

Ordinance No. 123830

The City of Seattle – Legislative Department

Council Bill No. 117398

Council Bill/Ordinance sponsored by: [Signature]

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

Committee Action:

Date	Recommendation	Vote
2-14-12	PASS	BH JK 2-0

Related Legislation File:

Date Introduced and Referred: 2.6.12	To: (committee): Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 2/21/12	Date Presented to Mayor: 2/23/12
Date Signed by Mayor: 3.1.12	Date Returned to City Clerk: 3.1.12
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

Full Council Action:

Date	Decision	Vote
Feb. 21, 2012	Passed	6-0 (excused: Conlin, Hodder, Rasmussen)

Law Department

ORDINANCE 123830

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.02.010 of the Seattle Municipal Code, last amended by Ordinance 90047, is amended as follows:

15.02.010 Title((:))

((This subtitle)) Subtitle I shall constitute the "Street Use Ordinance" of the City and may be referred to as ((such)) the Street Use Ordinance.

Section 2. Section 15.02.015 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.02.015 Chapter headings and captions((:))

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

Section 3. Section 15.02.020 of the Seattle Municipal Code, last amended by Ordinance 90047, is amended as follows:

15.02.020 Exercise of police power((:))



1 This ((~~subtitle~~)) Street Use Ordinance is an exercise of police power of the City for the
2 public safety, health, and welfare((~~;~~)); and its provisions shall be liberally construed ((~~for the~~
3 ~~accomplishment of~~)) to accomplish that purpose.

4 Section 4. Section 15.02.025 of the Seattle Municipal Code, last amended by Ordinance
5 109969, is amended as follows:

6 **15.02.025 Disclaimer of City liability((~~;~~))**

7
8 A. Issuance of any permit ((~~pursuant~~)) according to the Street Use Ordinance¹ does not
9 constitute the creation of a duty by the City to any person or to indemnify any person for any
10 wrongful acts of a ((~~permit holder~~)) permittee against any person or the public or to otherwise
11 shift responsibility from the ((~~licensee~~)) permittee to the City.

12
13 B. Nothing contained in this ((~~subtitle~~)) Street Use Ordinance is intended to be nor shall
14 be construed to create or form the basis for any liability on the part of the City, or its officers,
15 employees, or agents((~~;~~)); for any injury ((~~or~~)), damage, causes of action, judgments, or
16 expenses, including reasonable attorney fees resulting from the failure of a ((~~permit holder~~))
17 permittee or applicant for a permit, or anyone directly or indirectly employed by them, to comply
18 with the provisions of this ((~~subtitle,~~)) Street Use Ordinance; or by reason or in consequence of
19 any act or omission in connection with the implementation or enforcement of this ((~~subtitle~~))
20 Street Use Ordinance on the part of the City by its officers, employees, or agents.

21
22 C. It is expressly the purpose of this ((~~subtitle~~)) Street Use Ordinance to provide for and
23 promote the health, safety, and welfare of the general public((~~;~~)); and not to create or otherwise
24 establish or designate any particular class or group of persons who will or should be especially
25 protected or benefited by the terms of this ((~~subtitle~~)) Street Use Ordinance.



1 D. It is the specific intent of this ((subtitle)) Street Use Ordinance to place the obligation
2 of complying with its requirements upon the ((permit holder)) permittee for a permit within its
3 scope((;)); and no provision of nor term used in this ((subtitle)) Street Use Ordinance is intended
4 to impose any duty whatsoever upon the City or any of its officers ((or)), employees, or agents;
5 for whom the implementation or enforcement of this ((subtitle)) Street Use Ordinance shall be
6 discretionary and not mandatory.

7
8 ~~((E. Nothing contained in this subtitle is intended to be nor shall be construed to create or
9 form the basis for any liability on the part of the City, or its officers, employees or agents, for
10 any injury or damage resulting from the failure of a permit holder or applicant for permit to
11 comply with the provisions of this subtitle, or by reason or in consequence of any act or omission
12 in connection with the implementation or enforcement of this subtitle on the part of the City by
13 its officers, employees or agents.))~~

14
15 1. Editor's Note: The Street Use Ordinance is codified in Chapters 15.02 through 15.54 ((of this
16 Code)).

17 Section 5. Section 15.02.027 of the Seattle Municipal Code, last amended by Ordinance
18 117569, is amended as follows:

19
20 **15.02.027 First Amendment rights; personal freedoms((-))**

21 This ((ordinance)) Street Use Ordinance shall be interpreted in a manner consistent with
22 the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 3,
23 4, 5, and 11 of the Washington Constitution.

24 Section 6. Section 15.02.030 of the Seattle Municipal Code, last amended by Ordinance
25 90047, is amended as follows:



1 **15.02.030 Right to prosecute civil action((;))**

2 Nothing in this ((subtitle)) Street Use Ordinance shall be construed to curtail or abridge
3 the right of anyone to prosecute a civil action for damages by reason of injury to person or
4 property resulting from the negligent use by any other person of any public place or the space
5 above or beneath ((the same,)) any public place; nor shall ((the issuance of)) issuing a permit
6 under this ((subtitle)) Street Use Ordinance be construed as relieving the ((persons)) permittee
7 accepting the ((same,)) permit; or ((anyone,)) any other person or entity; from liability over to
8 the City((;)); nor from any damages accruing to or suffered by ((anyone,)) any other person or
9 entity; caused by the occupation, obstruction of, or encroachment on, any public place.

11 Section 7. Section 15.02.035 of the Seattle Municipal Code, last amended by Ordinance
12 117569, is amended as follows:

13 **15.02.035 “May”—“Shall((;))”**

14 Unless the context clearly indicates otherwise, the word “may” or “is authorized to”
15 means that the City or its official has discretion to take an action or decline to do so. The word
16 “shall” expresses an intention that an action be taken or a requirement be met, but((;)) if the
17 sentence is negative, “shall” is prohibitory((; for example, Sections 15.42.010—15.42.040)).
18

19 Section 8. Section 15.02.040 of the Seattle Municipal Code, last amended by Ordinance
20 117569, is amended as follows:

21 **15.02.040 Definitions—General principles((;))**

22 The words and phrases identified in Sections 15.02.042 through 15.02.048 shall be
23 construed in accordance with their respective definitions or explanations, except where ((the
24
25
26
27
28



1 ~~same~~) they shall be clearly contrary to or inconsistent with the context of ~~((this title))~~ Title 15 or
2 the section in which the word or phrase is used.

3 Words in the present tense shall include the future tense, words in the masculine gender
4 shall include the feminine and neuter genders, ~~((and))~~ words in the singular shall include the
5 plural, and plural words shall include the singular.

6 Section 9. Section 15.02.042 of the Seattle Municipal Code, last amended by
7 Ordinance 123659, is amended as follows:

8 **15.02.042 Definitions A through C**

9 A. "Adjacent property" means and includes the property abutting the margin of and
10 contiguous to the public places.

11 B. "Applicant" means the individual or entity that has applied for a permit to use the
12 public place on their or another individual's or entity's behalf.

13 ~~((B))~~C. "Appendix I" and "Appendix II" mean, respectively, the description of park
14 drives and boulevards and the map at the end of ~~((this title))~~ Title 15.

15 ~~((C))~~D. "Areaway" means a space below the level of the sidewalk or public place,
16 covered or uncovered, affording room, access, or light to a building. An "areaway" is sometimes
17 called a "light well."

18 ~~((D))~~E. "Authorizing official" means the Director of the Department of Transportation,
19 the Director of the Department of Planning and Development, the Superintendent of Parks and
20 Recreation, or the Seattle Center Director, identified in Section 15.04.015, as the case may be.

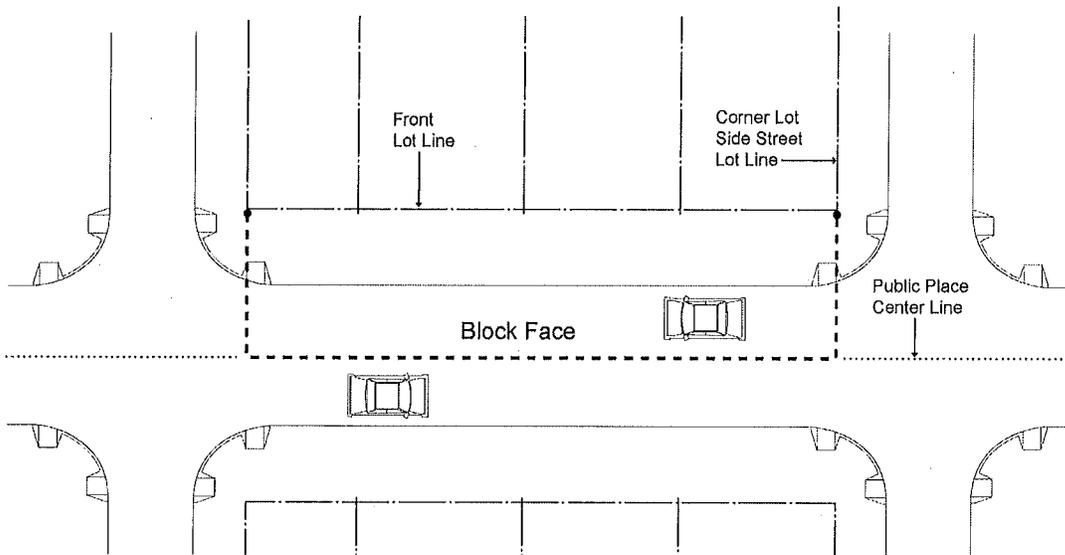
21 ~~((E))~~F. "Awning" means ~~((a))~~ any protective covering attached to the wall or entrance of
22 a building.



1 ((F))G. "Banner" means any fabric or sign material hanging over or placed across any
2 public place.

3 ((G))H. "Block face" means the area bounded by: the continuous front lot lines abutting
4 a public place within a block; each corner lot side street lot line as extended to the centerline of
5 the public place abutting the front lot lines; and the centerline of the abutting public place
6 (Exhibit A for 15.02.042: Block Face).
7

8
9 Exhibit A for 15.02.042: Block Face



10
11
12
13
14
15
16
17
18
19
20
21 ((H. "Canopy" means a protective covering located at an entrance to a building.))

