

Ordinance No. 119192

Council Bill No. 112174

*me*

The City of Seattle  
Council Bill/Ordinance

*119192*

An Ordinance relating to the Seattle Public Utilities and side sewer operation and maintenance, amending Seattle Municipal Code sections 21.16.290, 21.16.300, 21.16.310, and 21.16.380, to regulate the discharge of fat, oil or grease into sewers in the City, and altering penalty and proof provisions.

**OK**

10-15-98 3-

10-19-98 Full

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

|                              |                      |   |
|------------------------------|----------------------|---|
| Date Introduced:             | <b>MAY 18 1998</b>   |   |
| Date 1st Referred:           | To: (committee)      | UTILITIES & ENVIRONMENTAL MANAGEMENT COMMITTEE                            |
| Date Re - Referred:          | To: (committee)      |   |
| Date Re - Referred:          | To: (committee)      |   |
| Date of Final Passage:       | Full Council Vote:   |   |
| <b>10-19-98</b>              | <b>9-0</b>           |   |
| Date Presented to Mayor:     | Date Approved:       |   |
| <b>10-19-98</b>              | <b>OCT 22 1998</b>   |   |
| Date Returned to City Clerk: | Date Published:      | T.O. <input type="checkbox"/><br>E.T. <input checked="" type="checkbox"/> |
| <b>OCT 22 1998</b>           | <i>G.P.R.</i>        |   |
| Date Vetoed by Mayor:        | Date Veto Published: |   |
|                              |                      |   |
| Date Passed Over Veto:       | Veto Sustained:      |   |
|                              |                      |   |

This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: PAGELER  
Councilmember

## Committee Action:

10-15-98 3-0 do pass as amended <sup>(3)</sup>  
10-19-98 Full Council: Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initials)

*Law Department*

Law Dept. Review

OMP  
Review

*JD*

City Clerk  
Review

Electronic  
Copy Loaded

Indexed

ORDINANCE 119192

AN ORDINANCE relating to the Seattle Public Utilities and side sewer operation and maintenance, amending Seattle Municipal Code sections 21.16.290, 21.16.300, 21.16.310, and 21.16.380, to regulate the discharge of fat, oil or grease into sewers in the City, and altering penalty and proof provisions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 21.16.290 (Ord. 97016 § 28) is hereby amended to read as follows:

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

~~((Whoever))~~ A person who violates or fails to comply with any of the provisions of this chapter shall, in addition to or instead of any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the City. Liability pursuant to this section shall be joint and several.

Section 2. Seattle Municipal Code Section 21.16.300 (Ord. 97016 § 29, as last amended by Ord. 118396 § 108) is hereby further amended to read as follows:

**SMC 21.16.300 Prohibited discharge of certain substances.**

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

~~((A))~~ 1. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit (150° F.);

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

((B))2. Wastewater which contains more than one hundred (100) parts per million by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;

((C))3. Flammables capable of causing explosion or supporting combustion in the public sewer system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent, kerosene, fuel oil, crankcase oil, and acetylene generation sludge;

((D))4. Garbage that has not been properly shredded;

((E))5. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the public sewer system;

((F))6. Wastewater having a pH lower than five and five- tenths (5.5) or having the capacity to cause damage to structures or equipment or which is hazardous to personnel of the public sewer system;

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

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

1  
2 ((F))9. Noxious or malodorous gas or substance capable of creating a public nuisance.

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

8 Section 3. Seattle Municipal Code Section 21.16.310 (Ord. 97016 § 30, as last amended by  
9 Ord. 118396 § 109) is hereby further amended to read as follows:

10 **SMC 21.16.310 Pretreatment facilities.**

11 A. Grease, oil, sand, and liquid waste containing grease or flammable material or other harmful  
12 ingredients shall be intercepted prior to being discharged to the public sewer system by the installation  
13 and operation of pretreatment facilities which shall be of a type and capacity ((approved by the Director  
14 of Seattle Public Utilities)) sufficient to meet the requirements of this chapter and shall be so located as to  
15 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  
17 occupant at his or her expense in continuously efficient operation at all times. The Director of Seattle  
18 Public Utilities has the option to ((shall)) determine whether such equipment shall be allowed or required  
19 to be installed, and whether the effluent produced is satisfactory, and has the option to issue an order  
20 regarding the installation and/or maintenance of any such facility.

