based on the number of dwelling units, two (2) times-per-week service will pay rates equal to double the above rates less One Dollar and Forty-five Cents (\$1.45) to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

Qualified customers residing in dwellings subject to multi-family rates based on the number of detachable containers will receive a monthly credit of Four Dollars (\$4.00).

C. Qualified persons receiving drainage, wastewater, water, solid waste or street utility credits through their City Light bills or through vouchers will receive credits for the full period covered by the City Light bill or voucher. The credit amount given will be based solely on the credit levels in effect at the time the City Light bill or voucher is issued.

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1 Section 168. SMC 21.76.050 is hereby amended as follows:

2 **Method of receiving credit.**

3 Qualified persons receiving drainage, wastewater, water, solid waste or street utility services
4 shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should
5 the billing period be other than monthly; provided, that no qualified person shall receive or accept utility
6 credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

7 A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street
8 utility bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which
9 would otherwise be payable.

10 B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street
11 utility bill directly, but who may pay such utility charges indirectly as part of their rental payment, the
12 proper credit shall be made in the manner determined by the Director of Housing and Human Services
13 and the ((~~Superintendent of Water~~) Director of Seattle Public Utilities, including, but not limited to:

14 1. A reduction in the amount otherwise payable on the light bills of those qualified
15 persons who do not receive drainage, wastewater, water, solid waste or street utility bills but who do
16 receive a light utility bill,

17 2. The issuance of credit vouchers in the names of qualified persons, provided that the
18 credit vouchers shall not be redeemed in cash and shall be honored by the City only when applied to the
19 account through which utility services received by the qualified person are paid.

20 Section 169. SMC 22.204.020 is hereby amended as follows:

21 **"A."**

22 A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

23 B. "Apartment house" means any building containing three (3) or more dwelling units and shall
24 include residential condominiums, townhouses and cooperatives.

25 C. "Approved" means approved by the Director or by the Director of Seattle-King County Public
26 Health, or by the ((~~Superintendent of Water~~) Director of Seattle Public Utilities, or by the Fire Chief, as
27 the result of investigations or tests, or approved by the Director by reason of accepted principles or tests
28 recognized by authorities, or technical or scientific
29 organizations.

30 Section 170. SMC 22.204.080 is hereby amended as follows:

31 **"G."**

32 A. "Garage" means a building designed, used or intended to be used for parking or storage of
33 vehicles.

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1 B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human
or animal excrement.

2 C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity,
weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy
3 handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other
4 container, as required by the Director of ((Engineering)) Seattle Public Utilities. A "sunken can" is any
garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more
garbage cans the tops of which are approximately at ground level.

5 D. "Governmental entity" means the United States Government and its agencies, The State of
Washington and its agencies, counties, cities, and other political subdivisions of The State of
6 Washington.

7 E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or
sidewalk within the area between the building and the property line, or when the property line is more
than five feet (5') from the building, between the building and a line five feet (5') from the building.

8 F. "Guest" means any person occupying a guest room pursuant to a rental agreement.

9 G. "Guest room" means a room or rooms used or intended to be used for living and sleeping
purposes and which may share common bathrooms and cooking facilities.

10 Section 171. SMC 22.206.200 is hereby amended as follows:

11 **Minimum standards for vacant buildings.**

12
13 A. Maintenance Standards. Every vacant building shall conform to the standards of Sections
22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8
14 except when different standards are imposed by this section.

15 1. Sanitary Facilities.

16 a. Plumbing fixtures connected to an approved water system, an approved sewage
system, or an approved natural gas utility system shall be installed in accordance with applicable codes
and be maintained in sound condition and good repair.

17 b. Plumbing fixtures connected to an approved water system, an approved sewage
system, or an approved natural gas utility system, not installed or maintained in compliance with
18 applicable codes, shall be removed and the service terminated in the manner prescribed by applicable
codes.

19 c. Plumbing fixtures not connected to an approved water system, an approved
sewage system, or an approved natural gas utility system shall either be connected to an approved
system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

20 2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or
maintained in accordance with applicable codes shall be repaired, or they shall be removed and the
21 services terminated in accordance with applicable codes.

22 3. Safety From Fire.

23 a. No vacant building or premises or portion thereof shall be used for the storage
of flammable liquids or other materials that constitute a safety or fire hazard.

24

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1 b. Heating facilities or heating equipment in vacant buildings shall be removed,
2 rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be
3 removed or terminated in accordance with applicable codes.

4 4. All vacant buildings and their accessory structures shall meet the following standards:

5 a. All windows shall have intact glazing or plywood of at least one-quarter inch
6 (1/40) thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely
7 nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (90) on center.

8 b. Doors and service openings with thresholds located ten feet (10') or less above
9 grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance
10 to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-
11 eighths inches (13/80) thick equipped with a one-half inch (1/20) throw deadbolt. Exterior doors, if
12 openable, may be closed from the interior of the building by toe nailing them to the door frame using
13 10D or 16D galvanized nails.

14 c. There shall be at least one (1) operable door into each building and into each
15 housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a
16 hasp and padlock or a one-half inch (1/20) deadbolt or deadlatch. All locks shall be kept locked. When a
17 door cannot be made operable, a door shall be constructed of three-quarter inch (3/40) CDX plywood or
18 other comparable material approved by the Director and equipped with a lock as described above.

19 d. All debris, combustible materials, litter and garbage shall be removed from
20 vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be
21 maintained free from such items.

22 e. The Director may impose additional requirements for the closure of a vacant
23 building, including but not limited to installation of three-quarter inch (3/40) plywood, brick or metal
24 coverings over exterior openings, when the standards specified in subparagraphs 4a through 4d above
are inadequate to
secure the building:

 i. Due to the design of the structure, or

 ii. When the structure has been subject to two (2) or more unauthorized
entries after closure pursuant to the standards specified above, or

 iii. When the Director determines, in consultation with the Seattle Police
Department and the Seattle Fire Department, that the structure may present a substantial risk to the
health or safety of the public, or to police or fire personnel if closed to the standards of subparagraphs 4a
through 4d above.

5. If a building component of a vacant building or structure accessory to a vacant
building does not meet the standards of Section 22.206.060, the component or a portion thereof may be
removed in accordance with applicable codes, provided the Director determines that the removal does
not create a hazardous condition.

6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long
as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole
shall be covered with three-quarter inch (3/40) plywood, or a material of equivalent strength, cut to
overlap the hole on all sides by at least six inches (60). If a hole in a wall presents a hazard, the hole
shall be covered with one-half inch (1/20) Type X gypsum, or a material of equivalent strength, cut to
overlap the hole on all sides by at least six inches (60). Covers for both floor and wall holes shall be
securely attached.

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1 B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency
2 order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy,
3 rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate
4 of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or
5 make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the
6 dwelling are rented or leased.

7 C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to
8 regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not
9 be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a
10 building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.

11 D. Termination of Utilities. The Director may, by written notice to the owner and to the
12 ((~~Superintendent of Water~~) Director of Seattle Public Utilities, the Superintendent of City Light or the
13 Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be
14 terminated or disconnected.

15 E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected
16 pursuant to 22.206.200 D, no one except the utility may take any action to restore the service, including
17 an owner or other private party requesting restoration of service until a certificate of compliance has
18 been issued in accordance with Section 22.206.250, or upon written notification by the Director that
19 service may be restored. It shall be unlawful for anyone other than the ((~~Superintendent of Water~~)
20 Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or
21 their
22 duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated
23 or disconnected as a result of a Director's notice issued
24 pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may
inspect the building and the premises. If the Director identifies a violation of the minimum standards for
vacant buildings, a notice of violation shall be issued pursuant to SMC Section 22.206.220. Thereafter,
the premises shall be inspected quarterly to determine whether the building and its accessory structures
are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

- a. When the building is repaired pursuant to the requirements of this Code and
reoccupied;
- b. When the building is repaired pursuant to the requirements of this Code and
has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or
- c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after
the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance.
The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of
closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit
Fee Ordinance (SMC Chapters 22.901A C 22.901T).

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1 Section 172. SMC 22.208.120 is hereby amended as follows:

2 **Occupying or renting building or premises unfit for habitation - Termination of utilities.**

3 A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building
4 or premises found to be unfit for human habitation or other use from and after the date specified in a
5 Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or
6 correct or improve the condition of the premises until the Director has certified that the building or
7 premises is fit for human habitation or other use.

8 B. The Director may, by written notice directed to the owner and to the ~~((Superintendent of Water))~~
9 Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co.,
10 request that service of water, electricity or gas to the building or premises be terminated or disconnected
11 on or before a specified date. Upon receipt of such notice the ~~((Superintendent of Water))~~ Director of
12 Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized
13 to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a
14 certificate of compliance in accordance with Section 22.208.080, or upon written notification by the
15 Director that water, electricity or gas service should be restored.

16 C. It is unlawful for anyone other than the ~~((Superintendent of Water))~~ Director of Seattle Public
17 Utilities, Superintendent of City Light, or the Washington Natural Gas Co., or their authorized
18 representatives, to restore any water, electricity, or gas service that has been terminated or disconnected
19 by notice from the Director.

20 Section 173. SMC 22.800.080 is hereby amended as follows:

21 **Authority.**

22 A. 1. The Director of Construction and Land Use shall have
23 authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans,
24 and review of erosion control plans, and shall have inspection and enforcement authority pertaining to
temporary erosion/sediment control measures.

25 2. The Director of ~~((Engineering))~~ Seattle Public Utilities shall have authority regarding
26 all other provisions of this subtitle pertaining to stormwater, drainage, and erosion control, including
27 inspection and enforcement authority.

28 B. The Directors of Construction and Land Use and ~~((Engineering))~~ Seattle Public Utilities are
29 authorized to take actions necessary to implement the provisions and purposes of this subtitle in their
30 respective spheres of authority, including, but not limited to: promulgating and amending rules and
31 regulations, pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, which
32 may include prescribing best management practices ("BMPs"); establishing and conducting inspection
33 programs; establishing and conducting or, as set forth in Section 22.802.012, requiring responsible
34 parties to conduct, monitoring programs, which may include sampling of discharges to or from drainage
35 control facilities, the public drainage control system, or surface water; taking enforcement action;
36 abating nuisances; promulgating guidance and policy documents; and reviewing and approving or
37 disapproving required submittals and applications for approvals and permits.

38 C. The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized to develop drainage

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1 basin plans for managing surface water, drainage water, and erosion within individual subbasins.
2 Compliance with an adopted drainage basin plan may, when approved by the Director of ((Engineering))
3 Seattle Public Utilities, modify requirements of this subtitle, provided the level of protection for human
4 health, safety and welfare, the environment, and public or private property will equal or exceed that
5 which would otherwise be achieved.

6 Section 174. SMC 22.801.020 is hereby amended as follows:

7 "A."

8 "Abandoned solid waste disposal site" means a site which is no longer in use and where solid
9 waste was disposed with or without a permit.

10 "Agency" means any governmental entity or its subdivision. "Agency with jurisdiction" means
11 those agencies with statutory authority to approve, condition or deny permits, such as the United States
12 Environmental Protection Agency, the Washington State Department of Ecology or the Seattle King
13 County Department of Public Health.

14 "Approved" means approved by either the Director of Construction and Land Use or the Director
15 of ((Engineering)) Seattle Public Utilities.

16 "As-graded" means the surface condition existing after completion of grading.

17 Section 175. SMC 22.801.050 is hereby amended as follows:

18 "D."

19 "Damages" means monetary compensation for harm, loss, costs, or expenses incurred by the
20 City, including but not limited to: costs of abating violations of this subtitle or public nuisances; fines or
21 penalties the City incurs as a result of a violation of this subtitle; and costs to repair or clean the public
22 drainage control system as a result of a violation. For the purposes of this subtitle, it does not include
23 compensation to any person other than the City.

24 "Design storm" means a rainfall event used in the analysis and design of drainage facilities.

"Designated receiving waters" means the Duwamish River, Puget Sound, Lake Washington,
Lake Union, and the Lake Washington Ship Canal, and other receiving waters designated by the Director
of ((Engineering)) Seattle Public Utilities as having the capacity to receive drainage discharges.

"Detention" means and refers to temporary storage of drainage water.

"Development" - See "New development" and "Redevelopment." "Developmental coverage"
means all areas within a site
planned to be developed or redeveloped including, but not limited to, rooftops, driveways, carports,
accessory buildings, parking areas, areas in which soils, slopes and vegetation have been altered, and
roadways and other pervious and impervious surfaces.

"Director" means the Director of the Department authorized to take a particular action, and the
Director's designees, who may be employees of that department or another City department.

"Director of Construction and Land Use" means the Director of the Department of Construction

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1 and Land Use of The City of Seattle and/or the designee of the Director of Construction and Land Use,
who may be employees of that department or another City department.

2 "Director of ((Engineering)) Seattle Public Utilities" means the Director of ((Engineering))
3 Seattle Public Utilities of The City of Seattle and/or the designee of the Director of ((Engineering))
Seattle Public Utilities, who may be employees of that department or another City department.

"Discharge point" means the location to which drainage water from a specific site is released.

4 "Discharge rate" means the rate at which drainage water is released from a specific site. The
discharge rate is expressed as volume per unit of time, such as cubic feet per second.

5 "Drainage basin" means the tributary area through which drainage water is collected, regulated,
transported, and discharged to receiving waters.

6 "Drainage control" means the management of drainage water. Drainage control is accomplished
through the collection, conveyance, and discharge of drainage water, controlling the rate of discharge
7 from a site, or separating, treating or preventing the introduction of pollutants.

8 "Drainage control facility" means any facility, including best management practices, installed or
constructed for the purpose of controlling the flow, quantity, and/or quality of drainage water.

9 "Drainage control plan" means a plan for collecting, controlling, transporting and disposing of
drainage water falling upon, entering, flowing within, and exiting the site, including designs for drainage
control facilities.

10 "Drainage control system" means a system intended to collect, convey and control release of only
drainage water. The system may serve public or private property. It includes constructed and/or natural
11 components such as ditches, culverts, streams and drainage control facilities.

12 "Drainage water" means stormwater, snow melt, surface water, surface and irrigation runoff,
water from footing drains and other drains approved by the Director of ((Engineering)) Seattle Public
Utilities or installed in compliance with this subtitle and rules which may be adopted hereunder. Other
13 water which is not an illicit discharge as defined in Section 22.802.012 C shall be considered drainage
water if it drains from the exterior of a building or structure, a pervious or impervious surface, or
14 undeveloped land, or by surface or shallow subsurface flow.

15 "Dredging" means the excavation of earth materials from land covered by water. The term shall
include dredging which maintains an established water depth.

16 Section 176. SMC 22.801.200 is hereby amended as follows:

17 "S."

18 "Sanitary sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section
19 21.16.030.

20 "Serve" or "Service," when used regarding a document, means the procedures set forth in Section
22.808.030.

21 "Service drain" means a privately owned and maintained drainage control facility or system
which carries only drainage water. Service drains include, but are not limited to conveyance pipes,
catchbasin connections, downspout connections, pipes, and subsurface drain connections.

22 "Shoreline district" means all land regulated by the Shorelines Management Act of 1971 (RCW
Chapter 90.58) or City ordinances implementing it, as defined in the Land Use Code, Title 23 of the
23

24

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1 Seattle Municipal Code.

2 "Side sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section
21.16.030.

3 "Site" means any lot, parcel of land, street or highway right-of-way, or contiguous combination
thereof, where a permit for new development, redevelopment, land-disturbing activity, or grading has
been issued or where any such work is proposed or performed.

4 "Slope" means an inclined ground surface. In this subtitle, the inclination of a slope is expressed
as a ratio of horizontal distance to vertical distance.

5 "Small project" means a project with nine thousand (9,000) square feet or less of developmental
coverage.

6 "Soil" means naturally deposited non-rock earth materials. "Solid waste" means solid waste as
defined by SMC Section 21.36.016 .

7 "Standard design" is a design approved by the Seattle (~~Engineering Department~~) Public
Utilities for drainage and erosion control for a typical site.

8 "Storm drain" - see "Public storm drain" and "Service drain." "Stormwater" means water
originating from rainfall and other precipitation, and from footing drains and other subsurface drains
9 approved by the Director of (~~Engineering~~) Seattle Public Utilities or installed in compliance with rules
which may be adopted hereunder.

11 Section 177. SMC 22.802.012 is hereby amended as follows:

12 **Prohibited discharges.**

13 A. Stormwater Discharges to Sanitary and Combined Sewers. In consultation with the local
sewage treatment agency, the Director of (~~Engineering~~) Seattle Public Utilities may approve
14 discharges of stormwater to a public combined sewer or sanitary sewer if other methods of controlling
pollutants in the discharge are not adequate or reasonable, the discharging party certifies that the
15 discharge will not harm the environment and will not overburden or otherwise harm the public combined
sewer or sanitary sewer systems. The Director of (~~Engineering~~) Seattle Public Utilities shall condition
16 approval of such a discharge on compliance with local pretreatment regulations.

17 B. Discharges Prohibited to Public Drainage Control Systems. It is unlawful to make illicit
discharges, as defined in subsection C below, either directly or indirectly to a public drainage control
system.

18 C. Illicit Discharges Defined.

19 1. Except as provided in subsection D below, all discharges which are not composed
entirely of stormwater are illicit discharges. See Section 22.808.020 for defenses available to responsible
parties.

20 2. The following is a partial list, provided for informational purposes only, of common
substances which are illicit discharges when allowed to enter a public drainage control system: Solid
21 waste; human and animal waste; antifreeze, oil, gasoline, grease and all other automotive and petroleum
products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in
22 liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers;
painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides;

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1 fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine;
2 chlorinated swimming pool or hot tub water; domestic or sanitary sewage; animal carcasses; food and
3 food waste; yard waste; dirt; sand; and gravel.

4 D. Permissible Discharges. Discharges from the sources listed below shall only be illicit
5 discharges if the Director of ((Engineering)) Seattle Public Utilities determines that the type of
6 discharge, whether singly or in combination with others, is causing or contributing to a violation of the
7 City's NPDES stormwater permit or is causing or contributing to a water quality problem, such as those
8 which contain more contamination than typical discharges in the City, or which contain a type of
9 contamination that is more toxic or is otherwise a more serious problem than typical discharges in the
10 City: Potable water sources; washing of potable water storage reservoirs; flushing of potable water lines;
11 natural uncontaminated surface water; natural uncontaminated groundwater; air-conditioning
12 condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn
13 watering; irrigation runoff; runoff from residential car washing by individuals; flows from riparian
14 habitats and wetlands; heat; discharges in compliance with an NPDES permit; and discharges from
15 approved footing drains and other subsurface drains or, where approval is not required, installed in
16 compliance with this subtitle and rules promulgated pursuant to this subtitle.

17 E. Exemption. Discharges resulting from public firefighting activities, but not from activities not
18 related to firefighting such as the maintenance or cleaning of firefighting equipment, are exempt from
19 regulation under this section.

20 F. Testing for Illicit Discharges. When the Director of ((Engineering)) Seattle Public Utilities
21 has reason to believe that any discharge is an illicit discharge, the Director of ((Engineering)) Seattle
22 Public Utilities may sample and analyze the discharge and recover the costs from a responsible party in
23 an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring
24 basis, the Director of ((Engineering)) Seattle Public Utilities may conduct, or may require the
responsible party to conduct, ongoing monitoring at the responsible party's expense.

Section 178. SMC 22.802.013 is hereby amended as follows:

Requirements for existing discharges and land uses.

A. General.

1. For all existing discharges directly or indirectly to a public drainage control system,
responsible parties shall implement and maintain nonstructural best management practices as specified
in rules promulgated jointly by the Director of ((Engineering)) Seattle Public Utilities and the Director
of Construction and Land Use. "Nonstructural best management practices" shall include, but not be
limited to, maintenance and housekeeping practices such as cleaning of catchbasins and detention
facilities, sweeping of parking lots, storing oil barrels and other contaminant sources out of the rain,
covering material stockpiles, and proper use and storage of hazardous materials.

2. If the Director of ((Engineering)) Seattle Public Utilities determines that discharges
from a drainage control facility are causing or contributing to a water quality problem, such as
discharges that violate the City's municipal stormwater NPDES permit or that cannot be adequately
addressed by nonstructural best management practices, including, but not limited to, areas with recurrent
spills such as discharges from vehicle maintenance shops or gas stations, then the Director of

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1 ((Engineering)) Seattle Public Utilities may require the responsible party to undertake more stringent or
2 additional best management practices. These best management practices may include structural best
3 management practices, or other action necessary to cease causing or contributing to the water quality
4 problem or the violation of the City's permit. Structural best management practices include but shall not
5 be limited to constructed facilities such as detention tanks, wet ponds, oil/water separators, grassed
6 swales, roofing and berming of container storage areas, and revised piping systems.

4 B. Spill Prevention Required.

5 1. All commercial and industrial responsible parties shall take measures to prevent spills
6 or other accidental introduction of illicit discharges into a public drainage control system. Such measures
7 shall include:

6 a. Establishment and implementation of plans and procedures to prevent spills
7 and other accidental releases of materials that may contaminate stormwater;

7 b. Implementation of procedures for immediate containment and other
8 appropriate action regarding spills and other accidental releases to prevent contamination of stormwater
9 and;

8 c. Provision of necessary containment and response equipment on-site, and
9 training of personnel regarding the procedures and equipment to be used.

9 2. The provisions of this subsection may be satisfied by a Stormwater Pollution
10 Prevention Plan prepared in compliance with an NPDES industrial stormwater permit for the site.

10 3. The responsible parties shall make the plans and procedures required by this
11 subsection available to the Director of ((Engineering)) Seattle Public Utilities when requested.

11 C. Release Reporting Requirements. A responsible party must, at the earliest possible time, but
12 in any case within twenty-four (24) hours of discovery, report to the Director of ((Engineering)) Seattle
13 Public Utilities, a spill, release, dumping, or other situation that has contributed or is likely to contribute
14 pollutants to a public drainage control system. This reporting requirement is in addition to, and not
15 instead of, any other reporting requirements under federal, state or local laws.

14 D. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

15 E. Obstruction of Watercourses. Watercourses shall not be obstructed.

16 Section 179. SMC 22.802.015 is hereby amended as follows:

17 **Stormwater, drainage, and erosion control requirements.**

18 A. When Compliance is Required.

19 1. New Development. All new development, regardless of type, and regardless of
20 whether or not a permit is required, must comply with the minimum requirements set forth in subsection
21 C below. Projects exceeding nine thousand (9,000) square feet of developmental coverage shall also
22 comply with the requirements for large projects set forth in subsection D below. Only those projects
23 meeting the review thresholds set forth in subsection B must prepare and submit the required plans.

21 2. Redevelopment. The portion of the site being redeveloped shall at least comply with
22 the minimum requirements set forth in subsection C below. Projects exceeding nine thousand (9,000)
23 square feet of developmental coverage must also comply with the additional requirements set forth in
24 subsection D below. Compliance is required regardless of the type of redevelopment, and regardless of

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1 whether or not a permit is required. However, only those projects meeting the review thresholds set forth
2 in subsection B below must prepare and submit the required plans.

3 3. Approval of Exceptions Required. Exceptions to the requirements of this subtitle may
4 not be used on any projects, including those that are below the threshold sizes specified in subsection B,
5 unless allowed by rule promulgated jointly by the Director of ((Engineering)) Seattle Public Utilities and
6 the Director of Construction and Land Use or approved by the Director of Construction and Land Use.
7 Approval shall be obtained prior to initiating land-disturbing activities or new development or
8 redevelopment. Approvals must be obtained for exceptions to any and all requirements of this subtitle,
9 including but not limited to the requirement that natural drainage patterns be maintained and the
10 requirement that watercourses not be obstructed.

11 B. Thresholds for Drainage Control Review. The City may, by interagency agreement signed by
12 both the Director of ((Engineering)) Seattle Public Utilities and the Director of Construction and Land
13 Use, waive the drainage and erosion control permit and document requirements for property owned by
14 public entities, when discharges from the property do not enter the public drainage control system or the
15 public combined sewer system. Whether or not they are required to obtain permits or submit documents,
16 public entities are subject to the substantive requirements of this subtitle, unless exceptions are granted
17 as set forth in Section 22.808.010. Except as provided in this subsection, drainage control review and
18 approval shall be required as provided below:

19 1. Where an application for either a master use permit or building permit includes the
20 cumulative addition of seven hundred fifty (750) square feet or more of developmental coverage after
21 the effective date of the ordinance codified in this subtitle;

22 2. Where an application for a grading permit or approval is required;

23 3. Where a street use permit is required and the permit is for the cumulative addition of
24 seven hundred fifty (750) square feet or more of developmental coverage after the effective date of the
25 ordinance codified in this subtitle;

26 4. Where a City public works project or construction contract, including contracts for day
27 labor and other public works purchasing agreements, is for the cumulative addition of seven hundred
28 fifty (750) square feet or more of developmental coverage to the site after the effective date of the
29 ordinance codified in this subtitle, except for projects in a City-owned right-of-way and except for work
30 performed for the operation and maintenance of park lands under the control or jurisdiction of the
31 Department of Parks and Recreation;

32 5. Where any permit approval or contract includes any new or additional developmental
33 coverage on a site deemed a potentially hazardous location, as specified in Section 22.800.050 ;

34 6. Whenever an exception to a requirement set forth in this subtitle or in a rule
35 promulgated under this subtitle is desired, whether or not review and approval would otherwise be
36 required, including but not limited to alteration of natural drainage patterns or the obstruction of
37 watercourses.

38 C. Minimum Requirements for All Projects. All projects must comply with the requirements of
39 this subsection. Projects with more than nine thousand (9,000) square feet of developmental coverage
40 shall also comply with the requirements of subsection D below. The Director of Construction and Land
41 Use may also require projects with nine thousand (9,000) square feet or less of developmental coverage
42 to comply with the requirements set forth in subsection D when necessary to accomplish the purposes of
43 this subtitle. In making this determination, the Director of Construction and Land Use may consider, but
44 not be limited to, the following attributes of the site: location within an environmentally critical area;

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1 proximity and tributary to an environmentally critical area; proximity and tributary to an area with
2 known erosion or flooding problems.

3 1. Discharge Point. The discharge point for drainage water from each site shall be
4 selected as set forth in rules promulgated jointly by the Director of ((Engineering)) Seattle Public
5 Utilities and the Director of Construction and Land Use specifying criteria, guidelines and standards for
6 determining drainage discharge points to meet the purposes of this subtitle. The criteria shall include, but
7 not be limited to, preservation of natural drainage patterns and whether the capacity of the drainage
8 control system is adequate for the additional volume. For those projects meeting the review threshold,
9 the proposed discharge point shall be identified in the drainage control plan required by paragraph C4
10 below, for review and approval or disapproval by the Director of Construction and Land Use.

11 2. Discharge Rate. To the extent practical, the peak drainage water discharge rate from
12 pervious and impervious surfaces on the site shall not exceed 0.2 cubic feet per second per acre under
13 design storm conditions. The Director of Construction and Land Use and the Director of ((Engineering))
14 Seattle Public Utilities may jointly promulgate rules modifying the discharge rate requirement for
15 projects which will result in less than two thousand (2,000) square feet of new impervious surface. The
16 Director of Construction and Land Use and the Director of ((Engineering)) Seattle Public Utilities may
17 jointly promulgate rules allowing exceptions to the permissible peak discharge rate for property which
18 discharges water directly to a designated receiving water or directly to a public storm drain which the
19 Director of ((Engineering)) Seattle Public Utilities determines has sufficient capacity to carry existing
20 and anticipated loads from the point of connection to a receiving water. The design storm used to
21 determine detention volume necessary to obtain the required discharge rate shall be a storm with a
22 statistical probability of occurrence of one (1) in twenty-five (25) in any given year. If the project is
23 within an environmentally critical area, the design storm requirements of SMC Chapter 25.09,
24 Regulations for Environmentally Critical Areas, shall be applied. The Director of ((Engineering)) Seattle
Public Utilities and the Director of Construction and Land Use shall jointly adopt rules specifying the
methods of calculation to determine the discharge rate. Where laws or regulations of the federal
government or The State of Washington impose a more stringent requirement, the more stringent
requirement shall apply.

3. Control Measures. During new development, redevelopment and land-disturbing
activities, best management practices, as further specified in rules promulgated jointly by the Director of
((Engineering)) Seattle Public Utilities and the Director of Construction and Land Use, shall be used to
accomplish the following:

a. Control erosion and the transport of sediment from the site through measures
such as mulching, matting, covering, silt fences, sediment traps and catchbasins, settling ponds and
protective berms;

b. Permanently stabilize exposed soils that are not being actively worked, through
such methods as the installation of permanent vegetative cover and installation of slope- protective
materials; and

c. Control the introduction of contaminants and pollutants into, and reduce and
treat contaminants in drainage water, drainage control facilities, surface water and groundwater, and the
public drainage control system by methods such as covering of material stockpiles; proper disposal of
hazardous materials; regular cleaning of catchbasins, gravel truck loading and heavy equipment areas;
spill control for fueling operations; sweeping; and maintaining erosion control protective features
described above.

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1 4. Drainage Control Plan. For those projects meeting the review thresholds set forth in
2 subsection B above and which are less than nine thousand (9,000) square feet, the applicant shall submit
3 a drainage control plan as set forth in rules promulgated jointly by the Director of ((Engineering)) Seattle
4 Public Utilities and the Director of Construction and Land Use. Standard designs for drainage control
5 facilities as set forth in the rules may be used. Projects exceeding nine thousand (9,000) square feet must
6 submit a comprehensive drainage control plan as set forth in subsection D below. The Director of
7 Construction and Land Use may impose additional requirements, including a comprehensive drainage
8 control plan prepared by a licensed civil engineer, when the project has complex or unusual drainage, or
9 when additional requirements are otherwise necessary to accomplish the purposes of this subtitle.

10 5. Memorandum of Drainage Control. The owner(s) of the site shall sign a
11 "memorandum of drainage control" that has been prepared by the Director of ((Engineering)) Seattle
12 Public Utilities. Completion of the memorandum shall be a condition precedent to issuance of any
13 permit or approval for which a drainage control plan is required. The memorandum shall not be required
14 when the drainage control facility will be owned and operated by the City. A memorandum of drainage
15 control shall include:

- 16 a. The legal description of the site;
- 17 b. A summary of the terms of the drainage control plan, including any known
18 limitations of the drainage control facilities, and an agreement by the owners to implement those terms;
- 19 c. An agreement that the owner(s) shall inform future purchasers and other
20 successors and assignees of the existence of the drainage control facilities and other elements of the
21 drainage control plan, the limitations of the drainage control facilities, and of the requirements for
22 continued inspection and maintenance of the drainage control facilities;
- 23 d. The side sewer permit number and the date and name of the permit or approval
24 for which the drainage control plan is required;
- e. Permission for the City to enter the property for inspection, monitoring,
 correction, and abatement purposes;
- f. An acknowledgment by the owner(s) that the City is not responsible for the
 adequacy or performance of the drainage control plan, and a waiver of any and all claims against the
 City for any harm, loss, or damage related to the plan, or to drainage or erosion on the property, except
 for claims arising from the City's sole negligence; and
- g. The owner(s)' signature, acknowledged by a notary public.

 The applicant shall file the memorandum of drainage control with the King County Department
of Records and Elections so as to become part of the King County real property records. The applicant
shall give the Director of ((Engineering)) Seattle Public Utilities proof of filing of the memorandum.

6. Flood-prone Areas. Sites within flood-prone areas must employ measures to minimize
the potential for flooding on the site and for the project to increase the risk of floods on adjacent or
nearby properties. Flood control measures shall include those set forth in other titles of the Seattle
Municipal Code and rules promulgated thereunder, including but not limited to, SMC Chapter 25.06
(Floodplain Development) and Chapter 25.09 (Environmentally Critical Areas), and in rules
promulgated jointly by the Director of ((Engineering)) Seattle Public Utilities and the Director of
Construction and Land Use to meet the purposes of this subsection.

7. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

8. Obstruction of Watercourses. Watercourses shall not be obstructed.

D. Additional Requirements for Large Projects. All projects exceeding nine thousand (9,000)

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1 square feet of developmental coverage and those small projects identified by the Director according to
2 subsection C above must comply with the requirements set forth in this subsection. These requirements
3 are in addition to the requirements set forth in subsection C above. When the Directors develop rules
4 prescribing best management practices for particular purposes, whether or not those rules are adopted by
5 ordinance, BMPs prescribed in the rules shall be the BMPs required for compliance with this subsection.
6 Best management practices shall include, but not be limited to: maintenance and housekeeping practices
7 such as proper storage of oil barrels and other contaminant sources, covering material stockpiles, proper
8 use and storage of hazardous materials, as well as constructed facilities such as detention tanks, wet
9 ponds, extended detention dry ponds, infiltration, vegetated streambank stabilization, structural
10 stabilization, catchbasins, oil/water separators, grassed swales, and constructed wetlands.

11 1. In addition to detaining a twenty-five (25) year storm to a release rate of 0.2 cubic feet
12 per second per acre, the peak drainage water discharge rate from projects of more than nine thousand
13 (9,000) square feet of developmental coverage shall not exceed 0.15 cubic feet per second per acre in a
14 two (2) year storm;

15 2. Control the sources of sediment and other contaminants and pollutants that could enter
16 drainage water, including the selection, design and maintenance of temporary and permanent best
17 management practices;

18 3. Minimize streambank erosion and effects on water quality in streams, including the
19 selection, design and maintenance of temporary and permanent best management practices, where
20 stormwater is discharged directly to a stream or to a conveyance system that discharges to a stream;

21 4. Minimize the introduction of sediment, heat and other pollutants and contaminants
22 into wetlands, including the selection, design and maintenance of temporary and permanent best
23 management practices, where stormwater discharges directly to a wetland or to a conveyance system that
24 discharges into a wetland;

1. Analyze impacts to off-site water quality resulting from the project. The analysis shall
comply with this subsection and rules promulgated pursuant to this subsection. The analysis shall
provide for mitigation of all surface water quality or sediment quality impacts. The impacts to be
evaluated and mitigated shall include at least the following:

- a. Amount of sedimentation.
- b. Streambank erosion,
- c. Discharges to groundwater contributing to recharge zones,
- d. Violations of state or federal surface water, groundwater, or sediment quality

standards, and

- e. Spills and other accidental illicit discharges;

6. A schedule shall be provided for inspection and maintenance of proposed temporary
and permanent drainage control facilities and other best management practices. The schedule shall meet
the requirements of this subtitle and rules promulgated under this subtitle.

7. In addition to the requirements described above, for land-disturbing activities and
demolition of structures, an erosion/sediment control plan designed to comply with the requirements and
purposes of this subtitle and rules promulgated hereunder shall be submitted and implemented. The
erosion/sediment control plan shall be designed to accomplish the following,

- a. Stabilization of exposed soils and sediment trapping,
- b. Delineation of limits on clearing and easements,
- c. Protection of adjacent property,

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- 1 d. Appropriate timing and stabilization of sediment trapping measures,
2 e. Minimization of erosion on cut-and-fill slopes,
3 f. Control of off-site erosion,
4 g. Stabilization of temporary conveyance channels and outlets,
5 h. Protection of storm drain inlets, i. Minimization of transport of sediment by
6 construction vehicles,
7 j. Appropriate timing for removal of temporary best management practices,
8 k. Control of discharges from construction site dewatering devices to minimize
9 contamination of drainage water, and
10 l. Inspection and maintenance of best management practices for erosion/sediment
11 control to insure functioning at design capacity;

12 8. Comprehensive Drainage Control Plan. A comprehensive drainage control plan to
13 comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the
14 purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed
15 civil engineer in accordance with standards adopted by the Director of Construction and Land Use.

16 E. Basin Plans. The Director of Construction and Land Use may determine that, for a particular
17 project, compliance with a drainage basin plan satisfies subsections D1 through D4 above. The basin
18 plan must have been adopted by rule or ordinance and must provide a level of protection for surface
19 water and groundwater that equals or exceeds that which would otherwise be achieved.

20 Section 180. SMC 22.802.040 is hereby amended as follows:

21 **Drainage control plan registry.**

22 The Director of (~~Engineering~~) Seattle Public Utilities shall maintain an official registry and
23 permanent file of all approved drainage control plans. Each plan shall be cataloged in the registry
24 according to the property address, legal description of the property, and the side sewer permit number of
the permit or approval for which the plan is required. Where a drainage control plan covers more than
one (1) property, the approved plan shall be cataloged for each property covered by the plan.

Section 181. SMC 22.802.060 is hereby amended as follows:

Installation of drainage control facilities.

A. All privately owned and operated drainage control facilities or systems, whether or not they
discharge to a public drainage control system, shall be considered side sewers and shall be subject to
Title 21 of the Seattle Municipal Code, the (~~Engineering Department~~) Seattle Public Utilities Director's
Rules promulgated under that title, and the design and installation specifications and permit
requirements of the (~~Engineering Department~~) Seattle Public Utilities and Department of Construction
and Land Use for side sewer and drainage control systems.

B. Side sewer permits and inspections shall be required for construction, capping, alterations, or
repair of privately owned and operated drainage control systems as provided in Chapter 21.16 of the

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1 Seattle Municipal Code. When the work is ready for inspection, the permittee shall notify the Director of
2 ~~((Engineering)) Seattle Public Utilities~~. If the work is not in accordance with plans approved under this
3 subtitle and in accordance with Chapter 21.16, ~~((Engineering Department)) Seattle Public Utilities~~ and
4 Department of Construction and Land Use Director's Rules, and ~~((Engineering Department)) Seattle~~
5 ~~Public Utilities~~ and Department of Construction and Land Use design and installation specifications, the
6 ~~((Engineering Department)) Seattle Public Utilities~~, after consulting with the Department of
7 Construction and Land Use, may order the work stopped by written notice to the persons engaged in
8 performing the work or causing the work to be done, and may require modifications as provided in this
9 subtitle and Chapter 21.16.

6 Section 182. SMC 22.802.070 is hereby amended as follows:

7 **Modifications of drainage control facilities during construction.**

8 A. During construction the Director of ~~((Engineering)) Seattle Public Utilities~~ may require, or
9 the applicant may request, that the construction of drainage control facilities and associated project
10 designs be modified if physical conditions are discovered on the site which are inconsistent with the
11 assumptions upon which the approval was based, including but not limited to unexpected soil and/or
12 water conditions, weather generated problems, or changes in the design of the improved areas.
13 Modifications shall be submitted to the Director of Construction and Land Use for approval prior to
14 implementation.

15 B. Any such modifications made during the construction of drainage control facilities shall be
16 recorded on the final approved drainage control plan, a revised copy of which shall be filed by the
17 Director of ~~((Engineering)) Seattle Public Utilities~~.