22 ***

23 Section 10. Section 15.02.044 of the Seattle Municipal Code, last amended by
24 Ordinance 123659, is amended as follows:

25
26 **15.02.044 Definitions D through M**

1 A. (~~“Director of Transportation” means the City Director of Transportation and his or~~
2 ~~her authorized representatives.~~

3 B. ~~“Director of Construction and Land Use”~~) “Director of the Department of Planning
4 and Development” means the Director of the Department of Planning and Development(~~(, his or~~
5 ~~her)) or authorized representatives.~~

6 B. “Director of Transportation” means the Director of the Seattle Department of
7 Transportation or authorized representatives.

8 C. “Driveway” means ~~((that))~~ the portion of a public place ~~((which))~~ that provides
9 vehicular access to adjacent property through a depression in the constructed curb or, when there
10 is no constructed curb, ~~((that))~~ the area in front of ~~((such))~~ the vehicular facility ~~((as is well))~~
11 defined or ~~((as is))~~ designated by authorized signs or markings.

12 ***

13
14
15
16 Section 11. Section 15.02.046 of the Seattle Municipal Code, last amended by
17 Ordinance 123659, is amended as follows:

18 **15.02.046 Definitions N through Z**

19 A. “Newsstand” means any stand, box, structure, rack, or other device ~~((which))~~ that is
20 designed or used for the sale ~~((and/or))~~ or distribution of newspapers, periodicals, magazines, or
21 other publications, or any combination ~~((thereof))~~ of the above.

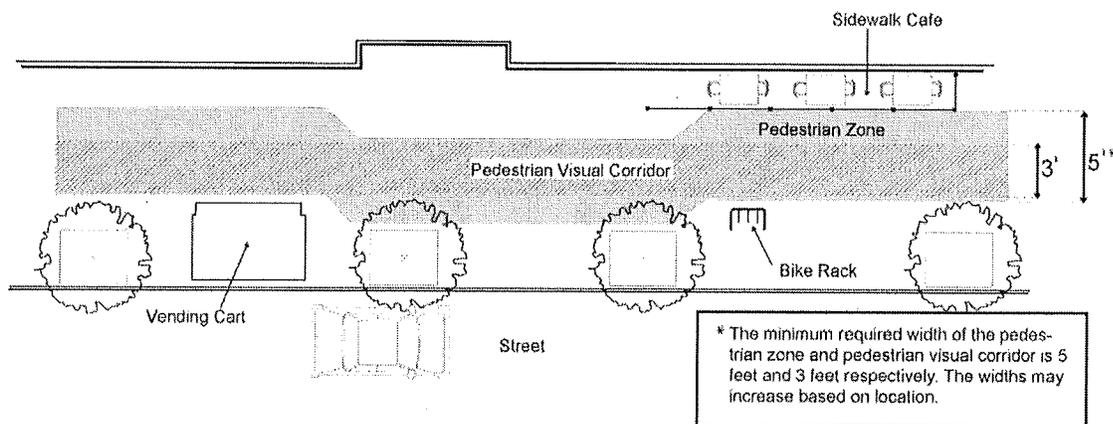
22 B. “Park drive or boulevard” means a public place under the jurisdiction of the
23 Department of Parks and Recreation described in Appendix I or shown in the map in Appendix II
24 or a park, administered by the Superintendent ~~((related to a park))~~.



1 C. "Peak period" means the peak traffic periods as defined in the current edition of the
2 City of Seattle Traffic Control Manual for In-Street Work as provided for in Chapter 11.12,
3 Vehicles and Traffic.

4 D. "Pedestrian zone" means the area or space of the public place or roadway that is
5 reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian
6 Zone/Pedestrian Visual Corridor).
7

8
9
10
11 Exhibit A for 15.02.046
12 Pedestrian Zone / Pedestrian Visual Corridor



13
14
15
16
17
18
19
20
21 E. "Pedestrian visual corridor" means a continuous and straight corridor within the
22 designated pedestrian zone that provides pedestrians with a clear visual indication of the location
23 of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian
24 Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this
25 corridor.
26



1 F. “Permittee” means a person or entity that has received a permit to use the public place.

2 G. “Public place” means ((and includes streets, avenues, ways, boulevards, drives, places,
3 alleys, sidewalks, and planting strips, squares, triangles, plazas, and)) public right-of-way ((for
4 public use)) and the space above or beneath its surface, whether or not opened or improved,
5 including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips,
6 squares, triangles, and plazas that are not privately owned.

7
8 ((G))H. “Publisher” means the owner or distributor of a newspaper or other publication
9 distributed through a newsstand.

10 ((H))I. “RCW” is an abbreviation for Revised Code of Washington.

11 ((I))J. “Shoreline street ends” means the land portions of street segments that provide or
12 could provide if improved, the public with visual or physical access to a body of water and its
13 shoreline that are listed on Exhibit A to Resolution 29370 that adopted policies guiding the
14 development of public access improvements to shoreline street ends.

15
16 ((J))K. “Sidewalk café” means a portion of the public place in which tables and chairs are
17 placed for the use of patrons consuming food or beverages((;)) including alcoholic beverages that
18 is operated by a food service business located on abutting property.

19
20 ((K))L. “Sign” means any medium, including its structure and component parts that is
21 used or intended to be used out of doors to attract attention to the subject matter for advertising,
22 identification, or informative purposes.

23 ((L))M. “SMC” is an abbreviation for Seattle Municipal Code.

24 ((M))N. “Superintendent” or “Superintendent of Parks and Recreation” means the City
25 Superintendent of Parks and Recreation ((and his or her)) or authorized representatives.
26



1 ~~((N))~~Q. “Vend or vending” means to sell, offer for sale, solicit orders, display, rent, lease,
2 or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public
3 place; as authorized or prohibited in Chapters 15.14 or 15.17.

4 ~~((O))~~P. “Vending cart” means a movable cart that is used to serve, vend, or provide food,
5 nonalcoholic beverages, or flowers.

6 Section 12. Section 15.02.048 of the Seattle Municipal Code, last amended by
7 Ordinance 123659, is amended as follows:

8 **15.02.048 Definitions—Use(;;)**

9 A. “Use” means ~~((the exercise of))~~ exercising dominion or control over, or ~~((occupation~~
10 ~~of;))~~ occupying all or part of; a public place(;;) with or without the right to do so. ~~((H))~~ Use
11 includes constructing, storing, erecting, placing upon, maintaining, or operating; any inanimate
12 thing or object; in, upon, over, or under any public place. It includes, but is not limited to, any of
13 the following:
14

15 ~~((*)~~1. Any areaway, marquee, awning ~~((or canopy))~~, clock, newsstand, sign,
16 banner, billboard, sidewalk elevator or door, fuel opening, sidewalk ~~((cafe))~~ café, or other
17 structure;
18

19 ~~((*)~~2. Fencing, staging, scaffolding, an elevator or other structure or material,
20 machinery or tools used or to be used in connection with ~~((the erection, alteration, demolition,~~
21 ~~repair))~~ excavating, erecting, altering, demolishing, repairing, maintaining, or painting ~~((of))~~ any
22 building~~((, or an excavation in connection therewith))~~;
23

24 ~~((*)~~ ~~The moving of~~)3. Moving any building along or across any public place;
25



1 (~~(*) The storage or placement of~~)4. Storing or placing any material, equipment,
2 inanimate object, or thing(~~(, provided that)~~) in any public place. But “use” shall not include (~~the~~
3 ~~placement of~~) placing an inanimate object in (~~(such))~~ a location and for (~~(such))~~ a limited
4 duration of time that, under the circumstances, no reasonable person could conclude that the
5 public's right to use or enjoy the public place, in whole or in part, has been or potentially could
6 be interfered with;

7
8 (~~(*)~~)5. Raising or lowering any safes, machinery, or other heavy articles;

9 (~~(*) Kindling, making~~)6. Making or having any fire on any public place;

10 (~~(*)~~)7. Opening, excavating, or in any manner disturbing or breaking the surface
11 or foundation of any permanent pavement(~~(,)~~); or altering the established grade of any (~~(street,))~~
12 public place; or disturbing the surface of, digging up, cutting, excavating, or filling in any public
13 place;

14
15 (~~(*)~~)8. Constructing, reconstructing, repairing, or removing any driveway, curb,
16 (~~(or)~~) curb setback, sidewalk, (~~(or)~~) crosswalk, pavement, sewers, water mains, grading, street
17 lighting, street utilities, or appurtenances (~~(there,))~~; or doing any work in, or erecting any
18 structure under, along, or over any public place; except when permitted by ordinance(~~(, or doing~~
19 ~~any work in, or erecting any structure under, along, or over any public place))~~);

20
21 (~~(*)~~)9. Vending of any good, ticket, thing, or service of any kind, other than
22 publications regulated under Chapter 15.14;

23 (~~(*) Use of~~)10. Using sound amplifying equipment, other than aids for the
24 disabled(~~(, in speaking at voice level))~~; or



1 ~~((*)~~11. Closing or altering the appearance of streets ~~((for))~~; including filming,
2 block parties, or street fairs~~((;))~~.

3 ~~((Regular usage by trucks and other vehicles of an adjoining owner or occupant~~
4 ~~as an integral part of activities on adjoining property whenever the only practical access to the~~
5 ~~public place is through the adjoining property.))~~

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

14 C. “Use” excludes ~~((temporary placement))~~ temporarily placing by a customer ~~((of))~~
15 garbage and recyclables for curbside/alley collection in compliance with ~~((SMC))~~ Section
16 21.36.080; ~~((removal of))~~ removing snow and ice; ~~((and))~~ sweeping sidewalks; and ~~((removal~~
17 ~~of))~~ removing leaves and debris.

18 Section 13. Section 15.02.050 of the Seattle Municipal Code, last amended by Ordinance
19 117569, is amended as follows:

20 **15.02.050 Safety Code, Building Code, and Washington Clean Air Act Compliance~~((;))~~**

21 All work to be done under the authority of ~~((this title))~~ Title 15 shall be accomplished in
22 compliance with the Seattle Building Code,¹ the technical requirements and standards published



1 by the City of Seattle, the Washington Industrial Safety and Health Act, and the Washington
2 Clean Air Act; and rules and regulations implementing them~~((s))~~; and shall diligently proceed
3 without undue delay or inconvenience to the public.

4 1. Editor's Note: The Building Code is codified in Title 22 ~~((of this Code))~~.

