

AN ORDINANCE relating to and regulating the use and occupation of and the conduct of persons in and upon the public streets and places within the City of Seattle, providing for certain permits and fees in connection therewith, prescribing penalties, defining offenses and repealing Ordinance No. 33045.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. STREET USE ORDINANCE - This ordinance shall constitute the "Street Use Ordinance" of the City of Seattle and may be referred to as such.

Section 2. EXERCISE OF POLICE POWER - This ordinance is declared to be an exercise of police power of the City of Seattle for the public safety, health and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

Section 3. PROSECUTION OF CAUSE PRIOR TO ORDINANCE - Nothing in this ordinance shall prevent the prosecution under any ordinance repealed hereby of a cause arising prior to the time this ordinance shall become effective nor shall the same affect any prosecution or proceeding now pending in any court for the violation of such former ordinance, nor shall anything herein contained be held to apply to obstructions or encroachments in the streets which have been heretofore lawfully constructed, erected and maintained.

Section 4. RIGHT TO PROSECUTE CIVIL ACTION - Nothing in this ordinance shall be construed to curtail or abridge the right of anyone to prosecute a civil action for damages by reason of injury to person or property resulting from the negligent use by any other person of any public place or the space above or beneath the same, nor shall the issuance of a permit hereunder be construed as relieving the persons accepting the same, or anyone, from liability over to the City, nor from any damages accruing to or suffered by anyone, caused by the occupation, obstruction of or encroachment on, any public place.

Section 5. VALIDITY - If any portion of this ordinance shall be declared invalid, it shall not thereby affect the validity of the remaining portions.

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Section 6. DEFINITIONS - The words and phrases herein used, unless the same shall be clearly contrary to, or inconsistent with the context of the ordinance or the section in which used, shall be construed as follows:

"Adjacent property" means and includes the property abutting the margin of a public place contiguous and with reference to said public place.

"Areaway" means and includes a sunken space, either covered or uncovered, or a court affording room, access or light to a building.

"Public Place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks and planting (parking) strips, squares, triangles and rights-of-way open to the use of the public, and the space above or beneath the surface of the same.

"Canopy" means and includes any protection, collapsible or non-collapsible, constructed only at the entrance to a building, and extending over a public place.

"Driveway" means and includes that portion of a public place which provides access to an offstreet vehicular facility through a depression in the constructed curb or, when there is no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

"Residence Property" means and includes any property designated in the "Zoning Ordinance of Seattle" as: RS, RW, RD, RM, and RMH, except when occupied or being improved by a conditional or nonconforming use.

"Business Property" means and includes all properties not included in "Residence Property" defined herein.

"Sign or Billboard" means and includes any placard or nonpliable structure occupying any public place for the purpose of advertising.

"Banner" means and includes any pliable material stretched over or across any public place.

"Marquee" means and includes any rigid non-collapsible protective covering suspended over a public place and attached to a building or any other structure.

"Awning" means and includes any retractible and collapsible protective covering suspended over a public place, and attached to a building or any other structure.

"Use" means and includes to construct, store, erect or maintain in, upon, over or under any public place any areaway, marquee, awning, clock, sign, billboard, sidewalk elevator or door, fuel opening, staging, swinging scaffold, elevator or other structure or material, machinery or tools used, or to be used in connection with the erection, alteration, repair or painting of any building; or to move any building along or across any public place; or to use or occupy any public place for the storage or placement of any material, equipment or thing; or to operate any cleated or tracked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to remove, injure or destroy any tree, flower, plant or shrub in any public place; or to deposit or permit the deposit of any liquids which cause a noxious effluvia upon a public place; or to kindle, make or have any fire on any public place; or to open, excavate, or in any manner disturb or break the surface or foundation of any permanent pavement, or to alter the established grade of any street, or to disturb the surface of, dig up, cut, excavate or fill in any public place; or construct, reconstruct, maintain or remove any sidewalk, or crosswalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, except when permitted by ordinance; or to do any work in, or erect any structure under, along, or over any public place.