14 Section 183. SMC 22.802.090 is hereby amended as follows:

15 **Maintenance and inspection.**

16 A. Responsibility for Maintenance and Inspection. Drainage control facilities required by this
17 subtitle, and by rules adopted hereunder, shall be maintained by the owner or other responsible party.
18 The owner or responsible party shall inspect permanent drainage control facilities at least annually, and
19 shall inspect temporary drainage control facilities and other temporary best management practices or
20 facilities on a schedule sufficient for the facilities to function at design capacity. The Director of
21 ~~((Engineering)) Seattle Public Utilities~~ may require the responsible party to conduct more frequent
22 inspection and/or maintenance when necessary to insure functioning at design capacity.

23 B. Inspection by City. The Director of ~~((Engineering)) Seattle Public Utilities~~ may establish
24 inspection programs to insure compliance with the requirements of this subtitle and accomplishment of
its purposes. Inspection programs may be established on any reasonable basis, including but not limited
to: routine inspections; random inspections; inspections based upon complaints or other notice of
possible violations; inspection of drainage basins or areas identified as higher than typical sources of
sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated

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1 with higher than usual discharges of contaminants or pollutants or with discharges of a type which are
2 more likely than the typical discharge to cause violations of state or federal water or sediment quality
3 standards or the City's NPDES stormwater permit; and joint inspections with other agencies inspecting
4 under environmental or safety laws. Inspections may include, but are not limited to: reviewing
5 maintenance and repair records; sampling discharges, surface water, groundwater, and material or water
6 in drainage control facilities; and evaluating the condition of drainage control facilities and other best
7 management practices.

8 C. Entry for Inspection and Abatement Purposes.

9 1. New Installations and Connections. When any new drainage control facility is
10 installed on private property, and when any new connection is made between private property and a
11 public drainage control system, sanitary sewer or combined sewer, the property owner shall execute a
12 permission form provided by the Director of ((Engineering)) Seattle Public Utilities. The property owner
13 shall grant the City the right to enter the property at reasonable times and in a reasonable manner
14 pursuant to an inspection program established pursuant to subsection B above, and to enter the property
15 when the City has a reasonable basis to believe that a violation of this subtitle is occurring or has
16 occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of
17 this subtitle.

18 2. Existing Land Uses and Discharges. Owners of property with existing discharges or
19 land uses subject to this subtitle who are not installing a new drainage control facility or making a new
20 connection between private property and a public drainage control system, sanitary sewer or combined
21 sewer, shall have the option to execute a permission form for the purposes described above when
22 provided with the form by the Director of ((Engineering)) Seattle Public Utilities.

23 D. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance of
24 drainage and stormwater control facilities shall be conducted in accordance with federal, state and local
regulations, including the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304
WAC, guidelines for disposal of waste materials, and, where appropriate, Dangerous Waste Regulations,
Chapter 173-303 WAC, including any subsequent amendments to these provisions.

E. Records of Installation and Maintenance Activities. When a new drainage control facility is
installed, the party having the facility installed shall obtain a copy of the as-built plans from the Director
of ((Engineering)) Seattle Public Utilities. Responsible parties shall make records of the installation and
of all maintenance and repair, and shall retain the records for at least ten (10) years. These records shall
be made available to the Director of ((Engineering)) Seattle Public Utilities during inspection of the
facility and at other reasonable times upon request of the Director of ((Engineering)) Seattle Public
Utilities.

Section 184. SMC 22.808.020 is hereby amended as follows:

Liability and defenses of responsible parties.

A. Who Must Comply. It is the specific intent of this subtitle to place the obligation of
complying with its requirements upon the responsible parties, as defined in Section 22.801.190. The
City of Seattle and its agencies are intended to have the same obligation for compliance when the City is
a responsible party. No provision of this subtitle is intended to impose any other duty upon the City or

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1 any of its officers or employees.

2 B. Joint and Several Liability. Each responsible party is jointly and severally liable for a
3 violation of this subtitle. The Director of ((Engineering)) Seattle Public Utilities or the Director of
4 Construction and Land Use or both of them may take enforcement action, in whole or in part, against
5 any responsible party. All applicable civil penalties may be imposed against each responsible party. In
6 the event enforcement action is taken against more than one (1) responsible party, recoverable damages,
7 costs, and expenses may be allocated among the responsible parties by the court or the Hearing
8 Examiner based upon the extent to which each responsible party's acts or omissions caused the violation,
9 unless this factor cannot be determined, or the party receiving the allocation under this factor is unable to
10 correct the violation, or is unable to pay the damages, costs, expenses, and any penalty imposed, in
11 which case the trier of fact shall consider:

- 12 1. Awareness of the violation;
- 13 2. Ability to correct the violation;
- 14 3. Ability to pay the damages, costs, and expenses;
- 15 4. Cooperation with government agencies;
- 16 5. Degree to which any impact or threatened impact on water or sediment quality, human
17 health, or the environment is related to acts or omissions by each responsible party;
- 18 6. Degree to which the responsible parties made good- faith efforts to avoid a violation
19 or to mitigate its consequences; and
- 20 7. Other equitable factors.

21 C. Defenses. A responsible party shall not be liable under this subtitle when the responsible
22 party carries the burden of proving, by a preponderance of the evidence, one (1) of the following
23 defenses:

- 24 1. The violation was caused solely by an act of God;
- 1 2. The violation was caused solely by another responsible party over whom the
2 defending responsible party had no authority or control and the defending responsible party could not
3 have reasonably prevented the violation;
- 4 3. The violation was caused solely by a prior owner or occupant when the defending
5 responsible party took possession of the property without knowledge of the violation, after using
6 reasonable efforts to identify violations. However, the defending responsible party shall be liable for all
7 continuing, recurrent, or new violations after becoming the owner or occupant.
- 8 4. The responsible party implemented and maintained all appropriate best management
9 practices identified in rules promulgated by the Director of Construction and Land Use and the Director
10 of ((Engineering)) Seattle Public Utilities, or in manuals published by the State Department of Ecology
11 until superseded by rules of the Directors.

12 Section 185. SMC 22.808.030 is hereby amended as follows:

13 **Enforcement actions.**

14 A. Investigation. The Director of ((Engineering)) Seattle Public Utilities or the Director of
15 Construction and Land Use or both of them may investigate any site where there is reason to believe that
16 there may be a failure to comply with the requirements of this subtitle.

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1 B. Notice of Violation.

2 1. Issuance. Whenever the Director determines that a violation of this subtitle has
3 occurred or is occurring, the Director is authorized to issue a notice of violation to the property owner or
4 other responsible party. The notice of violation shall be considered an order of the Director.

5 2. Contents.

6 a. The notice of violation shall include the following information:

7 i. A description of the violation and the action necessary to correct it;
8 ii. The date of the notice; and iii. A deadline by which the action
9 necessary to
10 correct the violation must be completed.

11 b. A notice of violation may be amended at any time to correct clerical errors and
12 to add citations of authority.

13 3. Service. The Director of ((Engineering)) Seattle Public Utilities or the Director of
14 Construction and Land Use shall serve the notice upon the responsible party either by personal service or
15 by certified mail, return receipt requested, sent to the party's last known address and, where possible, by
16 posting a copy on the site. Service by certified mail shall be effective on the date of mailing. If the
17 whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable
18 diligence, and either Director makes an affidavit to that effect, then service may be accomplished by
19 publishing the notice once each week for two (2) consecutive weeks in the City official newspaper.

20 C. Alternatives to Notice of Violation.

21 1. Stop-Work Order.

22 a. In lieu of issuing a notice of violation, the Director of ((Engineering)) Seattle
23 Public Utilities or the Director of Construction and Land Use may order work on a site stopped when he
24 or she determines it is necessary to do so in order to obtain compliance with or to correct a violation of
any provision of this subtitle or rules promulgated hereunder or to correct a violation of a permit or
approval granted under this subtitle. The stop-work notice shall contain the following information:

i. A description of the violation; and ii. An order that the work be stopped
until corrective action has been completed and approved by either Director.

b. The stop-work order shall be posted conspicuously on the premises or
personally served on the property owner or other person known to be responsible for the work. It is
unlawful for any work to be done after posting or service of a stop-work order, except work necessary to
conduct the required corrective action, until authorization to proceed is given by either Director. It is
unlawful for any person to remove, obscure or mutilate a posted stop work order.

2. Emergencies.

a. The Director of ((Engineering)) Seattle Public Utilities and the Director of
Construction and Land Use are each authorized to enter any property when it reasonably appears that a
condition associated with grading, drainage, erosion control or a drainage control facility creates a
substantial and present or imminent danger to the public health, safety or welfare, the environment, or
public or private property. The Director of ((Engineering)) Seattle Public Utilities and the Director of
Construction and Land Use each may enter property without permission or an administrative warrant in
the case of an extreme emergency placing human life, property or the environment in immediate and
substantial jeopardy which requires corrective action before either permission or an administrative
warrant can be obtained.

b. The Director of ((Engineering)) Seattle Public Utilities or the Director of

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1 Construction and Land Use or both of them may order the responsible party to take corrective action and
2 set a schedule for compliance and may require immediate compliance with an order to correct. Any
3 emergency which is not corrected as ordered by the Director of ((Engineering)) Seattle Public Utilities or
4 the Director of Construction and Land Use is a public nuisance which each Director is authorized to
5 abate summarily. The costs of abatement shall be collected as set forth in Section 22.808.080.

6 D. Appeal of Director's Decisions. Any Notice of Violation or final order other than a stop-work
7 order or emergency order issued by the Director of ((Engineering)) Seattle Public Utilities or the
8 Director of Construction and Land Use pursuant to this subtitle may be appealed to the Hearing
9 Examiner by an aggrieved person. Appeals shall be initiated by filing a written notice with the
10 applicable fee, as set forth in SMC Section 23.76.022. When, as set forth in Section 22.808.070, an
11 invoice is issued without a prior hearing, the appeal period shall commence upon issuance of the invoice.

12 E. Filing Notice or Order. A notice of violation, voluntary compliance agreement or an order
13 issued by a Director of ((Engineering)) Seattle Public Utilities, Director of Construction and Land Use,
14 Hearing Examiner or municipal Judge, may be filed with the King County Department of Records and
15 Elections.

16 F. Change of Ownership. When a notice of violation, voluntary compliance agreement or an
17 order issued by a Director of ((Engineering)) Seattle Public Utilities, Director of Construction and Land
18 Use, Hearing Examiner or municipal Judge has been filed with the King County Department of Records
19 and Elections, a notice of violation or an order regarding the same violations need not be served upon a
20 new owner of the property where the violation occurred. If no notice of violation or order is served upon
21 the new owner, the Director of ((Engineering)) Seattle Public Utilities or Director of Construction and
22 Land Use may grant the new owner the same number of days to comply as was given the previous
23 owner. The compliance period for the new owner shall begin on the date that the conveyance of title to
24 the new owner is completed.

Section 186. SMC 22.808.040 is hereby amended as follows:

Enforcement of notice of violation.

A. Hearing Examiner and Municipal Court. The Director of ((Engineering)) Seattle Public Utilities or the Director of Construction and Land Use or both of them may choose to enforce a Notice of Violation through either of the following means:

1. An enforcement hearing through the Hearing Examiner's Office, as set forth in this section; or
2. Referral to the City Attorney's Office for action in the appropriate court according to that court's normal rules and procedures.

B. Enforcement Through Hearing Examiner's Office. Enforcement actions through the Office of the Hearing Examiner shall proceed according to this subsection.

1. Hearing Schedule. The Hearing Examiner's Office shall schedule a hearing after notification by the Director that enforcement will be pursued through the Hearing Examiner's Office.
2. Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on the violation pursuant to the rules of procedure of the Hearing Examiner, as modified by this section. The Director, the person to whom the notice of violation was issued, and any other responsible party

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1 regarding the matters addressed in the notice of violation may participate as parties in a hearing, with
or without representation by an attorney. Each party may call and compel the attendance of witnesses.

2 3. Standard of Review and Burden of Proof. The determinations of the Director of
3 ((Engineering)) Seattle Public Utilities and the determinations of the Director of Construction and Land
Use shall be accorded substantial weight by the Hearing Examiner. The defending responsible party
4 shall have the burden of proving by a preponderance of the evidence all defenses, mitigating factors and
objections to the required corrective action or schedule.

5 4. Hearing Examiner's Order. The Hearing Examiner shall affirm, vacate or modify the
Director's determinations. The Hearing Examiner shall issue an order within fifteen (15) days following
6 the close of the record unless all parties agree to an extension of time. The order shall contain the
following information:

- 7 a. The decision regarding the alleged violation;
- 8 b. Findings of fact and conclusions based thereon in support of the decision;
- 9 c. The required corrective action (if any);
- 10 d. The date and time by which the corrective action must be completed;
- 11 e. The monetary penalties and other costs, expenses, or damages being assessed

against the responsible party;

12 f. Notice that the responsible party has twenty-one (21) days from the date of
issuance of the decision to petition for judicial review, as provided by Section 705 of Chapter 347 of the
13 Laws of 1995; and

14 g. Authorization for the City to abate or correct the violation following expiration
of the appeal period and the time set for compliance with the order if the responsible party has not
15 completed the required corrective action, and to charge the responsible party for its costs, as set forth in
Section 22.808.080. The order shall not require the City to abate or correct the violation.

16 5. Failure to Appear. If the responsible party to whom the notice of violation was issued
fails to appear at a scheduled hearing before the Hearing Examiner, and no other responsible party
17 appears to defend, then, upon an offer of proof by the City, which may be made by declaration, the
Hearing Examiner shall issue an order finding that the violation occurred. The order shall contain the
18 information set forth in subsection B4 above. In the absence of an offer of proof by the City, the Hearing
Examiner shall issue an order finding the responsible party to be in default, and setting forth the
19 penalties and other relief described in subsection B4.

20 Section 187. SMC 22.808.050 is hereby amended as follows:

21 **Voluntary compliance agreement.**

22 A. Initiation. Either a responsible party or the Director of ((Engineering)) Seattle Public Utilities
or the Director of Construction and Land Use may initiate negotiations for a voluntary compliance
23 agreement at any time. Neither Director has any obligation to enter into any voluntary compliance
agreement.

24 B. Contents. A voluntary compliance agreement shall set forth actions to be taken by the
responsible party that will correct past or existing violations of this subtitle. It may also set forth actions
to mitigate the impacts of violations. The voluntary compliance agreement shall set forth a schedule for

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1 completion of the corrective and mitigating actions. It shall contain a provision allowing the Director of
2 ((Engineering)) Seattle Public Utilities and the Director of Construction and Land Use to inspect the
premises to determine compliance with the agreement.

C. Effect of Agreement.

3 1. A voluntary compliance agreement is a binding contract between the party executing it
4 and the City. It is not enforceable by any other party. All voluntary compliance agreements shall provide
5 that the responsible party agrees the City may perform the actions set forth in the agreement if the
6 responsible party fails to do so according to the terms and schedule of the agreement, and the responsible
party will pay the costs, expenses and damages the City incurs in performing the actions, as set forth in
Section 22.808.080 regarding abatements. By entering into a voluntary compliance agreement, a

7 responsible party waives the right to an administrative appeal of the violation.
8 2. Penalties may be reduced or waived if violations are corrected or mitigated according
to the terms and schedule of a voluntary compliance agreement. If the responsible party fails to perform
according to the terms and schedule of the voluntary compliance agreement, penalties for each violation
addressed in the agreement may be assessed starting from the date the violation occurred.

9 D. Modification. The terms and schedule of the voluntary compliance agreement may be
10 modified by mutual agreement of the responsible party and either Director if circumstances or conditions
outside the responsible party's control, or unknown at the time the agreement was made, or other just
cause necessitate such modifications.

11 Section 188. SMC 22.808.070 is hereby amended as follows:

12 **Collection of costs and penalties.**

13 A. Invoice and Demand for Payment. When either Director has abated a public nuisance or
14 corrected a violation of this subtitle and a hearing has not been conducted, the Director shall issue an
invoice and demand for payment of the City's abatement costs. The invoice shall include:

- 15 1. The amount of the City's abatement or correction costs;
16 2. Either a legal description of the property corresponding as nearly as possible to that
used for the property on the rolls of the King County Assessor or, where available, the property's street
address;
17 3. A notice that the Director's determinations regarding the abatement and correction,
including the amount owed, may be appealed to the Hearing Examiner by following the procedure set
18 forth in SMC Section 23.76.022;
19 4. Notice that if the amount due is not paid within thirty (30) days, the outstanding
balance may be collected in any of the manners set forth in subsection B of this section; and
20 5. Notice that interest shall accrue on the unpaid balance.

21 B. Collection Following a Hearing. The Director of Construction and Land Use and the Director
of ((Engineering)) Seattle Public Utilities are not required to issue an invoice for payment when a
22 hearing has been conducted as set forth in Section 22.808.040, and an order has issued imposing any
penalties, costs, damages, expenses or abatement costs. If the order is not appealed within fifteen (15)
23 days of mailing or other delivery of the order to the responsible party, the Director of Construction and
Land Use or the Director of ((Engineering)) Seattle Public Utilities may immediately seek to collect the

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1 amounts owed by:

- 2 1. Referral to the City Attorney's Office for action in the appropriate court; or
- 3 2. Referral, after consultation with the City Attorney's Office to a collection agency; or
- 4 3. Addition of a surcharge in the amount owed under the order to the ((~~Drainage and~~
5 ~~Wastewater Utility~~)) bill for drainage and wastewater services to the site. If unpaid, the surcharge may
6 become a lien on the property, may be foreclosed, and may accrue interest as provided by state law or
7 SMC Section 21.33.110.

8 Section 189. SMC 22.808.080 is hereby amended as follows:

9 **Public nuisance.**

10 A. Abatement Required. A public nuisance affecting stormwater, drainage, erosion control,
11 grading and other public nuisances set forth in this section are violations of this subtitle. A responsible
12 party shall immediately abate a public nuisance upon becoming aware of its existence.

13 B. Dysfunctional Facility or Practice. Any private drainage control facility or best management
14 practice relating to grading, stormwater, drainage control or erosion not installed or maintained as
15 required by this subtitle, or otherwise found to be in a state of dysfunction creating, presently or in the
16 event of a design storm, a threat to the public health, safety or welfare, the environment, or public or
17 private property is hereby declared to be a public nuisance.

18 C. Obstruction of Watercourse. Obstruction of a watercourse without authorization by the
19 Director, and obstruction in such a manner as to increase the risk of flooding or erosion should a design
20 storm occur, is hereby declared to be a public nuisance.

21 D. Dangerous Conditions. Any condition relating to grading, stormwater, drainage or erosion
22 which creates a present or imminent danger, or which is likely to create a danger, in the event of a design
23 storm, to the public health, safety or welfare, the environment, or public or private property is hereby
24 declared to be a public nuisance.

E. Abatement by the City. The Director of ((~~Engineering~~)) Seattle Public Utilities and the
Director of Construction and Land Use are authorized, but not required, to investigate a condition that
either Director suspects of being a public nuisance under this subtitle, and to abate any public nuisance.
If a public nuisance is an immediate threat to the public health, safety or welfare or to the environment,
the Director of ((~~Engineering~~)) Seattle Public Utilities or the Director of Construction and Land Use may
summarily and without prior notice abate the condition. The Director of ((~~Engineering~~)) Seattle Public
Utilities or the Director of Construction and Land Use shall give notice of the abatement to the
responsible party as soon as reasonably possible after the abatement.

F. Collection of Abatement Costs. The costs of abatement may be collected from the
responsible party, including a reasonable charge for attorney time and a fifteen-percent (15%) charge for
administrative expenses as set forth in Section 22.808.060 C. Abatement costs and other damages,
expenses and penalties collected by the City shall go into an abatement account for the department
collecting the moneys. The money in the abatement account shall be used for abatements and corrections
of violations conducted by the City. When the account is insufficient the Director of ((~~Engineering~~))
Seattle Public Utilities and the Director of Construction and Land Use may use other available funds.

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Section 190. SMC 22.808.110 is hereby amended as follows:

Suspension or revocation.

Approvals or permits granted in error, or on the basis of incomplete, inaccurate or misleading information, or in violation of any law, ordinance or regulation may be suspended or revoked. Other permits or approvals interrelated with an approval suspended or revoked under this section, including certificates of occupancy or approvals for occupancy, may also be suspended or revoked. When an approval or permit is suspended or revoked, the Director of ((Engineering)) Seattle Public Utilities or the Director of Construction and Land Use may require the applicant to take corrective action to bring the project into compliance with this subtitle by a deadline set by the Director of ((Engineering)) Seattle Public Utilities or the Director of Construction and Land Use, or may take other enforcement action.

Section 191. SMC 22.808.150 is hereby amended as follows:

Date of initial enforcement.

The Directors of ((Engineering)) Seattle Public Utilities and Construction and Land Use shall allow existing discharges and land uses six (6) months to adopt operational and nonstructural best management practices after adoption of rules or after such best management practices have been communicated in writing by the Director following a site inspection, whichever comes first. The Directors shall allow existing discharges and land uses twelve (12) months to install structural best management practices after the Directors determine that discharges from a site are causing or contributing to a water quality problem, and notify the discharger in writing of that determination and of the best management practices which must be installed.

Section 192. SMC 22.900.030 is hereby amended as follows:

Administration and enforcement.

A. For the purpose of this chapter, the term "Director" shall mean the Director of the Department or an authorized representative.

B. The Director is authorized to administer, interpret and enforce the provisions of this chapter; provided, that the Director of Seattle-King County Public Health shall administer, interpret and enforce sections of this chapter that are applicable to fuel gas piping permits; provided further that the Director of ((Engineering)) Seattle Public Utilities shall administer, interpret and enforce sections of this chapter that are applicable to Seattle ((Engineering Department (SED))) Public Utilities (SPU) review of projects; and provided, further, that the Director of the Department of Neighborhoods shall administer, interpret and enforce sections of this chapter that are applicable to Certificates of Approval, Special Tax Valuation for Historic Properties and for environmental (SEPA) review of projects that include City of

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1 Seattle landmarks and projects located in special review districts or landmark districts.

2 C. The Director is authorized to collect fees for ~~((SRD))~~ SPU review associated with Department
3 review, and to transfer those funds to ~~((SED))~~ SPU.

4 D. Where no definite method is prescribed in the chapter for calculating the amount of fees, the
5 Director may assess charges as required to cover expenses.

6 E. The Director shall have full authority to specify the terms and conditions upon which services
7 and materials shall be made available, and the fees as determined by the Director shall be consistent with
8 the reasonable estimated cost to the City for furnishing such services or materials.

9 F. The total fee assessed for any permit, decision or approval shall be rounded to the nearest
10 whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded up: Fifty-one Cents
11 (\$.51) through Ninety-nine Cents (\$.99)).

12 Section 193. SMC 25.06.050 is hereby amended as follows:

13 **Identification of areas of special flood hazard.**

14 Areas of special flood hazard in The City of Seattle are identified by the Federal Insurance
15 Administration in a scientific and engineering preliminary report entitled "The Flood Insurance Study
16 for King County, Washington and Incorporated Areas," dated September 23, 1988, with accompanying
17 Flood Insurance Rate Maps. The study and maps are filed in C.F. 296948 and are hereby adopted by
18 reference and declared to be a part of this chapter. The study and maps shall be maintained on file at the
19 Department of Construction and Land Use and the Seattle ~~((Engineering Department))~~ Public Utilities
20 and may be maintained on file at the Seattle Park Department, the Seattle-King County Department of
21 Public Health, and other City offices.

22 Section 194. SMC 25.06.110 is hereby amended as follows:

23 **Standards involving base flood elevations.**

24 In all areas of special flood hazards where base flood elevation data has been provided under
Section 25.06.050 or subsection C of Section 25.06.090, the following are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have
the lowest floor, including basement, elevated to two feet (2') or more above base flood elevation, or as
otherwise approved by the Director of the Department of Construction and Land Use in consultation
with the Director of ~~((Engineering))~~ Seattle Public Utilities.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited,
or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for
the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a
registered professional civil engineer or architect or must meet or exceed the following minimum
criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square

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1 inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot (1') above grade;

2 c. Openings may be equipped with screens, louvers or other coverings or devices
provided that they permit the automatic entry and exit of floodwaters.

3 B. Nonresidential Construction. New construction and substantial improvement of any
4 commercial, industrial or other nonresidential structure shall either have the lowest floor, including
basement, elevated to two feet (2') or more above the level of the base flood elevation, or as otherwise
5 approved by the Director of the Department of Construction and Land Use in consultation with the
Director of ((Engineering)) Seattle Public Utilities ; or, together with attendant utility and sanitary
facilities, shall:

6 1. Be floodproofed so that below two feet (2') above the base flood level the structure is
watertight with walls substantially impermeable to the passage of water;

7 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads
and effects of buoyancy;

8 3. Be certified by a registered professional civil engineer that the design and methods of
9 construction are in accordance with accepted standards of practice for meeting provisions of this
subsection based on their development and/or review of the structural design, specifications and plans.
Such certifications shall be provided as set forth in subsection C of Section 25.06.070.

10 Nonresidential structures that are elevated, not floodproofed, must meet the same standards for
11 space below the lowest floor as described in subsection A2 above. Applicants floodproofing
nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are
12 one foot (1') below the floodproofed level (e.g., a building floodproofed to one foot (1') above the base
flood level will be rated as at the base flood level).

13 C. Critical Facilities. Construction of new critical facilities shall be located outside the limits of
the areas of special flood hazard where possible. Construction of new critical facilities shall be
14 permissible within areas of special flood hazard if no feasible alternative site is available. Critical
facilities constructed within areas of special flood hazard shall have the lowest floor elevated to three
15 feet (3') above the level of the base flood elevation at the site. Floodproofing and sealing measures must
be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access
16 routes to all critical facilities shall be elevated to or above the level of the base flood elevation to the
extent possible.

17 D. Manufactured Homes. All manufactured homes to be placed or substantially improved within
Zones A1-30, AH, and AE on the FIRM shall be elevated on a permanent foundation so that the lowest
18 floor of the manufactured home is two feet (2') or more above the base flood elevation, or as otherwise
approved by the Director of the Department of Construction and Land Use in consultation with the
19 Director of ((Engineering)) Seattle Public Utilities ; and shall be securely anchored to an adequately
anchored foundation system in accordance with the provisions of Section 25.06.100 A. This subsection
20 applies to manufactured homes to be placed or substantially improved in an expansion to an existing
manufactured home park or subdivision. This subsection does not apply to manufactured homes to be
21 placed or substantially improved in an existing manufactured home park or subdivision except where the
repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent
22 (50%) of the value of the streets, utilities and pads before repair, reconstruction or improvement has
commenced.

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1 Section 195. SMC 25.09.120 is hereby amended as follows:
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3 **Development standards for flood-prone areas.**

4 A. No development shall be permitted within the "floodway" of flood-prone areas. Permitted
5 development within flood-prone areas lying outside the floodway shall not contribute to increased
6 downstream flow of floodwaters and shall comply with the provisions of SMC Chapter 25.06, Seattle
7 Floodplain Development Ordinance (FEMA). A drainage-control plan shall be required for all proposed
8 development.

9 B. Drainage-Control Plan. If the site is mapped or determined to be flood-prone, a drainage-
10 control plan shall be submitted with the permit application showing the flood-prone area, the tributary
11 watershed, and all drainage features, to describe the existing situation and proposed modifications to the
12 drainage system. The drainage-control plan shall provide for control of water quality and quantity in
13 compliance with the SMC Title 22, Subtitle VIII, Grading and Drainage Control Ordinance, SMC
14 Chapter 25.06, Seattle Floodplain Development Ordinance, and any other subsequent applicable flood-
15 control codes or ordinances to protect the public interest and prevent harm.

16 C. Elevation Above Base Flood Level. The lowest floor elevation of any structure located in a
17 flood-prone area shall be two feet (2') above the one-hundred (100) year flood elevation unless otherwise
18 specified by the Director of ~~((Engineering))~~ Seattle Public Utilities.

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III. MISCELLANEOUS PROVISIONS

Section 196. It is the express intent of the City Council that, in the event another ordinance has
heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended
or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if
at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the
use in this ordinance of an obsolete version of the part of the Seattle Municipal Code on which to show
intended amendments.

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1 Section 197. In the event any section or subsection of the Seattle Municipal Code purported to
2 be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full
3 effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.
4

5 Section 198. It is the express intent of the City Council that, in the event a subsequent ordinance
6 refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to
7 the new office or position created by this ordinance, and shall not be construed to resurrect the old
8 position or office unless it expressly so provides by reference to this ordinance.
9

10 Section 199. It is the express intent of the City Council that, in the event a subsequent ordinance
11 refers to or amends a section or subsection of the Seattle Municipal Code amended or recodified herein,
12 but the later ordinance fails to account for the change made by this ordinance, the two sets of
13 amendments should be given effect together if at all possible.
14

15 Section 200. The Director of Seattle Public Utilities shall have the power to make all
16 administrative decisions necessary to carry out the intent of this ordinance.
17

18 ✓ Section 201. The City Clerk shall publish in the City's legal newspaper the title and the first five
19 (5) sections of this ordinance, a numerical tabulation by Seattle Municipal Code number of the sections
20 or subsections that are amended by sections 6 through 195 of this ordinance, and a listing of any Seattle
21 Municipal Code sections or subsections repealed as listed under the caption "Repealer" as the summary
22 of this ordinance, and state as part of that publication that the entire text may be examined electronically
23
24

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1 at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the offices of the City Clerk,
2 First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon
3 request.

4
5 Section 202. The several provisions of this ordinance are declared to be separate and severable
6 and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
7 or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of
8 the remainder of this ordinance or the validity of its application to other persons or circumstances.

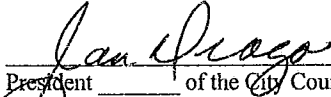
9
10 Section 203. It is the express intent of the City Council that this ordinance makes only those
11 changes to the Seattle Municipal Code shown by striking out, inside double parentheses, text to be
12 deleted, and underlining text to be added. To this end, errors in showing the pre-existing Seattle
13 Municipal Code text are to be disregarded, and no change in the Seattle Municipal Code is intended
14 thereby.

15
16 Section 204. Any act consistent with the authority and prior to the effective date of this
17 ordinance is hereby ratified and confirmed.
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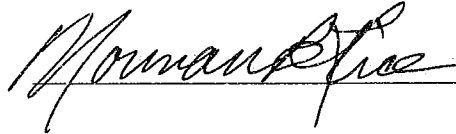
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1 Section 202. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

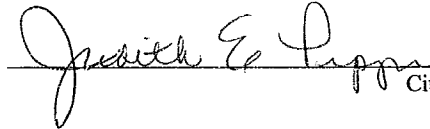
4
5 Passed by the City Council the 18 day of November, 1996, and signed by me in open
6 session in authentication of its passage this 18 day of November, 1996.

7
8 
President _____ of the City Council

9 Approved by me this 20 day of November, 1996.

10
11 
Mayor

12
13 Filed by me this 26 day of November, 1996.

14
15 
City Clerk

16 (Seal)

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TITLE AND AMENDED SECTION NUMBERS PUBLICATION, ALONG WITH THE FIRST FIVE (5) SECTIONS OF THIS ORDINANCE.

ORDINANCE NO. 118396

AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Water Department.

Section 1. Abolition of the Water Department and Transfer of Powers, Duties and Resources

Related to Water Supply. Effective January 1, 1997, the Water Department is abolished. From and after that date all functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets and liabilities of the Water Department shall be transferred to the newly created Seattle Public Utilities. The Director of Seattle Public Utilities is hereby authorized to perform all responsibilities, duties and obligations and exercise all powers related to water supply functions heretofore belonging to the Superintendent of Water.

Section 2. Creation of Seattle Public Utilities. Effective January 1, 1997, there is created the Seattle Public Utilities based on the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department.

Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations, notices and proceedings in effect with respect to the water supply functions of the former Water Department and with respect to the sewer, drainage, and solid waste functions of the former Engineering Department shall continue in effect unless and until they expire of their own terms or are superseded by order of the Director of Seattle Public Utilities or by ordinance.

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Section 4. Continuation of Separate Funds. The Seattle Public Utilities shall continue to maintain the Water Fund, the Drainage and Wastewater Fund the Solid Waste Fund and the Engineering Services Fund as separate funds and allocate expenditures and receipts to each of these funds respectively according to the nature of the functions performed.

II. AMENDMENTS TO CODE SECTIONS

A. PURPOSE

Section 5. Purpose of Code Section Amendments. The purpose of amending the following array of Seattle Municipal Code sections is to accomplish the transfer of functions of the Water Department together with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department into a new agency, the Seattle Public Utilities, in addition to the transfer of functions by the general provisions of this ordinance. In doing so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In such cases, therefore, any remaining references to the Water Department or the Superintendent of Water shall be interpreted to be references to the newly created Seattle Public Utilities and the Director of Seattle Public Utilities. Any remaining references to the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department or to the Director of Engineering in that regard shall likewise be interpreted to be references to the newly created Seattle Public Utilities and the Director of Seattle Public Utilities.

NUMERICAL TABULATION OF SECTIONS AND SUB-SECTIONS AMENDED

- Section 6. SMC Chapter 3.J2 is hereby amended
- Section 7. SMC 3.121.010 is hereby amended
- Section 8. SMC 5.78.080 is hereby amended
- Section 9. SMC Chapter 10.06 is hereby amended
- Section 10. SMC Chapter 10.22 is hereby amended

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- Section 11. SMC Chapter 10.46 is hereby amended
- Section 12. SMC 10.76.040 is hereby amended
- Section 13. SMC 10.76.060 is hereby amended
- Section 14. SMC 15.46.040 is hereby amended
- Section 15. SMC 20.16.070 is hereby amended
- Section 16. SMC 21.04.010 is hereby amended
- Section 17. SMC 21.04.020 is hereby amended
- Section 18. SMC 21.04.050 is hereby amended
- Section 19. SMC 21.04.060 is hereby amended
- Section 20. SMC 21.04.070 is hereby amended
- Section 21. SMC 21.04.080 is hereby amended
- Section 22. SMC 21.04.090 is hereby amended
- Section 23. SMC 21.04.100 is hereby amended
- Section 24. SMC 21.04.110 is hereby amended
- Section 25. SMC 21.04.120 is hereby amended
- Section 26. SMC 21.04.160 is hereby amended
- Section 27. SMC 21.04.170 is hereby amended
- Section 28. SMC 21.04.180 is hereby amended
- Section 29. SMC 21.04.190 is hereby amended
- Section 30. SMC 21.04.200 is hereby amended
- Section 31. SMC 21.04.210 is hereby amended
- Section 32. SMC 21.04.230 is hereby amended
- Section 33. SMC 21.04.240 is hereby amended
- Section 34. SMC 21.04.260 is hereby amended
- Section 35. SMC 21.04.270 is hereby amended
- Section 36. SMC 21.04.330 is hereby amended
- Section 37. SMC 21.04.340 is hereby amended

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- Section 38. SMC 21.04.350 is hereby amended
- Section 39. SMC 21.04.360 is hereby amended
- Section 40. SMC 21.04.370 is hereby amended
- Section 41. SMC 21.04.380 is hereby amended
- Section 42. SMC 21.04.390 is hereby amended
- Section 43. SMC 21.04.400 is hereby amended
- Section 44. SMC 21.04.410 is hereby amended
- Section 45. SMC 21.04.420 is hereby amended
- Section 46. SMC 21.04.450 is hereby amended
- Section 47. SMC 21.04.465 is hereby amended
- Section 48. SMC 21.04.470 is hereby amended
- Section 49. SMC 21.04.480 is hereby amended
- Section 50. SMC 21.04.490 is hereby amended
- Section 51. SMC 21.04.500 is hereby amended
- Section 52. SMC 21.04.505 is hereby amended
- Section 53. SMC 21.04.510 is hereby amended
- Section 54. SMC 21.04.530 is hereby amended
- Section 55. SMC 21.04.540 is hereby amended
- Section 56. SMC 21.04.570 is hereby amended
- Section 57. SMC 21.04.590 is hereby amended
- Section 58. SMC 21.04.600 is hereby amended
- Section 59. SMC 21.08.010 is hereby amended
- Section 60. SMC 21.08.030 is hereby amended
- Section 61. SMC 21.08.040 is hereby amended
- Section 62. SMC 21.08.070 is hereby amended
- Section 63. SMC 21.08.090 is hereby amended
- Section 64. SMC 21.08.100 is hereby amended

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- Section 65. SMC 21.08.120 is hereby amended
- Section 66. SMC 21.08.130 is hereby amended
- Section 67. SMC 21.08.170 is hereby amended
- Section 68. SMC 21.08.190 is hereby amended
- Section 69. SMC 21.08.210 is hereby amended
- Section 70. SMC 21.08.220 is hereby amended
- Section 71. SMC 21.08.230 is hereby amended
- Section 72. SMC 21.08.240 is hereby amended
- Section 73. SMC 21.08.250 is hereby amended
- Section 74. SMC 21.08.270 is hereby amended
- Section 75. SMC 21.08.280 is hereby amended
- Section 76. SMC 21.08.290 is hereby amended
- Section 77. SMC 21.08.320 is hereby amended
- Section 78. SMC 21.08.330 is hereby amended
- Section 79. SMC 21.08.340 is hereby amended
- Section 80. SMC 21.08.350 is hereby amended
- Section 81. SMC 21.08.360 is hereby amended
- Section 82. SMC 21.08.370 is hereby amended
- Section 83. SMC 21.12.010 is hereby amended
- Section 84. SMC 21.12.020 is hereby amended
- Section 85. SMC 21.12.050 is hereby amended
- Section 86. SMC 21.12.060 is hereby amended
- Section 87. SMC 21.16.030 is hereby amended
- Section 88. SMC 21.16.040 is hereby amended
- Section 89. SMC 21.16.050 is hereby amended
- Section 90. SMC 21.16.060 is hereby amended
- Section 91. SMC 21.16.065 is hereby amended

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- Section 92. SMC 21.16.070 is hereby amended
- Section 93. SMC 21.16.080 is hereby amended
- Section 94. SMC 21.16.090 is hereby amended
- Section 95. SMC 21.16.100 is hereby amended
- Section 96. SMC 21.16.110 is hereby amended
- Section 97. SMC 21.16.140 is hereby amended
- Section 98. SMC 21.16.150 is hereby amended
- Section 99. SMC 21.16.160 is hereby amended
- Section 100. SMC 21.16.170 is hereby amended
- Section 101. SMC 21.16.180 is hereby amended
- Section 102. SMC 21.16.210 is hereby amended
- Section 103. SMC 21.16.220 is hereby amended
- Section 104. SMC 21.16.250 is hereby amended
- Section 105. SMC 21.16.260 is hereby amended
- Section 106. SMC 21.16.270 is hereby amended
- Section 107. SMC 21.16.280 is hereby amended
- Section 108. SMC 21.16.300 is hereby amended
- Section 109. SMC 21.16.310 is hereby amended
- Section 110. SMC 21.16.330 is hereby amended
- Section 111. SMC 21.16.340 is hereby amended
- Section 112. SMC 21.16.350 is hereby amended
- Section 113. SMC 21.16.360 is hereby amended
- Section 114. SMC 21.16.370 is hereby amended
- Section 115. SMC 21.20.010 is hereby amended
- Section 116. SMC 21.20.020 is hereby amended
- Section 117. SMC 21.24.010 is hereby amended
- Section 118. SMC 21.24.021 is hereby amended

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- Section 119. SMC 21.24.030 is hereby amended
- Section 120. SMC 21.24.040 is hereby amended
- Section 121. SMC 21.24.070 is hereby amended
- Section 122. SMC 21.24.090 is hereby amended
- Section 123. SMC 21.24.100 is hereby amended
- Section 124. SMC 21.28.005 is hereby amended
- Section 125. SMC 21.28.010 is hereby amended
- Section 126. SMC 21.28.020 is hereby amended
- Section 127. SMC 21.28.040 is hereby amended
- Section 128. SMC 21.28.080 is hereby amended
- Section 129. SMC 21.28.090 is hereby amended
- Section 130. SMC 21.28.100 is hereby amended
- Section 131. SMC 21.28.200 is hereby amended
- Section 132. SMC 21.28.220 is hereby amended
- Section 133. SMC 21.28.260 is hereby amended
- Section 134. SMC 21.28.280 is hereby amended
- Section 135. SMC 21.28.350 is hereby amended
- Section 136. SMC 21.33.010 is hereby amended
- Section 137. SMC 21.33.080 is hereby amended
- Section 138. SMC 21.36.012 is hereby amended
- Section 139. SMC 21.36.014 is hereby amended
- Section 140. SMC 21.36.016 is hereby amended
- Section 141. SMC 21.36.018 is hereby amended
- Section 142. SMC 21.36.026 is hereby amended
- Section 143. SMC 21.36.028 is hereby amended
- Section 144. SMC 21.36.029 is hereby amended
- Section 145. SMC 21.36.030 is hereby amended

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Section 146. SMC 21.36.040 is hereby amended
Section 147. SMC 21.36.060 is hereby amended
Section 148. SMC 21.36.080 is hereby amended
Section 149. SMC 21.36.087 is hereby amended
Section 150. SMC 21.36.112 is hereby amended
Section 151. SMC 21.36.113 is hereby amended
Section 152. SMC 21.36.114 is hereby amended
Section 153. SMC 21.36.420 is hereby amended
Section 154. SMC 21.36.425 is hereby amended
Section 155. SMC 21.36.430 is hereby amended
Section 156. SMC 21.36.922 is hereby amended
Section 157. SMC 21.36.975 is hereby amended
Section 158. SMC 21.36.980 is hereby amended
Section 159. SMC 21.40.030 is hereby amended
Section 160. SMC 21.40.050 is hereby amended
Section 161. SMC 21.40.060 is hereby amended
Section 162. SMC 21.40.085 is hereby amended
Section 163. SMC 21.40.090 is hereby amended
Section 164. SMC 21.40.120 is hereby amended
Section 165. SMC 21.40.130 is hereby amended
Section 166. SMC 21.76.030 is hereby amended
Section 167. SMC 21.76.040 is hereby amended
Section 168. SMC 21.76.050 is hereby amended
Section 169. SMC 22.204.020 is hereby amended
Section 170. SMC 22.204.080 is hereby amended
Section 171. SMC 22.206.200 is hereby amended
Section 172. SMC 22.208.120 is hereby amended

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- Section 173. SMC 22.800.080 is hereby amended
Section 174. SMC 22.801.020 is hereby amended
Section 175. SMC 22.801.050 is hereby amended
Section 176. SMC 22.801.200 is hereby amended
Section 177. SMC 22.802.012 is hereby amended
Section 178. SMC 22.802.013 is hereby amended
Section 179. SMC 22.802.015 is hereby amended
Section 180. SMC 22.802.040 is hereby amended
Section 181. SMC 22.802.060 is hereby amended
Section 182. SMC 22.802.070 is hereby amended
Section 183. SMC 22.802.090 is hereby amended
Section 184. SMC 22.808.020 is hereby amended
Section 185. SMC 22.808.030 is hereby amended
Section 186. SMC 22.808.040 is hereby amended
Section 187. SMC 22.808.050 is hereby amended
Section 188. SMC 22.808.070 is hereby amended
Section 189. SMC 22.808.080 is hereby amended
Section 190. SMC 22.808.110 is hereby amended
Section 191. SMC 22.808.150 is hereby amended
Section 192. SMC 22.900.030 is hereby amended
Section 193. SMC 25.06.050 is hereby amended
Section 194. SMC 25.06.110 is hereby amended
Section 195. SMC 25.09.120 is hereby amended

NOTICE: The entire text may be examined electronically at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

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ORDINANCE _____

1
2
3 AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the
4 functions of the Water Department with the solid waste, drainage and wastewater, engineering
5 services, and related executive management functions of the Engineering Department, and the
6 customer service call center and construction engineering functions of the City Light
7 Department; and amending or repealing an array of Seattle Municipal Code sections to
8 accomplish this reorganization and to abolish the former Water Department.