1  
2 C. The Director of Seattle Public Utilities has the option to issue an order that p((P))lans,  
3 specifications and any other pertinent information relating to proposed preliminary treatment facilities  
4 ((shall)) be submitted for approval of the Director of Seattle Public Utilities; and has the option to issue  
5 an order that construction of such facilities shall not begin until such approval is noted on the plan.

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

10 E. The Director of Seattle Public Utilities shall serve an order pursuant to this Section 21.16.310 on  
11 the owner and/or other person responsible for the condition. The order shall identify the condition to be  
12 corrected and the Director's requirements for corrective action and shall specify a time for compliance.  
13 The time for compliance shall be determined by the Director who shall consider: the type of violations or  
14 conditions found; the past history of attempts to comply; the complexities of compliance; and other  
15 relevant factors known to the Director. The order shall be served upon the person responsible for the  
16 condition by personal service, or certified mail with return receipt requested, at the person's last known  
17 address. Service by certified mail shall be effective on the date of mailing. If the whereabouts of the  
18 person responsible is unknown and cannot be ascertained in the exercise of reasonable diligence, and the  
19 Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once  
20 each week for two (2) consecutive weeks in the City official newspaper. If the order is directed to a  
21 person responsible for the condition other than the owner, a copy shall be sent via first class mail to the  
22  
23  
24

1  
2 owner. If no request for informal review is made pursuant this Section 21.16.310, the order shall  
3 immediately become final.

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

5 G. Any party affected by an order of the Director of Seattle Public Utilities pursuant to this Section  
6 21.16.310 may obtain an informal review of the order by requesting such review in writing to the  
7 Director within ten (10) days after service of the order. When the last day of the period is a Saturday,  
8 Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.  
9 The Director shall notify the person requesting review, all persons served with the order, and all other  
10 persons who have requested notice of review, of the date, time and place of the informal review. The  
11 review will consist of an informal review meeting held at Seattle Public Utilities. A representative of the  
12 Director who is familiar with the case and the applicable ordinances will attend. The Director's  
13 representative shall explain the reasons for the issuance of the notice of violation and will consider any  
14 information presented by the persons attending. At or within a reasonable time after the review, the  
15 Director shall issue a decision in writing that sustains or withdraws the order, amends the order, or  
16 continues the review to a future date to allow further consideration. The decision shall be served in the  
17 manner provided in this Section 21.16.310 for service of an order. Upon service of a decision sustaining  
18 an order, the order shall immediately become final. Upon service of a decision amending an order, the  
19 order shall immediately become final as amended by the decision.

20 Section 4. Seattle Municipal Code Section 21.16.380 (Ord. 97016 § 36) is hereby amended to  
21 read as follows:  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

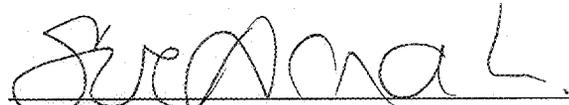
**SMC 21.16.380 Violation- Penalties.**

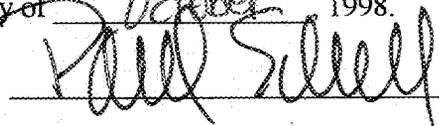
~~((Violation of or failure to comply with the provisions of this chapter, shall subject the offender to a fine of Three Hundred Dollars (\$300.00) or imprisonment for ninety (90) days or both~~ A. A person who violates or fails to comply with any provision of this chapter or any rule, regulation or order of the Director is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be proved.~~((;-and-e))~~

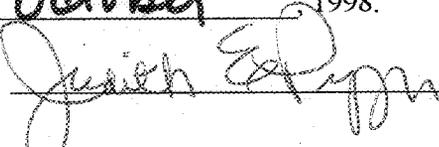
B. Each day ~~((that any))~~ of violation or failure to comply ~~((exists))~~ shall constitute a separate ~~((offense))~~ violation.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 19<sup>th</sup> day of October 1998, and signed by me in open session in authentication of its passage this 19<sup>th</sup> day of October, 1998.

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

Approved by me this 19<sup>th</sup> day of October 1998.  
  
\_\_\_\_\_  
Mayor

Filed by me this 22 day of October 1998.  
  
