

Ordinance No. 121334

ML

Council Bill No. 114752

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule to adopt an amended schedule of fees for permits for the use of public places such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal Code; and authorizing the Director of Transportation to collect such fees in accordance with Seattle Municipal Code Chapter 15.04.

The City of Seattle
Council Bill/Ordinance

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11-24-03 Per-5

CF No. _____

| | | |
|--|----------------------------------|--|
| Date Introduced: <i>NOV - 3 2003</i> | | |
| Date 1st Referred: <i>NOV - 3 2003</i> | To: (committee) | <i>BUDGET</i> |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: <i>11-24-03</i> | Full Council Vote: <i>9-0</i> | |
| Date Presented to Mayor: <i>11-25-03</i> | Date Approved: <i>12/5/03</i> | |
| Date Returned to City Clerk: <i>12/5/03</i> | Date Published: <i>4 PM</i> | T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/> |
| Date Vetted by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

DRAGO

Councilmember

Committee Action:

Pass JC, RC, JD, NL, RM, MP, PS, HW

11-24-03 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee:

(Initial/Date)

*Final 11/24/03
Pass 9-0
No attachments to printed version
NO tables
columns
Pass same number
DRAGO BILL IS
ATTACHED TO BILL
PRINTED VERSION*

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

Indexed

ORDINANCE 121334

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2
3 AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee
4 Schedule to adopt an amended schedule of fees for permits for the use of public places
5 such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal
6 Code; and authorizing the Director of Transportation to collect such fees in accordance
7 with Seattle Municipal Code Chapter 15.04.

8
9 WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Director
10 of Transportation to prepare and recommend to the City Council, for adoption by
11 ordinance, a schedule of fees applicable to all street and/or sidewalk use permits
12 (hereinafter referred to as the Street Use Permit Fee Schedule), commensurate with the
13 cost of administration, review, inspection, and policing involved in the issuance and
14 continuance of such permits and the use thereby granted; and

15 WHEREAS, it is appropriate that those wishing to use the public right of way should bear the
16 costs associated with obtaining the appropriate Street Use Permits, as opposed to having
17 the General Fund subsidize project costs; and

18 WHEREAS, permitting processes, technology, and inspection systems have not kept pace with
19 the dynamically changing business environment; and

20 WHEREAS, it is important for Seattle Transportation to obtain the tools it needs to plan
21 strategically and perform proactively to meet its customers' growing demands; and

22 WHEREAS, Ordinance 120993, as last amended by Ordinance 121242, adopted a Street Use
23 Permit Fee Schedule; and

24 WHEREAS, Seattle Transportation desires to amend the Street Use Permit Fee Schedule to
25 adjust the hourly review, investigation, and inspection rate to be commensurate with the
26 costs incurred by the department in providing such services; and

27 WHEREAS, Seattle Transportation desires to discourage encroachments inconsistent with the
28 right of the public to freely use the public right of way for travel purposes, by escalating
the fees for prolonged use or occupation of the public right of way; and

WHEREAS, Seattle Transportation wishes to re-categorize the existing permit types by similar
use and impacts; and

WHEREAS, the Director of Transportation has prepared and recommended a replacement fee
schedule; NOW, THEREFORE,



1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. The City's Street Use Permit Fee Schedule, which was last amended by
3 Ordinance 121242, is replaced by that attached as Exhibit A, which is hereby adopted effective
4 January 1, 2004.
5

6
7 Section 2. The Director of Transportation is authorized to collect such fees in accordance
8 with Chapter 15.04 of the Seattle Municipal Code.
9

10 Section 3. Effective January 1, 2004, Subsections A and E of 15.04.074 are amended as
11 follows:
12

13 **15.04.074 Permit -- Fees.**
14

15 A. From time to time the Director of Transportation shall prepare and recommend for
16 adoption by the City Council a schedule of fees applicable to all such permits for public places
17 under the jurisdiction of Seattle Transportation. The Director of the Office of Economic
18 Development shall prepare and recommend for adoption by the City Council a schedule of fees
19 applicable to master filming permits. The Superintendent shall prepare and recommend a
20 schedule of fees applicable to permits for use of public places under the jurisdiction of the
21 Department of Parks and Recreation, and the Director of Planning and Development (~~Design,
22 Construction and Land Use~~) shall recommend a schedule of fees applicable to permits required
23 by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the amount of
24 the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate
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1 with the cost of administration, inspection and policing involved in the issuance and continuance
2 of such permits and with the use and occupation thereby granted. Fees for use of ~~((shoreline~~
3 ~~street ends))~~ the public right of way may take into consideration the undesirability of the use or
4 occupation relative to the rights of the public, such as the City policy of discouraging
5 encroachments inconsistent with the public right of access to the shorelines or right-of-way and
6 may be included in the schedule of fees for use of public places under the jurisdiction of Seattle
7 Transportation. Fees for use of park drives and boulevards may take into consideration City
8 policy of discouraging encroachments inconsistent with their park-like character and may be
9 included in the schedule of fees for use of facilities of the Department of Parks and Recreation.
10

11 *****

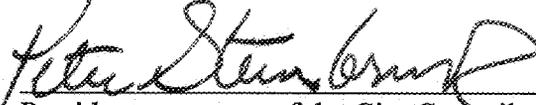
12
13 E. Fees for the use of public places under the jurisdiction of the Department of Parks and
14 Recreation shall be deposited ~~((to the credit of))~~ in the Park and Recreation Fund; ~~((beginning~~
15 ~~January 1, 2001,))~~ all other fees under the jurisdiction of Seattle Transportation ~~((for the use of~~
16 ~~shoreline street ends and vending permit fees))~~ shall be deposited ~~((to the credit of))~~ in the
17 Transportation ~~((Operating))~~ Fund ~~((; all other fees shall be deposited to the credit of the General~~
18 ~~Fund))~~.
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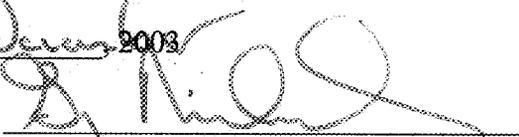
Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 24th day of ~~November~~, 2003, and signed by me in open session in authentication of its passage this 24th day of November, 2003