9 WHEREAS, the City has undertaken a comprehensive review and reorganization of its
10 utility and transportation functions to take effect in the 1997-1998 biennium; and

11 WHEREAS, as a result of that review, it has been determined that the functions of the
12 Water Department, the sewer, drainage, solid waste, and engineering service functions of the
13 Engineering Department, and the customer service call center and construction engineering
14 functions of the City Light Department would be better served by being consolidated in a new
15 agency, the Seattle Public Utilities, Now Therefore,

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

17 I. ABOLITION OF THE WATER DEPARTMENT AND TRANSFER OF FUNCTIONS

18 Section 1. Abolition of the Water Department and Transfer of Powers, Duties and Resources
19 Related to Water Supply. Effective January 1, 1997, the Water Department is abolished. From and after
20 that date all functions, responsibilities, agreements, obligations, authorizations, powers, equipment,
21 records, appropriations, assets and liabilities of the Water Department shall be transferred to the newly
22 created Seattle Public Utilities. The Director of Seattle Public Utilities is hereby authorized to perform
23 all responsibilities, duties and obligations and exercise all powers related to water supply functions
24 heretofore belonging to the Superintendent of Water.

Section 2. Creation of Seattle Public Utilities. Effective January 1, 1997, there is created the
Seattle Public Utilities based on the functions of the Water Department with the solid waste, drainage

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1 and wastewater, engineering services, and related executive management functions of the Engineering
2 Department, and the customer service call center and construction engineering functions of the City
3 Light Department.

4
5 Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations,
6 notices and proceedings in effect with respect to the water supply functions of the former Water
7 Department and with respect to the sewer, drainage, and solid waste functions of the former Engineering
8 Department shall continue in effect unless and until they expire of their own terms or are superseded by
9 order of the Director of Seattle Public Utilities or by ordinance.

10
11 Section 4. Continuation of Separate Funds. The Seattle Public Utilities shall continue to
12 maintain the Water Fund, the Drainage and Wastewater Fund the Solid Waste Fund and the Engineering
13 Services Fund as separate funds and allocate expenditures and receipts to each of these funds
14 respectively according to the nature of the functions performed.

15
16 II. AMENDMENTS TO CODE SECTIONS

17 A. PURPOSE

18 Section 5. Purpose of Code Section Amendments. The purpose of amending the following array
19 of Seattle Municipal Code sections is to accomplish the transfer of functions of the Water Department
20 together with the solid waste, drainage and wastewater, engineering services, and related executive
21 management functions of the Engineering Department, and the customer service call center and
22 construction engineering functions of the City Light Department into a new agency, the Seattle Public
23
24

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1 Utilities, in addition to the transfer of functions by the general provisions of this ordinance. In doing
2 so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In
3 such cases, therefore, any remaining references to the Water Department or the Superintendent of Water
4 shall be interpreted to be references to the newly created Seattle Public Utilities and the Director of
5 Seattle Public Utilities. Any remaining references to the solid waste, drainage and wastewater,
6 engineering services, and related executive management functions of the Engineering Department or to
7 the Director of Engineering in that regard shall likewise be interpreted to be references to the newly
8 created Seattle Public Utilities and the Director of Seattle Public Utilities.

9
10 B. AMENDMENTS

11 Section 6. SMC Chapter 3.12 is hereby amended as follows:

12 ~~((WATER DEPARTMENT))~~ SEATTLE PUBLIC UTILITIES

13 Sections:

- 14 3.32.010 ~~((Department created-Superintendent))~~ Seattle Public
Utilities -- Director.
15 3.32.020 Adoption of rules.
16 3.32.030 ~~((Superintendent's))~~ Director's duties.
~~((3.32.040 Transfer from Charter authorization.))~~

17 3.32.10 ~~((Department created-Superintendent))~~ Seattle Public Utilities
-- Director.

18 A. There shall be ~~((a Water Department))~~ the Seattle Public Utilities consisting of the municipal
19 water system, ~~the solid waste, drainage and wastewater, engineering services, and related executive~~
~~management functions, and the customer service call center and construction engineering functions~~
20 ~~formerly within the City Light Department, the head of which shall be the ((Superintendent of Water))~~
Director of Seattle Public Utilities.

21 B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall be appointed by and
serve at the pleasure of the Mayor ((and) after being confirmed by a majority of the City Council, and
22 shall serve for a four (4) year term ((; provided, that the Superintendent of Water serving on December
31, 1978, shall serve as such until a new Superintendent is appointed pursuant to the terms of this

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1 chapter)).

2 **3.32.020 Adoption of rules.**

3 Pursuant to the Administrative Code (Ordinance 102228), the ~~((Superintendent of Water))~~
4 Director of Seattle Public Utilities may adopt whatever rule he or she deems useful for the conduct of
5 ~~((the Department's))~~ Seattle Public Utilities business.

6 **3.32.030 ~~((Superintendent's))~~ Director's duties.**

7 Under the direction of the Mayor, the functions of the ~~((Superintendent of Water))~~ Director of
8 Seattle Public Utilities include:

9 A. Operating, maintaining, managing and controlling the municipal water system and related
10 facilities;

11 B. ~~Managing, controlling, operating and maintaining the municipal sewerage utility system;~~

12 C. ~~Managing, controlling, operating and maintaining the municipal solid waste utility and
13 resource recovery programs and projects;~~

14 ~~D. Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of
15 City activities and contracts affecting drainage and the City's rights and duties with respect to stream
16 flows and riparian rights within the City.~~

17 ~~E. Managing controlling and operating a central customer service call center for the City's utility
18 operations;~~

19 ~~((B)) E. Enforcing and implementing City ordinances, contracts and rules which relate to the
20 ((Water Department)) Seattle Public Utilities;~~

21 ~~((C)) G . Appointing, supervising and controlling officers and employees of the ((Water
22 Department)) Seattle Public Utilities, subject to personnel ordinances and rules of the City;~~

23 ~~((D)) H . Making surveys, maps, profiles, plans, specifications, estimates and reports in
24 connection with the ((Water Department)) Seattle Public Utilities;~~

25 ~~((E)) I. Laying out, directing, constructing and supervising all public works of the ((Water
26 Department)) Seattle Public Utilities, and providing engineering and construction engineering services to
27 other City departments as requested by those departments;~~

28 ~~L. Performing other duties as assigned by the City.~~

29 **~~((3.32.040 Transfer from Charter authorization.~~**

30 ~~A. The Water Department heretofore established by Charter Article VII shall become the Water
31 Department established pursuant to the provisions of this chapter. All of the records, books, papers,
32 properties, equipment, offices, rights and responsibilities of the Department heretofore created by
33 Charter are transferred to the department established by this chapter.~~

34 ~~B. The appointment of each and every employee of the Water Department heretofore established
35 by Charter is ratified and confined as an appointment to the Water Department established pursuant to
36 the provisions of this chapter, and such employment shall be deemed to be continuous and without~~

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1 interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time,
2 sick leave, compensation time, or any other benefit, on account of this transfer from a department
3 created by Charter to a department created by this chapter.)

4 Section 7. SMC 3.121.010 is hereby amended as follows:

5 **Charges for dishonored checks to City utilities and Municipal Court.**

6 The Superintendent of ~~((Water and))~~ City Light and the Director of ~~((Engineering, as director of
7 the solid waste, sewer, and drainage utilities,))~~ Seattle Public Utilities are authorized to set, charge and
8 collect a fee from any person making or presenting a check, which is later dishonored, for a payment to
9 the City for the credit of their respective utilities. The Presiding Judges of the Municipal Court are
10 authorized to set, charge and collect a similar fee for payments to the City for the credit of the Municipal
11 Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City,
12 costs to the City in making collection, and other City expenses caused by its return without payment.

13 Section 8. SMC 5.78.080 is hereby amended as follows:

14 **Expenditures-~~((Water Department))~~ Seattle Public Utilities.**

15 The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized to direct
16 expenditures for the donations made to the ~~((Water Department))~~ Seattle Public Utilities programs in the
17 City's Gift Catalogue as designated by the donor; and the City Finance Director is authorized to draw
18 and to pay warrants against said program accounts or subaccounts on vouchers approved by the
19 ~~((Superintendent))~~ Director of Seattle Public Utilities as to payee and purpose.

20 Section 9. SMC Chapter 10.06 is hereby amended as follows:

21 **EMERGENCY CONTROL OF DRAINAGE PROBLEMS, EARTH SLIDES
22 AND MUD FLOWS**

23 **Sections:**

24 **10.06.010 Owner request for assistance-Authority of Director of
25 ~~((Engineering))~~ Seattle Public Utilities.**

**10.06.010 Owner request for assistance-Authority of Director of
26 ~~((Engineering))~~ Seattle Public Utilities.**

27 For the emergency control of drainage problems, earth slides and mud flows occurring or
28 threatening to occur on private property, the Director of ~~((Engineering))~~ Seattle Public Utilities is
29 authorized upon the request of the owner or occupant of any such property to render necessary

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1 emergency assistance for such period of time as will enable such owner or occupant to arrange with
2 private agencies to carry on the work, and for such purpose the Director of ((Engineering)) Seattle Public
3 Utilities is authorized to enter into agreements with any such owner or occupant providing for
reimbursement of the City's cost of performing such emergency assistance, and is further authorized to
collect such costs.

4 Section 10. SMC Chapter 10.22 is hereby amended as follows:

5 **FLUORIDATION OF WATER SUPPLY**

6 **Sections:**

7 **10.22.010 Addition-Administration.**

8 **10.22.010 Addition-Administration.**

9 A source of fluoridation approved by the Washington State Department of Social and Health
10 Services be added to the Seattle water supply under the rules and regulations of the Washington State
11 Department of Social and Health Services, such addition to be administered by the ((Superintendent of
Water)) Director of Seattle Public Utilities under the direction of the Director of ((Public Health of
Seattle)) the Seattle-King County Department of Public Health.

12 Section 11. SMC Chapter 10.46 is hereby amended as follows:

13 **SEPTIC TANKS, CESSPOOLS AND GREASE TRAPS**

14 **Sections:**

15 **10.46.010 Permit for disposal required.**

16 **10.46.020 Authority to make rules and regulations.**

17 **10.46.030 Violation-Penalty.**

18 **10.46.010 Permit for disposal required.**

19 It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools,
20 grease traps and seepage pits within the City without a proper permit issued by the ((City)) Director of
21 ((Engineering)) Seattle Public Utilities authorizing the disposal of such cleanings at points to be
22 specified by the ((City)) Director of ((Engineering)) Seattle Public Utilities. The fee for such permit,
23 which shall be issued only to the holder of a proper registration and inspection certificate to carry on or
24 engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the
Seattle-King County Health Department pursuant to law for carrying on such business, shall be Thirty
Dollars (\$30.00) per month, payable in advance on the first day of each and every month to defray the
costs of supervision of such waste disposal and in addition such permit holder shall deposit with the City
Finance Director in the Guaranty Deposit Fund the sum of One Hundred Fifty Dollars (\$150.00) to

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1 guarantee compliance with the terms of Section 10.48.020.

2 **10.46.020 Authority to make rules and regulations.**

3 The ~~((City Engineer))~~ Director of Seattle Public Utilities is authorized to promulgate rules and
4 regulations governing the issuance of such permits, the dumping of such cleanings under the terms of
5 this chapter, fixing the locations and times at which dumping of such cleanings shall be made.

6 **10.46.030 Violation-Penalty.**

7 Any violation of or failure to comply with any of the provisions of this chapter or of the rules and
8 regulations referred to in Section 10.46.020 shall subject the offender on conviction thereof to a fine in
9 any sum not exceeding Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for a term
10 not exceeding ninety (90) days or by both such fine and imprisonment and each day on which violation
11 or failure to comply occurs shall constitute a separate offense.

12 Section 12. SMC 10.76.040 is hereby amended as follows:

13 **Hazardous Waste Management Committee.**

14 The Seattle/King County Hazardous Waste Management Coordination Committee is hereby
15 established. The Committee shall be composed of five (5) members:

- 16 A. The Director of the King County Public Works Department or his/her designee;
- 17 B. The Director of ~~((The City of))~~ Seattle ~~((Engineering Department))~~ Public Utilities or his/her
18 designee;
- 19 C. A representative appointed by the Suburban Cities Association;
- 20 D. The Director of Metro or his/her designee; and
- 21 E. The Director of the Seattle-King County Health Department or his/her designee.

22 Section 13. SMC 10.76.060 is hereby amended as follows:

23 **Fees.**

24 The following fees, which shall be remitted to the Department on a quarterly basis, are
established to provide funds for the implementation of the Local Hazardous Waste Management Plan:

- 25 A. The City of Seattle, ~~((Solid Waste Utility))~~ Seattle Public Utilities shall pay to the
26 Department from the Solid Waste Fund an amount of One Million, One Hundred Two Thousand Two
27 Hundred Fifty-nine Dollars (\$1,102,259.00) in 1994. Effective January 1, 1995, the City of Seattle,
28 ~~((Solid Waste Utility))~~ Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an
29 amount equivalent to Sixty Cents (\$0.60) per month for each residential customer.

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1 B. The City of Seattle, (~~Solid Waste Utility~~) Seattle Public Utilities shall pay to the
2 Department from the Solid Waste Fund an amount equivalent to Two Dollars and Sixty-one Cents
3 (\$2.61) per ton for each self hauler load of solid waste brought to a transfer station operated by the City.

4 C. Each privately owned transfer station or landfill located within the City shall pay to the
5 Department an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each load of
6 solid waste brought to such transfer station or landfill.

7 Section 14. SMC 15.46.040 is hereby amended as follows:

8 **Owner's and contractor's responsibility.**

9 The owner or lessee of the property who contracts for construction, an excavation or fill, or a
10 demolition, and any general contractor responsible for the work, are responsible for preventing dumping,
11 spillage, washing or overflow, tracking, or windblow of materials from or for the premises onto an
12 adjoining public place. This responsibility includes activities of subcontractors and transportation of
13 materials to or from the premises. The responsibility is joint and several.

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

20 Section 15. SMC 20.16.070 is hereby amended as follows:

21 **SMC 20.16.070 Substitution or enlarging of mains-Costs.**

22 Whenever, in the prosecution of any of the improvements contemplated in this chapter, it is determined
23 by the (~~Water Department~~) Seattle Public Utilities to substitute or enlarge the mains passing through
24 the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing
25 mains, shall be borne by the Water Fund.

26 Section 16. SMC 21.04.010 is hereby amended as follows:

27 **Definitions-Number and gender.**

28 The word ("~~Superintendent~~") "Director" wherever used in this chapter, means the
29 (~~Superintendent of Water of the City~~) Director of Seattle Public Utilities, and any act in this chapter
30 required or authorized to be done by the (~~Superintendent~~) Director, may be done on behalf of the
31 (~~Superintendent~~) Director by an authorized officer or employee of the (~~Water Department~~) Seattle
32 Public Utilities. The word "person" wherever used in this chapter means and includes natural persons of
33 either sex, associations, copartnerships and corporations whether acting by themselves or by a servant,
34

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1 agent or employee; the singular number includes the plural and the masculine pronoun includes the
2 feminine.

3 Section 17. SMC 21.04.020 is hereby amended as follows:

4 **Connection to water supply system-Application.**

5
6 Any person desiring to have premises connected with the water supply system of the City shall
7 present at the office of the ~~((Water Department))~~ Seattle Public Utilities a copy of a building permit or a
8 regular certified copy from the Director of Construction and Land Use, containing his or her name,
9 description of the lot, block and addition and the official house number of the premises on which water
10 is desired, and shall make application therefor upon a printed form to be furnished for that purpose,
11 which application shall contain the description of the premises where such water is desired, and shall
12 specify the size of service pipe required and shall state fully the purposes for which water is to be used,
13 and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be
14 filed in the office of the ~~((Superintendent))~~ Director, and at the time of filing such application the
15 applicant shall pay to the City Finance Director and make his or her receipt therefor, the fees for
16 installation of water service provided in this chapter.

12 Section 18. SMC 21.04.050 is hereby amended as follows:

13 **Connection-City responsibility.**

14 Upon the presentation at the office of the ~~((Superintendent))~~ Director of the Finance Director's
15 receipt for the installation fees and the execution of the contract provided for in Section 21.04.030, the
16 ~~((Superintendent))~~ Director shall cause the premises described in the application, if the same abut upon a
17 street in which there is a City water main, to be connected with the City's water main by a service pipe
18 extending at right angles from the main to the property line, except as provided in Sections 21.04.060,
19 21.04.070 and 21.04.080. The City connection, which shall include a union placed at the end of pipe,
20 and a stopcock placed within the curblin, shall be maintained by and kept within the exclusive control
21 of the City.

19 Section 19. SMC 21.04.060 is hereby amended as follows:

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

22 A. Whenever it has been ascertained that a retaining wall, ornamental wall or landscape rockery
23 or any other form of permanent structure is to be, or has been, erected upon any portion of a City street
24 or public place in which a water service connection has been installed, the ~~((Superintendent))~~ Director

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1 may cause the relocation or readjustment of such water service connection or any portion thereof. The
2 cost of such relocation or readjustment shall be charged against the property at which the erection of the
3 permanent structure, as herein above referred to, is to be or has been done, and to the owner thereof. In
no case shall the City be required to maintain or repair any portion of the service connection between the
union and property line.

4 B. In case of application for water service to supply premises not abutting upon a street in which
there is a standard City water main, the ~~((Superintendent))~~ Director will require construction of a
5 standard water main abutting the property before a connection is made, provided, that under certain
6 conditions, a temporary connection may be provided for the property, or a service to the property of the
applicant may be placed along and beneath any public street or avenue. The ~~((Superintendent))~~ Director,
pursuant to the Administrative Code (Chapter 3.02), shall establish criteria and procedures for making
the aforementioned exceptions.

7 C. Where water main construction is required and the applicant and/or other property owners
jointly wish to construct the required water mains and appurtenances, the ~~((Superintendent))~~ Director is
8 authorized to enter into a water main addition or extension agreement as set forth in the application and
agreement forms attached as Exhibit "A" to Ordinance 658771 or such revised forms as approved by the
9 City Attorney and adopted by Rule.

10 D. The ~~((Superintendent))~~ Director may limit the size and number of service connections which
may be allowed for any separate property. No service connection will be allowed from the City mains to
11 any property supplied by water from any other source unless special permission is given by the
~~((Superintendent))~~ Director, which special permission may be terminated at any time, if in the judgment
of the ~~((Superintendent))~~ Director the public interest would be best served.

12
13 Section 20. SMC 21.04.070 is hereby amended as follows:

14 **Cross-connections.**

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

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

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

21 D. When in the discretion of the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities
appropriate circumstances so warrant, the ~~((Superintendent))~~ Director may charge the account of any
22 customer who violates any applicable rules and regulations concerning cross-connections for all costs,

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1 including service calls, and any damages incurred by the ((Water Department)) Seattle Public Utilities
2 in relation to such violation.

3 Section 21. SMC 21.04.080 is hereby amended as follows:

4 **Separate service connections for each house-Exceptions.**

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

13 Section 22. SMC 21.04.090 is hereby amended as follows:

14 **Connection-Pipe materials and covering-Sprinkler systems.**

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

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

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

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

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Section 23. SMC 21.04.100 is hereby amended as follows:

Connection-Minimum size-Fees and charges.

- A. No service connection less than three-fourths inch (3/4") in size shall be installed.
- B. The fees for the installation of water service as herein before provided shall be the actual cost of labor and material plus overhead charges to be determined by the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities in laying such a service and replacing the pavement.
- C. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service. Such standard charges shall be subject to annual review.

Section 24. SMC 21.04.110 is hereby amended as follows:

Special tap charge-Imposed-Agreement and payment.

- A. In addition to water service connection fees and charges required by ordinance, the owners of properties, which have not been assessed or charged or borne an equitable share of the cost of the City's water distribution and hydrant system, shall pay, prior to connection to a City water main or at the time of transfer of an existing metered water service connection to a standard main designed to serve the property, a special tap charge in an amount to be computed under Section 21.04.120; provided, that the special tap charge shall not apply to property which is so located that it would not have been assessed for the construction of the water main had a local improvement district been formed for such purposes. All properties with connections to a substandard water main which is replaced by a standard water main shall be transferred to the replacement water main, unless the ~~((Superintendent))~~ Director determines that such transfer is impractical and uneconomical.
The collection of the special tap charge to serve a residence may be deferred at the request of a person responsible for its payment who is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be connected to the City system. Interest on deferred charges shall be computed at the same rate as provided in Section 21.04.110 B as if payment were being made in a timely manner under an installment contract. A request for deferral must be made thirty (30) days prior to the levy of the special tap charge. All charges, including interest so deferred, shall become due and payable in full at the time of sale or transfer of the property or if there is a change to a higher use than single family.
- B. The special tap charge shall be paid in cash or under installment contract with interest computed on unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue unless such charges are deferred pursuant to 21.04.110 A. Such contract shall provide for a down payment of one-fortieth (1/40) of the total special tap charge, payable upon execution of such contract and for payment of the balance in equal installments payable at specified intervals throughout the term of the contract, in addition to interest as provided in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall

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1 describe the property served by water, shall be recorded by the ~~((Superintendent of Water))~~ Director of
2 Seattle Public Utilities in the office of the County Auditor at the expense of the property owner. Such
3 contract shall include a provision that in the event of default the ~~((Superintendent of Water))~~ Director of
4 Seattle Public Utilities may disconnect the City's water service from and refuse to supply water to the
premises in default until the same is paid. Upon full payment of the contract, the ~~((Superintendent of~~
~~Water))~~ Director of Seattle Public Utilities on behalf of the City shall execute and deliver to the property
owner a release of such lien.

5 Section 25. SMC 21.04.120 is hereby amended as follows:

6 **Special tap charge-Computation and payment.**

7 A. The special tap charge imposed by Section 21.04.110 hereof shall be paid into the water fund
8 and shall be computed as follows: The number of units of property frontage determined in the manner
9 prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage," shall be
10 multiplied by the average local improvement assessment per unit of frontage for such facilities in Seattle
for the year in which the water main to which the property is to be connected was constructed and
accepted as completed, as set forth in C.F. 257032.

11 B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized and directed
12 to annually compute and establish the average local improvement assessment paid by property owners
for water mains and hydrants completed and accepted by the City during the previous calendar year. If
13 no water main and hydrant local improvement districts are completed and accepted or those completed
and accepted are not representative of the average current costs of construction, the ~~((Superintendent of~~
~~Water))~~ Director of Seattle Public Utilities is hereby authorized to compute and establish an average
14 water main and hydrant construction cost per assessable unit of frontage, using all water main and
hydrant projects completed during the previous calendar year.
15 This average assessment or average cost shall be used in computing the special tap charge imposed in
Section 21.04.110 as to water main and hydrant improvements completed in each year. A copy of such
16 computation shall be delivered to the City Clerk not later than April 30th of each such year to be filed by
him or her in C.F. 257032.

17 C. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120
A and B shall be decreased for those properties with existing metered water service connections installed
18 prior to December 31, 1984 and connected to abutting and certain non-abutting substandard water mains
which are being replaced with mains of standard size, material and related appurtenances in accordance
19 with standards and replacement criteria established by the ~~((Superintendent))~~ Director pursuant to the
Administrative Code (Chapter 3.02). Such decrease may also be applied to the special tap charges
20 imposed upon properties connected to non-abutting substandard mains if the ~~((Superintendent))~~ Director
determines that there will be no future abutting water mains.

21 D. Properties eligible for a decreased special tap charge under Section 21.04.120 C shall be
charged a percentage of the full special tap charge, based upon the sizes of the existing substandard main
and the new standard main, according to the following schedule.

22 **Existing Substandard Main Size** **Percent of Special Tap**

23
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**Charge to be Charged
for Replacement New
Mains**

| | 8 inches or smaller new main size | 12 inches or larger new main size |
|---|--|--|
| 2 inches and smaller, without hydrants | 35% | 70% |
| 3 inches through 6 inches, without hydrants | 15% | 50% |
| 8 inches, without hydrants | 0% | 40% |
| 4 inches through 8 inches, with hydrants | 0% | 40% |
| Greater than 8 inches | 0% | 0% |

1. The percentages in the above schedule are based upon estimates of the differential between the cost of replacing the existing substandard water mains and appurtenances with facilities of the same original size and the cost of replacing them with the larger standard size facilities. The ~~((Superintendent))~~ Director pursuant to the Administrative Code (Chapter 3.02) may change the above percentages. A copy of such changes shall be delivered to the City Clerk and filed by him or her in C.F. 257035.

2. Properties eligible for and charged the decreased special tap charge under Section 21.04.120 C and D are subject to the payment requirements authorized in Section 21.04.110 B.

E. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120 may be decreased by the amount of a service line credit. Eligibility for such a credit is limited to properties which do not abut a public street, and where an abutting water main will not be required, and where there has been no reduction in the special tap charge according to the previous subsection or in certain other cases in accordance with criteria established by the ~~((Superintendent))~~ Director pursuant to the Administrative Code (Chapter 3.02). Service line credits shall be computed by multiplying the lineal foot distance from the street margin to the property line abutting the access route times the service line credit rate established for the year the water main was constructed, as set forth in Exhibit "B" attached to and by reference made part of the ordinance codified in this chapter. For water mains constructed after 1984, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall compute the service line credit based upon estimates of changes in costs of labor and materials and shall deliver a copy of such computation to the City Clerk not later than April 30th of each year to be filed by him or her in C.F.257032.

Section 26. SMC 21.04.160 is hereby amended as follows:

Stop and waste cocks-Inspection of water pipes.

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A. Before water will be turned on to any premises connected with the City's mains, the service pipes upon such premises must be made to conform to the following regulations: The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop and waste cocks of the best standard make, approved by the ((Superintendent)) Director, with extension handle, properly protected from the frost, and so placed within the premises that all service pipes and fixtures may be thoroughly drained during freezing weather. Where sags or depressions occur in the pipe and this stop and waste cock is not sufficient to fully drain all the pipes and fixtures within the premises, additional stop and waste cocks, with extension handles, or other approved vents must be so placed as to fully drain them. In cases where no fixtures are placed between the property line and the basement the stop and waste cock may be placed in the basement, provided the basement is not less than six feet (6') in height and is provided with stairways or other means of access thereto; provided further, that where basements are enclosed in wooden walls the stop and waste cock shall be placed at least twelve inches (12") below the surface of the ground, and shall be provided with an extension handle. Stop and waste cocks on premises fronting on ungraded streets shall be placed at least six feet (6') inside of property line of the premises. The connection between the City's pipes at the property line and the service pipes on the premises must be made with a union. Every existing service or branch service not already equipped as required in this section must be so equipped at the owner's expense as soon as the defect is noted.

B. All water pipes which shall hereafter be laid, relaid or repaired on any private premises or in any street or public place within the City, shall be subject to inspection by the ((Superintendent)) Director, before such water pipes are covered.

Section 27. SMC 21.04.170 is hereby amended as follows:

Request to turn on water.

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

Section 28. SMC 21.04.180 is hereby amended as follows:

21.04.180 Supplying water to additional premises-Application.

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises unless he shall first make application in writing so to do at the office of the ((Superintendent)) Director.

Section 29. SMC 21.04.190 is hereby amended as follows:

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1 **Supplying water to additional premises-Charges.**

2 When additional premises are connected without the application prescribed in Section 21.04.180,
3 such premises may be charged at double the rate for the time they are in use, and the service may be shut
4 off by the ((Superintendent)) Director and the current standard charges made for shutting off and turning
5 on such service. In case water shall be turned off as provided in this section, the same shall not be turned
6 on again until all rates and charges against the premises have been paid in full.

7 Section 30. SMC 21.04.200 is hereby amended as follows:

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

9 When new buildings are to be erected on the site of the old ones and it is desired to increase the
10 size or change the location of the old service connection, or where a service connection to any premises
11 is abandoned or no longer used, the ((Superintendent)) Director may cut out or remove such service
12 connection, after which, should a service connection be required to the premises, a new service shall be
13 placed only upon the owner making an application and paying for a new tap in the regular manner.
14 When service connection of any premises on an unpaved street does not exceed one inch (1") in size and
15 the same does not come from the main in front of the premises the ((Superintendent)) Director shall,
16 when a main is laid in front of the premises, after notifying the owner or tenant thereof, transfer the
17 service connection to the new main without charge, and at the same time cut out the old service
18 connection. When a new main is laid in any street owners of premises on the street, or within one-half
19 (1/2) block on side streets, who are being supplied with City water from a private main or a connection
20 to a private service shall make application for tap and shall connect up with a separate service
21 connection to the main in front of premises.

22 Section 31. SMC 21.04.210 is hereby amended as follows:

23 **Discontinuance of service-Reinstallation application-Temporary service.**

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

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

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

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

4 Section 32. SMC 21.04.230 is hereby amended as follows:

5 **Reconnections-Procedure.**

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

9 Section 33. SMC 21.04.240 is hereby amended as follows:

10 **Water shut off by City.**

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

15 Section 34. SMC 21.04.260 is hereby amended as follows:

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

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

21 B. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may establish and collect
22 charges based on actual costs, for special meter readings ordered in connection with property ownership
23 or occupancy changes.

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1 Section 35. SMC 21.04.270 is hereby amended as follows:

2 **Water for construction purposes.**

3 A. It shall be the duty of the ~~((Superintendent of Buildings))~~ Director of the Department of
4 Construction and Land Use to report to the ~~((Superintendent of Water))~~ Director of Seattle Public
5 Utilities the beginning of construction or repairs of all buildings in the City, such reports to be a
6 duplicate of the building permit issued, containing a general description of the building to be erected or
7 repaired, the name of the owner and contractor thereof, the official house number and street name, the
8 lot, block and addition.

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

7 C. Water for construction purposes shall be furnished by meter, and charged to the premises
supplied and the owner thereof.

9 Section 36. SMC 21.04.330 is hereby amended as follows:

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

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

18 B. If in the event water is used for any other purpose than firefighting, through a fire service,
after notice of a prior violation has been given by letter to the owner and/or occupant, and such service is
not equipped with a device for accurately recording such flow of water, the ~~((Superintendent))~~ Director
shall install a detector meter on such service and charge all cost of such installation to the property.

21 Section 37. SMC 21.04.340 is hereby amended as follows:

22 **Fire protection services-Applications from apartments and hotels.**

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1 The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities is authorized to accept
2 applications for fire protection service connections from owners of apartment houses, apartment hotels
3 and hotels constructed prior to May 4, 1970, for purposes of complying with provisions of the Seattle
4 Fire Code (Ordinance 87870, as amended) contained in Sections 8.31.010, 8.31.030 and 8.31.040
5 thereof, and there is imposed upon those owners of apartment houses, apartment hotels and hotels
6 making such applications and electing to install such fire protection devices a special tapping charge
7 computed and payable pursuant to Section 21.04.350.

8 Section 38. SMC 21.04.350 is hereby amended as follows:

9 **Fire protection services-Special tap charge.**

10 The special tap charge imposed by Section 21.04.340 shall be in an amount equal to the actual
11 installation cost to the City and be paid in cash or under installment contract with interest computed on
12 unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local
13 Improvement District Bond Issue. Such contract shall provide for a down payment of one-fortieth (1/40)
14 of total installation cost of such service connection at the time of application to the ~~((Water
15 Department))~~ Director of Seattle Public Utilities for such service connection and for payment of the balance, such
16 balance to be paid upon actual installation cost less down payment, in equal installments payable at
17 specified intervals throughout the term of the contract, in addition to interest as provided for in this
18 section. Such installment contract shall provide that any unpaid balance may be paid in full at any time,
19 shall describe the property served by such fire protection service connection, shall be acknowledged by
20 the property owner and shall be recorded by the ~~((Superintendent of Water))~~ Director of Seattle Public
21 Utilities in the office of the County Auditor at the expense of the property owner and become a lien upon
22 the property served. Such contract shall include a provision that, in the event of default, the
23 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may disconnect the City's water service
24 from and refuse to supply water to the premises in default until the same is paid. Upon full payment of
the contract, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, on behalf of the City,
shall execute and deliver to the property owner a release of such lien.

Section 39. SMC 21.04.360 is hereby amended as follows:

Right of entry for ~~((Superintendent))~~ Director-Unlawful obstruction of water meter.

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

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

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

4 Section 40. SMC 21.04.370 is hereby amended as follows:

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

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

12 Section 41. SMC 21.04.380 is hereby amended as follows:

13 **Meter installations between curblin and property line.**

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

20 Section 42. SMC 21.04.390 is hereby amended as follows:

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

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

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

Section 43. SMC 21.04.400 is hereby amended as follows:

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Protection of connections from driveways or crossings.

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

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

Section 44. SMC 21.04.410 is hereby amended as follows:

Accounts of charges and penalties.

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

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

Section 45. SMC 21.04.420 is hereby amended as follows:

Flat rates.

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

| | |
|---|--------|
| Paving and laying sidewalks, concrete, per hundred sq.yds. or less for: | |
| 6" base or less | \$0.50 |
| 6 1/4" and over | .75 |
| Earthwork, for settling each 100 cubic yards of earth | 1.40 |
| Curing pavement, per sq. yd. | .04 |
| Portable engines: | |
| For first horsepower (per month or less) | |
| | .80 |
| For each additional horsepower | .20 |
| For laying brick, per thousand | 15 |

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1 Cement, per barrel.10

2 B. Water used for all other purposes not enumerated in this section shall be furnished and
3 charged for either at meter rates or a special rate to be fixed by the ((Superintendent)) Director.