\_\_\_\_\_  
City Clerk



# City of Seattle

Paul Schell, Mayor

## Seattle Public Utilities

Diana Gale, Director

May 7, 1998

Sue Donaldson, President  
City Council  
City of Seattle

VIA: Mayor Paul Schell

ATTN: Anne Fiske Zuniga, Budget Director  
Executive Services Department

Dear Council President Donaldson:

Attached for City Council action are proposed revisions to Side Sewer Ordinance, Chapter 21.16 Seattle Municipal Code.

**INTRODUCTION.** Seattle Public Utilities Drainage and Wastewater Division is proposing revisions to Chapter 21.16 of the Seattle Municipal Code, to allow more effective and efficient enforcement of the section of the Code prohibiting discharge to sewers of certain materials, including fats, oils, and grease. Such discharges are a particular problem at food service facilities, and the illegal discharges can cause sewer maintenance problems for the City and ultimately can cause City sewer obstructions and backups.

**SUMMARY OF THE ORDINANCE.** The revisions will allow a violation to be proved based on visually evident accumulations of fats, oils, and grease in the side sewer. The changes will allow City inspectors to order corrective action based on visual evidence obtained while doing routine TV-camera inspections of sewer lines. The proposed revisions will create a more meaningful presentation to the food service facility regarding the violation that must be corrected. A picture is worth a thousand words. The revisions will reduce the administration cost of the Grease Reduction Program, and in some cases camera reports on sewer lines can replace the expensive and time-consuming wastewater sampling methods now used as the main method to establish a violation. The revisions will give the Director clearer power to order grease pre-treatment devices at new food service facilities. The revisions will also create an informal review process by which the alleged violator may request the opportunity to have the recommended corrective actions reviewed inside the Seattle Public Utilities before the order becomes final.

The proposed revisions:

- Clarify SPU's option to pursue its claim for damages or costs instead of a criminal action for penalties and establish that liability is joint and several.
- Create an additional violation: a visually evident accumulation of fat, oil or grease which is reasonably likely to contribute to obstructing flow or interfering with sewer operations.
- Clarify that SPU chooses whether or not to review private pretreatment facility plans.
- Establish the procedure for SPU to issue orders regarding the installation and/or maintenance of private pretreatment facilities and related plans.
- Create an informal review process that citizens can use to request additional consideration by SPU of the terms of an order before it becomes final.
- Using standard language, clarify the fact that violations of the chapter are misdemeanors, impose an increased maximum penalty (from a fine of \$300 and/or 90 days to a fine not in excess of \$1,000 and/or 90 days), and clarify that the mental state of the violator need not be proven.

If you have any questions, please contact Gary Lockwood of the Drainage and Wastewater Division (684-7750).

Sincerely



Diana Gale, Director  
Seattle Public Utilities

cc:



# Seattle Public Utilities

## City Council Legislation Transmittal Form

Date: 5/6/98

Ordinance     Resolution     Council Bill

Title/Subject of Legislation: Changes to sewer  
regulation code

Originator: Cary Lockwood

Branch: SPU Operations

Phone: 4-7750

OMP Analyst: Jeff Davis

Council Referral Deadline: 5/12/98 (RUSH!)  
(Wednesday before referral date)

Council Committee Destination: WEMC  
Tues.

Anticipated Date of Council Action/Review: 5/28/98

Comments: Please refer to Theresa Wagner  
in Law Dept for review. Thank you.

Darlene Fymer  
(6-9742)

Date transmitted to OMP: 5-7-98

(For use by Director's Office)



98-113

City of Seattle  
Executive Services Department  
City Budget Office



Anne Fiske Zuniga, Budget Director  
Dwight Dively, Director, Executive Services  
Paul Schell, Mayor

May 7, 1998

*Approved and  
forwarded  
5/8/98*

COPY RECEIVED  
98 MAY -7 PM 3:23  
SEATTLE CITY ATTORNEY

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Executive Services Department, City Budget office (CBO) is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT: Seattle Public Utilities

SUBJECT: AN ORDINANCE relating to the Seattle Public Utilities and side sewer operation and maintenance, amending Seattle Municipal Code sections 21.16.290, 21.16.300, and 21.16.310, to regulate the discharge of fat, oil or grease into sewers in the City, and altering penalty and proof provisions.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to CBO. Any specific questions regarding the legislation can be directed to Jeff Davis at 4-8071.