5 Section 14. Section 15.02.060 of the Seattle Municipal Code, last amended by Ordinance
6 117569, is amended as follows:

7 **15.02.060 Scope of authorization~~((s))~~**

8 A. A permit is an authorization to proceed under ~~((this ordinance))~~ the Street Use
9 Ordinance with activities ~~((only))~~ in a public place~~((A permit under this ordinance is))~~; subject
10 to compliance with ~~((other City ordinances, with))~~;

11 1. All terms and conditions of the permit to use the public place; and

12 2. All applicable City, state, and federal laws and regulations ~~((and with the laws~~
13 ~~and regulations of the United States))~~.

14 B. The issuance of a permit under ~~((this ordinance))~~ the Street Use Ordinance does not
15 authorize ~~((the))~~ taking ~~((of))~~ an action that conflicts with another City ordinance or with other
16 state or federal laws. ~~((An applicant))~~

17 C. The permittee is responsible for ascertaining and complying with other applicable
18 laws.

19 D. A permit under ~~((this ordinance))~~ the Street Use Ordinance does not authorize the
20 damaging of privately-owned property that is lawfully within the public place unless the permit
21 expressly states otherwise and identifies the property involved. ~~((An applicant))~~ The permittee
22 has the responsibility for: identifying the limits of the public place, ~~((for))~~ locating and
23



1 protecting underground utilities ~~((pursuant to))~~ as provided for in RCW Chapter 19.122, ~~((for))~~
2 avoiding unnecessary interference with surface and overhead uses, ~~((for))~~ preserving trees, and
3 ~~((for))~~ preventing damage to ~~((such))~~ privately-owned property. When a permit authorizes
4 displacement of privately-owned property in the public place, the ~~((permit holder))~~ permittee
5 shall first give notice to the property owner, if known, and allow the property owner an
6 opportunity to remove ~~((it))~~ the property in the public place.

7
8 Section 15. Section 15.02.070 of the Seattle Municipal Code, last amended by Ordinance
9 117569, is amended as follows:

10 **15.02.070 Nearest equivalent~~((r))~~**

11 A. When an activity combines elements ~~((which))~~ that come within two ~~((2))~~ or more
12 chapters of ~~((this title))~~ Title 15, the provisions of each chapter shall apply to each element to the
13 extent practical; where two ~~((2))~~ provisions of ~~((this chapter))~~ Title 15 are overlapping on a
14 particular activity, the provision providing the greater protection to ~~((the))~~ public safety shall
15 apply and duplicate forms and processing avoided.

16
17 B. In the event a use contains a single element that may be classified within two ~~((2))~~ or
18 more chapters or ~~((categories))~~ sections within a ~~((chapter))~~ title, the City official responsible for
19 issuing the permit shall select the chapter or ~~((classification))~~ section within a ~~((chapter))~~ title, as
20 the case may be, that is most descriptive of the proposed use.

21
22 Section 16. Section 15.02.080 of the Seattle Municipal Code, last amended by Ordinance
23 117569, is amended as follows:

24 **15.02.080 Assemblies and gatherings~~((r))~~**



1 It is City policy to encourage the holding of public assemblies and other gatherings in
2 parks and at the Seattle Center rather than in streets open for vehicular travel or sidewalks with
3 substantial pedestrian traffic(~~(; and it is City policy to permit use of University Street between~~
4 ~~Fourth and Fifth Avenues (Victory Square) on weekdays only if the event can not reasonably be~~
5 ~~accommodated in Seattle's downtown parks and pedestrian ways)).~~

6 Section 17. Section 15.02.085 of the Seattle Municipal Code, last amended by Ordinance
7 118409, is amended as follows:
8

9 **15.02.085 Public fora(~~(;)~~)**

10 The Director of Transportation and the Superintendent are authorized to designate by
11 permit from time to time one (~~((1))~~) or more particular areas within a public place where
12 (~~((citizens))~~) an individual or entity may place commemorative displays, monuments, or
13 symbols(~~(;)~~); for up to (~~((ten-10))~~) 10-calendar days in order to communicate a message to the
14 public(~~(;)~~); and to establish the terms and conditions of their placement. Unless the permit
15 expressly provides otherwise, the commemoration (~~((must))~~) shall be removed between the hours
16 of 12:01 a.m. and (~~((six a.m. (6:00 a.m.))~~) 6 a.m. each day. An appropriate sign shall be placed
17 near the commemoration identifying (~~((its sponsor))~~) the owner of the commemoration and the
18 location as a public forum.
19
20

21 Section 18. Section 15.02.090 of the Seattle Municipal Code, last amended by Ordinance
22 117569, is amended as follows:

23 **15.02.090 Appeals to Municipal Court(~~(;)~~)**

24 If an applicant asserts a right protected by the First Amendment of the United States
25 Constitution (~~((and/or))~~) or Article I, Sections 3, 4, and 5 of the Washington Constitution, and is
26



1 aggrieved by an action of the City in denying a permit, ~~((and time be of the essence,))~~ the
2 applicant may, within 30-calendar days, petition the presiding judge of the Seattle Municipal
3 Court for a prompt review ~~((thereof))~~. The matter shall be granted priority as a case involving
4 constitutional liberties and shall be heard in the manner provided by the Municipal Court by rule,
5 and the decision of the Municipal ~~((court))~~ Court shall be final subject only to judicial review.

6 Section 19. Section 15.02.100 of the Seattle Municipal Code, last amended by Ordinance
7 117569, is amended as follows:
8

9 **15.02.100 Effect of ordinance~~((:))~~**

10 ~~((This title))~~ Title 15 prohibits an action or activity whenever it requires a permit for a
11 “use” defined in Section 15.02.048, and:
12

13 A. ~~((This title))~~ Title 15 authorizes issuance of a permit for the type of activity, but the
14 ~~((applicant))~~ individual or entity using the public place fails to apply for and secure a permit;

15 B. The ~~((applicant))~~ permittee is granted a permit upon conditions or subject to
16 restrictions and the ~~((applicant))~~ permittee fails to comply ~~((therewith))~~; or

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

18 ~~((Issuance of))~~ Issuing permits under ~~((this title))~~ Title 15 is discretionary; ~~((this title))~~
19 Title 15 does not create any right to a ~~((street-use))~~ permit.
20

21 Section 20. Section 15.02.110 of the Seattle Municipal Code, last amended by Ordinance
22 117569, is amended as follows:

23 **15.02.110 Authority cumulative~~((:))~~**

24 The authority granted by ~~((this title))~~ Title 15 to any City officer or employee is in
25 addition to and supplemental of powers granted by other sections of the Seattle Municipal Code
26



1 or City ordinances and does not limit any other authority granted to City officials by other
2 ordinances or laws.

3 Section 21. Section 15.04.010 of the Seattle Municipal Code, last amended by Ordinance
4 121276, is amended as follows:

5 **15.04.010 Permit--Required((;))**

6 It is unlawful for anyone to make use, as defined in ~~((this title))~~ Section 15.02.048, of any
7 public place without first securing a written permit as authorized in Section 15.04.015 from: the
8 Director of Transportation, the Director of the Department of Planning and Development, or the
9 Superintendent of Parks ~~((, as authorized in Section 15.04.015, and))~~ and Recreation; or without
10 complying with all the provisions of ~~((this title; provided, that the))~~ Title 15. The requirements of
11 obtaining a permit~~((;))~~ and complying with permit procedures do not apply to street maintenance
12 work performed by the ~~((City,))~~ City's Department of Transportation or street improvement
13 work authorized by ordinance and administered by the Director of Transportation.

14
15
16 Section 22. Section 15.04.012 of the Seattle Municipal Code, last amended by Ordinance
17 117569, is amended as follows:

18 **15.04.012 Nuisances((;))**

19 Any structure built, excavation made, ~~((and/or))~~ or material placed in or on any public
20 place by anyone without ~~((a permit therefor first))~~ having ~~((been))~~ first obtained and complied
21 with a permit, as provided in ~~((this title))~~ Title 15, may be deemed a public nuisance. In the
22 discretion of the authorizing official identified in Section 15.04.015, ~~((such))~~ the nuisances may
23 be abated with or without action at law~~((, and/or such))~~; or other proceedings may be taken as are
24
25
26
27
28



1 authorized by law ~~((and the))~~ or City ordinances ~~((of the City for the prevention, abatement, and~~
2 ~~punishment of nuisances))~~.

3 Section 23. Section 15.04.015 of the Seattle Municipal Code, last amended by Ordinance
4 123100, is amended as follows:

5 **15.04.015 Authorizing official~~((r))~~**

6 A. The Director of the Department of Planning and Development may authorize the
7 construction of a curb cut, or a structural building overhang, or reconstruction of an areaway in a
8 public place under the Master Use Permit procedures of Chapter 23.76, particularly ~~((Section~~
9 ~~23.76.006 B3,))~~ subsection 23.76.006.B.3; or removal of trees and vegetation located in an
10 environmentally critical area under Chapter 25.09. An authorization for construction in a park
11 drive, boulevard, or area under the jurisdiction of the Superintendent of Parks and Recreation
12 identified in Appendix I or shown on the map as Appendix II is dependent upon:
13

14
15 ~~((a))~~1. A description of the encroachment or use in the application for the
16 Master Use Permit or the accompanying materials;

17 ~~((b))~~2. Its identification as a park drive, boulevard, or property under the
18 jurisdiction of the Superintendent of the area to be used;

19
20 ~~((c))~~3. The written concurrence of the Superintendent;

21 ~~((d))~~4. The payment of applicable fees; and

22 ~~((e))~~5. If there is a modification, written concurrence of the Superintendent
23 ~~((thereto))~~.

24 B. Continuation of ~~((such))~~ the uses after completion of construction is subject to
25 compliance with the terms and conditions of ~~((this title))~~ Title 15; inspection and administration
26



1 by the Director of Transportation or the Superintendent, as the case may be; and payment of an
2 annual fee, if applicable.

3 ((B))C. The Superintendent of Parks and Recreation may authorize the use and
4 occupation of, and administer ((this title)) Title 15 for((;)) public places under the jurisdiction of
5 the Department of Parks and Recreation, including park drives and boulevards. These areas are
6 identified in Appendix I or shown on the map as Appendix II.