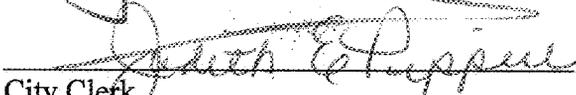
President _____ of the City Council

Approved by me this 2 day of December 2003



Gregory J. Nickels, Mayor

Filed by me this 5 day of December 2003



City Clerk

(Seal)

Exhibit A: Street Use Permit Fee Schedule, Effective January 1, 2004



STREET USE PERMIT FEE SCHEDULE

Effective January 1, 2004

| | | 2004 - 2005 Rate Structure | | | | | |
|--|--|--|---------------|----------------------------|---|--|--|
| ROW Category | Permit types | Issuance Base Fee | Map Surcharge | Square Foot Occupation Fee | Square Foot Use Fee | Hourly Fee | Requirement |
| Activities that use the public ROW that involve little to no mobility blockage | 23 - cornices, architectural features | \$135 | \$30 | None | None | issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | Minimum \$450 deposit required |
| | 25 - driveways | | | | | | |
| | 28 - water service lines 2" diameter | | | | | | |
| | 29 - fences and non-structural walls | | | | | | |
| | 34 - grade and gravel (temporary) | | | | | | |
| | 35 - clear and grub street and alley | | | | | | |
| | 37 - new sidewalk with existing curb | | | | | | |
| | 38 - planting strip | | | | | | |
| | 43 - tree removal when blocking street | | | | | | |
| | 47 - cross curb & walk with equipment | | | | | | |
| Activities in non-arterial areas that use the public ROW and that block mobility | 54A - misc private temporary uses | \$135 | \$30 | None | mo 1=no fee, mo2&3=\$.10/sf/10d mo4&5=\$.20/sf/10d mo6&7=\$.40/sf/10d mo8&9=\$.80/sf/10d mo10+=\$.120/sf/10d in mo 10+ up to \$.02/day credit for mobility mitigation | issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | Minimum \$450 deposit required |
| | 3AL - street barricading (temporary private use) on access streets (eg: special events, rallies) | | | | | | None |
| | 13L - temporary placement of materials on access streets | | | | | | Minimum \$450 deposit required; +22B if applicable |
| | 15L - installation of public art on access streets | | | | | | Minimum \$450 deposit required |
| | 22L - shoring installation and removal on access streets | | | | | | None |
| | 22AL - excavation on access streets | | | | | | \$750 hr deposit required |
| | 31L - construction use on access streets | | | | | | None |
| | 31BL - single family residential construction/debris dumpster on access streets | | | | | | Minimum \$450 deposit required; daily rate; apply surcharge only to 1st permit at site |
| | 31CL - low income housing on any street | | | | | | Minimum \$450 deposit required; bond required |
| | 40L - roadway paving on access streets | | | | | | Minimum \$450 deposit required |
| | 41L - bus shelter installation on access streets | | | | | | |
| | 44L - mobile crane, manlift, boom truck, etc on access streets | | | | | | |
| | 45L - street improvement [public improvements by private development] on access streets | | | | | | |
| | 46L - waterproofing or similar surfacing of concrete walks on access streets | | | | | | |
| | 49L - street opening for miscellaneous purposes on access streets | | | | | | |
| | 50L - scaffold, swing, staging on access streets | | | | | | |
| | 51L - utility system construction on access streets | | | | | | |
| | Activities on arterials that use the public ROW and that block mobility | | | | | | 13H - temporary placement of materials on arterials |
| 15H - installation of public art on arterials | | None | | | | | |
| 22H - shoring installation and removal on arterials | | Minimum \$450 deposit required; +22B if applicable | | | | | |
| 22AH - excavation on arterials | | Minimum \$450 deposit required | | | | | |
| 31AH - construction use on arterials | | | | | | | |
| 40H - roadway paving on arterials | | \$750 hr deposit required | | | | | |
| 41H - bus shelter installation on arterials | | None | | | | | |
| 44H - mobile crane, manlift, boom truck, etc on arterials | | Minimum \$450 deposit required | | | | | |
| 45H - street improvement [public improvements by private development] on arterials | | Deposit required based on estimate; bond required | | | | | |
| 46H - waterproofing or similar surface of concrete walks on arterials | | Minimum \$450 deposit required | | | | | |
| 49H - street opening for miscellaneous purposes on arterials | | | | | | | |
| 50H - scaffold, swing, staging on arterials | | | | | | | |
| 51H - utility system construction on arterials | | | | | | | |