4 Section 46. SMC 21.04.450 is hereby amended as follows:

5 **Cost for new mains constructed outside City limits.**

6 In areas outside the limits of the City where new mains or replacements are constructed by the
7 City the cost thereof together with interest at four percent (4%) per year computed on unpaid balances
8 shall be repaid by users of water in the districts served by the mains by payment at the rate of One Dollar
9 (\$1.00) per month or more by agreement, in addition to the general rate established by ordinance for
10 water outside the City. The additional payments shall begin upon completion of the installation of such
11 mains and continue until the cost thereof with interest at four percent (4%) per year computed as above
12 is returned to the City. In the event of delinquency in payment of any such charges for water or water
13 service or construction costs the ((Superintendent of Water)) Director of Seattle Public Utilities is
14 directed to disconnect the City's water service from and refuse to supply water for the premises so in
15 default until the same are paid.

16 Section 47. SMC 21.04.465 is hereby amended as follows:

17 **Standard and administrative charges.**

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

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

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

Section 48. SMC 21.04.470 is hereby amended as follows:

Bills for water used-Delinquency.

A. The ((Superintendent)) Director in his or her discretion may cause bills for water used for
domestic purposes to be issued and mailed every three (3) months (quarterly) or less.

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

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

11 Section 49. SMC 21.04.480 is hereby amended as follows:

12 **Meters-Property of City-Failure to register properly.**

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

23 Section 50. SMC 21.04.490 is hereby amended as follows:

24 **Meters-Test for accuracy.**

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

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1 B. No meter shall be removed, or in any way disturbed, nor the seal broken, except in the
2 presence or under the direction of the ~~((Superintendent))~~ Director.

3 Section 51. SMC 21.04.500 is hereby amended as follows:

4 **Emergency water use restrictions.**

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

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

16 C. Before putting into effect any restrictions on water use for more than twenty-one (21) days
17 pursuant to this section, the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities shall explain
18 fully to the Mayor ~~((;))~~ and the City Council ~~((and Board of Public Works))~~ the reasons for such
19 restrictions ~~((, and shall in addition give notice of a public hearing before the Board of Public Works for
20 the ratification and confirmation, or modifications or rejection of the Superintendent's order, which
21 notice shall be given as provided in the Administrative Code of the City (Ordinance 102228), provided
22 that such public hearing shall be held and such order ratified and confirmed, modified, or rejected not
23 more than ten (10) days from the date of such notice)).~~

24 Section 52. SMC 21.04.505 is hereby amended as follows:

Emergency rate surcharge.

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

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

C. Prior to the imposition of any surcharge authorized by this section, the ~~((Water Department))~~
Seattle Public Utilities shall notify customers through public announcements that mandatory water
restrictions are in effect. Such notice shall advise customers that a surcharge shall be imposed for any

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1 water usage contrary to mandatory water restrictions established by the ((Superintendent)) Director, and
2 shall advise the customers of the amount of such surcharge.

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

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

11 Section 53. SMC 21.04.510 is hereby amended as follows:

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

13 It shall be the duty of the employees of the Police, Fire, ((Engineer's and Streets and Sewers))
14 and Transportation Departments to give vigilant aid to the ((Superintendent)) Director in the
15 enforcement of the provisions of this chapter, and to this end they shall report all violations thereof
16 which come to their knowledge to the office of the ((Superintendent)) Director, and it shall be the duty
17 of the Chief of the Fire Department to report immediately to the ((Superintendent)) Director in case of
18 fire in premises having metered service for fire protection purposes that fire has occurred there.

19 Section 54. SMC 21.04.530 is hereby amended as follows:

20 **Use of fire hydrants.**

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

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

34 Section 55. SMC 21.04.540 is hereby amended as follows:

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Unlawful interference or damage to property.

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

Section 56. SMC 21.04.570 is hereby amended as follows:

Unlawful connections to water supply system.

It shall be unlawful for any person to make a connection with any fixtures or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission so to do from the ((Superintendent)) Director. It shall also be unlawful to connect to, or use, any water main or water pipe belonging to the municipal water supply system for electrical grounding purposes.

Section 57. SMC 21.04.590 is hereby amended as follows:

Violation-Reward for securing conviction.

The ((Superintendent)) Director shall cause a reward not to exceed ((Ten)) One Hundred Dollars (\$100.00) to be paid to any person securing the conviction of any person for violation of any of the provisions of this chapter.

Section 58. SMC 21.04.600 is hereby amended as follows:

Authority of Superintendent

The ((Superintendent)) Director shall have authority to decide any question which may arise and which is not fully answered by the provisions of this chapter, and his decisions in such cases shall be final.

Section 59. SMC 21.08.010 is hereby amended as follows:

Definitions.

A. The following words and terms used in this chapter shall have the meanings set forth in this section unless otherwise indicated by their context:

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1 1. "Anticorrosion chemical feeding equipment" means any apparatus designed or used to
2 introduce measured quantities of chemicals into the potable hot water supply in order to prevent or
control corrosion.

3 2. "Backflow prevention device" means equipment designed or used to counteract
pressures or prevent back siphonage.

4 3. "Cross-connection" means a physical arrangement whereby a public water supply is
connected, directly or indirectly, to a device which meters, injects, or otherwise applies chemical
substances thereto.

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

6 5. "Licensed steam engineer" means a person holding a currently valid license as a steam
engineer, grade III, or superior grade, issued in accordance with Ordinance 94595.

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

9 7. "~~((Superintendent of Water))~~ Director of Seattle Public Utilities" means the
~~((Superintendent))~~ Director of the Seattle ~~((Water Department))~~ Public Utilities or his or her authorized
representative.

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

13 Section 60. SMC 21.08.030 is hereby amended as follows:

14 **Unlawful acts.**

15 It is unlawful for:

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

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

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

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

21 E. Anyone to use or operate any anticorrosion chemical feeding equipment during a period when
a permit is suspended or after it has been revoked.

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1 Section 61. SMC 21.08.040 is hereby amended as follows:

2 **Construction permit-Applications.**

3 Applications for a permit to install, construct, reconstruct, or alter anticorrosion chemical feeding
4 equipment shall be made in duplicate to the Director of the Seattle-King County Department of Public
5 Health, who shall forward a copy thereof to the ~~((Superintendent of Water))~~ Director of Seattle Public
6 Utilities. The application shall identify the premises, state the nature of the anticorrosion chemical
7 feeding equipment to be installed or the work to be undertaken, the location of the connection and such
8 other reasonable information as the Director of the Seattle-King County Department of Public Health or
9 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may require and shall be
10 accompanied by a copy of the plans for the work and the specifications of all equipment.

8 Section 62. SMC 21.08.070 is hereby amended as follows:

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

10 Upon approval of the plans and specifications, as submitted or as modified with the concurrence
11 of the Director of the Seattle-King County Department of Public Health and of the ~~((Superintendent of~~
12 ~~Water))~~ Director of Seattle Public Utilities, the applicant shall have ninety (90) days or such greater time
13 as the Director of the Seattle-King County Department of Public Health or ~~((Superintendent))~~ Director
14 of Seattle Public Utilities may allow to undertake and complete the work authorized. All construction
15 shall be performed in accordance with the plans and specifications, as approved or as modified with the
16 written approval of the Director of the Seattle-King County Department of Public Health and the
17 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities.

15 Section 63. SMC 21.08.090 is hereby amended as follows:

16 **Construction permit-Inspection of work.**

17 Upon completion of any installation, construction, alteration, or renovation, the applicant or an
18 authorized agent shall notify the Director of the Seattle-King County Department of Public Health and
19 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities of its readiness for inspection. No
20 equipment shall be used until inspected and approved by the Director of the Seattle-King County
21 Department of Public Health and the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, or
22 their authorized deputies, as in compliance with this chapter and applicable rules and regulations
23 established in accordance herewith.

21 Section 64. SMC 21.08.100 is hereby amended as follows:

22 **Annual operating permit-Application.**

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1 Applications for a permit to operate an anticorrosion chemical feeding equipment system and to
2 introduce anticorrosion chemicals into the potable hot water supply shall be made in duplicate to the
3 Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to
4 the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities. The application shall designate a
5 licensed steam engineer, who shall be responsible for maintenance of the system, and who shall be
6 empowered by the owner as his agent to accept service of notices and directives contemplated by
7 Sections 21.08.250 through 21.08.280. Applications to use equipment shall be made on a form provided
8 by the Director of the Seattle-King County Department of Public Health before January 1st of each year
9 by the person operating the anticorrosion chemical feeding equipment or by the person responsible for
10 maintenance and use of the premises where the anticorrosion chemical feeding equipment is installed.
11 Applications to operate facilities newly constructed and not previously registered for operation shall be
12 made on or before the date that the equipment is approved for use under Section 4(g) of Ordinance
13 103095.

14 Section 65. SMC 21.08.120 is hereby amended as follows:

15 **Annual operating permit-Inspections.**

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

21 Section 66. SMC 21.08.130 is hereby amended as follows:

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

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

28 Section 67. SMC 21.08.170 is hereby amended as follows:

29 **Water quality.**

30 The water treated by the anticorrosion chemical feeding equipment shall at all times meet such
31 standards of chemical, physical, and bacteriological quality set by the Director of the Seattle-King

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1 County Department of Public Health and ((Superintendent of Water)) Director of Seattle Public Utilities
2 and shall not cause a person drinking or using the water to be exposed to any disease-producing
3 organisms or to any chemical conditions that may be toxic, irritating or discoloring.

4 Section 68. SMC 21.08.190 is hereby amended as follows:

5 **Chemicals to be approved.**

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

10 Section 69. SMC 21.08.210 is hereby amended as follows:

11 **Daily records.**

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

19 Section 70. SMC 21.08.220 is hereby amended as follows:

20 **Responsible officials.**

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

Section 71. SMC 21.08.230 is hereby amended as follows:

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Unscheduled inspections.

Unscheduled inspections may be held whenever and as often as the Director of the Seattle-King County Department of Public Health or the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities deem appropriate to protect the public health. The inspections include inspection of equipment, examination of Pipes, and the taking of chemical samples from, or making of tests with, water from taps used by consumers.

Section 72. SMC 21.08.240 is hereby amended as follows:

Right of entry.

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

Section 73. SMC 21.08.250 is hereby amended as follows:

Enforcement authority.

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

Section 74. SMC 21.08.270 is hereby amended as follows:

Directive for correction of violation.

The Director of the Seattle-King County Department of Public Health or the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities may issue a directive for immediate correction whenever a violation or violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit, have created or threaten to create an unsanitary or hazardous condition

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

8 Section 75. SMC 21.08.280 is hereby amended as follows:

9 **Stop orders.**

10 When upon discovery of an unsanitary or hazardous condition, the Director of the Seattle-King
11 County Department of Public Health or the ((Superintendent of Water)) Director of Seattle Public
12 Utilities reasonably believes that continuation of chemical treatment or further use of the hot water
13 supply may have harmful effects upon users or subject users to risk of harm, the Director of the Seattle-
14 King County Department of Public Health and/or ((Superintendent)) Director of Seattle Public Utilities
15 may, with or without notice, issue a stop order requiring cessation of use of the anticorrosion chemical
16 feeding equipment, or of anticorrosion chemicals, and/or suspending water service to the premises. Stop
17 orders shall be served on the permit holder as soon as practicable and shall be posted on the premises.

18 Section 76. SMC 21.08.290 is hereby amended as follows:

19 **Permit-Reasons for suspension.**

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

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

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1 Section 77. SMC 21.08.320 is hereby amended as follows:

2 **Reinstatement of permit.**

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

8 Section 78. SMC 21.08.330 is hereby amended as follows:

9 **Revocation of permits.**

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

- 12 A. Serious or repeated violations of this chapter, the rules and regulations implementing it, or the
13 terms and conditions of the permit;
- 14 B. Interference with the Director of the Seattle-King County Department of Public Health or the
15 ~~((Superintendent of Water))~~ Director of Seattle Public Utilities in the performance of their duties;
- 16 C. Failure to comply with any lawful order of the Director of the Seattle-King County
17 Department of Public Health or the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities; or
- 18 D. Operation or use of anticorrosion chemical feeding equipment during a period when the
19 permit is suspended.

16 Section 79. SMC 21.08.340 is hereby amended as follows:

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

18 A party feeling aggrieved by any notice, directive, stop order, suspension or threatened
19 suspension of a permit may seek review by filing a written request with the Director of the Seattle-King
20 County Department of Public Health within ten (10) days after service or posting, whichever is later.

21 Section 80. SMC 21.08.350 is hereby amended as follows:

22 **Department review.**

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

7 Section 81. SMC 21.08.360 is hereby amended as follows:

8 **Hearing for revocation of permit.**

9 Notice shall be given and hearings for revocation of permits shall be conducted in the manner
10 provided for contested cases in the Administrative Code (Ordinance 102228)1 by the Director of the
11 Seattle-King County Department of Public Health or by a Hearing Examiner appointed by him to make a
12 recommended decision.

12 Section 82. SMC 21.08.370 is hereby amended as follows:

13 **Applicability of chapter.**

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

18 Section 83. SMC 21.12.010 is hereby amended as follows:

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

20 Whenever the water supply in any portion of the City is about to be cut off, the ~~((Superintendent
21 of Water)) Director of Seattle Public Utilities~~ shall cause notice to be given to the Chief of the Fire
22 Department of the same, designating the portions of the City from which the water is so cut off together
23 with a statement of the probable length of time during which such cut-off will continue, and when the
24 same shall be again turned on (~~(- the Board shall cause notice of such fact to be given to the Chief)).~~

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Section 84. SMC 21.12.020 is hereby amended as follows:

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

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

Section 85. SMC 21.12.050 is hereby amended as follows:

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

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

- North 1/2 of Sections 1, 2 and 3, Township 25 North, Range 9 East, W. M.;
- NE 1/4 of the NE 1/4; W 1/2 of the NE 1/4; and the NW 1/4, all in Section 4, Township 25 North, Range 9 East, W. M.;
- NE 1/4 and the E 1/2 of the NW 1/4, all in Section 5, Township 25 North, Range 9 East, W. M.;
- Gov. Lots 2 thru 4, both inclusive, Section 4, Township 25 North, Range 10 East, W. M.;
- Gov. Lots 1 thru 4, both inclusive, Section 5, Township 25 North, Range 10 East, W. M.;
- Gov. Lots 1 thru 5, both inclusive and Gov. Lot 12; E 1/2 of the NW 1/4; W 1/2 of the NE 1/4; NE 1/4 of the NE 1/4, all in Section 6, Township 25 North, Range 10 East, W. M.;
- S 1/2 of the S 1/2 of Section 20, Township 26 North, Range 9 East, W. M.;
- NW 1/4 of the SW 1/4; S 1/2 of the SW 1/4; S 1/2 of SE 1/4, all in Section 21, Township 26 North, Range 9 East, W. M.;
- S 1/2 of the SW 1/4; S 1/2 of the SE 1/4; NE 1/4 of the SE 1/4, all in Section 22, Township 26 North, Range 9 East, W. M.;
- S 1/2 of Section 23, Township 26 North, Range 9 East, W. M.;
- S 1/2 of Section 24, Township 26 North, Range 9 East, W. M.;
- Sections 25, 26, 27 and 29, all in Township 26 North, Range 9 East, W. M.;
- E 1/2 of the E 1/2 of Section 30, Township 26 North, Range 9 East, W. M.;
- SE 1/4 of the NE 1/4; NE 1/4 of the SE 1/4, all in Section 31, Township 26 North, Range 9 East, W. M.;
- Sections 32, 33, 34, 35 and 36, all in Township 26 North, Range 9 East, W. M.;
- S 1/2 of the NW 1/4; SW 1/4, all in Section 28, Township 26 North, Range 10 East, W. M.;

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1 S 1/2 of the N 1/2; S 1/2, all in Section 29, Township 26 North, Range 10 East, W. M.;
2 S 1/2 of the N 1/2; S 1/2, all in Section 30, Township 26 North, Range 10 East, W. M.;
3 Sections 31 and 32, all in Township 26 North, Range 10 East, W. M.;
4 Section 33, except the NE 1/4 of the NE 1/4, Township 26 North, Range 10 East, W. M.;
5 SE 1/4 of the SW 1/4; SW 1/4 of the SE 1/4; W 1/2 of the SE 1/4 of the SE 1/4, all in Section 28,
6 Township 26 North, Range 8 East, W. M.;
7 N 330 feet of the NE 1/4 of the NE 1/4 of the NW 1/4; N 330 feet of the NW 1/4 of the NW 1/4 of the
8 NE 1/4; N 990 feet of the E 1/2 of the NW 1/4 of the NE 1/4; N 990 feet of the W 1/2 of the NE 1/4 of
9 the NE 1/4; N 750 feet of the E 1/2 of the NE 1/4 of the NE 1/4, all in Section 33, Township 26 North,
10 Range 8 East, W. M.;
11 including all of the property occupied by the works, rivers, systems, springs, branches and pipes and all
12 lakes, rivers, springs, streams, creeks or tributaries therein and all the property within the areas draining
13 into such lakes, rivers, springs, streams, creeks or tributaries, as contemplated by the laws of the state
14 and the rules and regulations of the State Board of Health.

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

24 Section 86. SMC 21.12.060 is hereby amended as follows:

Cedar River Watershed-Designated-Permit for use.

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

CEDAR RIVER AREA

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

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

North half of Section Seven; north half and southeast quarter of Section Eight; north half and southeast quarter of Section Fifteen, north half of Section Sixteen; northeast quarter and east half of

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

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

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

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

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

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

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

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

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

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

13 LAKE YOUNGS AREA

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

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

24 Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two
North, Range Six East W. M. including all the property occupied by the works, rivers, systems, springs,
branches and pipes and all the lakes, rivers, springs, streams, creeks or tributaries therein and all
property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries.

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

Section 87. SMC 21.16.030 is hereby amended as follows:

Definitions.

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

2 ~~((1. "Board of Public Works" means that Board defined in Chapter 3.44 of the Seattle Municipal
Code.))~~

3 ~~((2)) 1. "City" means The City of Seattle.~~

4 ~~((3)) 2. "Comprehensive plans" means plans which are large in scope and intended to provide
for the ultimate development of the drainage basins served by the sewers and drains, as determined by
the Director of ~~((Engineering)) Seattle Public Utilities~~ at the time the plan was proposed.~~

5 ~~((4)) 3. "Cover" means the depth of material between the top of the side sewer or service drain
pipe and the finished grade immediately above it.~~

6 ~~((5)) 4. "Director of Health" means the Director of Public Health or employees of the Seattle-
King County Department of Public Health.~~

7 ~~((6)) 5. "Director of Construction and Land Use" means the Director or employees of The City
of Seattle Department of Construction and Land Use.~~

8 ~~((7)) 6. "Director of ~~((Engineering)) Seattle Public Utilities~~" means the Director of
~~((Engineering)) Seattle Public Utilities, or his or her designee or employees of ~~((The City of Seattle
Engineering Department)) Seattle Public Utilities~~.~~~~

9 ~~((8)) 7. "Downspout" means a pipe which conducts water from a roof of a building.~~

10 ~~((9)) 8. "Footing drain" means an open joint or perforated pipe located near the foundation of a
building, intended to intercept and carry groundwater.~~

11 ~~((10)) 9. "Garbage" means putrescible waste from the preparation, cooking and dispensing of
food, and from the handling, storage and sale of produce.~~

12 ~~((11)) 10. "Garbage, properly shredded" means garbage that has been shredded to such a degree
that it will be carried or suspended freely under the flow conditions normally prevailing in public
sewers, with no particle larger than three-eighths inch (3/8") in any dimension.~~

13 ~~((12)) 11. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof,
resulting from any process of industry, manufacturing, food processing, business, trade or research,
including the development, recovering or processing of natural resources and including garbage, but
distinguished from sanitary sewage or storm drainage.~~

14 ~~((13)) 12. "Main sewer" means a pipe which is part of the public sewer system and to which a
side sewer is connected.~~

15 ~~((14)) 13. "Metro" means King County.~~

16 ~~((15)) 14. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other
body of surface water.~~

17 ~~((16)) 15. "Owner or occupant" means the owner of real property or the agent or lessee of the
owner.~~

18 ~~((17)) 16. "Permit card" means a card issued in conjunction with a permit (or a carbon copy of
the permit) which shall be posted on the premises of the work being accomplished.~~

19 ~~((18)) 17. "Person" means any individual, company, partnership, corporation, association, society
or group and the singular term shall include the plural.~~

20 ~~((19)) 18. "Ph" means a numerical indicator of the degree of acidity or alkalinity of a substance.~~

21 ~~((20)) 19. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure
which carries the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily
designed to carry stormwater or unpolluted water.~~

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1 ~~((21))~~ 20. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries stormwater or unpolluted water.

2 ~~((22))~~ 21. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the
3 Director of ~~((Engineering))~~ Seattle Public Utilities.

4 ~~((23))~~ 22. "Public place," "public area" or "street area" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles and rights-of-way dedicated for the use of the public, and the space above or beneath the surface of the same.

5 ~~((24))~~ 23. "Registered side sewer contractor" means a person approved and registered by the Director of ~~((Engineering))~~ Seattle Public Utilities to construct or repair side sewers.

6 ~~((25))~~ 24. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the City, Rainier Vista Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired, constructed or maintained by such agencies.

7 ~~((26))~~ 25. "Service drain" means a privately owned and maintained drainage system which carries only stormwater runoff, surface water, foundation drainage and/or other unpolluted waters and which discharges at an approved outlet as defined by the Director of ~~((Engineering))~~ Seattle Public Utilities. Service drains include, but are not limited to, conveyance pipes, catchbasin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet.
9 Service drains do not include groundwater collection systems upstream from the point of connection to a service drain.

10 ~~((27))~~ 26. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

11 ~~((28))~~ 27. "Sewage treatment plant" means an arrangement of devices, structures and equipment
12 for treating wastewater.

13 ~~((29))~~ 28. "Sewer, combined" means a publicly owned and maintained sewerage system which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and water from foundation drains.

14 ~~((30))~~ 29. "Sewer, sanitary" means a publicly owned and maintained sewage system which carries wastewater, and is not designed to carry stormwater or unpolluted water.

15 ~~((31))~~ 30. "Side sewer" means a privately owned and maintained pipe system which is designed to carry sewage and/or stormwater runoff, surface water, foundation drainage, and other unpolluted water leading from a plumbing outlet, drain or other facilities to the public sewer system or approved outlet.

16 ~~((32))~~ 31. "Sidewalk" means the walkway in a public area lying generally parallel to the roadway.

17 ~~((33))~~ 32. "Standard Plans and Specifications" means the standard plans and specifications
18 ~~((adopted by the Board of Public Works and))~~ in effect on the date of issuance of the permit.

19 ~~((34))~~ 33. "Storm drain" means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.

20 ~~((35))~~ 34. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter
21 which, upon dilution with water or sewage, results in the formation of suspended solids.

22 ~~((36))~~ 35. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director of Health or
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1 the Director of ((Engineering)) Seattle Public Utilities has the authority to determine which waters are
2 unpolluted waters.

3 ((37)) 36. "Use" means and includes use or occupancy of a public place pursuant to Chapter
4 15.02 of the Seattle Municipal Code for the purpose of doing work, disturbing the surface, or erecting
5 any structure under, along or over the public place.

6 ((38)) 37. "Wastewater" is a comprehensive term including industrial waste, sewage, and other
7 unpolluted waters, as determined by the Director of Health or Director of ((Engineering)) Seattle Public
8 Utilities.

9 ((38)) 39. "Watercourse" means a channel in which a natural flow of stormwater and/or
10 groundwater occurs either continuously or intermittently.

11 Section 88. SMC 21.16.040 is hereby amended as follows:

12 **Connection or abandonment of side sewers.**

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

24 B. Service Drain Connections. Connections of service drains to combined sewers or storm
drains shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

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

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to
the charge that would be made for sewer service if the property were connected to the sewer system,
which amount shall be paid and collected at the times and in the manner provided by ordinance for the
payment and collection of sewer service charges; and

2. The Director of Health has waived the requirement as provided in subsection A of this
section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must
connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as
determined by the Director of Health. The exemption will remain in effect until the on-site sewer

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1 system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay
2 the charges referred to in subdivision 1 of this subsection, whichever occurs first, at which time the
property shall be connected to the public sewer system as required in subsection A herein.

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

4 Section 89. SMC 21.16.050 is hereby amended as follows:

5 **Connection-Notice to owner or occupant.**

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

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

14 Section 90. SMC 21.16.060 is hereby amended as follows:

15 **Registered side sewer contractor-Qualification-Insurance-Bond.**

16 A. To obtain registration from the City as a side sewer contractor, an applicant must:

- 17 1. Pay to the City Finance Director an examination fee of Sixty Dollars (\$60 00) for each
18 individual who takes the examination required by this subsection;
19 2. Successfully complete or employ an individual who has successfully completed an oral
and written examination administered by the Director of ((Engineering)) Seattle Public Utilities;
20 3. Possess a current Washington State Contractor's license;
21 4. Possess a current City Business and Occupation license;
5. File with the Director of ((Engineering)) Seattle Public Utilities a certificate of
insurance as prescribed by subsection B; and
6. Post a bond as prescribed by subsection C.

22 B. Each registered side sewer contractor shall file with the Director of ((Engineering)) Seattle
23 Public Utilities a certificate of insurance and maintain in full force and effect a policy of insurance from
24

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1 an insurance company licensed to do business in the State of Washington. The certificate shall state that
2 the contractor carries comprehensive general liability insurance with bodily injury limits of not less than
3 Three Hundred Thousand Dollars (\$300,000.00) for any one (1) person killed or injured in any one (1)
4 accident or occurrence, and One Million Dollars (\$1,000,000.00) for more than one (1) person killed or
5 injured in any one (1) accident or occurrence and with property damage liability limits of at least One
6 Hundred Thousand Dollars (\$100,000.00) for all damages arising out of injury to or destruction of
7 property. Such policy shall contain an endorsement naming the City as an additional insured and
8 providing for not less than ten (10) days' notice to the City of any change, cancellation or expiration of
9 such policy. The Director of ~~((Engineering))~~ Seattle Public Utilities shall, upon notice, cancel the
10 contractor's registration if such insurance shall cease to be of full force and effect.

11 C. Each registered side sewer contractor shall post with the City Clerk and maintain in full force
12 and effect a bond in the sum of Fifteen Thousand Dollars (\$15,000.00) conditioned that the applicant
13 shall indemnify and save harmless the City from all claims, actions, or damages of every kind or
14 description which may accrue to or be suffered by any person by reason of any opening in any street,
15 alley, avenue or other public place made by the contractor or those in the contractor's employ, in making
16 any connection with any public or private sewer, or for any other purpose or object whatever, and that
17 the contractor shall also replace and restore such street, alley, avenue or other public place to as good a
18 state and condition as at the time of commencement of said work, and maintain the same in good order,
19 and that the contractor shall comply with all of the provisions of this subtitle and any other ordinance of
20 the City, relating to the business of side sewer contracting.

21 Section 91. SMC 21.16.065 is hereby amended as follows:

22 **Cancellation, suspension or denial of registration.**

23 A. In addition to other penalties provided by law, the Director of ~~((Engineering))~~ Seattle Public
24 Utilities may cancel or suspend the registration of a registered side sewer contractor, or may deny an
application for registration, for any of the following causes:

- 25 1. Failure to successfully complete the examination or to employ an individual who has
26 successfully completed the examination required by Section 21.16.060;
- 27 2. Failure to maintain the comprehensive general liability insurance or bond required by
28 Section 21.16.060;
- 29 3. Failure to comply with this Title of the Seattle Municipal Code or the rules and
30 regulations issued by the Director of ~~((Engineering))~~ Seattle Public Utilities governing the construction
31 and laying of side sewers;
- 32 4. Fraud or misrepresentation in registering as a side sewer contractor;
- 33 5. Failure to pay for labor or material used in the construction of a side sewer;
- 34 6. Fraud or misrepresentation to the owner or occupant of a building for the purpose of
obtaining a contract for the construction of a side sewer;
- 35 7. Nonpayment for work performed by the City for which the side sewer contractor is
liable; or
- 36 8. Construction or other performance showing dissatisfactory work by the side sewer
contractor.

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1 B. Upon information and belief that a registered side sewer contractor's registration should be
2 suspended or canceled, or an application for registration denied, for any of the causes enumerated in
3 subsection A of this section, the Director of ~~((Engineering))~~ Seattle Public Utilities shall send notice by
4 certified mail to the contractor that the contractor's registration as a side sewer contractor may be

5 C. If the contractor wishes to appeal the action, the contractor must file with the Director of
6 ~~((Engineering))~~ Seattle Public Utilities a request for a hearing before the Hearing Examiner within ten
7 (10) days of the date of service or mailing of such notice. The contractor shall submit the Hearing
8 Examiner's filing fee with
9 such request.

10 D. If a timely request for a hearing is filed by the contractor or applicant, a hearing shall be
11 scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner according to
12 his/her rules for contested cases.

13 E. When a hearing has been requested by a contractor in connection with a suspension or
14 cancellation of the contractor's registration, the registration shall remain in effect pending the
15 determination made as a result of such hearing; provided, that in cases involving a substantial threat to
16 the public health, safety or welfare, the registration may be summarily suspended

17 F. If a timely appeal is not filed by the contractor or applicant, the order of the Director of
18 ~~((Engineering))~~ Seattle Public Utilities denying, suspending or revoking the registration shall be final;
19 provided, that the Hearing Examiner may waive the ten (10) day requirement upon satisfaction that
20 failure to receive notice of the order was beyond the control of the person requesting the hearing.

21 G. The Director of ~~((Engineering))~~ Seattle Public Utilities' decisions shall be reversed only if the
22 Hearing Examiner finds that the decision was arbitrary and capricious.

23 H. The record shall be established at the hearing before the Hearing Examiner. The Hearing
24 Examiner shall either close the record after the hearing or leave it open to a specified date for additional
25 testimony, written argument or exhibits.

26 I. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the
27 record. The Hearing Examiner may affirm, reverse, remand or modify the Director of ~~((Engineering))~~
28 Seattle Public Utilities' decision. Written findings and conclusions supporting the Hearing Examiner's
29 decision shall be made. The Director of ~~((Engineering))~~ Seattle Public Utilities and all parties of record
30 shall be bound by the terms and conditions of the Hearing Examiner's decision.

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

33 K. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner's
34 decision specifically states that the Hearing Examiner retains jurisdiction.

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

38 M. Whenever a registration is denied, no reapplication for registration will be considered by the
39 Director of ~~((Engineering))~~ Seattle Public Utilities until correction of the disability on which the denial
40 was based.

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1 N. Whenever a registration is revoked, no new application for registration that has been revoked
2 will be considered by the Director of ~~((Engineering))~~ Seattle Public Utilities for a period of one (1) year,
commencing on the date the order to revoke becomes final.

3 O. The period of suspension shall be a period as stated in the order to suspend, and may be for
any period up to one (1) year, commencing on the date the order to suspend becomes final.

4 Section 92. SMC 21.16.070 is hereby amended as follows:

5 **Permit required.**

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

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

9 C. Unless an emergency exists, as determined by the Director of ~~((Engineering))~~ Seattle Public
Utilities, a side sewer permit must be obtained from the Director of ~~((Engineering))~~ Seattle Public
10 Utilities before any work may be started on a side
sewer located within the City's sewer service area, either on private property or within a public place.

11 D. No permit shall be altered and no work shall be performed on a side sewer other than that
provided for in the permit. If additional work is necessary, the Director of ~~((Engineering))~~ Seattle Public
Utilities may require an additional permit and/or fees.

12 Section 93. SMC 21.16.080 is hereby amended as follows:

13 **Permit-Application-Director of ~~((Engineering))~~ Seattle Public Utilities' authority.**

14 A. For work in a public place, a permit shall only be issued to an individual who has successfully
15 completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a
16 duly authorized representative of a registered side sewer contractor.

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

18 C. Whenever a registered side sewer contractor applies for a permit, a permit shall be issued only
to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the
Seattle Municipal Code and who is a duly authorized representative of the contractor.

19 D. Application for the permit required by this chapter shall be filed with the Director of
~~((Engineering))~~ Seattle Public Utilities with the following:

- 20 1. The name, address and telephone number of the applicant;
21 2. Name, mailing address, and telephone number of the property owner;
22 3. Legal description and address of property to be served;
23 4. A scale drawing showing the location of all structures on the property, dimensions of
the structures, and the location of all existing and proposed side sewers;
24 5. Purposes for which all structures are to be used;

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1 6. Proof that all necessary permits have been obtained in conjunction with or prior to
issuance of the side sewer permit;

2 7. Proof that all necessary easements, releases, and/or permissions to connect have been
obtained and recorded with the King County Department of Records and Elections;

3 8. Proof of payment of all permit fees and other charges required by Chapter 21.24 of the
Seattle Municipal Code.

4 E. The Director of ((Engineering)) Seattle Public Utilities may change or modify the application
and designate the manner and place where the side sewer shall connect to the public sewer system, may
5 specify the material, size and grade of the side sewer, and determine whether or not a permit shall be
granted. The Director of ((Engineering)) Seattle Public Utilities may require the applicant to furnish
6 plans prepared and stamped by a professional engineer, licensed in the State of Washington. The
Director of ((Engineering)) Seattle Public Utilities shall keep such records as he/she deems necessary of
7 all side sewer permits and inspection reports.

8 F. Notwithstanding any other provisions of this chapter, the Director of ((Engineering)) Seattle
Public Utilities may refuse, until the condition is corrected, to issue a permit to a registered side sewer
contractor for any of the following conditions:

9 1. Failure to pay within sixty (60) days any bill for work performed by the City and for
which the contractor is liable;

10 2. Failure to maintain the comprehensive general liability insurance or the bond required
by Section 21.16.060 of the Seattle Municipal Code; or

11 3. Failure to comply with a notice posted pursuant to Section 21.16.360 of the Seattle
Municipal Code.

12
13 Section 94. SMC 21.16.090 is hereby amended as follows:

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

15
16 A. Unless authorized by the Director of ((Engineering)) Seattle Public Utilities, no permit shall be
issued for side sewer connection before the public or private main sewer system has met requirements
set by the Director of ((Engineering)) Seattle Public Utilities.

17 B. Side sewer permits are not transferable.

18 C. All side sewer permits shall expire ninety (90) days after issuance unless extended by the Director of
((Engineering)) Seattle Public Utilities prior to the date of expiration. Expired permits are not subject to
refunds pursuant to Section 21.24.090 of the Seattle Municipal Code.

19 D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily
and safely accessible to the Director of ((Engineering)) Seattle Public Utilities.

20
21 Section 95. SMC 21.16.100 is hereby amended as follows:

22 **Police officer's authority.**

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1 It shall be the duty of any police officer and of the Director of Health, finding any person
2 breaking ground for the purpose of making connection with a public or private sewer system, to
3 ascertain if such person has a permit therefor and if not to immediately report the fact to the Director of
4 ((Engineering)) Seattle Public Utilities.

4 Section 96. SMC 21.16.110 is hereby amended as follows:

5 **Permit for temporary connection.**

6 The Director of ((Engineering)) Seattle Public Utilities may, upon receiving an application
7 containing such information as is required by this chapter, issue a permit for a temporary connection to a
8 combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a
9 condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary
10 sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the
11 Director of ((Engineering)) Seattle Public Utilities at any time upon sixty (60) days' notice posted upon
12 the premises and directed to the owner or occupant of the premises; and in the event the side sewer or
13 drains are not disconnected and reconstructed as required at the expiration of sixty (60) days the Director
14 of ((Engineering)) Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and
15 charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the
16 owner or occupant. Such charges shall be immediately payable to the City Finance Director following a
17 written notice of the amount thereof given to such owner or occupant or posted on the premises. The
18 amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien
19 upon the premises and such lien may be foreclosed by the City as provided by State law. The Director of
20 ((Engineering)) Seattle Public Utilities may require that the applicant record with the King County
21 Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if
22 required to do so, and to save the City harmless from all damage or claims resulting to the City by
23 reason of such temporary connection or disconnection, and exhibit to the Director of ((Engineering))
24 Seattle Public Utilities the recording number of said instrument.

16 Section 97. SMC 21.16.140 is hereby amended as follows:

17 **Inspections.**

18 A. Any person performing work pursuant to the provisions of this chapter shall notify the
19 Director of ((Engineering)) Seattle Public Utilities when the work will be ready for inspection, and shall
20 specify in such notification the location of the premises by address and the file number of the permit.

21 B. The Director of ((Engineering)) Seattle Public Utilities shall schedule inspection times. On
22 any call for inspection forty-eight (48) hours' notice plus Saturday, Sunday and holidays may be required
23 by the Director of ((Engineering)) Seattle Public Utilities.

24 C. If the Director of ((Engineering)) Seattle Public Utilities finds the work performed or
materials used not in accordance with this chapter and rules and regulations and/or the City "Standard
Plans and Specifications" for side sewer construction, he/she shall notify the person doing the work and

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1 the owner or occupant of the premises by posting a notice on or near the permit card. Such posted notice
2 shall be all the notice that is required to be given of the defects in the work or materials found in such
inspection.

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

5 E. If the permittee is a registered side sewer contractor, either the contractor or a competent
6 representative shall be on the premises, whenever so directed to meet the inspector. A property owner
shall also meet the inspector at a mutually convenient time during the regular hours of business when
requested.

7
8 Section 98. SMC 21.16.150 is hereby amended as follows:

9 **Trenches and excavations.**

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

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

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

15 D. All work in public places shall conform to the requirements of the current edition of The
16 City of Seattle Traffic Control Manual for In-Street Work.

17 Section 99. SMC 21.16.160 is hereby amended as follows:

18 **Filling of excavation**

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

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

4 Section 100. SMC 21.16.170 is hereby amended as follows:

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

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

17 Section 101. SMC 21.16.180 is hereby amended as follows:

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

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

Section 102. SMC 21.16.210 is hereby amended as follows:

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Mechanical lifting or backwater sewage valves.

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

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

Section 103. SMC 21.16.220 is hereby amended as follows:

Drainage of hard-surfaced or graded areas.

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

Section 104. SMC 21.16.250 is hereby amended as follows:

Easements and agreements.

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

B. When two (2) or more structures are allowed to connect to one (1) side sewer, an instrument(s) which identifies all affected properties and which shall save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side

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1 sewer must be executed by all affected property owners and recorded with the King County Department
2 of Records and
3 Elections for each affected property. The instrument(s) shall be upon a form approved by the Director of
4 ((Engineering)) Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the
5 affected properties.