Words in the present tense shall include the future tense; words in the masculine gender shall include the feminine and neuter genders and words in the singular shall include the plural and plural words shall include the singular.

Section 7. LEGAL USE OF STREETS - It shall be unlawful for anyone to use any public place, for private purposes, without a written permit from the Board of Public Works of the City of Seattle so to do, and without complying with all of the provisions of this ordinance in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the City, street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the City.

Section 8. APPLICATION FOR PERMIT - Applications for permits herein provided for shall be filed with the City Engineer, upon a form supplied by him. Such applications shall be directed to the Board of Public Works, and shall contain: (1) an accurate description of the public place or portion thereof desired to be used as herein specified, (2) the use desired to be made of such public place by the applicant, (3) the plans and specifications for any utility or structure desired to be constructed, erected or maintained by the applicant in or on a public place, and (4) where it is desired to construct an areaway, or fuel opening, sidewalk elevator or door, a certificate from the City Engineer, showing the applicant to be the record owner of the premises abutting and in connection with which such areaway, fuel opening, sidewalk elevator or door is to be constructed.

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Section 9. PROCESSING OF APPLICATIONS - The City Engineer shall examine each application to determine if it complies with the provisions of this ordinance relating thereto. The City Engineer may inspect the premises which are desired to be used in order to ascertain any facts which may aid in determining whether a permit shall be granted and shall endorse his findings on such application and transmit the same to the

Board of Public Works. Any application for a permit to construct, erect or maintain an awning, marquee, sign, areaway, or any structure in a public place, shall be transmitted by the City Engineer to the Superintendent of Buildings, who shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material and design of the Seattle Building Code. The Superintendent of Buildings shall then endorse his findings on the application and transmit the same to the City Engineer.

If the Board of Public Works, after a public hearing, finds that the application conforms to the requirements of this ordinance pertaining thereto, and also that the proposed use of such public place will not unduly interfere with the rights of the public said Board shall fix the time for which the permit may be granted and shall direct the City Engineer to issue a permit, upon the applicant's compliance as herein specified with the provisions of this ordinance relative to indemnity.

Section 10. INDEMNITY FUND ON APPROVED APPLICATIONS FOR PERMITS --

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If the City Engineer and/or the Board of Public Works determines that there is a probability of injury, damage, or expense to the City arising from an applicant's proposed use of any public place, the applicant shall deposit with the Treasurer of the City of Seattle, and take his receipt therefor, a Cash Indemnity Fund. The amount of the cash indemnity fund shall be determined by the Board of Public Works or the City Engineer at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the City as determined by the Board of Public Works and/or the City Engineer. The applicant shall endorse said receipt to the City of Seattle and deposit the same with the City Engineer before receiving his permit. Such indemnity fund shall be used to pay the cost

plus 15% thereof of inspections, surveys, plans and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Comptroller, if such an Agreement is required with the permit, and any other expense the City may sustain in conjunction with the permitted work. The balance of the cash indemnity fund, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the City Engineer or the Board of Public Works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

The applicant in lieu of, or in addition to, said cash indemnity fund may, as approved or required by the Board of Public Works or the City Engineer, file with the City Comptroller a surety bond approved as to surety by the Mayor, and as to form by the Corporation Counsel, which said bond shall assume all the requirements provided in the above paragraph in relation to a cash indemnity fund, shall run for the full period of said permit, and shall be in an amount to be fixed by the Board of Public Works or the City Engineer, and conditioned that such applicant shall faithfully comply with all the terms of said permit and all the provisions of this and all other ordinances of the City of Seattle, and indemnify and save the City of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in said application.

If said application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, the applicant shall file with the City Comptroller a surety bond of a form approved as to surety by the Mayor and as to form by the Corporation Counsel, which said bond shall run for the full period of said permit plus two years after the acceptance of the permitted work by the Board of Public Works or the City Engineer, and shall be in an amount fixed by the City Engineer and conditioned that said applicant shall faithfully complete all portions of the work according to the Standard Plans and Specifications of the City of Seattle, and the Special plans approved by the City Engineer.