STREET USE PERMIT FEE SCHEDULE

Effective January 1, 2004

| ROW Category | Permit types | 2004 - 2005 Rate Structure | | | | | |
|---|---|----------------------------|---------------|----------------------------|---------------------|--|---|
| | | Issuance Base Fee | Map Surcharge | Square Foot Occupation Fee | Square Foot Use Fee | Hourly Fee | Requirement |
| Activities that have value to general citizenry | 1 - beautification | None | None | None | None | issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | Minimum \$450 deposit |
| | 1A - tree pruning | | | | | | None |
| | 5A - docks on public Historic Landmark places | | | | | | |
| | 54 - miscellaneous uses for use of public per SMC 15.04.100 | | | | | | |
| | 55 - sidewalk repair | | | | | | <50 sq ft = no deposit; 51-100 sq ft = \$150 deposit; 101-500 sq ft = \$450 deposit; if in high density area or 501+sq ft = \$900 deposit |
| Activities that will occur over more than one year | 2 - small directional signs (1st yr) | \$135 | \$30 | None | None | issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | None |
| | 2 - small directional signs (renewal) | \$97 | \$0 | None | | | None |
| | 3 - street barricading for private use (1st yr) | \$135 | \$30 | None | | | None |
| | 3 - street barricading for private use (renewal) | \$97 | \$0 | None | | | None |
| | 5 - docks (1st yr) | \$135 | \$30 | None | | | None |
| | 5 - docks (renewal) | \$97 | \$0 | None | | | None |
| | 6 - signs, flags, etc extend over ROW (1st yr) | \$135 | \$30 | None | | | None |
| | 6 - signs, flags, etc extend over ROW (renewal) | \$97 | \$0 | None | | | None |
| | 7B - ramp primary access over underwater street (1st yr) | \$135 | \$30 | None | | | None |
| | 7B - ramp primary access underwater street (renewal) | \$97 | \$0 | None | | | None |
| | 8 - ventilating ducts (1st yr) | \$135 | \$30 | None | | | None |
| | 8 - ventilating ducts (renewals) | \$97 | \$0 | None | | | None |
| | 9 - underground vaults (1st yr) | \$135 | \$30 | None | | | None |
| | 9 - underground vaults (renewals) | \$97 | \$0 | None | | | None |
| | 14 - misc renewable uses (1st yr) | \$135 | \$30 | None | | | Insurance required |
| | 14 - misc renewable uses (renewals) | \$97 | \$0 | None | | | Insurance required |
| | 14A - vending carts (1st yr) | \$135 | \$30 | None | | | Insurance required |
| | 14A - vending carts (renewal) | \$97 | \$0 | None | | | Insurance required |
| | 14B - tables & chairs [max 4] (1st yr) | \$135 | \$30 | None | | | Insurance required |
| | 14B - tables & chairs [max 4] (renewal) | \$97 | \$0 | None | | | Insurance required |
| | 16A - inactive areaways prior 1/1/95 (1st yr) | \$135 | \$30 | None | | | Insurance required |
| | 16A - inactive areaways prior 1/1/95 (renewals) | \$97 | \$0 | None | | | Insurance required |
| | 17 - sidewalks, elevators, doors (1st yr) | \$135 | \$30 | None | | | Insurance required |
| | 17 - sidewalks, elevators, doors (renewals) | \$97 | \$0 | None | | | Insurance required |
| | 21A - non public utilities (1st yr) | \$135 | \$30 | None | | | None |
| | 21A - non public utilities (renewal) | \$97 | \$0 | None | | | None |
| | 21B - underground storage tanks (1st yr) | \$135 | \$30 | None | | | None |
| | 21B - underground storage tanks (renewal) | \$97 | \$0 | None | | | None |
| | 27A - stanchions (1st yr) | \$135 | \$30 | None | | | Indemnity agreement |
| | 27A - stanchions (renewal) | \$97 | \$0 | None | | | Indemnity agreement |
| | 29A - structural retaining walls/rockeries (1st yr) | \$135 | \$30 | None | | | Indemnity agreement; \$450 deposit required |
| | 29A - structural retaining walls/rockeries (renewal) | \$97 | \$0 | None | | | Indemnity agreement; \$450 deposit required |
| 33 - contractor's trucks/equip per vehicle (1st yr) | \$135 | \$30 | None | Insurance required | | | |
| 33 - contractor's trucks/equip per vehicle (renewal) | \$97 | \$0 | None | Insurance required | | | |
| 48 - building maintenance over ROW [per bldg] (1st yr) | \$135 | \$30 | None | None | | | |
| 48 - building maintenance over ROW [per bldg] (renewal) | \$97 | \$0 | None | None | | | |
| 52 - street decorations (1st yr) | \$135 | \$30 | None | Insurance required | | | |
| 52 - street decorations (renewals) | \$97 | \$0 | None | Insurance required | | | |
| Occupation of ROW street | 2A - ground signs (1st yr) | \$135 | \$30 | \$590/yr | None | issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | None |
| | 2A - ground signs (renewals) | \$97 | \$0 | \$590/yr | | | None |
| | 7 - structures & overhangs (1st yr) | \$135 | \$30 | \$.51/sq/yr | | | Indemnity agreement |
| | 7 - structures & overhangs (renewal) | \$97 | \$0 | \$.51/sq/yr | | | Indemnity agreement |
| | 12 - material storage (1st yr) | \$135 | \$30 | \$.51/sq/yr | | | None |
| | 12 - material storage (renewals) | \$97 | \$0 | \$.51/sq/yr | | | None |
| | 16 - areaways exist prior to 1/1/95 (1st yr) | \$135 | \$30 | \$.51/sq/yr | | | Insurance reqd; structural inspection at \$300 max |
| | 16 - areaways exist prior to 1/1/95 (renewal) | \$97 | \$0 | \$.51/sq/yr | | | Insurance required |
| | 18 - sidewalk cafes (1st yr) | \$135 | \$30 | \$1.56/sf/yr | | | Insurance required |
| | 18 - sidewalk cafes (renewals) | \$97 | \$0 | \$1.56/sf/yr | | | Insurance required |
| | 18A - merchandise on sidewalks (1st yr) | \$135 | \$30 | \$1.56/sf/yr | | | Insurance required |
| | 18A - merchandise on sidewalks (renewal) | \$97 | \$0 | \$1.56/sf/yr | | | Insurance required |
| | 21 - underground storage in street (1st yr) | \$135 | \$30 | \$590/yr | | | None |
| | 21 - underground storage in street (renewals) | \$97 | \$0 | \$590/yr | | | None |
| | 22BH - shoring unrecovered (must be removed to a point 4 ft below finished grade) | \$135 | \$30 | \$1011/pile | | | \$1000/piling left in ROW if >21" from property line \$1616 maximum |
| | 27 - awnings, marquees & canopies (1st yr) [plus 27A if stanchions] | \$135 | \$30 | \$.51/sq/yr | | | |