Sincerely,

Paul Schell  
Mayor

by

*Anne Fiske-Zuniga*  
*by Jeff Davis*

ANNE FISKE-ZUNIGA  
Budget Director

h:\cbo\legis\davis9.doc/

Enclosure



TIME AND DATE STAMP

**SPONSORSHIP**

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

*Margaret Peeler*

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

|       |
|-------|
| _____ |
| _____ |
| _____ |

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

STATE OF WASHINGTON - KING COUNTY

99184

—SS.

City of Seattle, City Clerk

No. FULL ORDINANCE

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 119192

was published on

11/09/38

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

Subscribed and sworn to before me on

Notary Public for the State of Washington, residing in Seattle

ACE OF  
Shoemansh  
Rockefeller  
#194, Bellingham 98226  
Arnon 562-27-4296, 1200  
98-13755, filed on Nov 2, DE  
Robert Wolfe, (300) 0/14-2348

# City of Seattle

## ORDINANCE 119192

AN ORDINANCE relating to the Seattle Public Utilities and side sewer operation and maintenance, amending Seattle Municipal Code sections 21.16.290, 21.16.300, 21.16.310, and 21.16.380, to regulate the discharge of fat, oil or grease into sewers in the City, and altering penalty and proof provisions.

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

Section 1. Seattle Municipal Code Section 21.16.290 (Ord. 97016 § 28) is hereby amended to read as follows:

#### SMC 21.16.290 LIABILITY TO CITY FOR EXPENSE, LOSS OR DAMAGE

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

Section 2. Seattle Municipal Code Section 21.16.300 (Ord. 97016 § 29, as last amended by Ord. 118386 § 108) is hereby further amended to read as follows:

#### SMC 21.16.300 PROHIBITED DISCHARGE OF CERTAIN SUBSTANCES

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

- (A)1. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit (150 degrees F.);
- (B)2. Wastewater which contains more than one hundred (100) parts per million by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;
- (C)3. Flammables capable of causing explosion or supporting combustion in the public sewer system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent, kerosene, fuel oil, crankcase oil, and acetylene generation sludge;
- (D)4. Garbage that has not been properly shredded;
- (E)5. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the public sewer system;
- (F)6. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause damage to structures or equipment or which is hazardous to personnel of the public sewer system;
- (G)7. Wastewater containing a toxic or poisonous substance including chlorinated hydrocarbons in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment plant;
- (H)8. Wastewater containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in a main sewer, at a sewage treatment plant, or a pumping station; or
- (I)9. Noxious or malodorous gas or substance capable of creating a public nuisance.

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

Section 3. Seattle Municipal Code Section

12A.04 of the Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be proved (r and s)

E. Each day (that any) of violation or failure to comply (exists) shall constitute a separate (offense) violation.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 19th day of October, 1998, and signed by me in open session in authentication of its passage this 19th day of October, 1998.

SUE DONALDSON,  
President of the City Council  
Approved by me this 22nd day of October, 1998.  
PAUL SCHELL,  
Mayor  
Filed by me this 22nd day of October, 1998.  
[Seal] JUDITH E. PIPPIN,  
City Clerk.  
Publication ordered by JUDITH PIPPIN,  
City Clerk.  
Date of official publication in Daily Journal of Commerce, Seattle, November 9, 1998. 11/9/981843

ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to the Seattle Public Utilities and side sewer operation and maintenance,  
3 amending Seattle Municipal Code sections 21.16.290, 21.16.300, 21.16.310, and 21.16.380, to  
4 regulate the discharge of fat, oil or grease into sewers in the City, and altering penalty and proof  
5 provisions.

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

7 Section 1. Seattle Municipal Code Section 21.16.290 (Ord. 97016 § 28) is hereby amended to  
8 read as follows:

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

10 ~~((Whoever))~~ A person who violates or fails to comply with any of the provisions of this chapter  
11 shall, in addition to or instead of any penalties provided for such violation, be liable for any expense,  
12 loss or damage occasioned thereby to the City. Liability pursuant to this section shall be joint and  
13 several.