7
8 ((C))D. The Director of Transportation has authority for all public places and uses, other
9 than those authorized to the Director of the Department of Planning and Development under
10 Chapter 23.76 to issue use and occupation ((of;)) Street Use permits and administer ((this title
11 for, all other public places and for uses other than those authorized to the Director of Planning
12 and Development under Chapter 23.76)) Title 15. The Director of Transportation may delegate
13 to the Director of the Seattle Center the administration of permits for streets within the Seattle
14 Center, and to the Superintendent the administration of permits for sidewalks and planting strips
15 adjacent to parks.

16
17 ((D))E. When a street, bridge, overpass, or underpass crosses a park, park drive, or
18 boulevard, the authorizing official shall be the Director of Transportation as to the surfaces or
19 structures maintained by ((Seattle)) the Department of Transportation((;)); and the
20 Superintendent as to areas within the jurisdiction of the Department of Parks and Recreation.

21
22 ((E))F. In order to coordinate the administration of ((this title)) Title 15, any of the
23 foregoing officials may delegate to another authorizing official((;)) the authority to issue permits
24 or ((to)) supervise the public place.



1 Section 24. Section 15.04.017 of the Seattle Municipal Code, last amended by Ordinance
2 117569, is amended as follows:

3 **15.04.017 Constitutional requirement((:))**

4 When required by the United States Constitution or the Washington Constitution or a
5 federal or state statute enacted thereunder, the City official responsible for issuing a permit shall
6 suspend the application of any particular section of ~~((this ordinance))~~ the Street Use Ordinance or
7 waive compliance with a requirement, including payment of fees, the provision of an indemnity
8 deposit or contract, and the furnishing of insurance (Sections 15.04.040—15.04.060). The
9 official shall maintain a record open for public inspection disclosing the suspensions and waivers
10 granted.
11

12 Section 25. Section 15.04.020 of the Seattle Municipal Code, last amended by Ordinance
13 121276, is amended as follows:

14 **15.04.020 Filing of application((:))**

15 An applicant, or agent authorized to submit an application on behalf of an applicant, may
16 file an application for use of a ~~((public))~~;
17

18 A. Public place in accordance with the procedures for ~~((issuance of))~~ issuing a Master
19 Use Permit under Chapter 23.76 or a permit under Chapter 25.09. The Master Use Permit
20 application shall be filed with the Director of the Department of Planning and Development ~~((~~
21 An application for use of a park)));
22

23 B. Park drive or boulevard as described in Appendix I or shown on the map in Appendix
24 II or administered by the Superintendent as contemplated by Section 15.04.015. The Parks Use
25 Permit shall be filed with the Superintendent ~~((All other applications))~~; or
26



1 C. A public place in accordance with the procedures for issuing for ~~((permits provided for~~
2 ~~by this title))~~ street use under Chapter 15.04. The Street Use Permit shall be filed with the
3 Director of Transportation.

4 Section 26. Section 15.04.025 of the Seattle Municipal Code, last amended by Ordinance
5 117569, is amended as follows:

6 **15.04.025 Form of application~~((:))~~**

7 Applications shall be on a form provided by the City and contain an accurate description
8 of:
9

- 10 A. The public place or defined portion ~~((thereof))~~ of the public place to be used;
11 B. The ~~((use))~~ proposed ~~((to be made))~~ use;
12 C. The plans and specifications for any utility or structure proposed in or on the public
13 place; ~~((and))~~
14 D. Any existing public improvements, utilities, or structures in the area to be used and
15 any trees that may be affected~~((:))~~;

16 E. If the proposed use is related to a Master Use Permit, the identification of the permit
17 file and any ~~((special))~~ conditions ~~((affecting))~~ imposed on the proposed use~~((:))~~; and
18

19 F. When the proposed use involves an areaway, an opening, elevator ~~((or))~~, other use
20 regulated by Chapter 15.08~~((:))~~; a structural building overhang, ~~((or))~~ a retaining wall, or a
21 permanent method of lateral support~~((:))~~; the application shall also be accompanied by
22 documentation showing the ~~((applicant to be))~~ individual or entity that is the record owner of the
23 premises served ~~((or))~~ by the proposed use and showing the ~~((consent of the))~~ record owner of
24 the premises consents to the premises being served by the proposed use.
25
26



1 Section 27. Section 15.04.030 of the Seattle Municipal Code, last amended by Ordinance
2 121276, is amended as follows:

3 **15.04.030 Processing of applications((;))**

4 A. The authorizing official identified in Section 15.04.015 shall examine each application
5 for a permit for compliance with ~~((this title))~~ Title 15.

6 B. The authorizing official ~~((in his or her discretion))~~ may require additional
7 information or material~~((;))~~ including when deemed appropriate, a map, construction plans, or a
8 survey of the site; inspect the premises; solicit ~~((comment))~~ comments from other abutters
9 ~~((and/or))~~ or the public; ~~((and/or))~~ post or require posting of notice at the site inviting comment
10 to the authorized department; or ~~((giving))~~ give notice of a request for the review or
11 reconsideration of a decision ~~((pursuant))~~ according to Section 15.04.112.

12 C. Any application for a use that requires a permit under the Seattle Building and
13 Construction Codes in ~~((SMC))~~ Title 22 and that has not been filed with the Director of the
14 Department of Planning and Development shall be ~~((transmitted))~~ sent to the Director for review.
15 The Director of the Department of Planning and Development shall ~~((respond with his or her))~~
16 send all findings and comments to the Director of Transportation.

17 D. If the authorizing official determines that engineering or other studies should be
18 ~~((made))~~ prepared before ~~((approving))~~ a permit is approved, the applicant shall ~~((make))~~ prepare
19 the studies, or authorize the City to ~~((make))~~ prepare the studies at the applicant's ~~((cost or))~~
20 expense or pay for the studies from the applicant's indemnity deposit.

21 Section 28. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance
22 119673, is amended as follows:



1 **15.04.035 Approval; considerations((;))**

2 A. If the application conforms to the requirements of ((this title)) Title 15 and the
3 proposed use is consistent with the rights of the public, the authorizing official may approve the
4 application((;)); fix the duration and the terms or conditions of the permit((;)); and when
5 required, upon the applicant's furnishing of a deposit or surety bond, insurance, covenant, and
6 indemnification, and payment of all required fees((;)); issue the permit. The original permit shall
7 remain in the custody of the City, and a copy shall be given to the permittee and shall be posted
8 or available at the site.

9
10 B. The permit may specify the portion of the public place that may be occupied, the dates
11 or days and hours of use, and the allowed use. The permit shall only be valid for the portion of
12 the public place, the dates or days and hours of use, and the use as identified on the permit.

13
14 ((B))C. Factors for consideration in evaluating an application for a permit include, but are
15 not limited to, the ((rights of the applicant (both)) applicant's constitutional ((liberties)) rights
16 and the abutter's property rights((;)); the site and its terrain; the public and private benefits of the
17 proposed use; and the impact of the proposed use on the following:

18 ((*)1. The paramount purpose of streets for travel and transportation;

19 ((*)2. Utilities; authorized secondary street uses; and any ((usage)) use being
20 made by the public of the site;

21 ((*)3. Fire access and public safety;

22 ((*)4. Uses under permit; street trees; and other proposed or past uses of the site;

23 ((*)6. Rights of light, air, and access and lateral support of abutting properties
24 and on access or easements of properties dependent upon the public place for access;



1 ((*)7. The environment;

2 ((*)8. Drainage, surface and underground; springs and watercourses; and the
3 stability of soils; and

4 ((*)9. Where applicable, City land use, transportation, open space, shoreline, and
5 beautification policies and approved neighborhood land use plans.

6 D. In addition to the considerations in subsection 15.04.035.B, where ((these)) the
7 following situations occur, factors for consideration include:

8 ((~~* As to~~))1. For public places under the jurisdiction of the Department of Parks
9 and Recreation, their character as a park drive or boulevard, or as open space;

10 ((~~* As to~~))2. For shoreline street ends, their purpose to provide the public with
11 visual or physical access to the water and the shoreline;

12 ((~~* As to~~))3. For submerged streets, the Harbor Code, Title 16;

13 ((~~* As to~~))4. For environmentally critical areas, the requirements of Chapter
14 25.09; and

15 ((~~* As to~~))5. For streets or public places in the process of being vacated, the use
16 ((~~upon~~)) after the vacation.

17 Section 29. Section 15.04.037 of the Seattle Municipal Code, last amended by Ordinance
18 118369, is amended as follows:

19 **15.04.037 Overview of indemnity deposit, accounts, escrow, insurance, and surety bond((-))**

20 A. Sections 15.04.040 through 15.04.060 are coordinated elements of a package of
21 protections intended to: assist the City in collection of expenses charged under ((this ordinance))
22 the Street Use Ordinance and costs associated with a use under a permit; ((to)) assure
23



1 performance of the requirements of ~~((this ordinance))~~ the Street Use Ordinance and the
2 covenants or conditions in a permit; ~~((to))~~ place on the ~~((user))~~ permittee the risks associated
3 with the use and provide a degree of financial responsibility in the event of an accident or injury;
4 ~~((and, when their use is completed, to have))~~ restore the public place ~~((restored))~~ when the
5 permittee's use has been revoked or terminated to at least as good a condition ~~((as before the use~~
6 ~~began))~~ as required by current applicable standards; and ~~((thereby further compliance and))~~
7 protect the public treasury. The City's acceptance of an indemnity deposit, an escrow account, a
8 surety bond, or insurance; or the establishment of a subaccount in the City Treasury in favor of
9 an applicant or a permittee ~~((do))~~ does not limit an applicant's or a permittee's liability to the
10 amount ~~((thereof))~~ deposited or stated in the instrument.
11

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

13 1. A deposit with the City under Section 15.04.040 provides a source of funds,
14 held by the City, to pay probable City expenditures arising from a proposed use ~~((and/or))~~ or
15 restoration of the public place after the use~~((;))~~; the time of City employees for inspection and
16 Code enforcement~~((;))~~; and ancillary City expenses. Annual fees are billed separately.
17

18 2. An escrow account maintained under Section 15.04.042 may be an alternative
19 to a deposit under Section 15.04.040 for amounts at or over ~~((One Thousand Dollars (\$1,000)~~
20 ~~and/or))~~ \$1,000; or to ~~((providing))~~ provide a surety bond under Section 15.04.044 in an amount
21 up to ~~((Ten Thousand Dollars (\$10,000),))~~ \$10,000; or a supplement to either or both of them.
22 ~~((It))~~ An escrow account differs from a deposit in that the ~~((stakeholder))~~ deposit holder, rather
23 than the City, is a public depository; interest on the deposit accrues to the account, rather than to
24
25
26
27
28



1 the City; and withdrawals from the account are governed by the escrow agreement rather than by
2 City rules on guaranty deposits.