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Section 11. INDEMNITY OR CASH DEPOSIT FOR ONE OR MORE PERMITS -

Where it is probable that more than one permit will be desired, in the alternative to making an indemnity deposit for each permit, as provided for in the foregoing section, the applicant may deposit with the City Treasurer in the "Guaranty Deposit Fund," the sum of Five Hundred Dollars (\$500.00). The applicant shall replace said sum from time to time, whenever such sum shall have been reduced to the sum of Three Hundred Dollars (\$300.00) or less, or to a sum smaller than is required for the permit applied for when so notified by the City Engineer, provided that this section shall not apply when the sum required for one or more permits shall exceed Five Hundred Dollars (\$500.00).

If an applicant shall be periodically using public places, the City Engineer and/or the Board of Public Works may require said applicant to post a surety bond of sufficient amount to cover the accumulated cost or risk involved at any certain time in a calendar year for a number of permits outstanding, as determined by the Board of Public Works or the City Engineer, said bond to be in force during the period of all outstanding permits, but in no case for less than two (2) years. Said bond

Ord. 90213 Amends Sec. 28 requiring House Movers Licenses + fixing fees + expiration dates.

C.F. 242884 - Rules & Regulations governing house moving operations

C. F. 244382 Street Tree Planting Standards of City of Seattle, B.P.W.  
# B 32851 Bond - Metro (\$100,000.)

ORD. 91281 AMENDS SEC. 207 OF ORD. 48022 TO INCREASE THE AMT. OF INDEMNITY BOND REQUIRED IN CONNECTION WITH SIDE SEWER CONTRACTOR'S LICENSES AND TO EXCEPT FROM SUCH BOND REQUIREMENTS CERTAIN APPLICANTS WHO HAVE FILED AN ~~XXXXXXX~~ INDEMNITY BOND UNDER SEC. 11 OF ORD. 90047.

C.F. 245911 INS. ON PERMITS ISSUED BY THE ENGINEERING DEPT.

ORD. 91749 AMENDS SEC'S. 6, 9, 14, 18 & 19

#247694 PET OF BPW FOR ADOPTION OF STREET USE FEE SCHEDULE PER ORD. 90047.

RES. 19490 RELATING TO PERMITS FOR THE TEMP USE AND OCCUPATION OF "PUBLIC PLACES" UNDER STREET USE ORD. 90047 AND APPROVING A FEE SCHEDULE THEREFOR CONTAINED IN C.F. 247694.

ORD. 92252 AMENDS SEC. 34 RE. TO THE PLACEMENT OF WARNING LIGHTS AND BARRICADES NEAR HAZARDOUS CONDITIONS IN PUBLIC PLACES AND FIXING FEES IN CONNECTION THEREWITH.

ORD. 92405 AMENDS SEC. 34, RE. TO WARNING LIGHTS AND BARRICADES NEAR HAZARDOUS CONDITIONS IN PUBLIC PLACES.

RES. 20071 RE. TO PERMITS FOR THE TEMP USE AND OCCUPATION OF "PUBLIC PLACES" AND APPROVING A CHANGE AS CONTEMPLATED BY C.F. 252265 IN THE FEE SCHEDULE FOR SUCH USE AND OCCUPATION.

C.F. 252831 INS POLICY - CITY PERMITS - STREET USE - EXP. 1/1/68.

ORD. 94307 WAIVING ALL OR A PORTION OF CERTAIN 1966 ANNUAL STREET USE PERMIT FEES IN CONSIDERATION OF THE PERFORMANCE OF REQUIRED EARTHQUAKE DAMAGE INSPECTION. (BON MARCHE, THETA CHI FRATERNITY)

ORD. 94436 AMENDING SEC. 41 TO REQUIRE PERMITS FOR AND REGULATE EXCAVATIONS WITHIN FOUR FEET OF A PUBLIC PLACE, AND ESTABLISHING THE FEE THEREFOR.