6 Section 105. SMC 21.16.260 is hereby amended as follows:

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

8 If, in the opinion of the Director of Construction and Land Use, after consulting with the Director
9 of ((Engineering)) Seattle Public Utilities, physical conditions make compliance with the provisions of
10 this chapter impracticable, the Director of ((Engineering)) Seattle Public Utilities may issue a permit for
11 installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible,
12 and such permit shall be issued only upon the condition that the property owner shall record with the
13 King County Department of Records and Elections an instrument acceptable to the Director of
14 ((Engineering)) Seattle Public Utilities agreeing to save harmless and indemnify the City from any
15 damage or injury resulting from the installation, operation and maintenance of said side sewer. Such
16 instrument shall be upon a form approved by the Director of ((Engineering)) Seattle Public Utilities.
17 This section is not intended to be used to allow storm drainage connections to a sanitary sewer.

18 Section 106. SMC 21.16.270 is hereby amended as follows:

19 **Construction requirements and specifications.**

20 A. Materials and workmanship in connection with the installation of any side sewer or service
21 drain shall be as required by the Standard Plans and Specifications of the City, and Chapters 22.800 and
22 22.802 of the Seattle Municipal Code, and as designated by the Director of ((Engineering)) Seattle
23 Public Utilities. If any requirements or standards conflict, or if special circumstances exist, the Director
24 of ((Engineering)) Seattle Public Utilities will determine which requirements or standards will be
applicable.

B. Unless authorized by the Director of ((Engineering)) Seattle Public Utilities, an owner or
occupant who is required, or wishes, to connect to a public sewer shall be required to build a main sewer
line extension if a public sewer is not accessible within an abutting public area, or if the building,
habitable structure, plumbing outlet or source of polluted water is more than two hundred feet (200')
from the public sewer.

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

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

5 E. Unless authorized by the Director of ~~((Engineering)) Seattle Public Utilities~~, all side sewers
6 shall be constructed with not less than two percent (2%) grade and not more than one hundred percent
7 (100%) grade.

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

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

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

17 I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to the property
18 line as possible without interrupting service to any other building.

19 Section 107 SMC 21.16.280 is hereby amended as follows:

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

21 Streets, sidewalks, planting strips, and other public areas except as mentioned in Section
22 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored by the
23 side sewer contractor to the original surface condition as approved by the Director of ~~((Engineering))~~
24 ~~Seattle Public Utilities~~; and in event of the failure of the contractor to so restore the area the Director of
Engineering may make such restoration and charge the cost thereof to the side sewer contractor who
shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area
make immediate payment thereof to the City Finance Director.

Section 108. SMC 21.16.300 is hereby amended as follows:

Prohibited discharge of certain substances.

Unless approved by the Director of ~~((Engineering)) Seattle Public Utilities~~ it is unlawful to
discharge or cause to be discharged any of the following substances in the public sewer system or any
drain, ditch or natural outlet:

A. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit (150
F.);

B. Wastewater which contains more than one hundred (100) parts per million by weight of fat,
oil or grease of animal, vegetable, or mineral petroleum origin;

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1 C. Flammables capable of causing explosion or supporting combustion in the public sewer
2 system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent,
3 kerosene, fuel oil, crankcase oil, and acetylene generation sludge;

D. Garbage that has not been properly shredded;

3 E. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea
4 shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to
5 the flow of sewers or other interference with the proper operation of the public sewer
6 system;

F. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause
7 damage to structures or equipment or which is hazardous to personnel of the public sewer system;

G. Wastewater containing a toxic or poisonous substance including chlorinated hydrocarbons in
8 sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to
9 humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment
10 plant;

H. Wastewater containing suspended solids of such character and quantity that unusual attention
11 or expense is required to handle such materials in a main sewer, at a sewage treatment plant, or a
12 pumping station;

I. Noxious or malodorous gas or substance capable of creating a public nuisance.

11 Section 109. SMC 21.16.310 is hereby amended as follows:

12 **Pretreatment facilities.**

13 A. Grease, oil, sand, liquid waste containing grease or flammable material or other harmful
14 ingredients shall be intercepted prior to being discharged to the public sewer system by the installation
15 and operation of pretreatment facilities which shall be of a type and capacity approved by the Director of
16 ((Engineering)) Seattle Public Utilities and shall be so located as to be readily accessible for
17 maintenance and inspection.

B. When pretreatment facilities are installed for private use, they shall be maintained by the
18 owner or occupant at his or her expense in continuously efficient operation at all times. The Director of
19 ((Engineering)) Seattle Public Utilities shall determine whether such equipment shall be allowed or
20 required to be installed, and whether the effluent produced is satisfactory.

C. Plans, specifications and any other pertinent information relating to proposed preliminary
21 treatment facilities shall be submitted for approval of the Director of ((Engineering)) Seattle Public
22 Utilities; and construction of such facilities shall not begin until such approval is noted on the plan.

23 Section 110. SMC 21.16.330 is hereby amended as follows:

24 **Standards for measurements and analyses.**

Measurements, tests and analyses of the characteristics of waters and waste to which reference is
made in this chapter shall be determined in accordance with the standards prescribed by "Standard

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1 Methods for the Examination of Water and Sewage," filed in the City Clerk's office under
2 ((Comptroller)) Clerk's File No. 260956. In any property served by a side sewer carrying industrial
3 wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation,
4 sampling and measurement of the wastes, when required by the Director of ((Engineering)) Seattle
5 Public Utilities. Such manhole shall be accessible, safely located, and shall be constructed and installed
6 in accordance with plans approved by the Director of ((Engineering)) Seattle Public Utilities. Such
7 manhole shall be installed and maintained by the owner or occupant at his or her expense.

8 Section 111. SMC 21.16.340 is hereby amended as follows:

9 **Right of entry for inspection.**

10 The Director of ((Engineering)) Seattle Public Utilities or other City officials or employees of the
11 City, bearing proper credentials and identification, may with the consent of the occupant or with the
12 consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any
13 and all premises at all reasonable times, or during an emergency at any time, for the purpose of
14 inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance
15 with the provisions of this chapter.

16 Section 112. SMC 21.16.350 is hereby amended as follows:

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

18 The Director of ((Engineering)) Seattle Public Utilities and the Director of Construction and
19 Land Use may make rules and regulations and amend the same from time to time, not inconsistent with
20 the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the
21 provisions of this chapter.

22 Section 113. SMC 21.16.360 is hereby amended as follows:

23 **Authority to post notices.**

24 The Director of Health or the Director of ((Engineering)) Seattle Public Utilities is authorized to
post notice on private property at or abutting the scene of any violation of this chapter, calling for the
terms of this chapter to be complied with, and the notice may require work to cease if necessary.

Section 114. SMC 21.16.370 is hereby amended as follows:

Unlawful destruction of notices.

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1 It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or
2 posted by the Director of Health or the Director of ~~((Engineering))~~ Seattle Public Utilities pursuant to the
provisions of this chapter.

3
4 Section 115. SMC 21.20.010 is hereby amended as follows:

5 **Connections authorized.**

6 Pursuant to authority granted by RCW 35.67.310 the Director of ~~((Engineering))~~ Seattle Public
7 Utilities is authorized to enter into agreements for and on behalf of the City with the owners of property
8 beyond the City limits permitting connection of such property with the City's sewers upon the terms,
9 conditions and subject to the payments prescribed in this chapter when, in the judgment of the Director
of ~~((Engineering))~~ Seattle Public Utilities, such connections will not overload or imperil the City's sewer
system.

10 Section 116. SMC 21.20.020 is hereby amended as follows:

11 **Specifications of agreement.**

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

22 B. In the event that such agreement provides for payment of the special connection charge in
installments, such agreement shall further provide for a down payment of five percent (5%) of the total

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1 connection charge, payable upon execution of such agreement and for payment of the balance in forty
2 (40) quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall
3 further provide that any unpaid balance may be paid in full in any year at the time the first quarterly
4 payment of such year is due and payable.

4 Section 117. SMC 21.24.010 is hereby amended as follows:

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

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

10 Section 118. SMC 21.24.021 is hereby amended as follows:

11 **Permit application and fee.**

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

15 **A. Sanitary Sewers.**

16 **1. Sanitary Sewer Connection, Relocation, or Alteration.**

- 17 a. Single-family.
18 Connection \$135.00
19 Pump 45.00
20 More than one (1) connection
to main, each
additional 135.00
Inspection time in excess of one (1) hour will be billed separately.

- 21 b. Multiple-family.
22 Connection per Building.
First unit \$ 135.00
23 Plus each additional
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unit 30.00
Pump..... 45.00
Maximum permit
fee 1,000.00
More than one (1)
connection to main,
each additional 135.00
Inspection time in excess of one (1) hour will be billed separately.

c. Commercial Structures and Additions.

Connection, each
square foot \$ 0.04
Pump..... 45.00
Minimum fee 250.00
Maximum permit
fee 1,000.00
Inspection time in excess of one (1) hour will be billed separately.

d. Combination Commercial and Residential.
Connection.

Each square foot
of commercial \$ 0.04
Plus each
residential unit 30.00
Pump..... 45.00
Minimum fee 250.00
Maximum fee 1,000.00
More than one (1)
connection to main,
each additional 250.00
Inspection time in excess of one (1) hour will be billed separately.

2. Additional Connections to Existing Side Sewers.

All Structures.
One-half (1/2) of the rate
for initial connection
but not less than \$70.00
Inspection time in excess of one (1) hour will be billed separately.

3. Additional Direct Connections to Main Sewer.

All Structures.
Same as initial connection

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but not less than \$135.00
Inspection time in excess of one (1) hour will be billed separately.

4. Reconnection to Sanitary Sewer- Structures Moved From Another Location.

All Structures.
Same as initial fee but
not less than \$135.00

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

B. Repairs.

1. Repairs to Side Sewers.

All Structures.
Repairs on
property \$ 65.00
Repairs in street
area or both 130.00

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

C. Capping.

1. Cap Existing Side Sewers.

All Structures.
Per line capped \$ 65.00
plus
Guarantee deposit per line to be
capped 100.00

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

D. Storm Drainage.

1. Drainage Systems Connecting Directly to Storm Drains or Discharging Directly to
Receiving Waters.

a. Single-family (Less than Nine Thousand (9,000)
Square Feet of Developmental Coverage).
Connection fee \$160.00

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

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1 b. Multi-family or Commercial with less than Nine
2 Thousand (9,000) Square Feet of Developmental Coverage.
3 Connection fee. \$300.00
4 Inspection time in excess of two (2) hours will be billed
5 separately.
6 c. All Developments with Greater than Nine Thousand
7 (9,000) Square Feet of Developmental Coverage.
8 Connection fee. \$0.02 per
9 square foot
10 plus \$285.00
11 Inspection time in excess of two (2) hours will be billed
12 separately.

2. Drainage Systems with Detention Required.

3 a. Single-family (Less than Nine Thousand (9,000)
4 Square Feet of Developmental Coverage).
5 Connection fee. \$245.00
6 Inspection time in excess of one (1) hour will be billed
7 separately.

8 b. Multi-family or Commercial with Less than Nine
9 Thousand (9,000) Square Feet of Developmental Coverage.
10 Connection fee. \$400.00
11 Inspection time in excess of two (2) hours will be billed
12 separately.

13 c. All Developments with Greater than Nine Thousand
14 (9,000) Square Feet of Developmental Coverage.
15 Connection fee. \$0.02 per
16 square foot
17 plus \$350.00
18 Inspection time in excess of two (2) hours will be billed
19 separately.

20 E. Additional Fees Levied. When side sewer or drainage work, as regulated by Seattle
21 Municipal Code Chapter 21.16 (Ordinance 97016) is without the required permit, the fee shall be double
22 the fee fixed by this chapter, except that the double-fee charge shall not apply in cases where, in the
23 discretion of the Director of ((Engineering)) Seattle Public Utilities, an emergency has arisen at a time
24 other than business hours and a permit is secured before noon (12:00 noon) of the first business day
following an emergency.

F. Legal Document Fee.

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1 For each document prepared
2 by the City. \$65.00

3 **G. Inspection Fee.**

4 For the purpose of this
5 section inspection time
6 in excess of the base
7 fee will be charged per
8 hour \$90.00

9 In all cases of dispute regarding fees, permits or other matters relating to this chapter, the
10 decision of the Director of ~~((Engineering))~~ Seattle Public Utilities shall be final and conclusive.

11 Section 119. SMC 21.24.030 is hereby amended as follows:

12 **Special connection charge-Imposed.**

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

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

25 Section 120. SMC 21.24.040 is hereby amended as follows:

26 **Special connection charge-Computation.**

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1 A. The special connection charge imposed by Section 21.24.030 shall be paid into the ((Sewer))
2 Drainage and Wastewater Fund and, in order that property owners bear their equitable share of the cost
of the sewer system, shall be computed as follows:

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

11 2. For Trunk Sewers. The number of square feet of property area to be served by the
12 sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers
13 in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are
14 connected was constructed and accepted, provided that, for all sewers that are connected more than one
15 (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with
16 the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as
published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the
year the City sewer was or is completed and available for connection until the connection is made, but
excluding both the year of completion of construction and the year connection is made, except that, for
connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for
U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged
pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10)
years.

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

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

22 D. The collection of the special connection charge to serve a residence may be deferred at the
23 request of a person responsible for its payment who is economically disadvantaged, as defined in Section
24

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1 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be
2 connected to the City system. Interest on deferred charges shall be computed at the same rate as
3 provided in subsection A of Section 21.24.030 as if payment were being made in a timely manner under
4 an installment contract. A request for deferral must be made thirty (30) days prior to levy of the special
5 connection charge. All charges, including interest, so deferred, shall become due and payable in full at
6 the time of sale or transfer of the property.

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

17 F. For connection to side sewers constructed by the City, the property owner for whose benefit
18 connection is made shall pay the cost of the side sewer. The cost shall be computed as follows: The
19 actual cost to the City of the side sewer, plus fifteen percent (15%) for City design and administrative
20 costs, plus interest at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and
21 bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise
22 available from the Federal Reserve Bank, for the year the City sewer was or is completed and available
23 for connection and applied until the connection is made, but excluding both the year of completion of
24 construction and the year connection is made.

Section 121. SMC 21.24.070 is hereby amended as follows:

Fee payment.

The fee shall be paid to the City Finance Director before the permit is issued and the amount of
the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in
the office of the City Director of ~~((Engineering))~~ Seattle Public Utilities.

Section 122. SMC 21.24.090 is hereby amended as follows:

Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are
exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason
and application is made for refund, the Director of ~~((Engineering))~~ Seattle Public Utilities shall certify
the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon
presentation of such certificate, the City Finance Director is authorized to draw and to pay a warrant on

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1 the General Fund in the amount of such refund and the necessary appropriations are hereby made from
2 any surplus in the fund.

3 Section 123. SMC 21.24.100 is hereby amended as follows:

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

5 Whenever pursuant to Ordinance 82583, as amended, a special sewer connection charge shall
6 have been paid on behalf of a property within the City limits, or pursuant to Ordinance 85317, as
7 amended, a special sewer connection charge shall have been paid on behalf of property outside the City
8 limits, and such charge shall have been incorrectly computed, duplicate a previous charge imposed and
9 collected pursuant to the authority of either such ordinance, or be otherwise erroneous and an application
10 is made for a refund, the Director of ~~((Engineering))~~ Seattle Public Utilities may authorize the same,
11 such authorization to be in writing and accompanied by a statement of the facts justifying such refund
12 and the amount approved.

13 Section 124. SMC 21.28.005 is hereby amended as follows:

14 **Definitions.**

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

16 A. "Average winter water consumption" means the average of measured water used during a
17 consecutive four month period, after October 31st and before May 1st, with the consumption measured
18 entirely within that period.

19 B. "CCF" means one hundred (100) cubic feet, equivalent to seven-hundred and forty-eight
20 (748) gallons.

21 C. "Commercial" means customers with two (2) or more residential dwelling units, or
22 municipal, institutional, commercial, or industrial properties.

23 D. "Customer" means an owner or operator of a property receiving wastewater charges from the
24 ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities on a Combined Utility Billing Statement
(CUBS) or by direct invoice.

E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of the
~~((Drainage and Wastewater Utility))~~ drainage and wastewater functions of the Seattle Public Utilities,
which fund was renamed in Ordinance 116455 from the "Sewer Fund," which had been established
under Ordinance 84390.

F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.

G. "High strength industrial waste or HSIW" means a surcharge determined by King County on
high strength wastes generated by industries, primarily food, beverage and laundry industries, and is
computed on the basis of biochemical oxygen demand.

H. "Irrigation" means water used exclusively for watering lawns and gardens.

I. "Metered water consumption" means water measured through public utility meters or meters
owned and installed by the customer and approved by the Director of Engineering.

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- 1 J. "Seasonal customers" means residential customers who leave their Seattle homes vacant
2 during a significant portion of the four (4) month period used to calculate the average winter water
3 consumption.
- 4 K. "Sewage" means refuse liquids or waste matter carried off by sewers.
- 5 L. "Sewer" means an artificial conduit to carry off sewage and sometimes surface water (as from
6 rainfall).
- 7 M. "Sewerage" means the removal and disposal of sewage and surface water by sewers, or a
8 system of sewers.
- 9 N. "Single-family residence" means an individual dwelling unit with no commercial use and one
10 (1) water meter.
- 11 O "Submeter" means a meter installed down the line from a main water meter, measuring a
12 portion of the total amount of water delivered through the main meter.
- 13 P. "Wastewater" means refuse liquids or waste matter carried off by sewers; a synonym for
14 sewage.
- 15 Q. "Wastewater volume charge" means the wastewater volume rate multiplied by the volume of
16 measured water consumed on the premises in accordance with this chapter.
- 17 R. "Wastewater volume rate" means the dollar charge per CCF of wastewater measured in
18 accordance with this chapter.

19 Section 125. SMC 21.28.010 is hereby amended as follows:

20 **Sewerage system a public utility**

21 It is necessary for the public health, safety and welfare that the existing sewerage system of the
22 City, in conjunction with the storm and surface water sewers, together with such extensions, additions
23 and improvements thereto as may from time to time be authorized, continue to be maintained, conducted
24 and operated as a public utility of the City (~~(called the Drainage and Wastewater Utility)~~) within the
Seattle Public Utilities. The (~~(Drainage and Wastewater Utility)~~) Seattle Public Utilities shall have
jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature
owned or held by the City within its boundaries which comprise or relate to storm and surface water
sewers, including all facilities constructed and to be constructed with moneys from the Drainage and
Wastewater Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and
rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department,
(~~the Water Department,~~) the City Light Department and the Department of Administrative Services.
Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for
any liability on the part of the City, or its officers, employees or agents, for any injury or damage
resulting from or by reason of any act or omission in connection with the implementation or enforcement
of this chapter on the part of the City by its officers, employees or agents.

Section 126. SMC 21.28.020 is hereby amended as follows:

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1 **Administration of utility.**

2 The Director of ~~((Engineering))~~ Seattle Public Utilities, through the ~~((Department of~~
3 ~~Engineering))~~ Seattle Public Utilities, shall operate and administer ~~((the Drainage and Wastewater~~
4 ~~Utility))~~ drainage and wastewater functions and enforce this chapter and there shall be kept a classified
5 system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of
6 Municipal Corporations, in conjunction with the City Finance Director, as required by law.

7 Section 127. SMC 21.28.040 is hereby amended as follows:

8 **Wastewater volume charge.**

9 A. There is hereby imposed upon all premises served by the ~~((Drainage and Wastewater Utility))~~
10 Seattle Public Utilities and on which water is consumed a volume charge for wastewater services. The
11 volume charge shall be the amount obtained when the wastewater volume rate is multiplied by the
12 volume of water consumed on the premises, whatever the source of such water. Wastewater shall be
13 metered water consumption. However, every premise shall pay at the minimum a wastewater volume
14 charge equal to one (1) CCF (hundred cubic feet) per month to cover billing and general administrative
15 costs. The following premises shall be exempt from the charge imposed by this section:

16 1. Premises which are not connected and not required under SMC 21.16.040 (Section 3
17 of Ordinance 97016) to be connected to the public sewer system;

18 2. Premises, the owner, agent, lessee, or occupant of which has not been notified in
19 accordance with SMC 21.16.040 (Section 4 of Ordinance 97016) to connect to the public sewer system.

20 B. There is hereby imposed upon all premises served by the ~~((Drainage and Wastewater Utility))~~
21 Seattle Public Utilities and on which water is consumed, a City wastewater volume rate per CCF of
22 metered flow per month. The minimum monthly wastewater volume charge shall be equal to the
23 wastewater volume rate for one CCF regardless of actual metered flow. Effective January 1, 1996, the
24 1995 wastewater volume rate shall be increased only in the amount necessary to pass-through the cost to
the ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities of the increase, if any, in the King
County wastewater treatment rate for 1996; provided that such King County increase shall not increase
the ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities' wastewater volume rate to more than
Four Dollars and Twenty-three Cents (\$4.23) per CCF, and the actual rate has been determined by the
~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities to be Four Dollars and Five Cents (\$4.05)
per CCF.

 Section 128. SMC 21.28.060 is hereby amended as follows:

Determination of Volume Rate.

 The Volume Rate shall be based on the water consumed on the premises, whatever the source of
such water, and the same shall be metered either by a public utility meter or one installed and maintained
by the owner of the premises at his own expense and approved by the Director of ~~((Engineering))~~ Seattle

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1 **Public Utilities.** Where two (2) or more single-family residences, including houseboats, are served by the
2 same water meter the water consumed by each residence shall be determined by dividing the total water
3 consumed by the number of residences. Where single-family residences are served through the same
4 meter as premises other than a single-family residence, the charge for each such residence shall be based
5 on the water consumed for each such residence served through the same meter. Motel units, including
6 any business office, which are served by one (1) water meter shall constitute only one (1) premises.
7 Water meter readings shall not be combined, and where two (2) or more main water meters serve the
8 same premises, sewerage charges shall be computed and billed as though each such meter served
9 separate premises; provided, that in the event a sewage meter is installed on any premises, the charge
10 shall be based on the consumption registered by such sewage meter.

11 Section 129. SMC 21.28.080 is hereby amended as follows:

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

13 A. It is the intent of this section to calculate residential wastewater charges based on water that
14 should enter the sewerage system, and not on water used exclusively for irrigation or sprinkling.
15 Wastewater charges for single-family and duplex residences shall be calculated in the following manner:
16 For the six (6) months from November 1st through April 30th, the wastewater charge shall be based on
17 metered water consumption. For the six (6) months from May 1st through October 31st, the wastewater
18 charge shall be based on average winter water consumption or metered water consumption, whichever is
19 less. Average winter water consumption shall be calculated using the first four (4) month billing period
20 that falls between November 1st and April 30th. The following is an example of residential billing:

| Billing Period | Water Use (ccf) | Wastewater Use (ccf) |
|----------------|-----------------|----------------------|
| Nov-Dec | 13 | 13 |
| Jan-Feb | 14 | 14 |
| Mar-April | 15 | 15 |
| May-Jun | 18 | 14 |
| July-Aug | 22 | 14 |
| Sept-Oct | 16 | 14 |

21 B. The Director of ((Engineering)) **Seattle Public Utilities** may use an assumed volume of six
22 CCF per household, or prior water consumption records if those records are more representative of
23 expected usage, to calculate residential wastewater charges under the following circumstances;

- 24 1. When the water meter has been determined to be malfunctioning;
2. When customers have insufficient water consumption history to calculate average winter water consumption;
3. When water use in the period used to calculate average winter water consumption is not representative of expected water use, such as rental property that is vacant between tenants or in the case of seasonal customers; and
4. When customers are not served by a publicly owned water supply system.

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Section 130. SMC 21.28.090 is hereby amended as follows:

Calculation of commercial wastewater volume charges.

A. It is the intent of this section to charge commercial customers for water that should enter the sewer system. Wastewater charges shall be based on the metered water delivered to the premises except as noted below:

1. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to ships shall not be subject to any wastewater charge or rate.

2. Where the use of water is such that a portion of all water used is lost by evaporation, irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, customers may install, at their own expense, submeters approved by the Director of ~~((Engineering))~~ Seattle Public Utilities to enable measurement of the amount of water so used or lost. These submeters must measure in CCF, must be calibrated on a regular basis, and must be easily accessible for meter reading. If the submeter is unable to be read or if the reading is unreliable, an estimate can be used, but the ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities must get at least one (1) accurate meter reading per year. It will be the responsibility of the ~~((Drainage and Wastewater Utility))~~ Seattle Public Utilities or its designee to inspect and approve the installation of a new submeter.

Where it is impractical to install a meter as described above, customers may apply to the Director of ~~((Engineering))~~ Seattle Public Utilities for an evaporation allowance or an irrigation allowance, provided that customer provide proof of the amount of water so used or lost. Evaporation loss allowances of eleven percent (11%) for industrial laundries and three percent (3%) for laundromats are established. Irrigation allowances shall apply from June 1st through September 30th and will be calculated based on the residential methodology in Section 21.30.80.

B. Direct discharge of wastewater or industrial waste to salt or fresh water or to points other than the City sewer system shall not be cause for adjustment or reduction of the wastewater charge or rate.

Section 131. SMC 21.28.100 is hereby amended as follows:

Adjustments to wastewater volume charge.

A. Upon receipt of satisfactory evidence of hidden or underground water leakage, the Director of ~~((Engineering))~~ Seattle Public Utilities shall adjust the wastewater volume charge to the premises for water so lost and shall not use the period during which such leakage occurs in computing the average winter water consumption when to do so would result in a higher wastewater charge to such premises, provided that no such adjustment shall be made for leakage occurring more than four (4) months prior to the date of application therefor.

B. Where wastewater service is provided to premises outside the City limits, the wastewater charge shall be computed on the same basis as premises located inside the City, except that a sum equal to thirty percent (30%) of the wastewater charge shall be added, with the exception of sewer districts, or portions thereof, outside the City limits which are now or may hereafter be covered by special

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1 agreements.

2 C. Where wastewater service is provided to qualified low-income customers as defined in
3 Section 21.76 of the Seattle Municipal Code, wastewater charges shall be partially offset in accordance
4 with that chapter.

5 Section 132. SMC 21.28.200 is hereby amended as follows:

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

7 A. In cases where the character of wastewater or industrial wastes from any manufacturing or
8 industrial plant, building or premises is such that it will damage the sewerage system, or cannot be
9 treated satisfactorily, the Director of ((Engineering)) Seattle Public Utilities shall require such users to
10 dispose of such waste and prevent it from entering the system.

11 B. In cases where the character of the industrial waste from any manufacturing or industrial
12 plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system
13 greater than that imposed by the average wastewater entering the system, the Director of Engineering
14 may by rule, require such manufacturing or industrial plant, building or premises, to pretreat such
15 wastewater by means satisfactory to the Director of ((Engineering)) Seattle Public Utilities before
16 discharging such wastewater into the sewerage system of the City.

17 C. If such pretreatment is not accomplished, the Director of ((Engineering)) Seattle Public
18 Utilities shall recommend to the Council the levying of a surcharge which shall be in addition to the
19 regular charge. The Council thereupon, by ordinance, may fix the amount of the surcharge.

20 Section 133. SMC 21.28.220 is hereby amended as follows:

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

22 A. The Director of ((Engineering)) Seattle Public Utilities is assigned the responsibility for
23 billing and collecting for and on behalf of King County, King County's High Strength Industrial Waste
24 (HSIW) charges upon industrial users within the City's jurisdiction who deposit high-strength industrial
wastes in the King County sewerage system, said charges to be determined by King County pursuant to
Metro Resolution 2557 provided, however, that the Director of ((Engineering)) Seattle Public Utilities
shall not bill such charges to users until the amounts thereof have been certified to him or her by King
County.

B. The Director of ((Engineering)) Seattle Public Utilities shall provide King County each
quarter with a listing of the water consumption by or metered flow to each HSIW industry served by the
City.

C. In addition to the high-strength industrial waste charges as computed and certified to him or
her by King County, the Director of ((Engineering)) Seattle Public Utilities shall add thereto in each
instance a sum equal to the City and state taxes against such charges, if any, and a sum equal to the
user's proportional share of the administration, billing and collection costs as determined by the Director
of Engineering, and in connection with such billing the Director of ((Engineering)) Seattle Public

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1 Utilities may include on the same statement but as a separate item the High Strength Industrial Waste
2 charges to be collected by the City for/ and on behalf of King County.

3 Section 134. SMC 21.28.230 is hereby amended as follows:

4 **List of water consumption of HSIW industries.**

5 The Director of ((Engineering)) Seattle Public Utilities shall provide Metro each quarter with a
6 listing of the water consumption by or metered flow to each HSIW industry served by the City, as
7 requested by Section 10 of Metro Resolution 2577.

8 Section 135. SMC 21.28.240 is hereby amended as follows:

9 **Additional charges.**

10 In addition to the high-strength industrial waste charges as computed and certified to him by
11 Metro, the Director of ((Engineering)) Seattle Public Utilities shall add thereto in each instance a sum
12 equal to the City and state taxes against such charges, if any, and a sum equal to the user's proportional
13 share of the administration, billing and collection costs as determined by the Director of ((Engineering))
14 Seattle Public Utilities, and in connection with such billing the Director of ((Engineering)) Seattle Public
15 Utilities may include on the same statement but as a separate item the High Strength Industrial Waste
16 charges to be collected by the City for and on behalf of Metro.

17 Section 136. SMC 21.28.260 is hereby amended as follows:

18 **Billing and Collection of water and wastewater charges.**

19 The rates and charges set out in this subchapter shall be effective and shall be computed and
20 billed monthly or bimonthly by the Director of ((Engineering)) Seattle Public Utilities through an
21 interdepartmental arrangement with the Superintendent of Water, as a separate charge on the water bill,
22 or through a direct invoice, and shall become due and payable to the City Finance Director as stated in
23 such billing; and any wastewater rate or charge which becomes delinquent shall immediately become a
24 lien upon the premises and such lien may be foreclosed by the City as provided by state law.
Wastewater charges or any part thereof which become delinquent shall bear interest as authorized by
RCW 35.67.200, at the rate of eight percent (8%) per year, or such rate as may hereafter be authorized
by state law, computed on a monthly basis from the date of delinquency until paid. As authorized, RCW
35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid wastewater
charges, including interest thereon, against any parcel for which the wastewater charges are delinquent.
The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed or otherwise
enforced in the manner provided in RCW 35.67.210 through RCW 35.67.290. In the case of actions to
collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection

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1 including but not limited to attorney's fees, staff time, and filing fees. As an additional and concurrent
2 method of the collection of any such wastewater rate or charge, the ~~((Superintendent of Water))~~ Director
3 of Seattle Public Utilities shall ~~((upon written request from the Director of Engineering))~~ have the
4 authority to cut off the water service or supply from the premises to which such rate or charge for
5 wastewater has attached until such rates and charges are paid.

6 Section 137. SMC 21.28.280 is hereby amended as follows:

7 **Drainage and Wastewater Fund.**

8 There exists a special fund of the City known as the "Drainage and Wastewater Fund." Any and
9 all revenues received for the use of sewers and for wastewater service as set forth in this chapter, or in
10 connection therewith, shall be credited to the Drainage and Wastewater Fund, and all expenses for the
11 operation and maintenance of the existing sewerage system of the City, for the servicing of bonds of the
12 Drainage and Wastewater Utility and the Sewerage Utility, as the utility was named prior to adoption of
13 Ordinance 116455, ~~and as these utilities were named prior to the creation of the Seattle Public Utilities,~~
14 and for the cost of operation and maintenance of the sewerage plant and system of the City, as newly
15 constructed or added to, and for maintenance of the utility in sound financial condition, shall be charged
16 to the fund in the manner and to the extent provided by ordinance. Such expenses shall include the cost
17 of billing and collection by the ~~((Water Department))~~ Seattle Public Utilities and all other
18 interdepartmental charges for services related to wastewater functions ~~((or the Utility))~~ rendered by other
19 departments for the ~~((wastewater utility))~~ Seattle Public Utilities, and payments to King County and
20 Southwest Suburban for wastewater interception, treatment and disposal.

21 Section 138. SMC 21.28.300 is hereby repealed.

22 Section 139. SMC 21.28.350 is hereby amended as follows:

23 **Refunds of wastewater charges.**

24 The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized to make refunds where any
amount paid for wastewater services is found to be erroneous, or where adjustments have been made by
him or her as authorized by this chapter ~~((The Superintendent of Water also is authorized to make
refunds))~~, and the City Finance Director is authorized to draw and to pay the necessary warrants on the
Drainage and Wastewater Fund upon certification by the Director of ~~((Engineering))~~ Seattle Public
Utilities that the refund is authorized.

Section 140. SMC 21.28.370 is hereby amended as follows:

Wastewater service charge.

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1
2 There is hereby imposed upon all premises served by the ~~((Drainage and Wastewater Utility))~~
3 drainage and wastewater functions of the Seattle Public Utilities and on which water is consumed, a City
4 wastewater volume rate per one hundred (100) cubic feet of metered flow per month. The minimum
5 monthly volume charge shall be equal to the wastewater volume charge for one hundred (100) cubic feet
6 regardless of actual metered flow. Effective January 1, 1995, the wastewater volume rate shall be Three
7 Dollars and Eight-three Cents (\$3.83). Effective January 1, 1996, the wastewater volume rate shall be
8 increased only in the amount necessary to pass-through the cost to the ~~((Drainage and Wastewater
9 Utility)) Seattle Public Utilities~~ of the increase, if any, in the King County wastewater treatment rate for
10 1996; provided that such King County increase shall not increase the ~~((Drainage and Wastewater
11 Utility)) Seattle Public Utilities'~~ wastewater volume rate to more than Four Dollars and Twenty-three
12 Cents (\$4.23) per hundred cubic feet (CCF).

13
14 Section 141. SMC 21.33.010 is hereby amended as follows:

15 **Definitions.**

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

17 A. "Billing year" means the calendar year that bills are sent. The first billing year shall be from
18 January 1, 1989 through December 31, 1989.

19 B. "City" means The City of Seattle.

20 C. "Condominiums" or "townhouses" means residential properties or parcels which contain more
21 than two (2) residential dwelling units which are individually owned and are billed separately for
22 property taxes.

23 D. "Drainage service charge" means the fee imposed by the City upon all parcels of real property,
24 except exempted properties, located within the boundaries of the City.

E. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.

F. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or
retard the entry of water into the soil in the manner that such water entered the soil under natural
conditions pre-existent to development, or which cause water to run off the surface in greater quantities
or at an increased rate of flow than that present under natural conditions pre-existent to development,
including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking
lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which
similarly affect the natural infiltration or runoff patterns existing prior to development.

G. "Non-single-family residential properties or parcels" means properties or parcels which
contain more than two (2) residential dwelling units and institutional, commercial or industrial
properties.

H. "Open space" means parcels defined as greenbelts, natural areas, or park zones in the Mayor's
Recommended Open Space Policies and identified as such on the Mayor's Recommended Open Space
Zoning Map or as subsequently adopted by the City Council.

I. "Parcel" means the smallest separately segregated unit or plot of land having an identified
owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County
Assessor Real Property File or in the King County Assessor maps.

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1 J. "Percent of impervious surface" means the quotient of the total amount of estimated
2 impervious surface located on the parcel divided by the total parcel size. For purposes of rate category
determination, the resulting amount shall be rounded to the nearest whole percent.

3 K. "Property owner of record" shall be the person or persons recorded by the King County
Assessor to be the owner(s) of property and to whom property tax statements are directed.

4 L. "Rate category" means the classification of properties, based upon the estimated percentage of
impervious surface on the parcel, for purposes of establishing drainage service charges.

5 M. "Residence" means a building or structure or portion thereof, designed to be used as a place
of abode for human beings and not used for any other purpose. The term "residence" includes the term
6 "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a
building or structure.

7 N. "Single-family residential property or parcel" means any property or parcel which contains
one (1) or two (2) residential dwelling units.

8 O. "Submerged" means that portion of a parcel that extends beyond the shoreline as drawn on the
King County Assessor's maps.

9 P. "System" means the entire system of flood protection and stormwater drainage and surface
water runoff facilities owned or leased by the City or over which the City has right of use for the
movement and control of storm drainage and surface water runoff, including both naturally occurring
and man-made facilities.

10 Q. "Utility" means (~~The City of Seattle Drainage and Wastewater Utility~~) Seattle Public
11 Utilities.

12 Section 142. SMC 21.33.080 is hereby amended as follows:

13 **Drainage and Wastewater Fund.**

14 The existing Sewer Fund is hereby renamed the Drainage and Wastewater Fund, and is to be
15 used in the operation of the drainage and wastewater functions of ((Drainage and Wastewater Utility))
the Seattle Public Utilities. Changing the name of the fund to the Drainage and Wastewater Fund shall
16 not in any way impair any obligations of the City where reference to the "Sewer Fund" may have been
made.

17 Section 143. SMC 21.36.012 is hereby amended as follows:

18 **Definitions C-E.**

19 1. "City" means The City of Seattle.

20 2. "City's Waste" means all residential and nonresidential solid waste generated within the City,
21 excluding Unacceptable Waste, Special Waste, Construction, Demolition and Landclearing Waste, and
materials destined for recycling. City's Waste includes all such waste, regardless of which private or
22 public entity collects or transports the waste. City's Waste includes all waste remaining after recycling.

23 3. "Clean wood waste" means and will consist of wood pieces generated as byproducts from
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1 manufacturing of wood products, hauling and storing of raw materials, tree limbs greater than four
2 inches (4") in diameter and wood demolition waste (lumber, plywood, etc.) thrown away in the course of
remodeling or construction, and waste approved for wood- waste recycling by the Director of the ((Solid
Waste Utility)) Seattle Public Utilities. It excludes clean yardwaste, treated lumber, wood pieces, or
3 particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock,
and glass.

4 4. "Composting" means the controlled degradation of organic waste yielding a product for use as
a soil conditioner.

5 5. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means waste comprised
primarily of the following materials:

6 a. Construction Waste: waste from building construction such as scraps of wood,
concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation, other building materials,
7 plastics, styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging
materials and containers.

8 b. Demolition Waste: solid waste, largely inert waste, resulting from the demolition or
razing of buildings, roads and other man-made structures. Demolition Waste consists of, but is not
9 limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing
paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plaster board) or any
10 other material, other than wood, that is likely to produce gases or leachate during its decomposition
process and asbestos wastes are not considered to be Demolition Waste.

11 c. Landclearing Waste: natural vegetation and minerals from clearing and grubbing land
for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and
12 rocks.

13 6. "Contaminated Soils" means soils removed during the cleanup of a remedial action site, or a
dangerous waste site closure or other cleanup efforts and actions which contain harmful substances but
are not designated dangerous wastes. Contaminated Soils may include excavated soils surrounding
14 underground storage tanks, vector wastes (street and sewer cleanings), and soil excavated from property
underlying industrial activities.

15 7. "Contractor" means those contracting with the City to collect and dispose of solid waste as
described in this section, or the authorized representative of such contractors.

16 8. "Dangerous waste" means those solid wastes designated in WAC 173-303-070 through WAC
173-303-103 as dangerous or extremely hazardous waste.