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

6 4. A surety bond under Section 15.04.044 provides a promise by a licensed surety
7 company, within the limits and according to the terms of the bond, to perform work or pay the
8 City's expenses to perform the work in the event of the permittee's default. A surety bond is not a
9 substitute for providing the City public liability insurance for any tortious injury.
10

11 5. Liability insurance under Section 15.04.045 protects the City as an additional
12 insured from public liability as a result of an accident, injury, or damage arising from the use of a
13 public place((;)); and assists in making permittees financially responsible for meeting liabilities
14 that may arise from their use of public places.
15

16 6. The covenant for indemnity under Section 15.04.060 holds the City harmless
17 from ((any and)) all claims, actions, suits, liability, loss, costs, expense, or damages of every kind
18 and description. It applies independently of the foregoing and authorizes a tender of defense by
19 the City to the permittee in the event of a suit, action, or claim ((or lawsuit)) arising from the use.
20

21 7. Section 15.04.017 empowers an authorized official, when required to do so by
22 a constitutional provision, or state or federal law, to waive compliance with any of ((these
23 sections)) the Sections 15.04.040 through 15.04.060.

24 C. The amount set by an authorizing official for an indemnity deposit, an escrow account,
25 or a surety bond((;)); and the correctness of a charge or deduction shown on the City's account
26



1 statement or made from an escrow account; shall be subject to review or reconsideration

2 ~~((pursuant))~~ according to ~~((SMC))~~ Section 15.04.112.

3 Section 30. Section 15.04.040 of the Seattle Municipal Code, last amended by Ordinance
4 123361, is amended as follows:

5 **15.04.040 Indemnity deposit – Escrow -- Surety bond~~((s))~~**

6 A. If the authorizing official determines that there is a substantial risk of injury, damage,
7 or expense to the City or probable City expenditures arising from an applicant's proposed use of
8 any public place~~((s))~~; the authorizing official may require the applicant to make an indemnity
9 deposit with the Director of Finance and Administrative Services in an amount based on the
10 official's estimate of the injury, damage, or expense to the City ~~((and/or))~~; or cost of ~~((restoration~~
11 ~~of))~~ restoring the public place if a mishap or accident ~~((were to occur))~~ occurs. The funds shall be
12 deposited to the credit of the Guaranty Deposit Fund.

13 B. The indemnity deposit shall be used to pay the cost of: restoring the public place~~((s))~~;
14 ~~((or))~~ removing any earth or other debris~~((s-ef))~~; replacing or repairing any damaged utility
15 ~~((interrupted))~~ or ~~((damaged or of any))~~ trees in the public place~~((s-ef))~~; completing any work left
16 unfinished~~((s-ef))~~; resetting any traffic control devices~~((s- of the expenses of))~~; engineering and
17 other studies authorized by Section 15.04.035, and any other expense that the City may sustain in
18 conjunction with the permitted work~~((s- plus))~~ and; a City administrative charge equal to 15~~((s-))~~
19 percent of the amounts expended for the City's expenses for services such as inspections,
20 surveys, preparing plans, letting contracts, and contract administration or supervision. The
21 balance of the cash indemnity deposit, if any, after all deductions shall be returned to the
22
23
24
25
26
27
28



1 applicant or permittee. If the indemnity deposit ~~((be))~~ is insufficient, the applicant or permittee
2 shall be liable for the deficiency.

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

6 Section 31. Section 15.04.042 of the Seattle Municipal Code, last amended by Ordinance
7 117569, is amended as follows:

8 **15.04.042 Escrow~~((:))~~**

9 An authorizing official may accept the establishment of an escrow account in a qualified
10 public depository as defined in RCW 39.58 that is eligible to receive City moneys ~~((a))~~ as a
11 substitute for ~~((making))~~;

12 A. Making all or part of an indemnity deposit required by Section 15.04.040 if the
13 amount involved equals or exceeds ~~((One Thousand Dollars (\$1,000.00)))~~ \$1,000 and the terms
14 of the escrow authorize the deduction and payment to the City of charges identified in Section
15 15.04.040; ~~((and/or (b) as a substitute for filing))~~ or

16 B. Filing a surety bond required by Section 15.04.044 if the amount involved is ~~((Ten~~
17 ~~Thousand Dollars (\$10,000.00)))~~ \$10,000 or less~~((:))~~ and, in the event of the applicant's or
18 permittee's default, the authorizing official anticipates that the City could reasonably complete
19 the work needed to protect the public and restore the public place for the amount placed in the
20 escrow account.

21 C. Interest accruing in the escrow account shall be added to the principal account and the
22 balance after deductions returned to the applicant or permittee.



1 Section 32. Section 15.04.044 of the Seattle Municipal Code, last amended by Ordinance
2 123361, is amended as follows:

3 **15.04.044 Surety bond((;))**

4 A. If required by the authorizing official, the applicant or permittee shall ~~((file with))~~
5 deliver to the Director for filing with the City Clerk or ~~((such official's))~~ the functional successor,
6 in lieu of~~((;))~~ or in addition to the indemnity deposit, a sufficient surety bond executed by a
7 surety company authorized and qualified to do business in the State of Washington and is
8 approved as to surety and as to form by the City Attorney. The bond shall: assume all the
9 requirements provided in Section 15.04.060 in relation to an indemnity deposit~~((; shall));~~ run for
10 the full period of the permit~~((; and shall));~~ be in an amount ~~((to be))~~ fixed by the authorizing
11 official~~((; and));~~ be conditioned that ~~((such applicant))~~ the permittee shall ~~((faithfully))~~ comply
12 with all the terms of the permit and all the provisions of ~~((this title))~~ Title 15 and all other
13 ordinances of the City~~((;));~~ and~~((;))~~ to the extent permitted by RCW Chapter 19.72, indemnify
14 and save the City ~~((free and))~~ harmless from any and all claims, actions, suits, liability, loss,
15 costs, expense, or damages of every kind and description ~~((which)),~~ excepting only damages that
16 may result from the sole negligence of the City and that may accrue to, be asserted by, or be
17 suffered by, any person or property, including without limitation, damage or injury to the
18 permittee, its officers, agents, employees, contractors, invitees, tenants and tenant's invitees, or
19 licensees, by reason of the use of any public place, as provided for in the application.

20 B. If the application ~~((shall be))~~ proposes to construct, reconstruct, repair, maintain, or
21 remove any pavement, sewer, water main, storm drain, grading, street lighting, or appurtenance
22 ~~((thereto))~~ in the public place, the applicant shall file with the Director of Finance and



1 Administrative Services or ~~((such official's))~~ the functional successor; a sufficient surety bond
2 executed by a surety company authorized and qualified to do business in the State of Washington
3 and is approved as to surety and as to form by the City Attorney. The bond shall; be in an
4 amount fixed by the authorizing official; be conditioned that the ((applicant)) permittee shall
5 ((faithfully)) complete all portions of the work according to the City's Standard Plans and
6 Specifications((;)) and the special plans approved by the authorizing official((;)); and be
7 conditioned that the permittee shall comply with all the terms of the permit and all the provisions
8 of Title 15 and all other ordinances of the City; and to the extent permitted by RCW Chapter
9 19.72, indemnify and save the City harmless from any and all claims, actions, suits, liability,
10 loss, costs, expense, or damages of every kind and description, excepting only damages that may
11 result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by,
12 any person or property, including without limitation, damage or injury to the permittee, its
13 officers, agents, employees, contractors, invitees, tenants and tenant's invitees, or licensees, by
14 reason of the use of any public place, as provided for in the application. The bond shall run for
15 the full period of the permit plus one year after City acceptance of the permitted work. ((The
16 authorizing official shall set the amount of the bond.))

17
18
19 C. If ~~((an applicant shall be))~~ a permittee is periodically using public places, the
20 authorizing official may require the ((applicant)) permittee to post a surety bond in an amount
21 the authorizing official deems sufficient to cover the accumulated cost or risk involved at any
22 certain time in a calendar year for the number of permits outstanding. The bond shall be in force
23 during the period of all outstanding permits, but in no case for less than one year. The bond shall
24 be executed by a surety company authorized and qualified to do business in the State of
25
26
27
28



1 Washington and is subject to approval by the City Attorney as to surety and ((as to)) form. The
2 bond shall ((be conditioned to assume all of the requirements of this title in relation to a cash
3 indemnity deposit)) require as conditions that the permittee shall: complete all portions of the
4 work according to the City's Standard Plans and Specifications and the special plans approved by
5 the authorizing official; comply with all the terms of the permit and all the provisions of Title 15
6 and all other ordinances of the City; and to the extent permitted by RCW Chapter 19.72,
7 indemnify and save the City harmless from any and all claims, actions, suits, liability, loss, costs,
8 expense, or damages of every kind and description, excepting only damages that may result from
9 the sole negligence of the City, that may accrue to, be asserted by, or be suffered by, any person
10 or property, including without limitation, damage or injury to the permittee, its officers, agents,
11 employees, contractors, invitees, tenants and tenant's invitees, or licensees, by reason of the use
12 of any public place, as provided for in the application.

13
14
15 D. If at any time ((any)) an applicant ((shall apply)) or permittee applies for a permit to
16 use a public place or to modify an issued permit((, and in the opinion of)); the authorizing
17 official, in consultation with the City Risk Manager, may adjust the aggregate amount of bonds
18 needed for the additional work or risk involved in the proposed use((;)); together with that
19 involved under other permits outstanding to the applicant or permittee, exceed the amount of the
20 then posted surety bond((;)); the authorizing official may require the applicant or permittee, prior
21 to issuing the permit((;)); to post an additional or separate surety bond in an amount the
22 authorizing official, in consultation with the City Risk Manager, deems sufficient to cover the
23 additional risk or work involved. The bond shall remain in force during the period of all
24 outstanding permits, but in no case for less than one year from and after the date of the permit.
25
26
27
28



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

4 E. Registered side-sewer contractors who post a one-year bond under the provisions of
5 subsection 15.04.044.C or 15.04.044.D shall not be required to post an additional surety bond
6 specifically covering work under separate side-sewer ordinances, including but not limited to
7 Chapter 21.16. An authorizing official may waive the requirement of surety bond under
8 subsection 15.04.044.C upon finding that the bond posted under subsection 21.16.060.C is
9 adequate to fully protect the City. The surety bond shall contain all the requirements of side-
10 sewer ordinances in the same manner as required bonds posted ~~((pursuant))~~ according to the
11 side-sewer ordinances and subsection 21.16.060.C.