ORD. 95823 AMENDS SECTIONS 10 & 11.

ORD. 95731 RE TO TREES AND SHRUBS IN AND UPON THE PUBLIC STREETS AND PLACES, PROHIBITING UNLAWFUL REMOVAL OF OR DAMAGE TO SUCH TREES AND SHRUBS AND PRESCRIBING PENALTIES.

ORD. 96373 REPEALS SEC. 43 RE TO LOITERING ON SCHOOL GROUNDS.

RES. 21445 RE. TO PERMITS FOR THE TEMP USE AND OCCUPATION OF "PUBLIC PLACES" AND APPROVING A FEE SCHEDULE THEREFOR CONTAINED IN C.F. 260226.

ORD. 96598 AMENDS SEC. 30 RE TO STREET USE AND STREET USE PERMITS AND REGULATING THE USE OF STREETS, ALLEYS AND PUBLIC PLACES BY PUBLIC UTILITIES.

ORD. 98197 AMENDING SECS. 41 AND 6, AS AMENDED, TO REQUIRE PERMITS FOR AND REGULATE EXCAVATIONS OR FILLS ADJACENT TO A PUBLIC PLACE AND TO ESTABLISH FEES FOR SUCH PERMIT.

ORD. 98197 AMENDING SEC. 25(H) TO REGULATE EXCAVATIONS ADJACENT TO OR EXTENDING INTO STREET AREAS.

ORD. 99650 AMENDING SEC. 15 TO REQUIRE WORK TO BE DONE IN COMPLIANCE WITH THE WASH. CLEAN AIR ACT.

ORD. 99674 AMENDING SEC. 6, AS AMENDED, & ADDING SEC. 49(A) TO ALLOW PERMITS FOR USE & OCCUPATION OF SIDEWALK AREA FOR SIDEWALK CAFE & RESTAURANT PURPOSES.

RES. 22837 RE PERMITS FOR TEMP USE & OCCUPATION OF PUBLIC PLACES -REVISING FEE SCHEDULE THEREOF CONTAINED IN C.F. 260226.

RES. 23393 RE PERMITS FOR TEMPORARY USE & OCCUPATION OF PUBLIC PLACES -APPROVING REVISION OF FEE SCHEDULE TO ESTABLISH A SEPARATE RATE FOR BLDG DEMOLITION WITHIN 30 DAYS OR LESS.

ORD 100603 AMENDS SEC. 13 TO EXEMPT CERTAIN PUBLIC AGENCIES FROM PAYMENT OF FEES FOR USE OF STREET AREA BEING VACATED.

RES. 23694 APPROVING A FEE SCHEDULE ADOPTED BY BRD OF PUBLIC WORKS TO GOVERN AMOUNT OF FEES FOR CERTAIN PERMITS.

ORD 101351 RE STREET USE PRMT FEES & PROVIDING FOR DOUBLE FEES FOR USE PRIOR TO ISSUANCE OF PRMT & AMENDING SEC. 13.

CONTINUED ON INSERT SHEET # 1.

INSERT SHEET #1.

ORDINANCE 90047 ~ AMENDMENTS...RE...TO...CONT'D FROM BACK OF COVER.