STREET USE PERMIT FEE SCHEDULE

Effective January 1, 2004

| | | 2004 - 2005 Rate Structure | | | | | |
|---------------------------------|--|--|---------------|----------------------------|---------------------|--|-------------------------|
| ROW Category | Permit types | Issuance Base Fee | Map Surcharge | Square Foot Occupation Fee | Square Foot Use Fee | Hourly Fee | Requirement |
| | 27 - awnings, marquees & canopies (renewal) [plus 27A if stanchions] | \$97 | \$0 | \$.51/sq/yr | | | \$1616 maximum |
| Occupation of underwater street | 7A - structures & overhangs underwater streets (1st yr) | \$135 | \$30 | \$.14/sf/mo | None | Issuance base fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour | Insurance required |
| | 7A - structures & overhangs underwater streets (renewals) | \$97 | \$0 | \$.14/sf/mo | | | Insurance required |
| | 12A - moorage not covered elsewhere (1st yr) | \$135 | \$30 | \$.14/sf/mo | | | None |
| | 12A - moorage not covered elsewhere (renewals) | \$97 | \$0 | \$.14/sf/mo | | | None |
| | WW100 - installations & overhangs state waterways (1st yr) | \$135 | \$30 | \$.14/sf/mo | | | None |
| | WW100 - installations & overhangs state waterway (renew) | \$97 | \$0 | \$.14/sf/mo | | | None |
| | WW150 - non-profit org water safety for youth (1st yr) | \$135 | \$30 | None | | | None |
| | WW150 - non-profit org water safety for youth (renewal) | \$97 | \$0 | None | | | None |
| | WW200 - moorage in state waterways (1st yr) | \$135 | \$30 | \$.14/sf/mo | | | None |
| | WW200 - moorage in state waterways (renewal) | \$97 | \$0 | \$.14/sf/mo | | | None |
| | WW250 - temporary moorage or other uses of State waterways | \$135 | \$30 | \$.14/sf/mo | | | None |
| Per ordinance or council action | 11 - shoreline street ends [and portion] | Fees determined by ordinance @ sq ft of use * demand factor * land value per sq ft * annualized rate (10%) | | | | Issuance base fee includes 1 hr for issuance & inspection; \$150/hr for service in excess of first hour | Indemnity agreement |
| | 14C - 1st amendment vending | \$40 | None | \$35/mo | None | None | Insurance required |
| | 14D - stadium and Exhibition Center vending [Apr - Sept] | None | None | \$121.50/mo | | | Insurance required |
| | 14E - stadium and Exhibition Center vending [Oct - Mar] | None | None | \$18/mo | | | Insurance required |
| | 16B - areeways built after 1/1/95 | based upon appraisal | | | | | Authorized by ordinance |
| | 58 - sign removal | \$78 per sign or poster | | | | | Authorized by ordinance |
| | 56 - legal document preparation | None | None | None | | \$150/hr | None |
| | 57 - impound fee | City cost plus 15% | | | | | Minimum \$97 |

Title 15 of the Seattle Municipal Code also authorizes the Director of the Seattle Department of Transportation and/or the Director of the Department of Planning and Development (DPD) to require a surety bond or deposit for various permits when deemed to be in the public interest.

Payment is due within 30 days of the date of any invoice. Any invoice more than 90 days past due will be forwarded to a collection agency or the City Attorney's office for collection. All past due amounts will accrue interest at twelve percent (12% per annum). In the event suit is commenced to collect on unpaid invoices, the prevailing party will be entitled to collect reasonable attorney's fees and costs of litigation.

Glossary of Terms

| | |
|----------------------------|---|
| arterial area | activity in business districts or along arterials as defined by SDOT's traffic classification; H denotes heavy traffic area |
| infrastructure | permanent structures and materials that physically occupy the ROW space (surface, sub-surface or super-surface) [e.g.: streets, sidewalks, fill, utilities, walls] |
| non-arterial area | activity in residential neighborhoods on access streets and outside of arterials as defined by SDOT's traffic classifications; L denotes light traffic area |
| mobility mitigation | activities that improve mobility through construction corridors [e.g.: work outside peak traffic areas] |
| occupation fee | a per square foot fee for annual uses that discourages ROW burdens inconsistent with the public right of access (see Seattle Municipal Code 15.04.074) |
| ROW | right-of-way; the land that encompasses the streets, including the above and below ground infrastructure, that runs from private property line to private property line |
| use fee | a per square foot fee for temporary ROW blockage that discourages ROW burdens inconsistent with the public right of access (see Seattle Municipal Code 15.04.074) |





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 15, 2003

Honorable Peter Steinbrueck, President
Seattle City Council
City Hall, Second Floor

Dear Council President Steinbrueck:

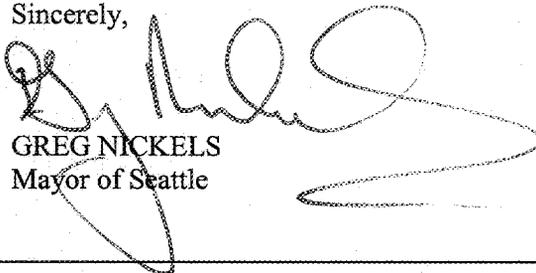
The attached ordinance adjusts fees for Street Use permits, and the hourly rate for review, investigation, and inspection by the Seattle Department of Transportation's (SDOT's) Street Use Division. Specifically, the rate proposal increases SDOT's hourly review and inspection rate from \$123/hour to \$150/hour, and increases permit fees from the existing rates of \$79 and \$94, depending upon the type of permit, to \$97 and \$165, respectively. The new \$165 permit fee includes a \$30 surcharge for Utility Mapping Geographic Information System (GIS) and Hansen Permitting System upgrades that will remain in effect for four years to cover the costs of these technology improvements. Finally, the ordinance adjusts right-of-way use and occupation fees to discourage encroachments inconsistent with the right of the public to freely use the public right of way for travel purposes, and adopts a simplified fee schedule that re-categorizes permit types by similar use.

The fees proposed in this ordinance are consistent with Seattle Municipal Code Chapter 15.04, which authorizes SDOT to recover the costs associated with processing permit applications, performing inspections, reviewing plans, and other associated right-of-way management activities, from those who directly benefit from the services provided. It also authorizes fees for use of public places under the jurisdiction of Seattle Transportation. The new permit fees, which become effective January 1, 2004, are consistent with what the Department of Planning and Development charges for its review, investigation, and inspection services, and with what other municipalities charge for similar services. The proposed fees will be re-evaluated in two years and, again, when the Hansen and GIS system technology improvements are projected to be completed in 2007.

The fee changes proposed by this legislation support the development and implementation of SDOT's inter-departmental Right-of-Way Management Initiative, which includes business process redesign and implementation of the technology improvement projects mentioned above. These system improvements, coupled with the simplified fee schedule, will help SDOT cover its costs, plan strategically, and perform proactively in order to meet its customers' growing needs.