12
13
14 F. Sections 15.02.027 and 15.04.017 may apply when constitutional freedoms or statutory
15 rights are exercised.

16 Section 33. Section 15.04.045 of the Seattle Municipal Code, last amended by Ordinance
17 118369, is amended as follows:

18 **15.04.045 Liability insurance~~((:))~~**

19 ~~((An applicant for a permit))~~ A permittee shall obtain and maintain in full force and effect
20 ~~((during the full period of the permit)),~~ at its own expense, public liability insurance in an
21 amount sufficient to ~~((cover))~~ protect the City from all potential claims ~~((for any bodily injury,~~
22 death, or disability and for property damage, which)) and risks of loss from perils in connection
23 with any activity that may arise from or be related to the permittee's activity upon or the use or
24 occupation of the ~~((area))~~ public place allowed by the permit and claims and risks in connection
25
26
27
28



1 with activities performed by the permittee by virtue of the permission granted by the permit. The
2 insurance policy shall: be in effect for the duration of the permit; name the "City of Seattle, its
3 elected and appointed officers, officials, employees, and agents" as ((an)) additional ((insured))
4 insureds for primary and non-contributory limits of liability subject to a Separation of Insureds
5 clause; apply as primary insurance regardless of any insurance ((which)) that the City may carry;
6 and obligate the insurance company to give notice to both the authorizing official and the City's
7 Risk Manager at least ((thirty (30))) 30-calendar days before any cancellation of the policy. The
8 authorizing official ((may)), in consultation with the City Risk Manager, shall establish the
9 amount of ((such)) the insurance, subject to review or reconsideration ((pursuant)) according to
10 ((SMC)) Section 15.04.112((?)); and unless constitutional liberties prohibit it, ((may)) shall
11 require that the insurance be provided prior to issuance of the permit. The City requires insurance
12 coverage to be placed with an insurer admitted and licensed to conduct business in Washington
13 State or with a surplus lines carrier according to RCW Chapter 48.15, except that if it is
14 infeasible to obtain coverage with the required insurer, the City may approve an alternative
15 insurer.

16
17
18 Section 34. Section 15.04.050 of the Seattle Municipal Code, last amended by Ordinance
19 123361, is amended as follows:

20
21 **15.04.050 Account or bond for multiple permits((?))**

22 In the alternative to making an indemnity deposit for each permit under Section
23 15.04.040, an applicant or permittee, who anticipates ((seeking)) applying for two or more
24 permits ((from the same department,)) may, upon the approval of the Director of Transportation,
25 establish with the City a subaccount. This subaccount is created by depositing with the Director
26



1 of Finance and Administrative Services, to the credit of the Guaranty Deposit Fund, a minimum
2 sum of ~~((at least))~~ \$500 or the amount fixed for the permit being sought, whichever is greater. On
3 notice from the City, the applicant or permittee shall replenish ~~((such))~~ this sum from time to
4 time, whenever the subaccount balance ~~((shall have been))~~ is reduced to ~~((the sum of))~~ \$300 or
5 less.

6 Section 35. Section 15.04.060 of the Seattle Municipal Code, last amended by Ordinance
7 117569, is amended as follows:
8

9 **15.04.060 ~~((Covenant for indemnity.))~~ Indemnity agreements and covenants**

10 A. The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle,
11 its officials, officers, employees, and agents from and against:

12 1. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys'
13 fees, or damages of every kind and description resulting directly or indirectly from any act or
14 omission of the permittee, its subcontractors, anyone directly or indirectly employed by them,
15 and anyone for whose acts or omissions they may be liable, arising out of the permittee's use or
16 occupancy of the public place; and

17 2. All loss by the failure of the permittee to fully or adequately perform, in any
18 respect, all authorizations of obligations under permit.

19
20
21 B. If the application is for a permit to use or occupy a public place with an areaway, fuel
22 opening, sidewalk elevator or door, a bulkhead, steps, retaining wall, rockery, structure, or an
23 extension or appurtenance to a structure or any facility with an anticipated continued occupancy
24 of a public place of more than one year~~((;))~~; the owner of the adjacent property, and any existing
25 lessee, sublessee, tenant and subtenant using or occupying the part of the premises served or
26



1 connected to the permitted use shall, in the manner provided by law for the execution of deeds,
2 execute and deliver to the City upon a form to be supplied by the authorizing official, an
3 agreement in writing~~((;))~~; signed and acknowledged by ~~((sueh))~~ the owners and by any ~~((sueh))~~
4 existing lessee, sublessee, tenant and subtenant~~((; and))~~; containing an accurate legal description
5 of the premises; ~~((and a covenant))~~ covenanting on the part of ~~((sueh))~~ the owner, lessee,
6 sublessee, tenant and subtenant, for themselves and their heirs, executors, administrators,
7 successors, assigns, lessees, sublessees, tenants and subtenants~~((;))~~ and forever ~~((to hold and~~
8 save)) defending, indemnifying, and holding harmless the City ~~((free and harmless))~~, its officials,
9 officers, employees, and agents from and against any and all claims, actions, suits, liability, loss,
10 costs, expense, attorneys' fees, or damages ~~((which))~~ of every kind and description, excepting
11 only damages that may result from the sole negligence of the City; that may accrue to, be
12 asserted by, or be suffered by~~((;))~~ any person or property; including without limitation, damage,
13 death, or injury to members of the public or to the permittee's officers, agents, employees,
14 contractors, invitees, tenants and tenants' invitees, licensees or its successors and assigns; arising
15 out of or by reason of ~~((the use of such public place, or of the construction, existence,~~
16 maintenanc~~ee or use of the use permitted; provided, no indemnification is required on account of~~
17 injury to persons or damage to property caused by or resulting from the sole negligence of the
18 City, its agents or employees.)));

22 1. The existence, condition, construction, reconstruction, modification,
23 maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use,
24 occupation, or restoration of the public place or any portion thereof by the owner, lessee,
25



1 sublessee, tenant and subtenant, heirs, executors, administrators, successors, assigns, lessees,

2 sublessees, tenants and subtenants;

3 2. Anything that has been done or may at any time be done by the owner, lessee,

4 sublessee, tenant and subtenant, heirs, executors, administrators, successors, assigns, lessees,

5 sublessees, tenants and subtenants by reason of the permit; or

6 3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors,

7 administrators, successors, assigns, lessees, sublessees, tenants and subtenants failing or refusing

8 to strictly comply with every provision of the permit; or arising out of or by reason of the permit

9 in any other way.

10
11 C. If the application is for a permit to construct and maintain an areaway(~~(, such))~~); the
12 agreement shall also contain a covenant on the part of the (~~(persons or corporations))~~) permittee

13 executing the (~~(same))~~ agreement, for themselves and their heirs, executors, administrators,

14 successors, assigns, lessees, sublessees, tenants and subtenants(~~(;))~~); assuming the duty of

15 inspecting and maintaining all services, instrumentalities, and facilities installed in the areaway

16 to be constructed or occupied under authority of (~~(such))~~ the permit(~~(;))~~); and assuming all

17 liability for(~~(;))~~); and (~~(saving))~~ at all times defending, indemnifying, and holding harmless the

18 City (~~(harmless))~~), its officials, officers, employees, and agents from (~~(any))~~ and against all

19 claims, actions, suits, liability, loss, (~~(damage or injury))~~ costs, expense, attorneys' fees, or

20 damages of every kind and description, excepting only damages that may result from the sole

21 negligence of the City; that may accrue to, be asserted by, or be suffered by any (~~(that may result~~

22 to his or her own)) person or property(~~(, or the person or property of another, by reason of such~~

23 services, instrumentalities or facilities.)); including without limitation, damage, death, or injury



1 to members of the public or to the permittee's officers, agents, employees, contractors, invitees,
2 tenants and tenants' invitees, licensees or its successors and assigns; arising out of or by reason
3 of:

4 1. The existence, condition, construction, reconstruction, modification,
5 maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use,
6 occupation, or restoration of the public place or any portion thereof by the owner, lessee,
7 sublessee, tenant and subtenant, heirs, executors, administrators, successors, assigns, lessees,
8 sublessees, tenants and subtenants;

9
10 2. Anything that has been done or may at any time be done by the owner, lessee,
11 sublessee, tenant and subtenant, heirs, executors, administrators, successors, assigns, lessees,
12 sublessees, tenants and subtenants by reason of the permit; or

13
14 3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors,
15 administrators, successors, assigns, lessees, sublessees, tenants and subtenants failing or refusing
16 to strictly comply with every provision of the permit; or arising out of or by reason of the permit
17 in any other way.

18 All agreements shall be a covenant running with the land.

19
20 ~~((B))~~D. In addition ~~((such))~~, the agreement shall contain a provision that the permit ~~((is))~~:

21 1. Is wholly of a temporary nature ~~((, that it vests))~~;

22 2. Vests no permanent right whatsoever ~~((, that))~~;

23 3. May be revoked, the structures and obstructions removed, and public place
24 restored to the condition that existed prior to use occurring in the public place upon ~~((thirty (30)))~~

25 30-calendar days~~((?))~~ notice, posted on the premises, or ~~((by publication))~~ published in the



1 official newspaper of the City(~~(s)~~); or without (~~(such)~~) notice, (~~(in case)~~) if the permitted use
2 (~~(shall become)~~) is dangerous or (~~(such)~~) the structures (~~(shall become)~~) is insecure or unsafe, or
3 (~~(shall)~~) is not (~~(be)~~) constructed, maintained, or used in accordance with the provisions of (~~(this~~
4 ~~title, the same may be revoked and the structures and obstructions ordered removed)~~) Title 15.