- ORD 101744 -PROVIDING CERTAIN CONDITIONS FOR PARKING CURB SETBACKS & AMENDING THE STREET USE ORD (90047) BY ADDING NEW SECTION DESIGNATED SECTION 16-A.
- ORD 102363 -GRANTING TO VANHU, INC., ITS SUCCESSORS & ASSIGNS, A FRANCHISE TO CONSTRUCT, OPERATE & MAINTAIN A COMMUNITY ANTENNA TELEVISION (CATV) SYSTEM FOR TELEVISION SIGNAL DISTRIBUTION IN THE CITY OF SEATTLE.
- ORD 102645 -AMENDS SEC. 6 OF ORD. 90047 AND ADDING A NEW SECTION DESIGNATED SEC. 22-A THERETO TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR SUCH USE AND OCCUPATION FOR THE PURPOSE OF DISTRIBUTING NEWSPAPERS AND OTHER PUBLICATIONS BY MEANS OF NEWSSTANDS.
- ORD 102929 -COMPREHENSIVE SIGN ORDINANCE.
- RES 24466 -RE PERMITS FOR TEMPORARY USE & OCCUPATION OF "PUBLIC PLACES" UNDER STREET USE ORD. 90047 & APPROVING A FEE SCHEDULE ADOPTED BY THE B.P.W. TO GOVERN THE AMOUNT OF FEES FOR UNREMOVED SHORING & DELETE THE FEES FOR CONSTRUCTION OF SIDEWALK & CURB REPAIRS & CULVERT TILES.
- ORD 103060 -AMENDS SEC 41 TO REGULATE PLACEMENT, RETENTION, & ABANDONMENT OF SOLDIER PILES & OTHER SHORING MATERIALS IN PUBLIC PLACES.
- RES 24585 -RE PERMITS FOR TEMPORARY USE & OCCUPATION OF "PUBLIC PLACES" UNDER ORD 90047 & APPROVING A FEE SCHEDULE ADOPTED BY THE BRD OF PUBLIC WORKS & CONTAINED IN CF-278824.
- ORD 103991 -FURTHER AMENDS SEC 34 RE FEES FOR PLACEMENT OF BARRICADES TO PROTECT PUBLICS FROM HAZARDOUS CONDITIONS.
- RES. 26147 -Transit Patron Shelters -Re to permits & temporary use & occupation of Public Places Under street use Ordinance & approves a fee schedule adopted by BPW to govern METRO .....
- Ord. 108552 -Re to Noise Control, adds new Sections 211.5 & 504 to Ord. 106360 to regulate noise in public parks & public places.

shall be of a form approved by the Corporation Counsel, conditioned to assume all of the requirements provided in the previous sections of this ordinance in relation to a cash indemnity fund. Licensed side sewer contractors who post such a 2-year bond under the provisions of this ordinance shall not be required to post an additional surety bond specifically covering work under separate side sewer ordinances; and the surety bond shall contain all of the requirements of side sewer ordinances in the same manner as provided by bonds posted pursuant to said side sewer ordinances and the License Code.

However, if at any time any applicant shall apply for a permit to use a public place above or below the surface of the same, and in the opinion of the Board of Public Works or City Engineer the work or risk involved in said application shall, together with other permits outstanding in the name of the applicant, exceed the amount of the then presently posted surety bond, the applicant may be required to post an additional or separate surety bond to cover the additional risk or work involved prior to the issuance of any new permits. Said bond shall remain in force during the period of all outstanding permits, but in no case for less than two years. Also, the Board of Public Works may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined.

Section 12. INDEMNITY TO SAVE CITY HARMLESS FOR CLAIMS - If the application for a permit be to construct or maintain an areaway, fuel opening, sidewalk elevator or door, or to use or occupy the planting (parking) strip by erecting a bulkhead, steps, retaining wall, rockery, structure, or any facility therein, in addition to the foregoing cash indemnity fund, the owner of the premises in front of which, and in connection with which, the same is to be constructed, erected, maintained,