Thank you for your consideration of this legislation. Should you have questions, please contact Joe Taskey at 684-5265.

Sincerely,



GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, Seattle, WA 98104-8174

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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2004 BUDGET LEGISLATION FISCAL NOTE

| | | |
|------------------------|-----------------------|----------------------------|
| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
| Seattle Transportation | Joe Taskey / 684-5265 | Jennifer Devore / 615-1328 |

Legislation Title: AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule to adopt an amended schedule of fees for permits for the use of public places such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal Code; and authorizing the Director of Transportation to collect such fees in accordance with Seattle Municipal Code Chapter 15.04.

- **Summary of the Legislation:** This legislation adjusts fees for Street Use permits and the hourly rate for review, investigation, and inspection by the Seattle Department of Transportation's (SDOT's) Street Use Division. Specifically, the rate proposal increases SDOT's hourly review and inspection rate from \$123/hour to \$150/hour, and increases base permit fees from the existing rates of \$79 and \$94, to \$97 for renewals and \$165 for first time issuance. The \$165 non-renewal base issuance fee includes a \$30 surcharge for Utility Mapping Geographic Information System (GIS) and will remain in effect for four years to cover the costs of these technological improvements. Finally, the ordinance adjusts right-of-way use and occupation fees to discourage mobility obstruction, and adopts a simplified fee schedule that re-categorizes existing permit types by similar use. Attached is a marked-up version of the current fee schedule that reflects proposed changes between the existing fees and the ones set forth in this legislation. As an accounting change, the proceeds of these fees will be deposited in the Transportation Fund rather than the General Subfund.
- **Background: (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):** Seattle Municipal Code Chapter 15.04 authorizes Seattle Transportation to prepare and recommend a schedule of fees, the amount of which shall be commensurate with the cost of administration, inspection, and policing involved in the issuance and continuance of related permits and the use and occupation thereby granted.

Historically, permittees have been charged use and occupation fees for a fixed duration of time, regardless of how long the use or occupation was actually required. As a result, permittees were likely to continue occupying the right-of-way for the entire duration of the permit, even if the need no longer existed. This revision to the square footage use and occupation fees eliminates the fixed duration of permits and instead assesses permit fees based on actual time needed in the right-of-way. Escalating fees for long-term use or occupation of the right-of-way were historically charged for fixed periods of time (e.g. 1-4 months, 5-8 months, 9-12 months). They have been converted to a daily rate and will be charged in 10 day increments for the



actual time needed in the right-of-way, with some fees escalating monthly and others every two months. This administrative change is designed to discourage encroachments inconsistent with the public right of access. In addition, the use fees are now applied to all permit types that cause temporary right-of-way blockage.

For several years fees have not been keeping pace with the dynamically changing business environment. As a result, current fees no longer cover the direct and indirect costs and improvements that have been made, and are planned to be made in the near future. The revised permit fees, which become effective January 1, 2004, recover SDOT's direct and indirect cost associated with necessary staffing, technology, and business process review, inspection and investigation of uses and occupation of the City's rights of way, as well as seek to mitigate the burden of use and occupancy of the right of way to the traveling public, and are consistent with what the Department of Planning and Development charges for similar services. These fees are also consistent with what other municipalities charge for similar services. The proposed fees will be re-evaluated in two years and, again, when the ROWM and GIS system technology improvements are projected to be completed in 2007.

- Please check one of the following:

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Anticipated Revenue/Reimbursement: (For budget legislation that raises fees, please provide detail on each fee that is being raised, when it was last raised, how the proposed fee compares with similar fees in the region, etc.)

| Fund Name and Number | Department | Revenue Source | 2003 Revenue | 2004 Revenue |
|---------------------------|----------------|-----------------|--------------|-----------------|
| Transportation Fund 10310 | Transportation | Street Use Fees | \$0 | \$1.156 million |

Notes: The 2004 amount is the estimated incremental revenue from these fees.

- What is the financial cost of not implementing this legislation? (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented)

Absent an increase in fees, public and private entities could experience delays resulting in higher future development, project, construction, and planning costs, due to the lack of SDOT customer service resources and infrastructure location and



planning support. Without the fee increase and surcharge, SDOT will continue to manually maintain 100+ year old utility maps, which is expensive and time-consuming, both for the department and its customers.

- What are the possible alternatives to the legislation that could achieve the same or similar objectives? (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

Alternatives to this legislation would be for SDOT to obtain greater general fund appropriation.

- Is the legislation subject to public hearing requirements? (If yes, what public hearings have been held to date)
- No
- Other Issues (including long-term implications of the legislation):

This legislation will help avoid delays in the implementation of mandated customer service, right-of-way management, utility coordination, and permitting improvement initiatives.

Attachment 1: Track-Changes Version of Existing Fee Schedule Showing Proposed Changes for 2004.

Revisions to Street Use Permit Fee Schedule Showing Proposed Changes for 2004

Effective January 1, 2004

| | TYPE OF USE | PERMIT FEE | REQUIREMENTS |
|-----|--|---|--|
| 1. | Beautification, pruning of trees in unopened right-of-ways, Landscaping and Non Structural Rockeries | No Fee ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour at \$150/hr. \$450.00 ((\$369.00)) minimum deposit |
| 1A. | Trees | No Fee | Trees Only |
| 2. | Small directional signs | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 2A. | Ground Signs (for identification only) | \$165.00 initial permit / \$97.00 consecutive year renewal plus \$590.00/year. ((\$520.00)/year | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 3. | Street barricading (for private use) | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 3A. | Street barricading (temporary for private use) (i.e.: special events, rallies, etc.) | \$165.00 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one hour @ \$150/hr. Plus \$450.00 minimum deposit ((Plus-Deposit)) |
| 4. | Private car tracks (narrow gauge, etc.) | \$165.00/year plus \$0.50/lf ((\$0.49/lf)) ((\$79.00 minimum)) | |
| 5. | Clocks | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 5A. | Clocks posted on public places and designated Historic Landmarks | No Fee | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 6. | Signs, flags, company graphics, etc. extending over public property | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |



Revisions to Street U Permit Fee Schedule Showing Proposed Changes for 2004

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|------|---|--|--|
| 7. | Structures and overhangs. Street areas that are not shoreline street ends | \$165.00 plus \$0.51 ((\$0.49)/sq ft, and \$97.00 plus \$0.51/sq ft/consecutive year renewal ((\$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Indemnity Agreement required |
| 7A. | Structures and overhangs (underwater streets) | \$165.00 plus \$0.14 ((\$0.49)/sq ft, and \$97.00 plus \$0.14/sq ft/consecutive year renewal ((\$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 7B. | Ramp for primary access over underwater streets | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 8. | Ventilating ducts and private maintenance holes | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 9. | Underground vaults and service boxes | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 11. | Shoreline Street Ends (land portions) Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns | Sq. ft. of use x Demand Factor x land value per sq. ft. x annualized rate (10%) | Indemnity Agreement required. Plus cost of issuance, inspection or survey time in excess of one half-hour @ \$150/hr. |
| 12. | Material storage or other uses not covered elsewhere in schedule, and not in underwater street | \$165.00 plus \$0.51 ((\$0.49)/sq ft, and \$97.00 plus \$0.51/sq ft/consecutive year renewal ((\$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 12A. | Moorage or other uses not covered elsewhere in schedule in underwater street | \$165.00 initial permit / \$97.00 consecutive year renewal plus \$0.14/sq ft/month ((\$0.13/sq ft/month)) ((\$79.00/year-minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 13. | Temporary placement of materials or items, not for construction, and not in underwater street | \$165.00 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$0.49/sq ft for each four month period, \$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; \$450 minimum required |

Revisions to Street Use Permit Fee Schedule Showing Proposed Changes for 2004

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| 14. | Miscellaneous uses requiring renewable permit and insurance not covered by other kinds of Street use Permits | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00 /year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 14A. | Vending Carts | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00 /year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 14B. | Tables and Chairs (maximum four tables) | \$165.00 plus \$97.00/consecutive year renewal ((\$117.00 /year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 14C. | 1st Amendment Vending | \$40.00/yr registration \$35.00/mo site permit | |
| 14D. | Stadium and Exhibition Center Event Vending | \$121.50/month (April - September) | Insurance required |
| 14E. | Stadium and Exhibition Center Event Vending | \$18.00/month (October - March) | Insurance required |
| 15. | Placement of public art or structure that has a public benefit | \$165.00 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 16. | Areaways in existence prior to January 1, 1995. | \$165.00 plus \$0.51 ((\$0.49))/sq ft, and \$97.00 plus \$0.51/sq ft/consecutive year renewal ((\$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required Structural Inspection required, two hour maximum @ \$300.00 total |
| 16A. | Inactive areaways in existence prior to January 1, 1995. | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00 /year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 16B. | Areaways built after January 1, 1995. | Fee based upon appraisal | Permit authorized by City Council Ordinance |
| 17. | Sidewalk elevators, doors and similar installations | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00 /year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 18. | Sidewalk cafes | \$165.00 initial permit / \$97.00/consecutive year renewal and \$1.56/sq ft/year ((\$1.50 /sq ft/year- \$349.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 18A. | Merchandise Display on sidewalks | \$165.00 initial permit / \$97.00/consecutive year renewal and \$1.56/sq ft/year ((\$1.50 /sq ft/year- \$79.00 minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |



Revisions to Street U Permit Fee Schedule Showing Proposed Changes for 2004

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| 21. | Underground storage tanks in street area | \$165.00 initial permit / \$97.00 consecutive year renewal plus \$590.00/year. ((\$567.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 21A. | Non-public utilities - aerial cables, access hatches, flood lights, etc. for private usage. | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 21B. | Underground storage tanks in street area that are outfitted per Department of Ecology (D.O.E.) requirements, are not abandoned, and have a valid D.O.E. underground storage tank permit. | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 22. | Shoring | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$784)) | Plus a deposit to pay for City costs for review and approval of shoring design and City costs @ \$150/hr for inspection and monitoring of the shoring system during installation and while the shoring system is providing support for the adjacent street right of way. \$450 minimum deposit |
| 22A. | Excavation Depth 0—10 ft 10.1—15 ft 15.1—20 ft Over 20 feet | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document)-Cost per lineal foot of excavation ((\$6.22))/lf ((\$315.00)) minimum ((\$7.60))/lf ((\$630.00)) minimum ((\$8.98))/lf ((\$952.00)) minimum ((\$8.98))/lf ((\$1640.00)) minimum | Plus cost of issuance, field investigation and inspection in excess of one-half-hour @ \$150/hr; \$450.00 ((\$492)) minimum deposit |
| 22B. | Shoring unremoved, more than 21 inches from property line | \$1011.00 ((\$972.00))/pile | Each pile must be removed to a point 4 feet below finished grade; Plus cost of issuance, field investigation and inspection @ \$150/hr |
| 23. | Cornices, belt courses, architectural features | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one hour @ \$150/hr. \$450.00 minimum deposit |
| 25. | Driveways | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |



Revisions to Street Use Permit Fee Schedule Showing Proposed Changes for 2004

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| 27. | Awnings, marquees and canopies (Plus # 27A if canopy with stanchions) | \$165.00 plus \$0.51 ((\$0.58)) /sq ft, and \$97.00 plus \$0.51/sq ft/consecutive year renewal ((\$79.00 minimum)) | Plus cost of issuance, field investigation and inspection in excess of one hour @ \$150/hr.; ((\$94.00 minimum)) \$1616.00 ((\$1554.00)) maximum |
| 27A. | Stanchions | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation and inspection in excess of one hour @ \$150/hr.; Indemnity Agreement Required |
| 28. | Water service lines less than 2 inch diameter | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) Minimum deposit (deposit held for a minimum of 60 days) |
| 29. | Fences and non-structural walls | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |
| 29A. | Structural retaining walls and rockeries | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit (Indemnity agreement required) |