5 (~~(Every such)~~)

6 E. An agreement after it has been received and (~~(after the same has been)~~) recorded with
7 the King County Department of Records and Elections, shall be retained by the City Clerk in the
8 files' and records of the Clerk's office.

9
10 (~~(C)~~)F. The authorizing official may waive execution of the signature on an agreement by
11 a tenant or subtenant on a month-to-month lease or on a tenancy at will. If the application (~~(be)~~)
12 is made by a condominium or cooperative apartment, the authorizing official may accept an
13 agreement by the condominium or apartment association together with documentation showing
14 its authority to execute the agreement in lieu of (~~(execution of)~~) executing the agreement by all
15 unit or apartment owners.

16
17 Section 36. Section 15.04.070 of the Seattle Municipal Code, last amended by Ordinance
18 117569, is amended as follows:

19
20 **15.04.070 Permit (~~(—Duration—Revocation—)~~) duration, revocation, and public place**
21 **restoration**

22 A. All use authorizations approved under the provisions of (~~(this title)~~) Title 15 or
23 (~~(Seattle Municipal Code)~~) Chapter 23.76, Procedures for Master Use Permits and Council Land
24 Use Decisions, or as to public places under the jurisdiction of the Department of Parks and
25 Recreation under Chapter 18.12, shall be of a temporary nature and shall vest no permanent
26



1 right((;)); and may in any case be revoked upon ~~((thirty (30)))~~ 30-calendar days notice; or
2 without notice, in case any ~~((such))~~ use or occupation ~~((shall become))~~ is dangerous or any
3 structure or obstruction permitted ~~((shall become))~~ is insecure or unsafe((;)); or ~~((shall))~~ is not
4 ~~((be))~~ constructed, maintained, or used in accordance with the provisions of ~~((this title))~~ Title 15.

5 B. If a permit to use a public place is revoked or terminated, the public place shall be
6 restored to the condition that existed prior to use occurring in the public place.

7
8 Section 37. Section 15.04.072 of the Seattle Municipal Code, last amended by Ordinance
9 118409, is amended as follows:

10 **15.04.072 Authority to remove occupancy((;))**

11 If any structure ~~((or))~~, obstruction, ~~((or))~~ use, or occupancy((;)) is not discontinued on
12 notice from the City to do so, the Director of Transportation or the Superintendent with respect
13 to public places under jurisdiction of the Department of Parks and Recreation, may ~~((forthwith~~
14 ~~prohibit))~~:

15
16 A. Prohibit its further use ~~((and remove such structure or obstruction))~~;

17 B. Remove it from the public place~~((, or make such))~~;

18 C. Make repairs ~~((upon such structure or obstruction))~~ to it as may be necessary to render
19 ~~((the same))~~ it secure and safe((;)) at the expense of the permittee or the permittee's successor or
20 user ~~((or person))~~ responsible for ~~((said))~~ the structure, obstruction, use~~((. The City may collect~~
21 ~~such expense))~~, or occupancy; and

22
23 D. Collect expenses incurred in rendering it secure and safe and restoring the public place
24 in the manner provided by law.

1 Section 38. Section 15.04.074 of the Seattle Municipal Code, last amended by
2 Ordinance 123659, is amended as follows:

3 **15.04.074 Permit--Fees**

4 A. From time to time the Director of Transportation shall prepare and recommend for
5 adoption by the City Council a schedule of fees applicable to all ~~((such))~~ permits for public
6 places under the jurisdiction of ~~((Seattle))~~ the Department of Transportation. The Director of the
7 Office of Economic Development shall prepare and recommend for adoption by the City Council
8 a schedule of fees applicable to master filming permits. The Superintendent shall prepare and
9 recommend a schedule of fees applicable to permits for use of public places under the
10 jurisdiction of the Department of Parks and Recreation, and the Director of the Department of
11 Planning and Development shall recommend a schedule of fees applicable to permits required by
12 Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the ~~((amount of~~
13 ~~the))~~ fee for permits ~~((heretofore or hereafter))~~ issued. The ~~((amount of the))~~ permit fee shall be
14 commensurate with the cost of ~~((administration))~~ administering, ~~((inspection))~~ inspecting, and
15 and policing involved in ~~((the issuance))~~ issuing and ~~((continuance of such))~~ continuing the permits
16 and with the use and occupation ~~((thereby))~~ granted by the permits. Fees for ~~((use of))~~ using or
17 occupying the public ~~((right of way))~~ place may take into consideration the undesirability of the
18 use or occupation relative to the rights of the public, such as the City policy of discouraging
19 encroachments inconsistent with the public right of access to the shorelines or ~~((right of way))~~
20 other public places and ~~((may))~~ shall be included in the schedule of fees for use of public places
21 under the jurisdiction of ~~((Seattle))~~ the Department of Transportation . Fees for use of park drives
22 and boulevards may take into consideration City policy of discouraging encroachments
23
24
25
26
27
28



1 inconsistent with their park-like character and may be included in the schedule of fees for use of
2 facilities of the Department of Parks and Recreation.

3 B. The fee shall be collected as a condition to ~~((the issuance))~~ issuing or ~~((continuance~~
4 ~~of))~~ continuing any ~~((such))~~ permit or use except when ~~((such))~~ the permit is issued as a
5 component of a master filming permit ~~((pursuant))~~ according to ~~((SMC))~~ Section 15.35.010. In
6 order to effectuate collection of ~~((such))~~ fees; the Director of Transportation, the Director of the
7 Office of Economic Development as to master filming permits, or the Superintendent as to
8 public places under the jurisdiction of the Department of Parks and Recreation~~((;))~~; shall
9 promptly notify ~~((holders))~~ permittees of outstanding permits issued to pay the applicable fee or
10 the permit will be revoked.

11
12 C. The rate in the schedule for master filming permits shall identify ~~((which))~~ what, if
13 any, of the factors identified in ~~((SMC))~~ Section 15.35.020 are taken into consideration in setting
14 the rate and ~~((which))~~ what factors are to be determined with respect to particular applications.

15
16 ~~((C))~~D. Upon petition by a public agency for ~~((a vacation of))~~ vacating a street area,
17 street use fees for ~~((such))~~ the street area ~~((shall))~~ may be suspended if the Director of
18 Transportation finds that ~~((such))~~ the public agency~~((, as a current practice,))~~ would convey
19 to~~((;))~~ or ~~((permits))~~ permit use by~~((;))~~ the City ~~((of))~~, a portion of the public agency's property
20 for street or other public purpose without charge; provided, should the street vacation petition be
21 denied or withdrawn, street use fees shall be payable for the full period of use.

22
23 ~~((D))~~E. When a ~~((use of a public place for which a))~~ Master Filming Permit ~~((may be~~
24
25
26
27
28

1 obtained)) under ((~~Seattle Municipal Code Ch.~~) Chapter 15.35 is ((~~made~~) required and the
2 public place is used without first obtaining ((~~such~~) a permit or the required component permits,
3 the fee shall be \$500.

4 ((~~E~~))F. Fees for ((~~the use of~~) using public places under the jurisdiction of the Department
5 of Parks and Recreation shall be deposited in the Park and Recreation Fund; all other fees under
6 the jurisdiction of ((~~Seattle~~) the Department of Transportation shall be deposited in the
7 Transportation Operating Fund. If the Superintendent of Parks or the Director of Transportation
8 delegates the administration of ((~~this title~~) Title 15 to the ((~~Director of Transportation~~) other
9 department, fees resulting from permits for ((~~the use of~~) using the public place ((~~that were~~) now
10 administered by the Director of Transportation shall be deposited into the Transportation
11 Operating Fund and fees resulting from permits for using the public place now administered by
12 the Superintendent of Parks shall be deposited into the Park and Recreation Fund.

15 ((~~F~~))G. Fees for vending activities authorized under Chapter 15.17 shall be deposited in
16 the Transportation Operating Fund. Street Use permit fees for vending activities may be used by
17 other City departments for vending enforcement as authorized by the Director of Transportation
18 and shall be used by the Department of Transportation for the following purposes: administering
19 the vending program, including notifying property owners abutting a proposed vending site
20 designated by the Department of Transportation; verifying property boundaries and square
21 footage of usage; designating pre-approved vending sites by the Department of Transportation;
22 signing and demarcating designated vending sites and food vehicle zones; attending meetings or
23 hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing
24
25
26
27
28



1 permitted or illegal vending activity; or engaging in any other vending-related activity as
2 directed by the Director of Transportation.

3 Section 39. Section 15.04.090 of the Seattle Municipal Code, last amended by Ordinance
4 123361, is amended as follows:

5 **15.04.090 Refund of permit fee((;))**

6 Whenever the fee paid for any use or occupation permit (~~((shall be erroneous))~~) is in error
7 for any reason, and an application is made for refund((;)); the authorizing official shall certify the
8 facts justifying (~~((such))~~) the refund, the refund amount (~~((thereof))~~), and (~~((his or her))~~) their
9 approval of (~~((such))~~) the refund((;)); and upon (~~((presentation of such))~~) presenting the certificate to
10 the Director of Finance and Administrative Services((;)); a warrant shall be drawn and paid in the
11 amount (~~((of such refund))~~) stated. The necessary appropriations are (~~((hereby))~~) then made and
12 authorized. If the appropriate fund is solvent at the time payment is ordered, the Director may
13 elect to make payment by check.
14

15
16 Section 40. Section 15.04.100 of the Seattle Municipal Code, last amended by Ordinance
17 117569, is amended as follows:

18 **15.04.100 Exception—Waiver—Fees; surety bond((;))**

19 A. The authorizing official may grant an exception from (~~((payment of))~~) paying fees,
20 making an indemnity deposit (~~((or))~~), posting a surety bond, or providing liability insurance (~~((to))~~)
21 from the United States of America (~~((and for developing a use that is for the use of the public,~~
22 ~~e.g., a street park, or plantings in a traffic circle)),~~ or if the use is for a public transportation-
23 related-infrastructure project, like light rail, and is authorized under a separate ordinance.
24
25
26
27
28

1 B. An authorizing official may waive the ~~((making of))~~ requirement for an indemnity
2 deposit ~~((and/or the posting of a))~~ or surety bond for a use by the State of Washington or a local
3 government.