17 9. "Detachable container" means a watertight, all-metal container, not less than one-half (1/2)
cubic yard in capacity and equipped with a tight-fitting metal or other City-approved cover. The term
18 shall also apply to containers of other material of similar size when approved by the Director of
((Engineering)) Seattle Public Utilities. Containers two (2) cubic yards and under shall be equipped with
19 at least three (3) wheels.

20 10. "Director of ((Engineering)) Seattle Public Utilities" ((or "City Engineer")) means the
Director of ((Engineering)) Seattle Public Utilities of The City of Seattle and authorized employees.

21 11. "Disposal site" means the areas or facilities where any final treatment, utilization, processing
or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

22 12. "Dwelling unit" in addition to its ordinary meaning includes a room or suite of rooms used as
a residence and which has cooking facilities therein, but does not include house trailers in trailer courts,
23 rooms in hotels or motels, or cells or rooms in jails or government detention centers.

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1 13. "Energy recovery" means a process operating under federal and state environmental laws and
2 regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

3 Section 144. SMC 21.36.014 is hereby amended as follows:

4 **Definitions F-P.**

5 1. "Fraternity, sorority or group student house" means a building occupied by and maintained
6 exclusively for students affiliated with an academic or professional college or university or other
7 recognized institution of higher learning, which is regulated by such institution.

8 2. "Garbage" means all discarded putrescible waste matter, including small dead animals
9 weighing not over fifteen (15) pounds, but not including sewage or sewage sludge or human or animal
10 excrement or yardwaste.

11 3. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity,
12 weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy
13 handles one (1) on each side and a tight cover, except in the case of sunken cans. The term shall also
14 apply to containers of similar size and weight when approved by the Director of Engineering.

15 4. "Garbage container" means either:

16 a. A garbage can; or

17 b. A mini-can, or thirty-two (32), sixty (60), or ninety (90) gallon cart supplied by the
18 collector and approved by the Director of ~~(Engineering)~~ Seattle Public Utilities for use under the solid
19 waste collection contract.

20 5. "Hazardous substances" means any liquid, solid, gas or sludge, including any material,
21 substance, product, commodity or waste, regardless of quantity, that exhibits any of the physical,
22 chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102 or 173-
23 303-103.

24 6. "Health Officer" means the Director of the Seattle-King County Department of Public Health
or his/her designated representative.

7. "Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge,
including any material, substance, product, commodity or waste used or generated in the household,
regardless of quantity, that exhibits any of the characteristics or criteria of dangerous waste set forth in
Chapter 173.303 WAC.

8. "Incineration" means a process of reducing the volume of solid waste operating under federal
and state environmental laws and regulations by use of an enclosed device using controlled flame
combustion.

9. "Interim solid waste handling site" means any interim treatment, utilization or processing site
engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes,
baling and compaction sites, source separation centers, and treatment are considered interim solid waste
handling sites.

10. "Litter" means solid waste such as, but not limited to, disposable packages and containers
dropped, discarded or otherwise disposed of upon any property.

11. "Mini-can" means a fifteen (15) to twenty (20) gallon container that is supplied by the
contractor, made of galvanized metal or plastic, and meets the approval of the Director of

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1 ((Engineering)) Seattle Public Utilities .

2 12. "Mixed-use building" means a building with both residential and commercial solid waste
with common garbage chute(s), and/or the residential and commercial solid waste generated in such
building cannot be readily separated.

3 13. "Passenger vehicle" means any motor vehicle with a passenger car license plate.

4 14. "Person" means any governmental entity, or any public or private corporation, partnership or
other form of association, as well as any individual.

5 15. "Planting strip" means that part of a street right-of-way between the abutting property line
and the curb or traveled portion of the street, exclusive of any sidewalk.

6 16. "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys,
sidewalks and planting (parking) strips, squares, triangles, and rights-of-way, whether open to the use of
the public or not, and the space above or beneath the surface of the same.

7
8 Section 145. SMC 21.36.016 is hereby amended as follows:

9 **Definitions R-Z.**

10 1. "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such
as papers, metals and glass, that are identified as recyclable material pursuant to The City of Seattle's
11 Comprehensive Solid Waste Plan.

12 2. "Recycling" means transforming or remanufacturing waste materials into usable or marketable
materials for use other than incineration (including incineration for energy recovery) or other methods of
disposal.

13 3. "Refuse" means either garbage or rubbish or both garbage and rubbish, and includes litter, but
excludes yardwaste.

14 4. "Rubbish" means all discarded nonputrescible waste matter excluding yardwaste.

15 5. "Scavenging" means removal of material at a disposal site or interim solid waste handling site
without the approval of the site owner or operator or of the Health Officer.

16 6. "Service unit" means a "garbage container."

17 7. "Small quantity generator hazardous waste" means any discarded liquid, solid, contained gas,
or sludge, including any material, substance, product, commodity or waste used or generated by
businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter
18 173.303 WAC, but which is exempt from regulation as dangerous waste.

19 8. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including
but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious wastes, swill,
demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. This
includes all liquid, solid and semisolid materials which are not the primary products of public, private,
20 industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to
sludge from wastewater treatment plants, seepage from septic tanks, wood waste, dangerous waste, and
21 problem wastes.

22 9. "Solid waste container" means a garbage container, detachable container, or any other secure,
rigid, watertight container with a tight-fitting lid.

23 10. "Special category wastes" means wastes whose disposal is limited by certain restrictions and
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1 limitations, as identified in Section 21.36.029.

2 11. "Special Waste" means contaminated soils, asbestos and other waste specified by
3 Washington Waste Systems in the Special Waste Management Plan included in the Operations Plan as
4 requiring special handling or disposal procedures.

5 12. "Street" means a public or private way, other than alleys, used for public travel.

6 13. "Sunken can" means a garbage can which is in a sunken covered receptacle specifically
7 designed to contain garbage cans and where the top of the garbage can is approximately at the ground
8 level.

9 14. "Unacceptable Waste" means all waste not authorized for disposal at the Columbia Ridge
10 Landfill and Recycling Center or successor site designated by the City, by those governmental entities
11 having jurisdiction or any waste the disposal of which would constitute a violation of any governmental
12 requirement pertaining to the environment, health or safety. Unacceptable Waste includes any waste that
13 is now or hereafter defined by federal law or by the disposal jurisdiction as radioactive, dangerous,
14 hazardous or extremely hazardous waste and vehicle tires in excess of those permitted to be disposed of
15 by the laws of the disposal jurisdiction.

16 15. "Yardwaste" means plant material (leaves, grass clippings, branches, brush, flowers, roots,
17 wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens,
18 including sod and rocks not over four inches (4") in diameter; and biodegradable waste approved for the
19 yardwaste programs by the Director of the ~~((Solid Waste Utility))~~ Seattle Public Utilities. It excludes
20 loose soils, food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four inches
21 (4") in diameter; human or animal excrement; and soil contaminated with hazardous substances.

22 Section 146. SMC 21.36.018 is hereby amended as follows:

23 **Enforcement authority.**

24 A. The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized and directed to
supervise and manage the collection and disposal of solid waste under this chapter and to provide,
designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of
Police have general charge of supervision over the administration and enforcement of this chapter;
provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening),
21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting
facilities). The fire, health, engineering, construction and land use and other appropriate City
departments are authorized to assist in enforcing the provisions of this chapter.

B. Upon a determination that in order to promote the public health, safety or welfare and that
the successful operation of the system for collection and disposal of solid waste within the City requires
such action, the Director of ~~((Engineering))~~ Seattle Public Utilities may direct that anyone, including but
not limited to the persons or organizations exempted from the proscription of Section 21.36.030, must
deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The
determination by the Director of ~~((Engineering))~~ Seattle Public Utilities shall set forth the reasons
therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and
organizations covered by exemptions A through D and F of Section 21.36.030, and shall be published
within three (3) days thereafter in the City official newspaper.

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1 C. The Director of ((Engineering)) Seattle Public Utilities may request that the Chief of Police
2 commission authorized representatives of the Director as nonuniformed special police officers with
3 powers to enforce the provisions of the Solid Waste Code.

4 Section 147. SMC 21.36.026 is hereby amended as follows:

5 **Household hazardous wastes.**

6 A. It is generally recommended that no household hazardous wastes are disposed in municipal
7 solid waste. Specific household hazardous wastes which are prohibited from disposal as municipal solid
8 waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and
9 degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials;
10 PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries;
11 hobby chemicals and artists' paints; and liquid paints.

12 B. The Director of ((Engineering)) Seattle Public Utilities by Administrative Rule, pursuant to
13 Seattle Municipal Code Section 3.12.020, may prohibit additional substances from disposal or delete
14 substances from the list in subsection A and authorize their disposal.

15 C. Household hazardous wastes prohibited from disposal as municipal solid waste are also
16 prohibited from disposal in places where disposal of solid waste is prohibited.

17 D. Household hazardous wastes prohibited from municipal solid waste disposal shall be disposed
18 of at special collection facilities, locations, and/or events designated by the Director of ((Engineering))
19 Seattle Public Utilities.

20 E. When empty, containers for household hazardous products may be disposed of as refuse.

21 Section 148. SMC 21.36.028 is hereby amended as follows:

22 **Asbestos material and asbestos-containing waste material.**

23 Asbestos material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-
24 303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA) as
25 follows:

26 A. Removal. Persons removing asbestos material shall provide advance notification to PSAPCA,
27 which enforces regulations concerning removal and disposal. Asbestos-containing waste material must
28 be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos-
29 containing wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a
30 combined six (6) mils thickness or greater, identified with the proper warning label.

31 B. Disposal.

32 1. It shall be unlawful for anyone to deposit, throw, place, discard or deliver, or cause to
33 be deposited, thrown, placed, discarded or delivered any asbestos-containing waste material on any
34 property, public or private, or in any public place; provided asbestos-containing waste material may be
35 delivered to disposal sites or interim solid waste handling sites designated by the Director of
36 ((Engineering)) Seattle Public Utilities for such purpose.

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1 2. Disposal sites or interim solid waste handling sites which are designated to receive
2 asbestos-containing waste material must be approved by the Seattle-King County Department of Public
3 Health for this purpose.

3 Section 149. SMC 21.36.029 is hereby amended as follows:

4 **Tires and special category wastes.**

5 A. Tires. The Director of ((Engineering)) Seattle Public Utilities may authorize collection of tires
6 at City of Seattle transfer stations according to restrictions established by Administrative Rule, in
7 accordance with Seattle Municipal Code Section 3.12.020.

8 B. Special Category Wastes. The Director of ((Engineering)) Seattle Public Utilities may define
9 by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, special restrictions and
10 limitations on the disposal of certain types of wastes which cannot be handled safely through the
11 municipal solid waste collection system. Restricted materials may include items over certain sizes or
12 weights, and dust-producing materials.

13 C. Polystyrene Packaging Pieces. The Director of ((Engineering)) Seattle Public Utilities may set
14 special restrictions and limitations on the disposal of polystyrene packaging pieces in solid waste to be
15 collected by the City or a contractor making collection for the City. Restrictions may include
16 containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the
17 packaging pieces.

18 Section 150: SMC 21.36.030 is hereby amended as follows:

19 **Unlawful hauling of City's Waste-Exceptions.**

20 It is unlawful for anyone, except the following, to haul City's Waste through the streets in the
21 City:

- 22 A. The University of Washington or its contractor;
- 23 B. Military establishments or their contractors;
- 24 C. The City's solid waste contractors;
- D. Anyone authorized to collect solid waste in the City under
 RCW Chapter 81.77;
- E. Business concerns, as to City's Waste originating within their own establishments; and
- F. The Seattle Housing Authority or its contractor; provided, however, that the exempted persons
and organizations may be required to deposit such City's Waste at disposal, processing, or recovery sites
provided and/or designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to
Section 21.36.018.

 Section 151. SMC 21.36.040 is hereby amended as follows:

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Unlawful disposal sites.

It is unlawful for anyone to deliver and/or deposit any solid waste that is City's Waste generated within the City at any disposal site other than a disposal, processing, or recovery site provided and/or designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to Sections 21.36.030 and 21.36.018.

Section 152. SMC 21.36.060 is hereby amended as follows:

Garbage cans-Maintenance.

A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes accumulated at that premises until it is removed to a disposal site or interim solid waste handling site.

B. All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used. The ((City-Engineer)) Director of Seattle Public Utilities, at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can, garbage can or detachable container is satisfactory for use.

Section 153. SMC 21.36.080 is hereby amended as follows:

Placement of garbage containers, bundles and detachable containers.

A. All garbage cans and bundles for backyard collection shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches (14") above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, garbage cans or bundles may be placed at a location selected by the customer and the Director of ((Engineering)) Seattle Public Utilities. Garbage containers or bundles and bundles-of-yardwaste for curbside/alley collection shall be placed as follows:

1. From properties with level planting strips, in the planting strip or driveway within one (1) yard of the curb;
2. From properties with alleys of sufficient width, in the alley or within one (1) yard of the alley gate if the gate is within one (1) yard of the alley;
3. From properties with sidewalks but not planting strips, on the owner's property, within one (1) yard of the sidewalk, if level;
4. When the foregoing location slopes at a grade making placement of a container difficult, the nearest reasonable level area; and
5. If the premises has no sidewalk or planting strip, dense shrubbery or extraordinary circumstances preclude such a location, from a placement suitable to the customer and convenient to the collection contractor.

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1 B. Containers and bundles for collection shall not be placed on the sidewalk or in the planting
2 strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed
3 within a reasonable time thereafter.

4 C. Detachable containers may be stored within a building but shall be readily accessible for
5 servicing without unnecessary delay or special collection equipment.

6 Section 154. SMC 21.36.087 is hereby amended as follows:

7 **White goods and bulky items.**

8 A. The Director of ~~((Engineering))~~ Seattle Public Utilities may determine from time to time the
9 items eligible for pickup under the ~~((Solid Waste Utility's))~~ Seattle Public Utilities program for
10 collection of white goods and bulky items, and after consultation with the Purchasing Agent, arrange for
11 the disposition of the items collected without regard to the procedures of Section 3.14.828.

12 B. "White goods" are large household appliances, such as refrigerators, iceboxes, stoves, washing
13 machines, dryers, dishwashing machines and air conditioners. "Bulky items" include and are illustrated
14 by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and
15 wardrobes. Neither term includes motor vehicles or hulks; car parts and tires; commercial machinery or
16 equipment; lumber and building materials; or hazardous wastes.

17 C. By delivering possession to the collector, the customer relinquishes title to the white goods
18 and bulky items picked up. The ~~((Solid Waste Utility))~~ Seattle Public Utilities may decline to accept
19 such items that contain refuse, contraband, or hazardous wastes.

20 D. The Director of ~~((Engineering))~~ Seattle Public Utilities may:

21 1. Remove all hazardous and toxic constituents, including the recovery of CFCs
22 (chlorofluorocarbons), from white goods delivered to the City recycling and disposal stations and require
23 that the resultant scrap metal not be landfilled;

24 2. Accept a maximum of two (2) white goods per load at a rate established in subsection
A of Section 21.40.080 and subsection D of Section 21.40.080;

3. Reject vehicle loads at the City's recycling and disposal stations which contain more
than two (2) white goods or white goods from non-Seattle residents and provide information to the
haulers of rejected loads on alternative disposal sites for white goods available within Seattle;

4. Direct white goods from charitable organizations qualified under Section 21.40.080 to
the City's selected white- goods processor(s).

Section 155. SMC 21.36.112 is hereby amended as follows:

Designation of receiving facilities.

A. Union Pacific's Seattle Intermodal Facility or successor receiving facility specified by the City
is hereby designated as the receiving facility for disposal of all City's Waste, including waste left over
after separating out Special Waste, CDL Waste or materials destined for recycling. All generators,
handlers, and collectors of City's Waste shall deliver or, for example, by taking City's Waste to a City

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1 transfer station, shall ensure delivery of all City's Waste to Union Pacific's Seattle Intermodal Facility or
2 successor receiving facility designated by the City, in a manner specified by the Director of
3 ((Engineering)) Seattle Public Utilities.

4 B. Special Waste (excluding Contaminated Soils) may be disposed at any permitted solid waste
5 handling facility; provided, that no City's Waste, Special Waste or CDL Waste generated within The
6 City of Seattle shall be disposed of at a facility owned or operated by King County, unless specifically
7 agreed by the City and King County.

8 C. The City of Seattle's North and South Recycling Disposal Stations, Waste Management of
9 Seattle's Eastmont Transfer Station and RABANCO's Third and Lander Transfer Station, or successor
10 receiving facilities specified by the City, are hereby designated as the receiving facilities for disposal of
11 all nonrecycled CDL Waste and Contaminated Soils generated within the City. All generators, handlers
12 and collectors of CDL Waste and Contaminated Soils shall deliver or ensure delivery of all nonrecycled
13 CDL Waste and Contaminated Soils to the receiving facilities hereby designated by the City.

14 D. Each receiving facility designated in subsection C of SMC Section 21.36.112 or successor
15 receiving facility designated by the City, shall submit to the Director of ((Engineering)) Seattle Public
16 Utilities by the twentieth day of each month, commencing February 20, 1993, on a form available from
17 the Director of ((Engineering)) Seattle Public Utilities, a monthly flow report. The report shall
18 document, for the previous month, (1) the number of trucks delivering waste and recyclables, (2) the
19 type and amount (in tons) of waste and recyclables delivered to the receiving facility from each political
20 jurisdiction in which waste or recyclables originated and (3) the type and amount (in tons) of all waste
21 and recyclables leaving the receiving facility for each final destination. For waste, "type" means City's
22 Waste, CDL Waste, Contaminated Soils, wood waste, Yardwaste or Special Waste; for recyclables,
23 "type" means plastics, metal, paper, glass, wood waste, yardwaste and inert materials. Type of
24 recyclables shall, at a minimum, be specified further as mixed waste paper, newspaper, corrugated paper,
tin, iron, aluminum, glass, PET plastic, HDPE plastic, other plastic, and magazines.

E. In order to facilitate the designation of transfer stations and receiving facilities or successor
receiving facilities, the Director of ((Engineering)) Seattle Public Utilities shall:

1. Establish any specifications and procedures determined necessary to address the
manner in which waste is identified, packaged, loaded, containerized or delivered to transfer stations or
receiving facilities and establish any other specifications and procedures determined necessary for the
City to fulfill its obligations under its contract for the transportation and disposal of waste;

2. Mail, pursuant to SMC Section 21.36.018, a notice of the designated receiving
facilities and specifications and procedures for delivery of waste to the facilities. In addition, the notice
shall be mailed to all persons and organizations covered by exemptions A through E of SMC Section
21.36.030;

3. Publish such notice in the City official newspaper within three (3) days of mailing such
notice.

Section 156. SMC 21.36.113 is hereby amended as follows:

Containers-Billing-Unacceptable waste.

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1 A. Containers shall be provided by Washington Waste Systems, Inc. to transfer stations in the
2 City for delivery of City's Waste to the designated receiving facility. All transfer stations delivering
3 City's Waste to the designated receiving facility shall load each container with waste, seal it with a cargo
4 security seal and prepare a bill of lading in accordance with the procedures established by the Director of
5 ((Engineering)) Seattle Public Utilities.

6 B. All persons shall use reasonable care in the handling of the containers supplied by Washington
7 Waste Systems, Inc. and shall be responsible for repair or replacement of containers they damage or
8 destroy through their own negligence. Washington Waste Systems, Inc. shall be responsible for ordinary
9 wear and tear.

10 C. All persons required to deliver City's Waste to the designated receiving facility shall be billed
11 by the City at the rates specified by ordinance.

12 D. City's Waste delivered to the designated receiving facility shall be in compliance with all
13 applicable federal, state, and local environmental health laws, rules, and regulations. The designated
14 receiving facility and the Columbia Ridge Landfill or successor landfill are authorized to reject all
15 Unacceptable Waste and shall not take title to Unacceptable Waste.

16 Section 157. SMC 21.36.114 is hereby amended as follows:

17 **Enforcement authority-Inspections.**

18 A. The Director of ((Engineering)) Seattle Public Utilities and designated solid waste
19 enforcement officers are authorized and directed to enforce the flow provisions of this chapter.

20 B. The Director of ((Engineering)) Seattle Public Utilities and designated solid waste
21 enforcement officers are authorized to make lawful inspection of the premises of any person suspected
22 of violating the flow provisions of this chapter and to inspect the books and accounts related to the
23 subject of this ordinance.

24 Section 158. SMC 21.36.420 is hereby amended as follows:

Unlawful dumping of solid waste.

It is unlawful for anyone to dump, throw, or place solid waste on any property, public or private,
or in any public place except, as authorized by city ordinance, in a litter container, solid waste container,
or in a bundle as described in this chapter, or upon or at a disposal site or interim solid waste handling
site provided and/or designated by the Director of ((Engineering)) Seattle Public Utilities pursuant to
Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this section shall
remove and properly dispose of it. This section does not apply to dumping, throwing or placing litter in
the amount of one (1) cubic foot or less which does not contain hazardous substances.

Section 159. SMC 21.36.425 is hereby amended as follows:

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Accumulation of solid waste.

A. It shall be unlawful for any person to keep solid waste or allow solid waste to accumulate on any property, or in any public place, except in a litter receptacle, in a solid waste container, or in a bundle as described in this chapter, or as otherwise authorized by ordinance or by the Director of ((Engineering)) Seattle Public Utilities. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any solid waste on sidewalks or planting strips, whether the solid waste is deposited by such owner or occupant or not. Solid waste that is prohibited to accumulate includes but is not limited to litter, cigarette butts, burning or smoldering materials, garbage, and rubbish. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public. This provision shall not apply:

1. To the Sheriff when removing the contents of a building to the sidewalk or planting strip pursuant to an eviction ordered by the Superior Court;
2. To firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. To the use of receptacles placed or authorized by the City for the collection of solid waste on sidewalks or planting strips; or
4. To accumulations temporarily authorized under a street use permit.

Section 160. SMC 21.36.430 is hereby amended as follows:

Unlawful use of City litter receptacles.

Except as authorized by the Director of ((Engineering)) Seattle Public Utilities, it shall be unlawful to place in any receptacle provided by the City for litter disposal any solid waste accumulated on private property or generated by any business, including but not limited to burning or smoldering materials, asbestos material, asbestos-containing waste material, yardwaste, dangerous waste, household hazardous waste, small quantity generator hazardous waste, human or animal excrement and dead animals; nor shall the contents of any such litter receptacle be removed or disturbed by anyone except as authorized by the Director of ((Engineering)) Seattle Public Utilities.

Section 161. SMC 21.36.922 is hereby amended as follows:

Civil infractions.

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

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B. The violation of or failure to comply with the following section shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

SMC Section 21.36.420 (Unlawful dumping of solid waste)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Fifty Dollars (\$50.00), not including statutory assessments:

SMC Section 21.36.044 (Containers required -Nonresidential)

SMC Section 231.36.410 (Littering)

SMC Section 21.36.425 (Accumulation of solid waste)

SMC Section 21.36.430 (Unlawful use of City litter and solid waste receptacles)

SMC Section 21.36.440 (Unlawful use of private solid waste container)

D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the provisions of the Solid Waste Code are:

(1) the Director of ~~((Engineering))~~ Seattle Public Utilities; (2) authorized representatives, assistants or designees of the Director of ~~((Engineering))~~ Seattle Public Utilities; and (3) commissioned officers of the Seattle Police Department and persons issued non-uniformed special police officer commissions by the Chief of Police with authority to enforce such provisions.

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

F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal action to enforce this chapter as deemed necessary and appropriate.

Section 162. SMC 21.36.975 is hereby amended as follows:

Reimbursement for City expenses.

Whenever it furthers the safety or convenience of the public, the Director of ~~((Engineering))~~ Seattle Public Utilities may remove obstructions, hazards or nuisances composed of solid waste from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses and together with the costs of collection and interest.

Section 163. SMC 21.36.980 is hereby amended as follows:

Crediting of reimbursement to Solid Waste Fund.

All sums received by the City in reimbursement for the ~~((Solid Waste Utility's))~~ Seattle Public Utilities' costs, expenses or charges relating to removal of solid waste or cleaning of property pursuant to any section of this chapter shall be credited to the Solid Waste Fund

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1 Section 164. SMC 21.40.030 is hereby amended as follows:

2 **Administration.**

3 The Director of ((Engineering)) Seattle Public Utilities, through the ((Department of
4 Engineering)) Seattle Public Utilities, shall operate and administer such public utility and enforce this
5 chapter; and there shall be kept by him or her a classified system of accounts of revenues and
6 disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction
7 with the City Finance Director, as required by law in such connection.

8 Section 165. SMC 21.40.050 is hereby amended as follows:

9 **Collection rates.**

10 A. There is imposed upon all residences and other dwelling units within the City a charge for
11 garbage and rubbish collection and disposal service in accordance with the following schedule, and the
12 amounts stated below shall be charged for optional ancillary services:

13 1. All single family residences with curbside/alley pickup: A charge per month or portion
14 thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant thereof
15 as follows:

| Service Units | Rates |
|---------------------------------|----------|
| Micro-can | \$ 10.05 |
| Mini-can | 12.35 |
| 1 | 16.10 |
| 2 | 32.15 |
| 3 | 48.25 |
| Each additional service unit | 16.10 |

16 2. All single family residences with backyard pickup: A charge per month or portion
17 thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant as
18 follows:

| Service Units | Rates |
|---------------------------------|----------|
| 1 | \$ 22.50 |
| 2 | 45.00 |
| 3 | 67.55 |
| Each additional service unit | 22.50 |

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2 3. Multifamily variable can rate schedule for curbside/alley pickup: A charge per month
or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent
for the entire building as follows:

3
4

| Service Units | Rates |
|---------------------------------|---------|
| Micro-can | \$ 9.75 |
| Mini-can | 12.05 |
| 1 | 15.80 |
| 2 | 31.85 |
| 3 | 47.90 |
| Each additional service unit | 16.10 |

7
8

9 4. Multifamily variable can rate schedule for backyard pickup: A charge per month or
portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for
the entire building as follows:

10

| Service Units | Rates |
|---------------------------------|----------|
| 1 | \$ 23.10 |
| 2 | 44.60 |
| 3 | 67.10 |
| Each additional service unit | 22.50 |

13
14

15 5. Minimum Charge, No Pickup Service. A charge per month or portion thereof, for each
dwelling unit, including single family dwellings not being used as residences, billed directly to the
owner or occupant of Six Dollars and Twenty-five Cents (\$6.25) to cover landfill closure costs, billing,
16 collection, Low Income Rate Assistance, hazardous waste costs, and litter cleanup costs. To be eligible
for the minimum charge (zero (0) container rate) a customer may not generate any garbage or rubbish for
17 collection or disposal. With occupied premises, the customer must demonstrate a consistent and
effective practice of selective purchasing to minimize refuse, of recycling materials whenever practical,
18 and of composting any yardwastes generated on the premises and the customer must have qualified for
the rate on or before December 31, 1988. A customer is not eligible for the zero (0) container rate by
19 hauling his or her garbage and rubbish to a transfer station, disposal site, or by disposal in another
customer's containers or by the use of prepaid stickers. Vacant multifamily units do not qualify for the
20 minimum charge.

21 6. Extra Bundles. A charge of Five Dollars (\$5.00) for a bundle. A customer may place
an extra bundle with its container for regular pickup. The charge will be billed directly to the owner or
occupant, unless a prepaid sticker is used. A prepaid sticker authorizes pickup of the bundle when placed
22 with the customer's container. The sticker must be affixed to the bundle in order for the bundle to be
picked up by the collector, and the customer not to be billed.

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1 7. Bulky and White Goods Pickup. A charge of Twenty-six Dollars and Eight-five Cents
2 (\$26.85) for each item.

3 8. Curbside/Alley Yardwaste. A charge per month or portion thereof for each dwelling
4 unit, billed directly to the owner or occupant, of Four Dollars and Twenty-five Cents (\$4.25) except that
5 such charge shall be Two Dollars and Fifteen Cents (\$2.15) for customers qualifying for Low Income
6 Rate Assistance. To receive this service, a customer must be signed up with the ((Solid Waste Utility))
7 Seattle Public Utilities for a minimum of twelve (12) months' service and place his or her yardwaste at
8 the curbside/alley for collection on the scheduled date. The maximum allowed to any customer is five
9 (5) bundles of yardwaste per week per subscription.

10 9. Providing, Exchanging and Replacing Containers. A charge to customers on
11 curbside/alley service for (a) providing, exchanging or replacing micro-cans, (b) exchanging or replacing
12 collector-supplied containers for larger containers; or (c) replacing lost, stolen or damaged collector-
13 supplied containers in accordance with written policy promulgated by the Director of the ((Solid Waste
14 Utility)) Seattle Public Utilities, as follows:

| | | |
|----|---------------------|---------|
| 15 | Micro-can | \$ 6.00 |
| 16 | Mini-can container | 10.00 |
| 17 | 32-gallon container | 12.25 |
| 18 | 60-gallon container | 30.00 |
| 19 | 90-gallon container | 40.00 |

20 In order to encourage proper subscription levels during the initiation of the extra bundle program,
21 this charge will not apply to collector-supplied containers until April 1, 1996. The charge for micro-cans
22 will be applied regardless of the reason for, or the timing of, delivery.

23 10. New/Changed Account. A charge of Ten Dollars and Seventy-five Cents (\$10.75) for
24 the establishment of a new account or for each change in an existing account. This charge shall apply
when the owner or property manager of any single-family residence or multifamily structure (duplex, tri-
plex, four-plex, or structure with five (5) or more units) establishes a new account or requests any
change in his/her account requiring a change in account number or customer number. The new/changed
account charge is not applicable to customers qualified for Low Income Rate Assistance.

11 11. Physical Disability Exemption. An exemption will be provided to qualified residents
12 to allow for backyard collection at curbside rates when the resident is physically unable to take his or her
13 garbage and rubbish containers to the curb. Qualifying criteria shall include, but are not limited to, the
14 resident's physical condition, qualification for backyard service in other City programs, a physician's
15 recommendation, the presence of other physically capable persons in the household, special topography
16 and other unique property conditions, taking into account the contractors' ability to provide different
17 combinations of container sizes to make curbside pickup feasible.

18 B. The City shall calculate the charge for each multifamily dwelling unit within apartment
19 houses and apartment hotels and for each resident within boarding, rooming, fraternity, sorority and
20 group student houses for two (2) times a week service, billed directly to the owner or agent for the entire
21 building, by doubling the applicable one (1) container and multifamily rates in subsection A4 of this
22 section and reducing this calculated amount by Three Dollars and Sixty-five Cents (\$3.65) per unit to
23 adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

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1 C. All Single-Family and Multifamily Customers Requesting and Receiving Special, Nonroutine
2 Collection Service for Garbage, Yardwaste, or Recyclable Materials. A per-pickup charge of Twenty-
3 three Dollars and Ninety Cents (\$23.90) for first container collected plus One Dollar and Eighty Cents
4 (\$1.80) for each additional container.

5 The following charges shall apply to detachable container customers requesting special
6 collections:

| 7 Service Unit | Uncompacted Service | Compacted Service |
|---------------------|---------------------|-------------------|
| 8 3/4 cubic yards | | |
| 9 -First container | \$ 42.90 | \$ 58.25 |
| 10 -Each Additional | 21.35 | 36.70 |
| 11 1 cubic yard | | |
| 12 -First container | 44.15 | 64.60 |
| 13 -Each additional | 22.65 | 43.10 |
| 14 12 cubic yards | | |
| 15 -First container | 52.55 | 83.15 |
| 16 -Each additional | 31.05 | 61.70 |
| 17 2 cubic yards | | |
| 18 -First container | 60.90 | 101.80 |
| 19 -Each additional | 39.40 | 80.30 |
| 20 3 cubic yards | | |
| 21 -First container | 77.70 | 139.00 |
| 22 -Each additional | 56.20 | 117.50 |
| 23 4 cubic yards | | |
| 24 -First container | 94.45 | 176.20 |
| -Each additional | 73.00 | 154.75 |
| 6 cubic yards | | |
| -First container | 122.20 | 244.80 |
| -Each additional | 100.65 | 223.30 |
| 8 cubic yards | | |
| -First container | 149.85 | 313.40 |
| -Each additional | 128.35 | 291.85 |
| 10 cubic yards | | |

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| | | | |
|---|------------------|--------|--------|
| 1 | -First container | 189.25 | 393.65 |
| 2 | -Each additional | 167.75 | 372.15 |

3 D. The charges imposed by subsections A1 through A5 of this section inclusive shall not apply
4 to dwelling units which elect to use detachable containers supplied either by the City's contractor or by
5 the customer for the storage of garbage and rubbish. Application for detachable container service for a
6 minimum period of six (6) months shall be made to the Director of ((Engineering)) Seattle Public
Public Utilities on forms supplied by him/her, and collection of garbage and rubbish from such premises shall
7 be made at such frequency as is necessary as determined by the Director of ((Engineering)) Seattle
Public Utilities, but in no event less than once each week. The monthly charges for detachable container
8 service for the container and frequency selected shall be in accordance with the rates set forth in Section
9 21.40.060.

10 E. The Director of ((Engineering)) Seattle Public Utilities may adjust the service level to a
11 single-family residence to match the garbage and rubbish actually collected from the premises, or, for
12 multifamily structures, to match the amount of garbage and rubbish reasonably anticipated from the
13 dwelling units on the premises.

14 Section 166. SMC 21.40.060 is hereby amended as follows:

15 **Detachable container rates.**

16 A. Uncompacted Rates. Effective September 1, 1994 there is imposed upon residential premises
17 that use detachable containers without mechanical compactors a monthly charge for garbage and rubbish
18 collection and disposal service in accordance with the following formula:

19 $(\$6.65 + cn + f(\$13.25 + \$20.70n + \$36.95ns) + \$.60d)$ where:

- 20 c = capital cost per container/60 months;
- 21 n = number of containers served;
- 22 f = number of pickups per week;
- 23 s = size of container in cubic yards; and
- 24 d = number of dwelling units

The capital cost per container/sixty (60) months for various container sizes is as follows:

| | | |
|----|-------------------------|---------|
| 19 | 3/4 cubic yard. | \$ 4.95 |
| 20 | 1 cubic yard. | 4.95 |
| 21 | 1 1/2 cubic yards. | 5.50 |
| 22 | 2 cubic yards. | 6.10 |
| 23 | 3 cubic yards. | 7.55 |
| 24 | 4 cubic yards. | 9.20 |
| | 6 cubic yards. | 11.05 |
| | 8 cubic yards. | 15.20 |

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1 10 cubic yards. 43.90

2 B. Compacted Rates. Effective September 1, 1994, there is imposed upon residential premises
3 that use detachable containers with compactors a monthly charge for garbage and rubbish collection and
4 disposal service in accordance with the following formula:

4 $\$6.65 + cn + f(\$13.25 + \$20.70n + \$90.10ns) + \$.60d$, where:

- 5 c = capital cost per container/60 months;
- 6 n = number of containers served;
- 7 f = number of pickups per week; and
- 8 s = size of container in cubic yards; and
- 9 d = number of dwelling units.

8 The capital cost per container/sixty (60) months for various container sizes is as follows:

| | | |
|----|-----------------------------|---------|
| 9 | 3/4 cubic yard. | \$ 4.95 |
| | 1 cubic yard | 4.95 |
| 10 | 1 1/2 cubic yards | 5.50 |
| | 2 cubic yards | 6.10 |
| 11 | 3 cubic yards | 7.55 |
| | 4 cubic yards | 9.20 |
| 12 | 6 cubic yards | 11.05 |
| | 8 cubic yards | 15.20 |
| 13 | 10 cubic yards | 43.90 |

14 C. Recycling Setup Fee. There is assessed on all accounts of residential structures of five (5)
15 units or more, who opt for City-provided recycling collection services, except those customers selecting
16 recycling collection services from Nuts and Bolts Recycling and West Seattle Recycling, a setup fee
17 according to the following schedule:

1. Uncompacted Dumpster Accounts.

| 17 | Weekly Collection Service | Fee |
|----|-----------------------------|---------|
| 18 | 1 cubic yard. | \$50.00 |
| | 1.5-2 cubic yards | 100.00 |
| 19 | 3-5 cubic yards | 200.00 |
| | 6-8 cubic yards | 350.00 |
| 20 | 9-10 cubic yards. | 500.00 |

- 21 2. Can Service Accounts will be assessed a Fifty Dollar (\$50.00) setup fee.
- 22 3. Compacted Dumpster Accounts will be assessed a Five Hundred Dollar (\$500.00)
- 23 setup fee.
- 24

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1 No setup fee will be assessed on three-quarter (3/4) cubic yard per week garbage accounts, and
2 no setup fee will be assessed on those accounts which are at minimum garbage collection service levels.

3 D. Mixed-Use Building. The Director of ((Engineering)) Seattle Public Utilities will determine
4 the appropriate residential collection service level for a mixed-use building according to the estimated
5 amount of residential garbage or refuse generated and to be collected by the City.

6 E. Charges for Lockable Containers. Customers using detachable containers (compacted or
7 noncompacted) may have a lock installed by the collection contractors. A fee of Fifty-three Dollars and
8 Forty Cents (\$53.40) will be assessed for installation of the lock. Additional keys are Three Dollars and
9 Sixty Cents (\$3.60) and an extra padlock is Eight Dollars and Thirty Cents (\$8.30). Only customers who
10 own their own containers may install their own locks.

11 F. Customers who own their own detachable containers shall have the factor for the capital cost
12 of containers in the formulas in subsections A and B of this section omitted in calculating the collection
13 charge.

14 Section 167. SMC 21.40.085 is hereby amended as follows:

15 **Commercial railyard rate.**

16 A. Nonresidential solid waste generated within the City and directed by the City to the Argo
17 Yard or its successor facility for transport and disposal shall be charged Sixty-two Dollars and Twenty
18 Cents (\$62.20) per ton with a minimum charge of One Thousand Five Hundred Fifty-five Dollars
19 (\$1,555.00).

20 B. A hauler depositing waste at the Argo Yard or its successor receiving facility shall be subject
21 to an hourly shipping container rental charge if any shipping container supplied for transport and
22 disposal of waste is detained by the hauler more than twenty-four (24) hours. The charge shall be One
23 Dollar and Fifty Cents (\$1.50) for each hour and for each container detained beyond twenty-four (24)
24 hours. The Director of ((Engineering)) Seattle Public Utilities will provide exemptions from this charge
consistent with the City's operating agreement with Washington Waste Systems, Incorporated.