14 Section 2. Seattle Municipal Code Section 21.16.300 (Ord. 97016 § 29, as last amended by Ord.  
15 118396 § 108) is hereby further amended to read as follows:

16 **SMC 21.16.300 Prohibited discharge of certain substances.**

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

21 ~~((A))~~1. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit (150°  
22 F.);

23 ~~((B))~~2. Wastewater which contains more than one hundred (100) parts per million by weight of fat, oil  
24 or grease of animal, vegetable, or mineral petroleum origin;

1 ((C))3. 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;

4 ((D))4. Garbage that has not been properly shredded;

5 ((E))5. Ashes, cinders, sand, mud, straw, hair, shavings,  
6 metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous  
7 substance capable of causing obstruction to the flow of sewers or other interference with the proper  
8 operation of the public sewer system;

9 ((F))6. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause  
10 damage to structures or equipment or which is hazardous to personnel of the public sewer system;

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

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

18 ((I))9. Noxious or malodorous gas or substance capable of creating a public nuisance.

19 B. Every owner or operator of any property served by a side sewer shall be in violation of this chapter if  
20 there exists in such side sewer a visually evident accumulation of fat, oil or grease of animal, vegetable,  
21 or mineral petroleum origin originating from the owner's or operator's property and which either alone

1 or in combination with other wastes is reasonably likely to be capable of obstructing flow or interfering  
2 with the operations or performance of any part of the sewer system.

3 Section 3. Seattle Municipal Code Section 21.16.310 (Ord. 97016 § 30, as last amended by  
4 Ord. 118396 § 109) is hereby further amended to read as follows:

5 **SMC 21.16.310 Pretreatment facilities.**

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

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

16 C. The Director of Seattle Public Utilities has the option to issue an order that p((P))lans,  
17 specifications and any other pertinent information relating to proposed preliminary treatment facilities  
18 ((shall)) be submitted for approval of the Director of Seattle Public Utilities; and has the option to issue  
19 an order that construction of such facilities shall not begin until such approval is noted on the plan.

20 D. In determining appropriate action under Subsection B or C of this Section 21.16.310 with respect  
21 to a location, the Director of Seattle Public Utilities will consider the existing or planned uses which  
22  
23  
24

1 discharge or will discharge to the public sewer system, any current pretreatment capacity, and, if  
2 applicable, the history of noncompliance, sewer blockage or backup, and attempts to comply.

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

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

18 G. Any party affected by an order of the Director of Seattle Public Utilities pursuant to this Section  
19 21.16.310 may obtain an informal review of the order by requesting such review in writing to the  
20 Director within ten (10) days after service of the order. When the last day of the period is a Saturday,  
21 Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.  
22 The Director shall notify the person requesting review, all persons served with the order, and all other

1 persons who have requested notice of review, of the date, time and place of the informal review. The  
2 review will consist of an informal review meeting held at Seattle Public Utilities. A representative of the  
3 Director who is familiar with the case and the applicable ordinances will attend. The Director's  
4 representative shall explain the reasons for the issuance of the notice of violation and will consider any  
5 information presented by the persons attending. At or within a reasonable time after the review, the  
6 Director shall issue a decision in writing that sustains or withdraws the order, amends the order, or  
7 continues the review to a future date to allow further consideration. The decision shall be served in the  
8 manner provided in this Section 21.16.310 for service of an order. Upon service of a decision sustaining  
9 an order, the order shall immediately become final. Upon service of a decision amending an order, the  
10 order shall immediately become final as amended by the decision.

11 Section 4. Seattle Municipal Code Section 21.16.380 (Ord. 97016 § 36) is hereby amended  
12 to read as follows:

13 **SMC 21.16.380 Violation- Penalties.**

14 ~~((Violation of or failure to comply with the provisions of this chapter, shall subject the offender to a fine~~  
15 ~~of Three Hundred Dollars (\$300.00) or imprisonment for ninety (90) days or both~~ A. A person who  
16 violates or fails to comply with any provision of this chapter or any rule, regulation or order of the  
17 Director is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the  
18 Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to  
19 comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code  
20 need by proved.((;-and-e))

21 B. Each day ((that any)) of violation or failure to comply ((exists)) shall constitute a separate  
22 ((offense)) violation.

1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me in open  
5 session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

10 \_\_\_\_\_  
11 Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

13  
14 \_\_\_\_\_  
15 City Clerk

16 (Seal)

17  
18  
19  
20  
21  
22  
23  
24