Revisions to Street U Permit Fee Schedule Showing Proposed Changes for 2004

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| 31. | Construction use: Non-Arterial ((Outside Downtown)) | \$165.00 \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) (((\$94.00)) | Plus cost of <u>issuance</u> , field investigation and inspection in excess of one half-hour @ \$150/hr. <u>\$450.00</u> (((\$369)) minimum deposit |
| 31A. | Construction use: Arterials ((Downtown Area Bounded by I-5, South Dearborn Street, Alaskan Way and Denny Way, inclusive)) | \$165.00 \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) (((\$94.00 minimum)) ((5 to 8 months: \$1.10/sq ft/month \$110.00 minimum)) ((9 to 12 months: \$1.44/sq ft/month \$144.00 minimum)) ((Over 12 months: \$2.87/sq ft/month \$287.00 minimum)) | Plus cost of <u>issuance</u> , field investigation and inspection in excess of one half-hour @ \$150/hr. <u>\$450.00</u> (((\$369)) minimum deposit |
| 31C. | Low income housing in Downtown Area | <u>\$165.00 plus month one = no fee, months two and three = \$0.01/day per sq. ft., months four and five = \$0.02/day per sq ft., months six and seven = \$0.04/day per sq ft., months eight and nine = \$0.08/day per sq ft months 10+ = \$0.12/day per sq ft</u> | For any construction project containing low-income housing, the fees shall be reduced by a percentage equal to the percentage of the project gross floor area to be used for low-income housing. |
| 31B. | Single Family Residence Construction/Debris on Non-Arterials ((residential streets Downtown-excluded)) | \$165.00 \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) (((\$94.00 minimum)) | Plus cost of <u>issuance</u> , field investigation and inspection in excess of one half-hour @ \$150/hr. <u>\$450.00</u> (((\$369)) minimum deposit |
| 33. | Contractor's trucks and equipment | <u>\$165.00 plus \$97.00/consecutive year renewal for each truck or unit</u> (((\$79.00/year)) | Plus cost of <u>issuance</u> , field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 34. | Grade and gravel (temporary) | <u>\$165.00</u> (((\$94.00)) | Plus cost of <u>issuance</u> , field investigation and inspection in excess of one half-hour @ \$150/hr. <u>\$450.00</u> (((\$369)) minimum deposit |



Revisions to Street U Permit Fee Schedule Showing Proposed Changes for 2004

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| 35. | Clear and grub street or alley | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one-half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |
| 37. | New sidewalk with existing curb | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |
| 38. | Planting strip surfacing including required landscaping | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation and inspection in excess of one-half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |
| 39. | Weep holes | \$165.00 ((\$94.00)) | |
| 40. | Roadway paving | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, review, field investigation and inspection time in excess of one half-hour @ \$150/hr. \$750.00 ((\$738)) minimum deposit |
| 41. | Bus shelter | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | |
| 42. | Building demolition | \$165.00 plus \$0.21/sq ft ((\$94.00 minimum)) | Plus cost of field investigation and inspection in excess of one half-hour. \$369 Minimum deposit |
| 43. | Tree removal or pruning (per abutting lot when involving temporary blocking of a street) | \$165.00 ((\$94.00)) | \$450.00 ((\$369)) minimum damage/cleanup deposit |
| 44. | Mobile crane, manlift, boom truck, etc. on arterials | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; \$450.00 ((\$369)) minimum damage/clean up deposit. Insurance required. |
| 45. | Street Improvement Permits Private contract (major public improvements) Engineering costs not included. | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of review, surveying, inspection, mapping and administration. \$450 minimum deposit. Bond required. |
| 46. | Waterproofing or similar surfacing of concrete walks | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr. \$450 minimum deposit. |
| 47. | Cross curb and walk with equipment | \$165.00 ((\$94.00)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; \$450.00 ((\$369)) minimum damage deposit |



Revisions to Street Use Permit Fee Schedule Showing Proposed Changes for 2004

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| 48. | Use of area over right of way for building maintenance | \$165.00 plus \$97.00/consecutive year renewal for each building ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 49. | Street opening for miscellaneous purposes | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Test boring, pot holing etc. \$450.00 ((\$369)) minimum deposit |
| 50. | Scaffold, swing staging or scissor manlift ((Less than 60 days)) | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$.58 front foot, \$94.00 minimum)) | Plus cost of issuance, field investigation and inspection in excess of one half-hour @ \$150/hr. \$450.00 ((\$369)) minimum deposit |
| 51. | Utility system construction | \$165 plus use fee based on arterial or non-arterial location (per schedule at end of this document) ((\$94.00)) | Plus cost of inspection, mapping and related engineering services billed at \$150.00/hour ((\$123.00/hour)) \$450 minimum deposit |
| 52. | Street decorations: Banners, flower baskets, tree lights, etc. | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr; Insurance required |
| 54. | Miscellaneous uses that are for the use of the public, e.g. a street park, shoreline street ends improvements, or plantings in a traffic circle per SMC 15.04.100 (for purposes of record keeping and permission granted as authorized by the Director of the Seattle Department of Transportation) | No Fee | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| 54A. | Miscellaneous, for private temporary use of sidewalk for purposes not covered in other categories | \$165.00 ((\$28.00)) for each period of up to 4 hours | Plus cost of field investigation and inspection in excess of one half-hour. \$450.00 ((\$369)) Minimum deposit |
| 55. | Sidewalk repair | No Fee. Inspection time will be deducted from deposit | 50 sq ft or less, no deposit 51 - 100 sq ft, \$150.00 ((\$123.00)) minimum deposit 101 - 500 sq ft, \$450.00 ((\$369.00)) minimum deposit 501 + sq ft, \$900.00 ((\$750.00)) minimum deposit |
| 55A. | Sidewalk repair: Downtown, Commercial, Multi-family >500 sq ft | No Fee. Inspection, field investigation and review time will be deducted from deposit | 500+ sq ft, \$900.00 ((\$750.00)) minimum deposit |