C. In the event the receiving facility turnaround time experienced by all trucks hauling waste to
the Argo Yard or its successor receiving facility averages more than twenty (20) minutes in a calendar
month, a hauler shall be entitled to receive a portion of any liquidated damage paid to the City by
Washington Waste Systems as a result of this excessive turnaround time. The total liquidated damage for
any calendar month will be equal to One Dollar and Twenty-five Cents (\$1.25) for each minute
exceeding twenty (20) minutes multiplied by the total number of containers deposited at the receiving
facility during the month. A hauler shall receive a portion of this liquidated damage equal to the total
liquidated damage multiplied by the hauler's share of containers deposited at the receiving facility during
the calendar month for which the liquidated damage applies.

D. A hauler who deposits waste at the Argo Yard or its successor receiving facility shall be
subject to payment of any cost incurred for the separation and proper disposal of any hazardous or
unacceptable waste found in the deposited waste.

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1 Section 168. SMC 21.40.090 is hereby amended as follows:

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

3 To carry out the provisions of this chapter, the Director of ~~((Engineering))~~ Seattle Public Utilities
4 is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal
5 sites, which regulations shall designate what material may be disposed of at particular disposal sites,
6 may establish and provide for the collection of reasonable fees for special services rendered to persons
7 requesting the same at such
8 disposal sites.

7 Section 169. SMC 21.40.120 is hereby amended as follows:

8 **Payment of charges-Delinquency and lien.**

9 A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three
10 (3) months in advance at the office of the City Finance Director and at the same time that water utility
11 charges are due and payable with respect to residences or other dwelling units contemporaneously
12 served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish
13 collection services and the balance to outstanding charges for water services. The charges imposed under
14 Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units,
15 whether occupied or not; provided, however, that where no portion of the premises is being used and
16 occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of
17 ~~((Engineering))~~ Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In
18 such connection the Director of ~~((Engineering))~~ Seattle Public Utilities may from time to time reduce the
19 liability for such charges upon request therefor whenever he or she is satisfied that the premises are not
20 being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed
21 and billed from time to time by the Director of ~~((Engineering))~~ Seattle Public Utilities ~~((through an
22 interdepartmental arrangement with the Superintendent of Water))~~ as a separate charge on the water bill
23 for residences or dwelling units served, and the Director of ~~((Engineering))~~ Seattle Public Utilities ~~((and
24 the Superintendent of Water shall cooperate, in the interest of economy and efficiency, in establishing))~~
25 establish common billing practices and procedures to the extent permitted by law.

26 B. Garbage and rubbish collection charges shall be against the premises served and when such
27 charges have not been paid within ninety (90) days after billing, they shall be delinquent and constitute a
28 lien against the residence or dwelling units served. Notice of the City's lien specifying the amount due,
29 the period covered and giving the legal description of the premises sought to be charged may be filed
30 with the County Auditor within the time required and may be foreclosed in the manner and within the
31 time prescribed for liens for labor and material as authorized by RCW 35.21.140.

21 Section 170. SMC 21.40.130 is hereby amended as follows:

22 **Solid Waste Fund-Purchase of recyclable solid waste.**

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1 A. The ~~((utility created by this chapter shall be known as the Solid Waste Utility))~~ solid waste
2 functions authorized by this chapter shall be operated by the Seattle Public Utilities, and the Garbage
3 Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from
4 the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites,
5 and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of
6 the collection system, operation and maintenance of the disposal sites, operation and maintenance of
7 recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of
8 operation and maintenance of the disposal system as constructed or added to, and to maintain the ~~(Solid~~
9 ~~Waste Utility))~~ solid waste functions of the Seattle Public Utilities in sound financial condition, shall be
10 charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing
11 and collection and all interdepartmental charges for service rendered by other City departments to the
12 utility.

13 B. The City ~~(Engineering)~~ Seattle Public Utilities is authorized to purchase at the City's solid
14 waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue
15 received from the sale by the City of such recyclable solid waste, less costs of handling, accounting, and
16 transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste
17 purchased and sold by the City in the preceding quarterly period.

18 Section 171. SMC 21.76.030 is hereby amended as follows:

19 **Qualification.**

20 A. To implement the program provided for in Section 21.76.010, credits to partially offset the
21 billings for solid waste shall be issued to each household upon satisfactory proof that a member of the
22 household:

- 23 1. a. Is sixty-five (65) years of age or older, and has a maximum annual income, if
24 single, of not more than seventy percent (70%) of the Washington State median income for a one (1)
person household, as computed annually by the state or the City, or whose annual income, if married,
together with that of his or her spouse, does not exceed seventy percent (70%) of the Washington State
median income for a two (2) person household as computed annually by the state or the City, or
- b. Receives Supplemental Security Income pursuant to 42 USC Sections 1381
through 1383, or
- c. Is disabled and receives funds from a disability program as a result of a
disability that prevents him or her from working consistent with the requirements of 42 USC Section
401 et seq. and whose annual household income, together with all household members, does not exceed
seventy percent (70%) of the Washington State median income for the number of individuals in the
household as computed annually by the state or the City, or
- d. Requires medical life-support equipment which utilizes mechanical or artificial
means to sustain, restore or supplant a vital function, and which generates a disproportionate amount of
solid waste; provided, that rate assistance issued on the basis of this qualification shall be limited to solid
waste service where a significant proportion of the solid waste is from medical purposes; and

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1 2. Resides in a dwelling unit served directly by the City's solid waste ~~((utility))~~ services
2 and is billed by the light or ~~((solid waste utilities))~~ Seattle Public Utilities; or, if not so billed, has resided
3 for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of the solid
4 waste rate increase affects the amount of the rent charged.

5 B. To implement the program provided for in Section 21.76.010, "low-income water,
6 wastewater, drainage, and street utility credits" shall be issued to each person who shows satisfactory
7 proof that he or she resides in a dwelling unit that is directly served by the City's water, drainage and
8 wastewater or street utility services and is billed by ~~((the light, water, drainage and wastewater or street
9 utilities))~~ City Light, Seattle Public Utilities or Seattle Transportation, or if not so billed has resided for a
10 period of not less than ninety (90) consecutive days in a rental unit in which the amount of the ~~((water,
11 wastewater, drainage or street utility))~~ Seattle Public Utilities or Seattle Transportation rate increase
12 affects the amount of rent charged and:

13 1. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through
14 1383; or

15 2. Resides in a household whose annual income together with all household members
16 does not exceed one hundred twenty-five percent (125%) of the poverty level for the number of
17 individuals in the household as computed annually by the U.S. Government or the City; or

18 3. Resides in a household whose annual income together with all household members
19 does not exceed seventy percent (70%) of the Washington State median income for the number of
20 individuals in the household as computed annually by the state or the City and is:

- 21 a. Blind, or
22 b. Sixty-five ~~(65)~~ years of age or older, or
23 c. Disabled and receives funds from a disability program as a result of a disability
24 that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or
25 d. Requires medical life-support equipment which utilizes mechanical or artificial
26 means to sustain, restore, or supplant a vital function; or

27 4. Notwithstanding household income, requires medical life-support equipment which
28 utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a
29 disproportionate amount of water, provided that rate assistance issued on the basis of this qualification
30 shall be limited to water and wastewater service where a significant proportion of the water use is for
31 medical purposes.

32 C. Applicants shall verify such information, and shall provide such other data as is deemed
33 appropriate upon forms and in the manner determined by the Department of Housing and Human
34 Services.

35 Section 172. SMC 21.76.040 is hereby amended as follows:

36 **Utility low-income rates assistance.**

37 A. ~~((Drainage, Wastewater, Water, and Street Utility))~~ Seattle Public Utilities and Seattle
38 Transportation. Persons qualified by the Department of Housing and Human Services as eligible
39 recipients of low-income utility credits provided for in Section 1.76.010 shall be granted low-income
40 billing credits in amounts equal to one-half (1/2) of the monthly, or monthly equivalent bill for single-

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1 family, duplex or multi-family dwellings, as appropriate; provided, however, that in no case shall the
2 amount of the low income billing credit granted for a utility service exceed the amount owing for that
3 service.

4 B. Solid Waste. Persons qualified by the Director of Housing and Human Services as eligible
5 recipients of Low Income Rate Assistance (LIRA) shall be granted special rates in the following
6 amounts (stated in monthly rates). The rates for qualified solid waste customers become effective
7 September 1, 1994.

8 **Single-Family LIRA -**
9 **Variable Can Service (once a week service)**

| 10 Service Unit | 11 Curbside/ 12 Alley 13 Service | 14 Backyard 15 Service |
|-------------------------------|--|---------------------------|
| 16 Minimum charge | \$ 2.50 | N/A |
| 17 Micro-can | 4.05 | N/A |
| 18 Mini-can | 4.95 | N/A |
| 19 One (1) can | 6.45 | \$ 9.00 |
| 20 Two (2) cans | 19.30 | 27.00 |
| 21 Three (3) cans | 35.35 | 49.50 |
| 22 Additional cans 23 each | 16.10 | 22.50 |

24 **Multi-Family LIRA -**
25 **Variable Can Service (once a week service)**

| 26 Service Unit | 27 Curbside/ 28 Alley 29 Service | 30 Backyard 31 Service |
|--------------------|--|---------------------------|
| 32 Minimum charge | \$ 2.40 | N/A |
| 33 Micro-can | 3.90 | N/A |
| 34 Mini-can | 4.85 | N/A |
| 35 One (1) can | 6.30 | \$ 8.85 |
| 36 Two (2) cans | 19.20 | 26.85 |
| 37 Three (3) cans | 35.25 | 49.35 |
| 38 Additional cans | 16.10 | 22.50 |

39 Qualified customers residing in dwellings subject to multi-family variable can rates based on the
40 number of dwelling units, two (2) times-per-week service will pay rates equal to double the above rates
41 less One Dollar and Forty-five Cents (\$1.45) to adjust for billing, collection, hazardous waste, and litter
42 cleanup costs that occur only once a month.

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1 Qualified customers residing in dwellings subject to multi-family rates based on the number of
2 detachable containers will receive a monthly credit of Four Dollars (\$4.00).

3 C. Qualified persons receiving drainage, wastewater, water, solid waste or street utility credits
4 through their City Light bills or through vouchers will receive credits for the full period covered by the
5 City Light bill or voucher. The credit amount given will be based solely on the credit levels in effect at
6 the time the City Light bill or voucher is issued.

7 Section 173. SMC 21.76.050 is hereby amended as follows:

8 **Method of receiving credit.**

9 Qualified persons receiving drainage, wastewater, water, solid waste or street utility services
10 shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should
11 the billing period be other than monthly; provided, that no qualified person shall receive or accept utility
12 credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

13 A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street
14 utility bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which
15 would otherwise be payable.

16 B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street
17 utility bill directly, but who may pay such utility charges indirectly as part of their rental payment, the
18 proper credit shall be made in the manner determined by the Director of Housing and Human Services
19 and the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, including, but not limited to:

20 1. A reduction in the amount otherwise payable on the light bills of those qualified
21 persons who do not receive drainage, wastewater, water, solid waste or street utility bills but who do
22 receive a light utility bill,

23 2. The issuance of credit vouchers in the names of qualified persons, provided that the
24 credit vouchers shall not be redeemed in cash and shall be honored by the City only when applied to the
account through which utility services received by the qualified person are paid.

Section 174. SMC 22.204.020 is hereby amended as follows:

"A."

A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

B. "Apartment house" means any building containing three (3) or more dwelling units and shall
include residential condominiums, townhouses and cooperatives.

C. "Approved" means approved by the Director or by the Director of Seattle-King County Public
Health, or by the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, or by the Fire Chief, as
the result of investigations or tests, or approved by the Director by reason of accepted principles or tests
recognized by authorities, or technical or scientific
organizations.

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Section 175. SMC 22.204.080 is hereby amended as follows:

"G."

- A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.
- B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.
- C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of ~~((Engineering))~~ Seattle Public Utilities. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.
- D. "Governmental entity" means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.
- E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.
- F. "Guest" means any person occupying a guest room pursuant to a rental agreement.
- G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.

Section 176. SMC 22.206.200 is hereby amended as follows:

Minimum standards for vacant buildings.

- A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.
 - 1. Sanitary Facilities.
 - a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.
 - b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

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1 c. Plumbing fixtures not connected to an approved water system, an approved
2 sewage system, or an approved natural gas utility system shall either be connected to an approved
3 system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

4 2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or
5 maintained in accordance with applicable codes shall be repaired, or they shall be removed and the
6 services terminated in accordance with applicable codes.

7 3. Safety From Fire.

8 a. No vacant building or premises or portion thereof shall be used for the storage
9 of flammable liquids or other materials that constitute a safety or fire hazard.

10 b. Heating facilities or heating equipment in vacant buildings shall be removed,
11 rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be
12 removed or terminated in accordance with applicable codes.

13 4. All vacant buildings and their accessory structures shall meet the following standards:

14 a. All windows shall have intact glazing or plywood of at least one-quarter inch
15 (1/40) thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely
16 nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (90) on center.

17 b. Doors and service openings with thresholds located ten feet (10') or less above
18 grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance
19 to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-
20 eighths inches (13/80) thick equipped with a one-half inch (1/20) throw deadbolt. Exterior doors, if
21 openable, may be closed from the interior of the building by toe nailing them to the door frame using
22 10D or 16D galvanized nails.

23 c. There shall be at least one (1) operable door into each building and into each
24 housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a
hasp and padlock or a one-half inch (1/20) deadbolt or deadlatch. All locks shall be kept locked. When a
door cannot be made operable, a door shall be constructed of three-quarter inch (3/40) CDX plywood or
other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials, litter and garbage shall be removed from
vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be
maintained free from such items.

e. The Director may impose additional requirements for the closure of a vacant
building, including but not limited to installation of three-quarter inch (3/40) plywood, brick or metal
coverings over exterior openings, when the standards specified in subparagraphs 4a through 4d above
are inadequate to
secure the building:

- i. Due to the design of the structure, or
- ii. When the structure has been subject to two (2) or more unauthorized
entries after closure pursuant to the standards specified above, or
- iii. When the Director determines, in consultation with the Seattle Police
Department and the Seattle Fire Department, that the structure may present a substantial risk to the
health or safety of the public, or to police or fire personnel if closed to the standards of subparagraphs 4a
through 4d above.

5. If a building component of a vacant building or structure accessory to a vacant
building does not meet the standards of Section 22.206.060, the component or a portion thereof may be

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1 removed in accordance with applicable codes, provided the Director determines that the removal does
2 not create a hazardous condition.

3 6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long
4 as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole
5 shall be covered with three-quarter inch (3/40) plywood, or a material of equivalent strength, cut to
6 overlap the hole on all sides by at least six inches (60). If a hole in a wall presents a hazard, the hole
7 shall be covered with one-half inch (1/20) Type X gypsum, or a material of equivalent strength, cut to
8 overlap the hole on all sides by at least six inches (60). Covers for both floor and wall holes shall be
9 securely attached.

10 B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency
11 order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy,
12 rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate
13 of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or
14 make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the
15 dwelling are rented or leased.

16 C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to
17 regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not
18 be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a
19 building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.

20 D. Termination of Utilities. The Director may, by written notice to the owner and to the
21 ((Superintendent of Water)) Director of Seattle Public Utilities, the Superintendent of City Light or the
22 Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be
23 terminated or disconnected.

24 E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected
pursuant to 22.206.200 D, no one except the utility may take any action to restore the service, including
an owner or other private party requesting restoration of service until a certificate of compliance has
been issued in accordance with Section 22.206.250, or upon written notification by the Director that
service may be restored. It shall be unlawful for anyone other than the ((Superintendent of Water))
Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or
their
duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated
or disconnected as a result of a Director's notice issued
pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may
inspect the building and the premises. If the Director identifies a violation of the minimum standards for
vacant buildings, a notice of violation shall be issued pursuant to SMC Section 22.206.220. Thereafter
the premises shall be inspected quarterly to determine whether the building and its accessory structures
are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and
reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and
has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

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- c. When the building and any accessory structures have been demolished.
- 3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.
- 4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A C 22.901T).

Section 177. SMC 22.208.120 is hereby amended as follows:

Occupying or renting building or premises unfit for habitation - Termination of utilities.

- A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.
- B. The Director may, by written notice directed to the owner and to the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.
- C. It is unlawful for anyone other than the ~~((Superintendent of Water))~~ Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.

Section 178. SMC 22.800.080 is hereby amended as follows:

Authority.

- A. 1. The Director of Construction and Land Use shall have authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans, and review of erosion control plans, and shall have inspection and enforcement authority pertaining to temporary erosion/sediment control measures.
- 2. The Director of ~~((Engineering))~~ Seattle Public Utilities shall have authority regarding all other provisions of this subtitle pertaining to stormwater, drainage, and erosion control, including inspection and enforcement authority.
- B. The Directors of Construction and Land Use and ~~((Engineering))~~ Seattle Public Utilities are authorized to take actions necessary to implement the provisions and purposes of this subtitle in their

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1 respective spheres of authority, including, but not limited to: promulgating and amending rules and
2 regulations, pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, which
3 may include prescribing best management practices ("BMPs"); establishing and conducting inspection
4 programs; establishing and conducting or, as set forth in Section 22.802.012, requiring responsible
5 parties to conduct, monitoring programs, which may include sampling of discharges to or from drainage
6 control facilities, the public drainage control system, or surface water; taking enforcement action;
7 abating nuisances; promulgating guidance and policy documents; and reviewing and approving or
8 disapproving required submittals and applications for approvals and permits.

9 C. The Director of ~~((Engineering))~~ Seattle Public Utilities is authorized to develop drainage
10 basin plans for managing surface water, drainage water, and erosion within individual subbasins.
11 Compliance with an adopted drainage basin plan may, when approved by the Director of ~~((Engineering))~~
12 Seattle Public Utilities, modify requirements of this subtitle, provided the level of protection for human
13 health, safety and welfare, the environment, and public or private property will equal or exceed that
14 which would otherwise be achieved.

15 Section 179. SMC 22.801.020 is hereby amended as follows:

16 "A."

17 "Abandoned solid waste disposal site" means a site which is no longer in use and where solid
18 waste was disposed with or without a permit.

19 "Agency" means any governmental entity or its subdivision. "Agency with jurisdiction" means
20 those agencies with statutory authority to approve, condition or deny permits, such as the United States
21 Environmental Protection Agency, the Washington State Department of Ecology or the Seattle King
22 County Department of Public Health.

23 "Approved" means approved by either the Director of Construction and Land Use or the Director
24 of ~~((Engineering))~~ Seattle Public Utilities.

"As-graded" means the surface condition existing after completion of grading.

Section 180. SMC 22.801.050 is hereby amended as follows:

"D."

"Damages" means monetary compensation for harm, loss, costs, or expenses incurred by the
City, including but not limited to: costs of abating violations of this subtitle or public nuisances; fines or
penalties the City incurs as a result of a violation of this subtitle; and costs to repair or clean the public
drainage control system as a result of a violation. For the purposes of this subtitle, it does not include
compensation to any person other than the City.

"Design storm" means a rainfall event used in the analysis and design of drainage facilities.

"Designated receiving waters" means the Duwamish River, Puget Sound, Lake Washington,
Lake Union, and the Lake Washington Ship Canal, and other receiving waters designated by the Director
of ~~((Engineering))~~ Seattle Public Utilities as having the capacity to receive drainage discharges.

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- 1 "Detention" means and refers to temporary storage of drainage water.
2 "Development" - See "New development" and "Redevelopment." "Developmental coverage"
3 means all areas within a site
4 planned to be developed or redeveloped including, but not limited to, rooftops, driveways, carports,
5 accessory buildings, parking areas, areas in which soils, slopes and vegetation have been altered, and
6 roadways and other pervious and impervious surfaces.
7 "Director" means the Director of the Department authorized to take a particular action, and the
8 Director's designees, who may be employees of that department or another City department.
9 "Director of Construction and Land Use" means the Director of the Department of Construction
10 and Land Use of The City of Seattle and/or the designee of the Director of Construction and Land Use,
11 who may be employees of that department or another City department.
12 "Director of ~~((Engineering))~~ Seattle Public Utilities" means the Director of ~~((Engineering))~~
13 Seattle Public Utilities of The City of Seattle and/or the designee of the Director of ~~((Engineering))~~
14 Seattle Public Utilities, who may be employees of that department or another City department.
15 "Discharge point" means the location to which drainage water from a specific site is released.
16 "Discharge rate" means the rate at which drainage water is released from a specific site. The
17 discharge rate is expressed as volume per unit of time, such as cubic feet per second.
18 "Drainage basin" means the tributary area through which drainage water is collected, regulated,
19 transported, and discharged to receiving waters.
20 "Drainage control" means the management of drainage water. Drainage control is accomplished
21 through the collection, conveyance, and discharge of drainage water, controlling the rate of discharge
22 from a site, or separating, treating or preventing the introduction of pollutants.
23 "Drainage control facility" means any facility, including best management practices, installed or
24 constructed for the purpose of controlling the flow, quantity, and/or quality of drainage water.
"Drainage control plan" means a plan for collecting, controlling, transporting and disposing of
drainage water falling upon, entering, flowing within, and exiting the site, including designs for drainage
control facilities.
"Drainage control system" means a system intended to collect, convey and control release of only
drainage water. The system may serve public or private property. It includes constructed and/or natural
components such as ditches, culverts, streams and drainage control facilities.
"Drainage water" means stormwater, snow melt, surface water, surface and irrigation runoff,
water from footing drains and other drains approved by the Director of ~~((Engineering))~~ Seattle Public
Utilities or installed in compliance with this subtitle and rules which may be adopted hereunder. Other
water which is not an illicit discharge as defined in Section 22.802.012 C shall be considered drainage
water if it drains from the exterior of a building or structure, a pervious or impervious surface, or
undeveloped land, or by surface or shallow subsurface flow.
"Dredging" means the excavation of earth materials from land covered by water. The term shall
include dredging which maintains an established water depth.

Section 181. SMC 22.801.200 is hereby amended as follows:

"S."

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1 "Sanitary sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section
21.16.030.

2 "Serve" or "Service," when used regarding a document, means the procedures set forth in Section
22.808.030.

3 "Service drain" means a privately owned and maintained drainage control facility or system
4 which carries only drainage water. Service drains include, but are not limited to conveyance pipes,
catchbasin connections, downspout connections, pipes, and subsurface drain connections.

5 "Shoreline district" means all land regulated by the Shorelines Management Act of 1971 (RCW
6 Chapter 90.58) or City ordinances implementing it, as defined in the Land Use Code, Title 23 of the
Seattle Municipal Code.

6 "Side sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section
21.16.030.

7 "Site" means any lot, parcel of land, street or highway right-of-way, or contiguous combination
8 thereof, where a permit for new development, redevelopment, land-disturbing activity, or grading has
been issued or where any such work is proposed or performed.

9 "Slope" means an inclined ground surface. In this subtitle, the inclination of a slope is expressed
as a ratio of horizontal distance to vertical distance.

10 "Small project" means a project with nine thousand (9,000) square feet or less of developmental
coverage.

11 "Soil" means naturally deposited non-rock earth materials. "Solid waste" means solid waste as
defined by SMC Section 21.36.016 .

12 "Standard design" is a design approved by the Seattle ((Engineering Department)) Public
Utilities for drainage and erosion control for a typical site.

13 "Storm drain" - see "Public storm drain" and "Service drain." "Stormwater" means water
14 originating from rainfall and other precipitation, and from footing drains and other subsurface drains
approved by the Director of ((Engineering)) Seattle Public Utilities or installed in compliance with rules
which may be adopted hereunder.

15 Section 182. SMC 22.802.012 is hereby amended as follows:

16 **Prohibited discharges.**

17 A. Stormwater Discharges to Sanitary and Combined Sewers. In consultation with the local
18 sewage treatment agency, the Director of ((Engineering)) Seattle Public Utilities may approve
19 discharges of stormwater to a public combined sewer or sanitary sewer if other methods of controlling
pollutants in the discharge are not adequate or reasonable, the discharging party certifies that the
20 discharge will not harm the environment and will not overburden or otherwise harm the public combined
sewer or sanitary sewer systems. The Director of ((Engineering)) Seattle Public Utilities shall condition
approval of such a discharge on compliance with local pretreatment regulations.

21 B. Discharges Prohibited to Public Drainage Control Systems. It is unlawful to make illicit
22 discharges, as defined in subsection C below, either directly or indirectly to a public drainage control
system.

23 C. Illicit Discharges Defined.

24

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1 1. Except as provided in subsection D below, all discharges which are not composed
2 entirely of stormwater are illicit discharges. See Section 22.808.020 for defenses available to responsible
parties.

3 2. The following is a partial list, provided for informational purposes only, of common
4 substances which are illicit discharges when allowed to enter a public drainage control system: Solid
5 waste; human and animal waste; antifreeze, oil, gasoline, grease and all other automotive and petroleum
6 products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in
liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers;
7 painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides;
8 fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine;
9 chlorinated swimming pool or hot tub water; domestic or sanitary sewage; animal carcasses; food and
10 food waste; yard waste; dirt; sand; and gravel.

11 D. Permissible Discharges. Discharges from the sources listed below shall only be illicit
12 discharges if the Director of ~~((Engineering)) Seattle Public Utilities~~ determines that the type of
13 discharge, whether singly or in combination with others, is causing or contributing to a violation of the
14 City's NPDES stormwater permit or is causing or contributing to a water quality problem, such as those
15 which contain more contamination than typical discharges in the City, or which contain a type of
16 contamination that is more toxic or is otherwise a more serious problem than typical discharges in the
17 City: Potable water sources; washing of potable water storage reservoirs; flushing of potable water lines;
18 natural uncontaminated surface water; natural uncontaminated groundwater; air-conditioning
19 condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn
20 watering; irrigation runoff; runoff from residential car washing by individuals; flows from riparian
21 habitats and wetlands; heat; discharges in compliance with an NPDES permit; and discharges from
22 approved footing drains and other subsurface drains or, where approval is not required, installed in
23 compliance with this subtitle and rules promulgated pursuant to this subtitle.

24 E. Exemption. Discharges resulting from public firefighting activities, but not from activities not
related to firefighting such as the maintenance or cleaning of firefighting equipment, are exempt from
regulation under this section.

F. Testing for Illicit Discharges. When the Director of ~~((Engineering)) Seattle Public Utilities~~
has reason to believe that any discharge is an illicit discharge, the Director of ~~((Engineering)) Seattle~~
~~Public Utilities~~ may sample and analyze the discharge and recover the costs from a responsible party in
an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring
basis, the Director of ~~((Engineering)) Seattle Public Utilities~~ may conduct, or may require the
responsible party to conduct, ongoing monitoring at the responsible party's expense.

Section 183. SMC 22.802.013 is hereby amended as follows:

Requirements for existing discharges and land uses.

A. General.

1. For all existing discharges directly or indirectly to a public drainage control system,
responsible parties shall implement and maintain nonstructural best management practices as specified
in rules promulgated jointly by the Director of ~~((Engineering)) Seattle Public Utilities~~ and the Director

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1 of Construction and Land Use. "Nonstructural best management practices" shall include, but not be
2 limited to, maintenance and housekeeping practices such as cleaning of catchbasins and detention
3 facilities, sweeping of parking lots, storing oil barrels and other contaminant sources out of the rain,
4 covering material stockpiles, and proper use and storage of hazardous materials.

5 2. If the Director of ~~((Engineering))~~ Seattle Public Utilities determines that discharges
6 from a drainage control facility are causing or contributing to a water quality problem, such as
7 discharges that violate the City's municipal stormwater NPDES permit or that cannot be adequately
8 addressed by nonstructural best management practices, including, but not limited to, areas with recurrent
9 spills such as discharges from vehicle maintenance shops or gas stations, then the Director of
10 ~~((Engineering))~~ Seattle Public Utilities may require the responsible party to undertake more stringent or
11 additional best management practices. These best management practices may include structural best
12 management practices, or other action necessary to cease causing or contributing to the water quality
13 problem or the violation of the City's permit. Structural best management practices include but shall not
14 be limited to constructed facilities such as detention tanks, wet ponds, oil/water separators, grassed
15 swales, roofing and berming of container storage areas, and revised piping systems.

16 **B. Spill Prevention Required.**

17 1. All commercial and industrial responsible parties shall take measures to prevent spills
18 or other accidental introduction of illicit discharges into a public drainage control system. Such measures
19 shall include:

- 20 a. Establishment and implementation of plans and procedures to prevent spills
21 and other accidental releases of materials that may contaminate stormwater;
- 22 b. Implementation of procedures for immediate containment and other
23 appropriate action regarding spills and other accidental releases to prevent contamination of stormwater
24 and;
- 25 c. Provision of necessary containment and response equipment on-site, and
26 training of personnel regarding the procedures and equipment to be used.

27 2. The provisions of this subsection may be satisfied by a Stormwater Pollution
28 Prevention Plan prepared in compliance with an NPDES industrial stormwater permit for the site.

29 3. The responsible parties shall make the plans and procedures required by this
30 subsection available to the Director of ~~((Engineering))~~ Seattle Public Utilities when requested.

31 **C. Release Reporting Requirements.** A responsible party must, at the earliest possible time, but
32 in any case within twenty-four (24) hours of discovery, report to the Director of ~~((Engineering))~~ Seattle
33 Public Utilities, a spill, release, dumping, or other situation that has contributed or is likely to contribute
34 pollutants to a public drainage control system. This reporting requirement is in addition to, and not
35 instead of, any other reporting requirements under federal, state or local laws.

36 **D. Natural Drainage Patterns.** Natural drainage patterns shall be maintained.

37 **E. Obstruction of Watercourses.** Watercourses shall not be obstructed.

38 Section 184. SMC 22.802.015 is hereby amended as follows:

39 **Stormwater, drainage, and erosion control requirements.**

40 **A. When Compliance is Required.**

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1 1. New Development. All new development, regardless of type, and regardless of
2 whether or not a permit is required, must comply with the minimum requirements set forth in subsection
3 C below. Projects exceeding nine thousand (9,000) square feet of developmental coverage shall also
4 comply with the requirements for large projects set forth in subsection D below. Only those projects
5 meeting the review thresholds set forth in subsection B must prepare and submit the required plans.

6 2. Redevelopment. The portion of the site being redeveloped shall at least comply with
7 the minimum requirements set forth in subsection C below. Projects exceeding nine thousand (9,000)
8 square feet of developmental coverage must also comply with the additional requirements set forth in
9 subsection D below. Compliance is required regardless of the type of redevelopment, and regardless of
10 whether or not a permit is required. However, only those projects meeting the review thresholds set forth
11 in subsection B below must prepare and submit the required plans.

12 3. Approval of Exceptions Required. Exceptions to the requirements of this subtitle may
13 not be used on any projects, including those that are below the threshold sizes specified in subsection B,
14 unless allowed by rule promulgated jointly by the Director of ((Engineering)) Seattle Public Utilities and
15 the Director of Construction and Land Use or approved by the Director of Construction and Land Use.
16 Approval shall be obtained prior to initiating land-disturbing activities or new development or
17 redevelopment. Approvals must be obtained for exceptions to any and all requirements of this subtitle,
18 including but not limited to the requirement that natural drainage patterns be maintained and the
19 requirement that watercourses not be obstructed.

20 B. Thresholds for Drainage Control Review. The City may, by interagency agreement signed by
21 both the Director of ((Engineering)) Seattle Public Utilities and the Director of Construction and Land
22 Use, waive the drainage and erosion control permit and document requirements for property owned by
23 public entities, when discharges from the property do not enter the public drainage control system or the
24 public combined sewer system. Whether or not they are required to obtain permits or submit documents,
public entities are subject to the substantive requirements of this subtitle, unless exceptions are granted
as set forth in Section 22.808.010. Except as provided in this subsection, drainage control review and
approval shall be required as provided below:

1 1. Where an application for either a master use permit or building permit includes the
cumulative addition of seven hundred fifty (750) square feet or more of developmental coverage after
the effective date of the ordinance codified in this subtitle;

2 2. Where an application for a grading permit or approval is required;

3 3. Where a street use permit is required and the permit is for the cumulative addition of
seven hundred fifty (750) square feet or more of developmental coverage after the effective date of the
ordinance codified in this subtitle;

4 4. Where a City public works project or construction contract, including contracts for day
labor and other public works purchasing agreements, is for the cumulative addition of seven hundred
fifty (750) square feet or more of developmental coverage to the site after the effective date of the
ordinance codified in this subtitle, except for projects in a City-owned right-of-way and except for work
performed for the operation and maintenance of park lands under the control or jurisdiction of the
Department of Parks and Recreation;

5 5. Where any permit approval or contract includes any new or additional developmental
coverage on a site deemed a potentially hazardous location, as specified in Section 22.800.050 ;

6 6. Whenever an exception to a requirement set forth in this subtitle or in a rule
promulgated under this subtitle is desired, whether or not review and approval would otherwise be

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1 required, including but not limited to alteration of natural drainage patterns or the obstruction of
2 watercourses.

3 C. Minimum Requirements for All Projects. All projects must comply with the requirements of
4 this subsection. Projects with more than nine thousand (9,000) square feet of developmental coverage
5 shall also comply with the requirements of subsection D below. The Director of Construction and Land
6 Use may also require projects with nine thousand (9,000) square feet or less of developmental coverage
7 to comply with the requirements set forth in subsection D when necessary to accomplish the purposes of
8 this subtitle. In making this determination, the Director of Construction and Land Use may consider, but
9 not be limited to, the following attributes of the site: location within an environmentally critical area;
10 proximity and tributary to an environmentally critical area; proximity and tributary to an area with
11 known erosion or flooding problems.

12 1. Discharge Point. The discharge point for drainage water from each site shall be
13 selected as set forth in rules promulgated jointly by the Director of ~~((Engineering))~~ Seattle Public
14 Utilities and the Director of Construction and Land Use specifying criteria, guidelines and standards for
15 determining drainage discharge points to meet the purposes of this subtitle. The criteria shall include, but
16 not be limited to, preservation of natural drainage patterns and whether the capacity of the drainage
17 control system is adequate for the additional volume. For those projects meeting the review threshold,
18 the proposed discharge point shall be identified in the drainage control plan required by paragraph C4
19 ~~of~~, for review and approval or disapproval by the Director of Construction and Land Use.

20 2. Discharge Rate. To the extent practical, the peak drainage water discharge rate from
21 pervious and impervious surfaces on the site shall not exceed 0.2 cubic feet per second per acre under
22 design storm conditions. The Director of Construction and Land Use and the Director of ~~((Engineering))~~
23 Seattle Public Utilities may jointly promulgate rules modifying the discharge rate requirement for
24 projects which will result in less than two thousand (2,000) square feet of new impervious surface. The
25 Director of Construction and Land Use and the Director of ~~((Engineering))~~ Seattle Public Utilities may
26 jointly promulgate rules allowing exceptions to the permissible peak discharge rate for property which
27 discharges water directly to a designated receiving water or directly to a public storm drain which the
28 Director of ~~((Engineering))~~ Seattle Public Utilities determines has sufficient capacity to carry existing
29 and anticipated loads from the point of connection to a receiving water. The design storm used to
30 determine detention volume necessary to obtain the required discharge rate shall be a storm with a
31 statistical probability of occurrence of one (1) in twenty-five (25) in any given year. If the project is
32 within an environmentally critical area, the design storm requirements of SMC Chapter 25.09,
33 Regulations for Environmentally Critical Areas, shall be applied. The Director of ~~((Engineering))~~ Seattle
34 Public Utilities and the Director of Construction and Land Use shall jointly adopt rules specifying the
35 methods of calculation to determine the discharge rate. Where laws or regulations of the federal
36 government or The State of Washington impose a more stringent requirement, the more stringent
37 requirement shall apply.

38 3. Control Measures. During new development, redevelopment and land-disturbing
39 activities, best management practices, as further specified in rules promulgated jointly by the Director of
40 ~~((Engineering))~~ Seattle Public Utilities and the Director of Construction and Land Use, shall be used to
41 accomplish the following:

42 a. Control erosion and the transport of sediment from the site through measures
43 such as mulching, matting, covering, silt fences, sediment traps and catchbasins, settling ponds and
44 protective berms;

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1 b. Permanently stabilize exposed soils that are not being actively worked, through
2 such methods as the installation of permanent vegetative cover and installation of slope-protective
3 materials; and

4 c. Control the introduction of contaminants and pollutants into, and reduce and
5 treat contaminants in drainage water, drainage control facilities, surface water and groundwater, and the
6 public drainage control system by methods such as covering of material stockpiles; proper disposal of
7 hazardous materials; regular cleaning of catchbasins, gravel truck loading and heavy equipment areas;
8 spill control for fueling operations; sweeping; and maintaining erosion control protective features
9 described above.

10 4. Drainage Control Plan. For those projects meeting the review thresholds set forth in
11 subsection B above and which are less than nine thousand (9,000) square feet, the applicant shall submit
12 a drainage control plan as set forth in rules promulgated jointly by the Director of ((Engineering)) Seattle
13 Public Utilities and the Director of Construction and Land Use. Standard designs for drainage control
14 facilities as set forth in the rules may be used. Projects exceeding nine thousand (9,000) square feet must
15 submit a comprehensive drainage control plan as set forth in subsection D below. The Director of
16 Construction and Land Use may impose additional requirements, including a comprehensive drainage
17 control plan prepared by a licensed civil engineer, when the project has complex or unusual drainage, or
18 when additional requirements are otherwise necessary to accomplish the purposes of this subtitle.

19 5. Memorandum of Drainage Control. The owner(s) of the site shall sign a
20 "memorandum of drainage control" that has been prepared by the Director of ((Engineering)) Seattle
21 Public Utilities. Completion of the memorandum shall be a condition precedent to issuance of any
22 permit or approval for which a drainage control plan is required. The memorandum shall not be required
23 when the drainage control facility will be owned and operated by the City. A memorandum of drainage
24 control shall include:

- a. The legal description of the site;
- b. A summary of the terms of the drainage control plan, including any known
limitations of the drainage control facilities, and an agreement by the owners to implement those terms;
- c. An agreement that the owner(s) shall inform future purchasers and other
successors and assignees of the existence of the drainage control facilities and other elements of the
drainage control plan, the limitations of the drainage control facilities, and of the requirements for
continued inspection and maintenance of the drainage control facilities;
- d. The side sewer permit number and the date and name of the permit or approval
for which the drainage control plan is required;
- e. Permission for the City to enter the property for inspection, monitoring,
correction, and abatement purposes;
- f. An acknowledgment by the owner(s) that the City is not responsible for the
adequacy or performance of the drainage control plan, and a waiver of any and all claims against the
City for any harm, loss, or damage related to the plan, or to drainage or erosion on the property, except
for claims arising from the City's sole negligence; and
- g. The owner(s)' signature, acknowledged by a notary public.

The applicant shall file the memorandum of drainage control with the King County Department
of Records and Elections so as to become part of the King County real property records. The applicant
shall give the Director of ((Engineering)) Seattle Public Utilities proof of filing of the memorandum.