4 Section 41. Section 15.04.110 of the Seattle Municipal Code, last amended by Ordinance
5 117569, is amended as follows:

6 **15.04.110 Construction—Changes~~((:))~~**

7 A. Construction of a structure or improvement shall be in accord with the permit and
8 plans accompanying the ~~((application cited by the))~~ approved permit unless the authorizing
9 official first ~~((grants permission for a))~~ approves a revised permit authorizing the change.

10 B. If a proposed change is substantial and objections or adverse comments are received
11 before ~~((issuance of))~~ the permit authorizing the revision is issued, the authorizing official shall
12 give notice to the persons making the objection or comments about the proposed ~~((amendment))~~
13 change, or require the applicant or permittee to do so, and allow ~~((them an opportunity to))~~
14 public comment ~~((thereon))~~ before ~~((permitting))~~ reaching a decision on the proposed change.

15 Section 42. Section 15.04.112 of the Seattle Municipal Code, last amended by Ordinance
16 123001, is amended as follows:

17 **15.04.112 Decisions—Review or reconsideration~~((:))~~**

18 A. A person aggrieved by any of the following Department of Transportation
19 ~~((Department))~~ decisions may timely request the Director to review the decision, or if the
20 decision be that of the Director, to reconsider the decision:

21 ~~((A))~~1. The closure or partial closure of any street or alley ~~((or portion thereof~~
22 pursuant)) according to ~~((SMC))~~ Section 11.16.125;

1 ((B))2. The approval or denial(~~(, pursuant)~~) according to ((SMC)) Section
2 15.04.010(~~(,))~~ of a ~~((street use))~~ Street Use permit;

3 ((C))3. The determination(~~(, pursuant)~~) according to ((SMC)) Section 15.04.040(~~(,~~
4 ~~of the amount))~~ of any cash indemnity deposit, escrow account, or surety bond in lieu ~~((thereof))~~
5 of or in addition ((thereto,)) to that ((is)) required of an applicant for a ~~((street use))~~ Street Use
6 permit;

7
8 ~~((D. The determination, pursuant to SMC Section 15.04.045, of the amount of~~
9 ~~public liability insurance coverage that is required of an applicant for a street use permit;~~

10 E))4. The determination(~~(, pursuant)~~) according to ((SMC)) Section 15.04.044(~~(,))~~
11 of the amount of any surety bond that is required of an applicant or permittee for a ((street use))
12 Street Use permit;

13
14 ((E))5. The determination according to Section 15.04.045 of the amount of public
15 liability insurance coverage that is required of a permittee for a Street Use permit;

16 ((F))6. The revocation(~~(, pursuant)~~) according to ((SMC)) Section 15.04.070(~~(,))~~
17 of any ((street use)) Street Use permit;

18 ((G))7. The approval or denial(~~(, pursuant)~~) according to ((SMC)) Section
19 15.08.080(~~(,))~~ of a request to construct a street elevator;

20
21 ((H))8. The approval or denial(~~(, pursuant)~~) according to ((SMC)) Section
22 15.10.020(~~(,))~~ of a request for an exception to the minimum height requirement applicable to
23 marquees(~~(,)) or awnings ((and canopies));~~



1 ((I))9. The approval or denial(~~(, pursuant))~~ according to ((SMC)) Section
2 15.10.030(~~(,))~~) of a request for exception to the vertical depth requirement applicable to
3 marquees;

4 ((J))10. The approval or denial(~~(, pursuant))~~ according to ((SMC)) Section
5 15.12.030(~~(,))~~) of a request for a permit to hang a banner;

6 ((K))11. The approval or denial(~~(, pursuant))~~ according to ((SMC)) Sections
7 15.14.040 and 15.14.050(~~(,))~~) of a request for a permit for a newsstand location not generally
8 permitted by ordinance, or the replacement of a newsstand (~~(pursuant))~~ according to Section
9 15.14.080;

10 ((L))12. Conditions imposed regarding a permit to move a building or equipment;
11 the assessment and allocation(~~(, pursuant))~~ according to Section 15.28.050(~~(,))~~) of the costs of
12 relocating wires or cables; and the amount of City costs assessed (~~(pursuant))~~ according to
13 Section 15.28.070;

14 ((M. The determination of the cost of removal of a handbill, sign, or poster
15 pursuant to Section 15.48.120;

16 N))13. An order to paint or repaint a pole (~~(pursuant))~~ according to Section
17 15.32.100;

18 14. The determination of the cost of removing a handbill, sign, or poster
19 according to Section 15.48.120;

20 ((O))15. Any of the actions relating to an excavation or fill identified in Section
21 15.44.140;



1 ((P))16. A Stop Order of the Director of Transportation ((~~pursuant~~)) according to
2 Sections 15.50.023 or 15.50.025; and

3 ((Q))17. The issuance or denial(~~(, pursuant)~~) according to ((SMC)) Chapter
4 16.60((;)) of a permit to use or occupy any part of a waterway or any part of the land portion of a
5 waterway.

6 B. An aggrieved person may request review or reconsideration by filing a request for
7 review or reconsideration with the Director within ((~~ten (10)~~))10-calendar days of the date of the
8 decision. The request shall identify the decision for which review or reconsideration is requested,
9 the objection(s) to the decision; and the specific alternative being proposed. The Director shall
10 designate a review officer, who shall make a recommendation to the Director. The Director may,
11 at ((~~his or her~~)) their discretion, stay implementation of a decision pending review or
12 reconsideration. The Director's decision on review or reconsideration shall be final.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1 Section 43. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 21st day of February, 2012, and
5 signed by me in open session in authentication of its passage this
6 21st day of February, 2012.

7
8
9 
10 President _____ of the City Council

11 Approved by me this 1st day of March, 2012.

12
13 
14 Michael McGinn, Mayor

15
16 Filed by me this 1st day of March, 2012.

17
18 
19 Monica Martinez Simmons, City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Angela Steel/684-5967	Rebecca Guerra/684-5339

Legislation Title:

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

Summary of the Legislation:

Ongoing maintenance of the Street and Sidewalk Use Code, Chapters 15.02 and 15.04; to correct typographical errors, correct section references, clarify regulations, and make minor amendments. The amendments are consistent with the 2011 City Code Drafting Manual.

Background:

Periodically updating the Street and Sidewalk Use Code is an important part of the regulatory process. Clarifying the code is necessary to correct errors or omissions. The amendments will improve an understanding of and application of the code. The last omnibus ordinance of Street and Sidewalk Use Code was adopted in 1995 by Ordinance 117569.

Please check one of the following:

This legislation does not have any financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.



e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Other Issues:

N/A

List attachments to the fiscal note below: N/A



City of Seattle
Office of the Mayor

January 31, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that proposes minor amendments to the Street and Sidewalk Use Code Chapters 15.02 and 15.04. The Seattle Department of Transportation's Street Use Division is responsible for reviewing and amending the Street and Sidewalk Use Code, Title 15.

The proposed "omnibus" amendments are minor amendments with limited impacts. The amendments correct typographical errors and incorrect section references, and clarify existing code.

Periodically updating the Street and Sidewalk Use Code is an important part of the regulatory process. Adopting the amendments improves an understanding of and application of the code. The last omnibus ordinance of Street and Sidewalk Use Code was adopted in 1995 by Ordinance 117569.

Thank you for your consideration of this legislation. Should you have questions, please contact Angela Steel at 684-5967.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

281937
CITY OF SEATTLE, CLERKS OFFICE

No. 123826,828,829,830,831,32

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.

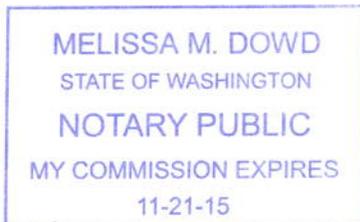
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

03/14/12

The amount of the fee charged for the foregoing publication is the sum of \$ 97.65, which amount has been paid in full.



[Handwritten Signature]

Subscribed and sworn to before me on

03/14/12

[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on February 21, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123826

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 60 and page 61 of the Official Land Use Map to rezone property located at 4715 - 4735 15th Avenue Northeast from Lowrise 3 Multifamily Residential to Neighborhood Commercial 2 with a 65 foot height limit, and approving and accepting a Property Use and Development Agreement in connection therewith. (C.F. 309434, DPD Project 3004384)

ORDINANCE NO. 123828

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the transfer of the "Pressentin Creek" state trust land in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123829

AN ORDINANCE relating to the King Street Station Rehabilitation Phase 2B Project; ratifying and confirming Seattle Department of Transportation's execution of a grant agreement with the Washington State Department of Transportation for and on behalf of the City of Seattle, under which agreement the City will receive over 16 million dollars in funding for the restoration of King Street Station.

ORDINANCE NO. 123830

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

ORDINANCE NO. 123831

AN ORDINANCE related to the Board of Park Commissioners; changing the meeting frequency requirement; and amending Section 3.26.020 of the Seattle Municipal Code.

ORDINANCE NO. 123832

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, March 14, 2012.

3/14(281937)

STATE OF WASHINGTON – KING COUNTY

--SS.

281937

No. 123826,828,829,830

CITY OF SEATTLE, CLERKS OFFICE

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: TITLE ONLY ORDINANCE

was published on

03/14/12

Melissa Bond

Subscribed and sworn to before me on

04/13/201

Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on February 21, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123826

AN ORDINANCE relating to land use and zoning; amending Chapter 23.92 of the Seattle Municipal Code at page 60 and page 61 of the Official Land Use Map to rezone property located at 4715 - 4735 15th Avenue Northeast from Lowrise 3 Multifamily Residential to Neighborhood Commercial 2 with a 65 foot height limit, and approving and accepting a Property Use and Development Agreement in connection therewith. (C.F. 309434, DPD Project 3004384)

ORDINANCE NO. 123828

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the transfer of the "Presentin Creek" state trust land in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123829

AN ORDINANCE relating to the King Street Station Rehabilitation Phase 2B Project; ratifying and confirming Seattle Department of Transportation's execution of a grant agreement with the Washington State Department of Transportation for and on behalf of the City of Seattle, under which agreement the City will receive over 16 million dollars in funding for the restoration of King Street Station.

ORDINANCE NO. 123830

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

ORDINANCE NO. 123831

AN ORDINANCE related to the Board of Park Commissioners, changing the meeting frequency requirement, and amending Section 3.26.020 of the Seattle Municipal Code.

ORDINANCE NO. 123832

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, March 14, 2012
3/14(281937)