Revisions to Street U Permit Fee Schedule Showing Proposed Changes for 2004

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|--------|--|--|--|
| 56. | Legal document preparation | \$150.00/hour ((\$123.00)) | |
| 57. | Impound fee | City cost plus 15% minimum \$57.00 ((\$55.00)) | |
| 58. | Poster/sign removal from traffic control devices (excluding poles), trees/shrubbery | \$76.00 ((\$73.00))/poster or sign | To reimburse City costs per Ordinance 117066 (SMC 15.48.120) Plus \$250 civil infraction. |
| WW100. | Installations and overhangs in state waterways Piers, loading platforms, bridges, scales, overhead hoists, beams, cranes, canopies with stanchions, ramps, steps, floating home access, overhangs, etc. (cornices excepted) | \$165.00 plus \$0.14/sq ft, and \$97.00 plus \$0.14/sq ft/month/consecutive year renewal ((\$0.15/sq ft/month)) ((\$94.00/year -minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| WW150. | Use by non-profit organization that under contract with the City, participates actively in City water-safety and boating safety programs for youth | \$165.00 plus \$97.00/consecutive year renewal ((\$79.00/year)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| WW200. | Moorage or other use of state waterways not covered by Permit # WW100 | \$165.00 plus \$0.14/sq ft, and \$97.00 plus \$0.14/sq ft/month/consecutive year renewal ((\$0.15/sq ft/month)) ((\$94.00/year -minimum)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| WW250. | Temporary moorage or other use of State waterways | \$165.00 plus \$0.14/sq ft, and \$97.00 plus \$0.14/sq ft/month/consecutive year renewal ((\$0.15/sq ft x days -/ days in month)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |
| | Review, Investigation and Inspection Rate in excess of base permit fee | \$150.00/hour ((\$123.00/hour)) | Plus cost of issuance, field investigation, and inspection in excess of one hour at \$150/hr |

Title 15 of the Seattle Municipal Code also authorizes the Director of the Seattle Department of Transportation and/or the Director of the Department of Planning and Development (DPD) ((Design, Construction and Land Use)) to require a surety bond or deposit for various permits when deemed to be in the public interest.

Payment is due within 30 days of the date of any invoice. Any invoice more than 90 days past due will be forwarded to a collection agency or the City Attorney's office for collection. All past due amounts will accrue interest at twelve percent (12% per annum). In the event suit is commenced to collect on unpaid invoices, the prevailing party will be entitled to collect reasonable attorney's fees and costs of litigation.



STATE OF WASHINGTON – KING COUNTY

--SS.

166328
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

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:121334 ORD IN FULL

was published on

12/16/2003



Affidavit of Publication

James R. Potyge

Subscribed and sworn to before me on

12/16/2003

Melissa Dowd

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121334

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule to adopt an amended schedule of fees for permits for the use of public places such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal Code; and authorizing the Director of Transportation to collect such fees in accordance with Seattle Municipal Code Chapter 15.04.

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Director of Transportation to prepare and recommend to the City Council, for adoption by ordinance, a schedule of fees applicable to all street and/or sidewalk use permits (hereinafter referred to as the Street Use Permit Fee Schedule), commensurate with the cost of administration, review, inspection, and policing involved in the issuance and continuance of such permits and the use thereby granted; and

WHEREAS, it is appropriate that those wishing to use the public right of way should bear the costs associated with obtaining the appropriate Street Use Permits, as opposed to having the General Fund subsidize project costs; and

WHEREAS, permitting processes, technology, and inspection systems have not kept pace with the dynamically changing business environment; and

WHEREAS, it is important for Seattle Transportation to obtain the tools it needs to plan strategically and perform proactively to meet its customers' growing demands; and

WHEREAS, Ordinance 120993, as last amended by Ordinance 121242, adopted a Street Use Permit Fee Schedule; and

WHEREAS, Seattle Transportation desires to amend the Street Use Permit Fee Schedule to adjust the hourly review, investigation, and inspection rate to be commensurate with the costs incurred by the department in providing such services; and

WHEREAS, Seattle Transportation desires to discourage encroachments inconsistent with the right of the public to freely use the public right of way for travel purposes, by escalating the fees for prolonged use or occupation of the public right of way; and

WHEREAS, Seattle Transportation wishes to re-categorize the existing permit types by similar use and impacts; and

WHEREAS, the Director of Transportation has prepared and recommended a replacement fee schedule; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City's Street Use Permit Fee Schedule, which was last amended by Ordinance 121242, is replaced by that attached as Exhibit A, which is hereby adopted effective January 1, 2004.

Section 2. The Director of Transportation is authorized to collect such fees in accordance with Chapter 15.04 of the Seattle Municipal Code.

Section 3. Effective January 1, 2004, Subsections A and E of 15.04.074 are amended as follows:

15.04.074 Permit — Fees.

A. From time to time the Director of Transportation shall prepare and recommend for adoption by the City Council a schedule of fees applicable to all such permits for public places under the jurisdiction of Seattle Transportation. The Director of the Office of Economic Development shall prepare and recommend for adoption by the City Council a schedule of fees applicable to master filming permits. The Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public places under the jurisdiction of the Department of Parks and Recreation, and the Director of Planning and Development shall recommend a schedule of fees applicable to permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate with the cost of administration, inspection, and policing involved in the issuance and continuance of such permits and with the use and occupation thereby granted. Fees for use of ~~the public right of way~~ the public right of way may take into consideration the undesirability of the use or occupation relative to the rights of the public, such as the City policy of discouraging encroachments inconsistent with the public right of access to the shorelines or right-of-way, and may be included in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation. Fees for use of park drives and boulevards may take into consideration City policy of discouraging encroachments inconsistent with their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks and Recreation.

E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be deposited ~~into the credit of~~ in the Park and Recreation Fund; ~~(beginning January 1, 2004) all other fees under the jurisdiction of Seattle Transportation (for the use of shoreline streets and vending permits fees) shall be deposited into the credit of~~ in the Transportation ~~(Operating) Fund (all other fees shall be deposited to the credit of the General Fund).~~

Section 4. 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 24th day of November, 2003, and signed by me in open session in authentication of its passage this 24th day of November, 2003.

Peter Steinbrueck

President of the City Council

Approved by me this 5th day of December, 2003

Gregory J. Nickela, Mayor

Filed by me this 5th day of December, 2003

(Seal) Judith Pippin

City Clerk

Exhibit A: Street Use Permit Fee Schedule, Effective January 1, 2004

See City Clerk for Exhibit.

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 16, 2003.

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