6. Flood-prone Areas. Sites within flood-prone areas must employ measures to minimize

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1 the potential for flooding on the site and for the project to increase the risk of floods on adjacent or
2 nearby properties. Flood control measures shall include those set forth in other titles of the Seattle
3 Municipal Code and rules promulgated thereunder, including but not limited to, SMC Chapter 25.06
4 (Floodplain Development) and Chapter 25.09 (Environmentally Critical Areas), and in rules
5 promulgated jointly by the Director of ((Engineering)) Seattle Public Utilities and the Director of
6 Construction and Land Use to meet the purposes of this subsection.

7 7. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

8 8. Obstruction of Watercourses. Watercourses shall not be obstructed.

9 D. Additional Requirements for Large Projects. All projects exceeding nine thousand (9,000)
10 square feet of developmental coverage and those small projects identified by the Director according to
11 subsection C above must comply with the requirements set forth in this subsection. These requirements
12 are in addition to the requirements set forth in subsection C above. When the Directors develop rules
13 prescribing best management practices for particular purposes, whether or not those rules are adopted by
14 ordinance, BMPs prescribed in the rules shall be the BMPs required for compliance with this subsection.
15 Best management practices shall include, but not be limited to: maintenance and housekeeping practices
16 such as proper storage of oil barrels and other contaminant sources, covering material stockpiles, proper
17 use and storage of hazardous materials, as well as constructed facilities such as detention tanks, wet
18 ponds, extended detention dry ponds, infiltration, vegetated streambank stabilization, structural
19 stabilization, catchbasins, oil/water separators, grassed swales, and constructed wetlands.

20 1. In addition to detaining a twenty-five (25) year storm to a release rate of 0.2 cubic feet
21 per second per acre, the peak drainage water discharge rate from projects of more than nine thousand
22 (9,000) square feet of developmental coverage shall not exceed 0.15 cubic feet per second per acre in a
23 two (2) year storm;

24 2. Control the sources of sediment and other contaminants and pollutants that could enter
drainage water, including the selection, design and maintenance of temporary and permanent best
management practices;

3. Minimize streambank erosion and effects on water quality in streams, including the
selection, design and maintenance of temporary and permanent best management practices, where
stormwater is discharged directly to a stream or to a conveyance system that discharges to a stream;

4. Minimize the introduction of sediment, heat and other pollutants and contaminants
into wetlands, including the selection, design and maintenance of temporary and permanent best
management practices, where stormwater discharges directly to a wetland or to a conveyance system that
discharges into a wetland;

5. Analyze impacts to off-site water quality resulting from the project. The analysis shall
comply with this subsection and rules promulgated pursuant to this subsection. The analysis shall
provide for mitigation of all surface water quality or sediment quality impacts. The impacts to be
evaluated and mitigated shall include at least the following:

- a. Amount of sedimentation,
- b. Streambank erosion,
- c. Discharges to groundwater contributing to recharge zones,
- d. Violations of state or federal surface water, groundwater, or sediment quality

standards, and

- e. Spills and other accidental illicit discharges;

6. A schedule shall be provided for inspection and maintenance of proposed temporary

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1 and permanent drainage control facilities and other best management practices. The schedule shall meet
the requirements of this subtitle and rules promulgated under this subtitle.

2 7. In addition to the requirements described above, for land-disturbing activities and
demolition of structures, an erosion/sediment control plan designed to comply with the requirements and
3 purposes of this subtitle and rules promulgated hereunder shall be submitted and implemented. The
erosion/sediment control plan shall be designed to accomplish the following,

- 4 a. Stabilization of exposed soils and sediment trapping,
5 b. Delineation of limits on clearing and easements,
6 c. Protection of adjacent property,
7 d. Appropriate timing and stabilization of sediment trapping measures,
8 e. Minimization of erosion on cut-and-fill slopes,
9 f. Control of off-site erosion,
10 g. Stabilization of temporary conveyance channels and outlets,
11 h. Protection of storm drain inlets, i. Minimization of transport of sediment by
12 construction vehicles,
13 j. Appropriate timing for removal of temporary best management practices,
14 k. Control of discharges from construction site dewatering devices to minimize
15 contamination of drainage water, and
16 l. Inspection and maintenance of best management practices for erosion/sediment
17 control to insure functioning at design capacity;

18 8. Comprehensive Drainage Control Plan. A comprehensive drainage control plan to
comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the
19 purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed
civil engineer in accordance with standards adopted by the Director of Construction and Land Use.

20 E. Basin Plans. The Director of Construction and Land Use may determine that, for a particular
project, compliance with a drainage basin plan satisfies subsections D1 through D4 above. The basin
21 plan must have been adopted by rule or ordinance and must provide a level of protection for surface
water and groundwater that equals or exceeds that which would otherwise be achieved.

22 Section 185. SMC 22.802.040 is hereby amended as follows:

23 **Drainage control plan registry.**

24 The Director of (~~Engineering~~) Seattle Public Utilities shall maintain an official registry and
permanent file of all approved drainage control plans. Each plan shall be cataloged in the registry
according to the property address, legal description of the property, and the side sewer permit number of
the permit or approval for which the plan is required. Where a drainage control plan covers more than
one (1) property, the approved plan shall be cataloged for each property covered by the plan.

Section 186. SMC 22.802.060 is hereby amended as follows:

Installation of drainage control facilities.

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1
2 A. All privately owned and operated drainage control facilities or systems, whether or not they
3 discharge to a public drainage control system, shall be considered side sewers and shall be subject to
4 Title 21 of the Seattle Municipal Code, the ~~((Engineering Department))~~ Seattle Public Utilities Director's
5 Rules promulgated under that title, and the design and installation specifications and permit
6 requirements of the ~~((Engineering Department))~~ Seattle Public Utilities and Department of Construction
7 and Land Use for side sewer and drainage control systems.

8 B. Side sewer permits and inspections shall be required for construction, capping, alterations, or
9 repairs of privately owned and operated drainage control systems as provided in Chapter 21.16 of the
10 Seattle Municipal Code. When the work is ready for inspection, the permittee shall notify the Director of
11 ~~((Engineering))~~ Seattle Public Utilities. If the work is not in accordance with plans approved under this
12 subtitle and in accordance with Chapter 21.16, ~~((Engineering Department))~~ Seattle Public Utilities and
13 Department of Construction and Land Use Director's Rules, and ~~((Engineering Department))~~ Seattle
14 Public Utilities and Department of Construction and Land Use design and installation specifications, the
15 ~~((Engineering Department))~~ Seattle Public Utilities, after consulting with the Department of
16 Construction and Land Use, may order the work stopped by written notice to the persons engaged in
17 performing the work or causing the work to be done, and may require modifications as provided in this
18 subtitle and Chapter 21.16.

19 Section 187. SMC 22.802.070 is hereby amended as follows:

20 **Modifications of drainage control facilities during construction.**

21 A. During construction the Director of ~~((Engineering))~~ Seattle Public Utilities may require, or
22 the applicant may request, that the construction of drainage control facilities and associated project
23 designs be modified if physical conditions are discovered on the site which are inconsistent with the
24 assumptions upon which the approval was based, including but not limited to unexpected soil and/or
25 water conditions, weather generated problems, or changes in the design of the improved areas.
26 Modifications shall be submitted to the Director of Construction and Land Use for approval prior to
27 implementation.

28 B. Any such modifications made during the construction of drainage control facilities shall be
29 recorded on the final approved drainage control plan, a revised copy of which shall be filed by the
30 Director of ~~((Engineering))~~ Seattle Public Utilities.

31 Section 188. SMC 22.802.090 is hereby amended as follows:

32 **Maintenance and inspection.**

33 A. Responsibility for Maintenance and Inspection. Drainage control facilities required by this
34 subtitle, and by rules adopted hereunder, shall be maintained by the owner or other responsible party.
35 The owner or responsible party shall inspect permanent drainage control facilities at least annually, and
36 shall inspect temporary drainage control facilities and other temporary best management practices or

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1 facilities on a schedule sufficient for the facilities to function at design capacity. The Director of
2 ((Engineering)) Seattle Public Utilities may require the responsible party to conduct more frequent
inspection and/or maintenance when necessary to insure functioning at design capacity.

3 B. Inspection by City. The Director of ((Engineering)) Seattle Public Utilities may establish
4 inspection programs to insure compliance with the requirements of this subtitle and accomplishment of
5 its purposes. Inspection programs may be established on any reasonable basis, including but not limited to:
6 routine inspections; random inspections; inspections based upon complaints or other notice of
7 possible violations; inspection of drainage basins or areas identified as higher than typical sources of
8 sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated
with higher than usual discharges of contaminants or pollutants or with discharges of a type which are
9 more likely than the typical discharge to cause violations of state or federal water or sediment quality
standards or the City's NPDES stormwater permit; and joint inspections with other agencies inspecting
under environmental or safety laws. Inspections may include, but are not limited to: reviewing
maintenance and repair records; sampling discharges, surface water, groundwater, and material or water
in drainage control facilities; and evaluating the condition of drainage control facilities and other best
management practices.

9 C. Entry for Inspection and Abatement Purposes.

10 1. New Installations and Connections. When any new drainage control facility is
11 installed on private property, and when any new connection is made between private property and a
12 public drainage control system, sanitary sewer or combined sewer, the property owner shall execute a
13 permission form provided by the Director of ((Engineering)) Seattle Public Utilities. The property owner
shall grant the City the right to enter the property at reasonable times and in a reasonable manner
pursuant to an inspection program established pursuant to subsection B above, and to enter the property
when the City has a reasonable basis to believe that a violation of this subtitle is occurring or has
occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of
this subtitle.

14 2. Existing Land Uses and Discharges. Owners of property with existing discharges or
15 land uses subject to this subtitle who are not installing a new drainage control facility or making a new
16 connection between private property and a public drainage control system, sanitary sewer or combined
sewer, shall have the option to execute a permission form for the purposes described above when
provided with the form by the Director of ((Engineering)) Seattle Public Utilities.

17 D. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance of
18 drainage and stormwater control facilities shall be conducted in accordance with federal, state and local
19 regulations, including the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304
WAC, guidelines for disposal of waste materials, and, where appropriate, Dangerous Waste Regulations,
Chapter 173-303 WAC, including any subsequent amendments to these provisions.

20 E. Records of Installation and Maintenance Activities. When a new drainage control facility is
21 installed, the party having the facility installed shall obtain a copy of the as-built plans from the Director
of ((Engineering)) Seattle Public Utilities. Responsible parties shall make records of the installation and
of all maintenance and repair, and shall retain the records for at least ten (10) years. These records shall
be made available to the Director of ((Engineering)) Seattle Public Utilities during inspection of the
22 facility and at other reasonable times upon request of the Director of ((Engineering)) Seattle Public
Utilities.

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Section 189. SMC 22.808.020 is hereby amended as follows:

Liability and defenses of responsible parties.

A. Who Must Comply. It is the specific intent of this subtitle to place the obligation of complying with its requirements upon the responsible parties, as defined in Section 22.801.190 . The City of Seattle and its agencies are intended to have the same obligation for compliance when the City is a responsible party. No provision of this subtitle is intended to impose any other duty upon the City or any of its officers or employees.

B. Joint and Several Liability. Each responsible party is jointly and severally liable for a violation of this subtitle. The Director of ~~((Engineering))~~ Seattle Public Utilities or the Director of Construction and Land Use or both of them may take enforcement action, in whole or in part, against any responsible party. All applicable civil penalties may be imposed against each responsible party. In the event enforcement action is taken against more than one (1) responsible party, recoverable damages, costs, and expenses may be allocated among the responsible parties by the court or the Hearing Examiner based upon the extent to which each responsible party's acts or omissions caused the violation, unless this factor cannot be determined, or the party receiving the allocation under this factor is unable to correct the violation, or is unable to pay the damages, costs, expenses, and any penalty imposed, in which case the trier of fact shall consider:

1. Awareness of the violation;
2. Ability to correct the violation;
3. Ability to pay the damages, costs, and expenses;
4. Cooperation with government agencies;
5. Degree to which any impact or threatened impact on water or sediment quality, human health, or the environment is related to acts or omissions by each responsible party;
6. Degree to which the responsible parties made good- faith efforts to avoid a violation or to mitigate its consequences; and
7. Other equitable factors.

C. Defenses. A responsible party shall not be liable under this subtitle when the responsible party carries the burden of proving, by a preponderance of the evidence, one (1) of the following defenses:

1. The violation was caused solely by an act of God;
2. The violation was caused solely by another responsible party over whom the defending responsible party had no authority or control and the defending responsible party could not have reasonably prevented the violation;
3. The violation was caused solely by a prior owner or occupant when the defending responsible party took possession of the property without knowledge of the violation, after using reasonable efforts to identify violations. However, the defending responsible party shall be liable for all continuing, recurrent, or new violations after becoming the owner or occupant.
4. The responsible party implemented and maintained all appropriate best management practices identified in rules promulgated by the Director of Construction and Land Use and the Director of ~~((Engineering))~~ Seattle Public Utilities, or in manuals published by the State Department of Ecology

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1 until superseded by rules of the Directors.

2 Section 190. SMC 22.808.030 is hereby amended as follows:

3 **Enforcement actions.**

4 A. Investigation. The Director of ((Engineering)) Seattle Public Utilities or the Director of
5 Construction and Land Use or both of them may investigate any site where there is reason to believe that
there may be a failure to comply with the requirements of this subtitle.

6 B. Notice of Violation.

7 1. Issuance. Whenever the Director determines that a violation of this subtitle has
occurred or is occurring, the Director is authorized to issue a notice of violation to the property owner or
other responsible party. The notice of violation shall be considered an order of the Director.

8 2. Contents.

9 a. The notice of violation shall include the following information:

- 10 i. A description of the violation and the action necessary to correct it;
11 ii. The date of the notice; and iii. A deadline by which the action

12 necessary to
13 correct the violation must be completed.

14 b. A notice of violation may be amended at any time to correct clerical errors and
15 to add citations of authority.

16 3. Service. The Director of ((Engineering)) Seattle Public Utilities or the Director of
17 Construction and Land Use shall serve the notice upon the responsible party either by personal service or
18 by certified mail, return receipt requested, sent to the party's last known address and, where possible, by
19 posting a copy on the site. Service by certified mail shall be effective on the date of mailing. If the
20 whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable
21 diligence, and either Director makes an affidavit to that effect, then service may be accomplished by
22 publishing the notice once each week for two (2) consecutive weeks in the City official newspaper.

23 C. Alternatives to Notice of Violation.

24 1. Stop-Work Order.

a. In lieu of issuing a notice of violation, the Director of ((Engineering)) Seattle
Public Utilities or the Director of Construction and Land Use may order work on a site stopped when he
or she determines it is necessary to do so in order to obtain compliance with or to correct a violation of
any provision of this subtitle or rules promulgated hereunder or to correct a violation of a permit or
approval granted under this subtitle. The stop-work notice shall contain the following information:

i. A description of the violation; and ii. An order that the work be stopped
until corrective action has been completed and approved by either Director.

b. The stop-work order shall be posted conspicuously on the premises or
personally served on the property owner or other person known to be responsible for the work. It is
unlawful for any work to be done after posting or service of a stop-work order, except work necessary to
conduct the required corrective action, until authorization to proceed is given by either Director. It is
unlawful for any person to remove, obscure or mutilate a posted stop work order.

2. Emergencies.

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1 a. The Director of ((Engineering)) Seattle Public Utilities and the Director of
2 Construction and Land Use are each authorized to enter any property when it reasonably appears that a
3 condition associated with grading, drainage, erosion control or a drainage control facility creates a
4 substantial and present or imminent danger to the public health, safety or welfare, the environment, or
5 public or private property. The Director of ((Engineering)) Seattle Public Utilities and the Director of
6 Construction and Land Use each may enter property without permission or an administrative warrant in
7 the case of an extreme emergency placing human life, property or the environment in immediate and
8 substantial jeopardy which requires corrective action before either permission or an administrative
9 warrant can be obtained.

b. The Director of ((Engineering)) Seattle Public Utilities or the Director of
10 Construction and Land Use or both of them may order the responsible party to take corrective action and
11 set a schedule for compliance and may require immediate compliance with an order to correct. Any
12 emergency which is not corrected as ordered by the Director of ((Engineering)) Seattle Public Utilities or
13 the Director of Construction and Land Use is a public nuisance which each Director is authorized to
14 abate summarily. The costs of abatement shall be collected as set forth in Section 22.808.080.

D. Appeal of Director's Decisions. Any Notice of Violation or final order other than a stop-work
15 order or emergency order issued by the Director of ((Engineering)) Seattle Public Utilities or the
16 Director of Construction and Land Use pursuant to this subtitle may be appealed to the Hearing
17 Examiner by an aggrieved person. Appeals shall be initiated by filing a written notice with the
18 applicable fee, as set forth in SMC Section 23.76.022. When, as set forth in Section 22.808.070, an
19 invoice is issued without a prior hearing, the appeal period shall commence upon issuance of the invoice.

E. Filing Notice or Order. A notice of violation, voluntary compliance agreement or an order
20 issued by a Director of ((Engineering)) Seattle Public Utilities, Director of Construction and Land Use,
21 Hearing Examiner or municipal Judge, may be filed with the King County Department of Records and
22 Elections.

F. Change of Ownership. When a notice of violation, voluntary compliance agreement or an
23 order issued by a Director of ((Engineering)) Seattle Public Utilities, Director of Construction and Land
24 Use, Hearing Examiner or municipal Judge has been filed with the King County Department of Records
and Elections, a notice of violation or an order regarding the same violations need not be served upon a
new owner of the property where the violation occurred. If no notice of violation or order is served upon
the new owner, the Director of ((Engineering)) Seattle Public Utilities or Director of Construction and
Land Use may grant the new owner the same number of days to comply as was given the previous
owner. The compliance period for the new owner shall begin on the date that the conveyance of title to
the new owner is completed.

Section 191. SMC 22.808.040 is hereby amended as follows:

Enforcement of notice of violation.

A. Hearing Examiner and Municipal Court. The Director of ((Engineering)) Seattle Public
Utilities or the Director of Construction and Land Use or both of them may choose to enforce a Notice
of Violation through either of the following means:

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- 1 section; or
- 2 1. An enforcement hearing through the Hearing Examiner's Office, as set forth in this
- 3 2. Referral to the City Attorney's Office for action in the appropriate court according to
- 4 that court's normal rules and procedures.

5 B. Enforcement Through Hearing Examiner's Office. Enforcement actions through the Office of

6 the Hearing Examiner shall proceed according to this subsection.

7 1. Hearing Schedule. The Hearing Examiner's Office shall schedule a hearing after

8 notification by the Director that enforcement will be pursued through the Hearing Examiner's Office.

9 2. Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on the

10 violation pursuant to the rules of procedure of the Hearing Examiner, as modified by this section. The

11 Director, the person to whom the notice of violation was issued, and any other responsible party

12 regarding the matters addressed in the notice of violation may participate as parties in the hearing, with

13 or without representation by an attorney. Each party may call and compel the attendance of witnesses.

14 3. Standard of Review and Burden of Proof. The determinations of the Director of

15 ((Engineering)) Seattle Public Utilities and the determinations of the Director of Construction and Land

16 Use shall be accorded substantial weight by the Hearing Examiner. The defending responsible party

17 shall have the burden of proving by a preponderance of the evidence all defenses, mitigating factors and

18 objections to the required corrective action or schedule.

19 4. Hearing Examiner's Order. The Hearing Examiner shall affirm, vacate or modify the

20 Director's determinations. The Hearing Examiner shall issue an order within fifteen (15) days following

21 the close of the record unless all parties agree to an extension of time. The order shall contain the

22 following information:

- 23 a. The decision regarding the alleged violation;
- 24 b. Findings of fact and conclusions based thereon in support of the decision;
- a. The required corrective action (if any);
- b. The date and time by which the corrective action must be completed;
- c. The monetary penalties and other costs, expenses, or damages being assessed
- d. against the responsible party;
- e. Notice that the responsible party has twenty-one (21) days from the date of
- f. issuance of the decision to petition for judicial review, as provided by Section 705 of Chapter 347 of the
- g. Laws of 1995; and
- h. Authorization for the City to abate or correct the violation following expiration
- i. of the appeal period and the time set for compliance with the order if the responsible party has not
- j. completed the required corrective action, and to charge the responsible party for its costs, as set forth in
- k. Section 22.808.080. The order shall not require the City to abate or correct the violation.
5. Failure to Appear. If the responsible party to whom the notice of violation was issued
- fails to appear at a scheduled hearing before the Hearing Examiner, and no other responsible party
- appears to defend, then, upon an offer of proof by the City, which may be made by declaration, the
- Hearing Examiner shall issue an order finding that the violation occurred. The order shall contain the
- information set forth in subsection B4 above. In the absence of an offer of proof by the City, the Hearing
- Examiner shall issue an order finding the responsible party to be in default, and setting forth the
- penalties and other relief described in subsection B4.

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1 Section 192. SMC 22.808.050 is hereby amended as follows:

2 **Voluntary compliance agreement.**

3 A. Initiation. Either a responsible party or the Director of ~~((Engineering))~~ Seattle Public Utilities
4 or the Director of Construction and Land Use may initiate negotiations for a voluntary compliance
5 agreement at any time. Neither Director has any obligation to enter into any voluntary compliance
6 agreement.

7 B. Contents. A voluntary compliance agreement shall set forth actions to be taken by the
8 responsible party that will correct past or existing violations of this subtitle. It may also set forth actions
9 to mitigate the impacts of violations. The voluntary compliance agreement shall set forth a schedule for
10 completion of the corrective and mitigating actions. It shall contain a provision allowing the Director of
11 ~~((Engineering))~~ Seattle Public Utilities and the Director of Construction and Land Use to inspect the
12 premises to determine compliance with the agreement.

13 C. Effect of Agreement.

14 1. A voluntary compliance agreement is a binding contract between the party executing it
15 and the City. It is not enforceable by any other party. All voluntary compliance agreements shall provide
16 that the responsible party agrees the City may perform the actions set forth in the agreement if the
17 responsible party fails to do so according to the terms and schedule of the agreement, and the responsible
18 party will pay the costs, expenses and damages the City incurs in performing the actions, as set forth in
19 Section 22.808.080 regarding abatements. By entering into a voluntary compliance agreement, a
20 responsible party waives the right to an administrative appeal of the violation.

21 2. Penalties may be reduced or waived if violations are corrected or mitigated according
22 to the terms and schedule of a voluntary compliance agreement. If the responsible party fails to perform
23 according to the terms and schedule of the voluntary compliance agreement, penalties for each violation
24 addressed in the agreement may be assessed starting from the date the violation occurred.

25 D. Modification. The terms and schedule of the voluntary compliance agreement may be
26 modified by mutual agreement of the responsible party and either Director if circumstances or conditions
27 outside the responsible party's control, or unknown at the time the agreement was made, or other just
28 cause necessitate such modifications.

29 Section 193. SMC 22.808.070 is hereby amended as follows:

30 **Collection of costs and penalties.**

31 A. Invoice and Demand for Payment. When either Director has abated a public nuisance or
32 corrected a violation of this subtitle and a hearing has not been conducted, the Director shall issue an
33 invoice and demand for payment of the City's abatement costs. The invoice shall include:

34 1. The amount of the City's abatement or correction costs;
35 2. Either a legal description of the property corresponding as nearly as possible to that
36 used for the property on the rolls of the King County Assessor or, where available, the property's street
37 address;

38 3. A notice that the Director's determinations regarding the abatement and correction,

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1 including the amount owed, may be appealed to the Hearing Examiner by following the procedure set
forth in SMC Section 23.76.022;

2 4. Notice that if the amount due is not paid within thirty (30) days, the outstanding
balance may be collected in any of the manners set forth in subsection B of this section; and

3 5. Notice that interest shall accrue on the unpaid balance.

4 B. Collection Following a Hearing. The Director of Construction and Land Use and the Director
of ((Engineering)) Seattle Public Utilities are not required to issue an invoice for payment when a
5 hearing has been conducted as set forth in Section 22.808.040, and an order has issued imposing any
penalties, costs, damages, expenses or abatement costs. If the order is not appealed within fifteen (15)
6 days of mailing or other delivery of the order to the responsible party, the Director of Construction and
Land Use or the Director of ((Engineering)) Seattle Public Utilities may immediately seek to collect the
amounts owed by:

- 7 1. Referral to the City Attorney's Office for action in the appropriate court; or
8 2. Referral, after consultation with the City Attorney's Office to a collection agency; or
9 3. Addition of a surcharge in the amount owed under the order to the Drainage and
Wastewater Utility bill for the site. If unpaid, the surcharge may become a lien on the property, may be
foreclosed, and may accrue interest as provided by state law or SMC Section 21.33.110.

10 Section 194. SMC 22.808.080 is hereby amended as follows:

11 **Public nuisance.**

12 A. Abatement Required. A public nuisance affecting stormwater, drainage, erosion control,
13 grading and other public nuisances set forth in this section are violations of this subtitle. A responsible
party shall immediately abate a public nuisance upon becoming aware of its existence.

14 B. Dysfunctional Facility or Practice. Any private drainage control facility or best management
15 practice relating to grading, stormwater, drainage control or erosion not installed or maintained as
required by this subtitle, or otherwise found to be in a state of dysfunction creating, presently or in the
16 event of a design storm, a threat to the public health, safety or welfare, the environment, or public or
private property is hereby declared to be a public nuisance.

17 C. Obstruction of Watercourse. Obstruction of a watercourse without authorization by the
Director, and obstruction in such a manner as to increase the risk of flooding or erosion should a design
18 storm occur, is hereby declared to be a public nuisance.

19 D. Dangerous Conditions. Any condition relating to grading, stormwater, drainage or erosion
which creates a present or imminent danger, or which is likely to create a danger, in the event of a design
20 storm, to the public health, safety or welfare, the environment, or public or private property is hereby
declared to be a public nuisance.

21 E. Abatement by the City. The Director of ((Engineering)) Seattle Public Utilities and the
Director of Construction and Land Use are authorized, but not required, to investigate a condition that
22 either Director suspects of being a public nuisance under this subtitle, and to abate any public nuisance.
If a public nuisance is an immediate threat to the public health, safety or welfare or to the environment,
23 the Director of ((Engineering)) Seattle Public Utilities or the Director of Construction and Land Use may
summarily and without prior notice abate the condition. The Director of ((Engineering)) Seattle Public

24

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1 Utilities or the Director of Construction and Land Use shall give notice of the abatement to the
responsible party as soon as reasonably possible after the abatement.

2 F. Collection of Abatement Costs. The costs of abatement may be collected from the
3 responsible party, including a reasonable charge for attorney time and a fifteen-percent (15%) charge for
4 administrative expenses as set forth in Section 22.808.060 C. Abatement costs and other damages,
5 expenses and penalties collected by the City shall go into an abatement account for the department
6 collecting the moneys. The money in the abatement account shall be used for abatements and corrections
7 of violations conducted by the City. When the account is insufficient the Director of ((Engineering))
8 Seattle Public Utilities and the Director of Construction and Land Use may use other available funds.

6 Section 195. SMC 22.808.110 is hereby amended as follows:

7 **Suspension or revocation.**

8 Approvals or permits granted in error, or on the basis of incomplete, inaccurate or misleading
9 information, or in violation of any law, ordinance or regulation may be suspended or revoked. Other
10 permits or approvals interrelated with an approval suspended or revoked under this section, including
11 certificates of occupancy or approvals for occupancy, may also be suspended or revoked. When an
12 approval or permit is suspended or revoked, the Director of ((Engineering)) Seattle Public Utilities or the
13 Director of Construction and Land Use may require the applicant to take corrective action to bring the
14 project into compliance with this subtitle by a deadline set by the Director of ((Engineering)) Seattle
15 Public Utilities or the Director of Construction and Land Use, or may take other enforcement action.

13 Section 196. SMC 22.808.150 is hereby amended as follows:

14 **Date of initial enforcement.**

15 The Directors of ((Engineering)) Seattle Public Utilities and Construction and Land Use shall
16 allow existing discharges and land uses six (6) months to adopt operational and nonstructural best
17 management practices after adoption of rules or after such best management practices have been
18 communicated in writing by the Director following a site inspection, whichever comes first. The
19 Directors shall allow existing discharges and land uses twelve (12) months to install structural best
20 management practices after the Directors determine that discharges from a site are causing or
21 contributing to a water quality problem, and notify the discharger in writing of that determination and of
22 the best management practices which must be installed.

20 Section 197. SMC 22.900.030 is hereby amended as follows:

21 **Administration and enforcement.**

22 A. For the purpose of this chapter, the term "Director" shall mean the Director of the Department
23
24

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1 or an authorized representative.

2 B. The Director is authorized to administer, interpret and enforce the provisions of this chapter;
3 provided, that the Director of Seattle-King County Public Health shall administer, interpret and enforce
4 sections of this chapter that are applicable to fuel gas piping permits; provided further that the Director
5 of ~~((Engineering))~~ Seattle Public Utilities shall administer, interpret and enforce sections of this chapter
6 that are applicable to Seattle ~~((Engineering Department (SED)))~~ Public Utilities (SPU) review of
7 projects; and provided, further, that the Director of the Department of Neighborhoods shall administer,
8 interpret and enforce sections of this chapter that are applicable to Certificates of Approval, Special Tax
9 Valuation for Historic Properties and for environmental (SEPA) review of projects that include City of
10 Seattle landmarks and projects located in special review districts or landmark districts.

11 C. The Director is authorized to collect fees for ~~((SED))~~ SPU review associated with Department
12 review, and to transfer those funds to ~~((SED))~~ SPU.

13 D. Where no definite method is prescribed in the chapter for calculating the amount of fees, the
14 Director may assess charges as required to cover expenses.

15 E. The Director shall have full authority to specify the terms and conditions upon which services
16 and materials shall be made available, and the fees as determined by the Director shall be consistent with
17 the reasonable estimated cost to the City for furnishing such services or materials.

18 F. The total fee assessed for any permit, decision or approval shall be rounded to the nearest
19 whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded up: Fifty-one Cents
20 (\$.51) through Ninety-nine Cents (\$.99)).

21 Section 198. SMC 25.06.050 is hereby amended as follows:

22 **Identification of areas of special flood hazard.**

23 Areas of special flood hazard in The City of Seattle are identified by the Federal Insurance
24 Administration in a scientific and engineering preliminary report entitled "The Flood Insurance Study
for King County, Washington and Incorporated Areas," dated September 23, 1988, with accompanying
Flood Insurance Rate Maps. The study and maps are filed in C.F. 296948 and are hereby adopted by
reference and declared to be a part of this chapter. The study and maps shall be maintained on file at the
Department of Construction and Land Use and the Seattle ~~((Engineering Department))~~ Public Utilities
and may be maintained on file at the Seattle Park Department, the Seattle-King County Department of
Public Health, and other City offices.

Section 199. SMC 25.06.110 is hereby amended as follows:

Standards involving base flood elevations.

In all areas of special flood hazards where base flood elevation data has been provided under
Section 25.06.050 or subsection C of Section 25.06.090, the following are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have

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1 the lowest floor, including basement, elevated to two feet (2') or more above base flood elevation, or as
2 otherwise approved by the Director of the Department of Construction and Land Use in consultation
with the Director of ((Engineering)) Seattle Public Utilities.

3 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited,
4 or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for
the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a
5 registered professional civil engineer or architect or must meet or exceed the following minimum
6 criteria:

7 a. A minimum of two (2) openings having a total net area of not less than one (1) square
inch for every square foot of enclosed area subject to flooding shall be provided;

8 b. The bottom of all openings shall be no higher than one foot (1') above grade;

9 c. Openings may be equipped with screens, louvers or other coverings or devices
10 provided that they permit the automatic entry and exit of floodwaters.

11 B. Nonresidential Construction. New construction and substantial improvement of any
12 commercial, industrial or other nonresidential structure shall either have the lowest floor, including
13 basement, elevated to two feet (2') or more above the level of the base flood elevation, or as otherwise
14 approved by the Director of the Department of Construction and Land Use in consultation with the
15 Director of ((Engineering)) Seattle Public Utilities; or, together with attendant utility and sanitary
16 facilities, shall:

17 1. Be floodproofed so that below two feet (2') above the base flood level the structure is
18 watertight with walls substantially impermeable to the passage of water;

19 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads
20 and effects of buoyancy;

21 3. Be certified by a registered professional civil engineer that the design and methods of
22 construction are in accordance with accepted standards of practice for meeting provisions of this
23 subsection based on their development and/or review of the structural design, specifications and plans.
Such certifications shall be provided as set forth in subsection C of Section 25.06.070.

24 Nonresidential structures that are elevated, not floodproofed, must meet the same standards for
space below the lowest floor as described in subsection A2 above. Applicants floodproofing
nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are
one foot (1') below the floodproofed level (e.g., a building floodproofed to one foot (1') above the base
flood level will be rated as at the base flood level).

C. Critical Facilities. Construction of new critical facilities shall be located outside the limits of
the areas of special flood hazard where possible. Construction of new critical facilities shall be
permissible within areas of special flood hazard if no feasible alternative site is available. Critical
facilities constructed within areas of special flood hazard shall have the lowest floor elevated to three
feet (3') above the level of the base flood elevation at the site. Floodproofing and sealing measures must
be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access
routes to all critical facilities shall be elevated to or above the level of the base flood elevation to the
extent possible.

D. Manufactured Homes. All manufactured homes to be placed or substantially improved within
Zones A1-30, AH, and AE on the FIRM shall be elevated on a permanent foundation so that the lowest
floor of the manufactured home is two feet (2') or more above the base flood elevation, or as otherwise
approved by the Director of the Department of Construction and Land Use in consultation with the

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1 Director of ~~((Engineering))~~ Seattle Public Utilities; and shall be securely anchored to an adequately
2 anchored foundation system in accordance with the provisions of Section 25.06.100 A. This subsection
3 applies to manufactured homes to be placed or substantially improved in an expansion to an existing
4 manufactured home park or subdivision. This subsection does not apply to manufactured homes to be
5 placed or substantially improved in an existing manufactured home park or subdivision except where the
6 repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent
7 (50%) of the value of the streets, utilities and pads before repair, reconstruction or improvement has
8 commenced.

9 Section 200. SMC 25.09.120 is hereby amended as follows:

10 **Development standards for flood-prone areas.**

11 A. No development shall be permitted within the "floodway" of flood-prone areas. Permitted
12 development within flood-prone areas lying outside the floodway shall not contribute to increased
13 downstream flow of floodwaters and shall comply with the provisions of SMC Chapter 25.06, Seattle
14 Floodplain Development Ordinance (FEMA). A drainage-control plan shall be required for all proposed
15 development.

16 B. Drainage-Control Plan. If the site is mapped or determined to be flood-prone, a drainage-
17 control plan shall be submitted with the permit application showing the flood-prone area, the tributary
18 watershed, and all drainage features, to describe the existing situation and proposed modifications to the
19 drainage system. The drainage-control plan shall provide for control of water quality and quantity in
20 compliance with the SMC Title 22, Subtitle VIII, Grading and Drainage Control Ordinance, SMC
21 Chapter 25.06, Seattle Floodplain Development Ordinance, and any other subsequent applicable flood-
22 control codes or ordinances to protect the public interest and prevent harm.

23 C. Elevation Above Base Flood Level. The lowest floor elevation of any structure located in a
24 flood-prone area shall be two feet (2') above the one-hundred (100) year flood elevation unless otherwise
specified by the Director of ~~((Engineering))~~ Seattle Public Utilities.

III. MISCELLANEOUS PROVISIONS

Section 201. It is the express intent of the City Council that, in the event another ordinance has
heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended
or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if
at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the

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1 use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show
2 intended amendments.

3
4 Section 202. In the event any section or subsection of the Seattle Municipal Code purported to
5 be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full
6 effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

7
8 Section 203. It is the express intent of the City Council that, in the event a subsequent ordinance
9 refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to
10 the new office or position created by this ordinance, and shall not be construed to resurrect the old
11 position or office unless it expressly so provides by reference to this ordinance.

12
13 Section 204. It is the express intent of the City Council that, in the event a subsequent ordinance
14 refers to or amends a section or subsection of the Seattle Municipal Code amended or recodified herein,
15 but the later ordinance fails to account for the change made by this ordinance, the two sets of
16 amendments should be given effect together if at all possible.

17
18 Section 205. The Director of Seattle Public Utilities shall have the power to make all
19 administrative decisions necessary to carry out the intent of this ordinance.

20
21 Section 206. The City Clerk shall publish in the City's legal newspaper the title and the first five
22 (5) sections of this ordinance, a numerical tabulation by Seattle Municipal Code number of the sections

23
24

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1 or subsections that are amended by sections 6 through 200 of this ordinance, and a listing of the Seattle
2 Municipal Code sections or subsections repealed as listed under the caption "Repealer" as the summary
3 of this ordinance, and state as part of that publication that the entire text may be examined electronically
4 at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the offices of the City Clerk,
5 First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon
6 request.

7
8 Section 207. The several provisions of this ordinance are declared to be separate and severable
9 and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
10 or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of
11 the remainder of this ordinance or the validity of its application to other persons or circumstances.

12
13 Section 208. It is the express intent of the City Council that this ordinance makes only those
14 changes to the Seattle Municipal Code shown by striking out, inside double parentheses, text to be
15 deleted, and underlining text to be added. To this end, errors in showing the pre-existing Seattle
16 Municipal Code text are to be disregarded, and no change in the Seattle Municipal Code is intended
17 thereby.

18
19 Section 209. Any act consistent with the authority and prior to the effective date of this
20 ordinance is hereby ratified and confirmed.
21
22
23
24

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1 Section 202. 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
5 Passed by the City Council the ____ day of _____, 1996, and signed by me in open
6 session in authentication of its passage this ____ day of _____, 1996.

7
8 _____
9 President _____ of the City Council

10 Approved by me this ____ day of _____, 1996.

11 _____
12 Mayor

13 Filed by me this ____ day of _____, 1996.

14 _____
15 City Clerk

16 (Seal)
17
18
19
20
21
22
23
24

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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:

Marsha Chae

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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City of Seattle

Executive Department—Office of Management and Planning

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

September 19, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Mr. Sidran
9-20-96
Title only



Dear Mr. Sidran:

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

REQUESTING DEPARTMENT: Water

SUBJECT: AN ORDINANCE creating a new agency, Seattle Public Utilities; by combining the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Water Department.

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 Kris Castleman 684-8367.

Sincerely,

Norman B. Rice
Mayor

by

Kris Castleman for

TOM TIERNEY
Director

h:\admin\legis\aw\lrs\castle6

Enclosure

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STATE OF WASHINGTON - KING COUNTY

74976
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 118396

was published on

12/17/96

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

A. Randall
Subscribed and sworn to before me on

12/18/96

Michael Winey
Notary Public for the State of Washington,
residing in Seattle

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