used or occupied, and any existing lessee, sub-lessee, tenant and sub-tenant using or occupying the basement of the premises in connection with which such structure is to be used, before the permit is issued, shall, in the manner provided by law for the execution of deeds, execute and deliver to the City of Seattle upon a form to be supplied by the City Engineer, an agreement in writing, signed and acknowledged by such owners and by any such existing lessee, sub-lessee, tenant and sub-tenant, and containing an accurate legal description of said premises and a covenant on the part of such owner, lessee, sub-lessee, tenant and sub-tenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants and sub-tenants, forever to hold and save the City of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of such public place, or of the construction, existence, maintenance or use of such structure. If the application for a permit be to construct and maintain an areaway, such agreement shall also contain a covenant on the part of the persons or corporations executing the same, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants and sub-tenants, assuming the duty of inspecting and maintaining all services, instrumentalities and facilities installed in the areaway to be constructed or occupied under authority of such permit, and assuming all liability for, and saving and holding the City of Seattle harmless from any and all loss, damage or injury that may result to his or their own person or property, or the person or property of another, by reason of such services, instrumentalities or facilities.

In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right what-

soever, that upon thirty (30) days' notice, posted on the premises, or by publication in the official newspaper of the City of Seattle, or without such notice, in case the permitted use shall become dangerous or such structures shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this ordinance, the same may be revoked and the structure and obstructions ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said City Comptroller and City Clerk in the files and records of his office.

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Section 13. REVOCATION OF PERMITS - All permits granted under the provisions of this ordinance for the use of any "Public Place" shall be wholly of a temporary nature, shall vest no permanent right; and shall be issued and may in any case be revoked by the Board of Public Works upon thirty (30) days' notice; or without notice, in case any such use or occupation shall become dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this ordinance.

If any such structure or obstruction, or use or occupancy, is not discontinued on notice so to do by the Board of Public Works, the City Engineer may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the grantee of the permit, or his successor, and such expense may be collected in the manner provided by law; and the Board of Public Works may require a surety bond in such connection.

The Board of Public Works of the City of Seattle is hereby further authorized and directed to prepare and adopt a schedule of fees applicable

to all such permits heretofore or hereafter issued commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of such permits and the use thereby granted, and any such schedule, when approved by the City Council of the City of Seattle by resolution, shall govern the amount of the fee for any such permit, which shall be collected by said Board as a condition to the issuance or continuance of any such permit; and in order to effectuate collection of such fees the Board shall promptly notify holders of outstanding permits issued pursuant to previous ordinances of the City of Seattle, from time to time, to pay the applicable fee or the permit will be revoked.

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Section 14. ISSUANCE OF PERMITS - Upon approval by the City Engineer of an application for the use or occupation of a public place, except where applications require the approval of the Board of Public Works, as per resolution of the Board of Public Works, the City Engineer shall issue a permit therefor. The original permit shall remain in the custody of the City Engineer and a carbon copy shall be given to the grantee. On applications requiring action of the Board of Public Works, a carbon copy of the application shall be furnished to said Board.

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Section 15. SAFETY AND BUILDING CODE COMPLIANCE - All work to be done under the authority of this ordinance shall be accomplished in compliance with the Seattle Building Code and the State Safety Code, and shall diligently proceed without undue delay or inconvenience to the public.

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Section 16. DRIVEWAYS - A driveway must be constructed to provide access from a public place over and across a concrete curb and gutter and sidewalk to the adjacent property. Temporary permission may be granted by the City Engineer to plank a curb and walk while gaining temporary access to property, but the practice must be discontinued immediately upon notice from the City Engineer.

When driveways are no longer usable or needed to provide vehicular access onto private property, the owner of the adjacent property shall

remove the driveway and restore the concrete curb and gutter and the sidewalk and planting (parking) strip. Upon failure of the owner of the adjacent property to so do, the Board of Public Works may direct the City Engineer to perform such restoration and bill the cost thereof to the property owner.

All driveways constructed on public places where paved roadways and curbs exist shall be constructed according to the Standard Plans and Specifications of the Department of Public Works.

The minimum width of driveways for residential property shall be 10 feet at the concrete walk and 15 feet at the curb, and for commercial properties the minimum width shall be 15 feet at the concrete walk.

*Ord 101744-adds Sec. 16-A*  
Section 17. AREAWAYS, VENTS AND ELEVATORS

A. Type of Construction of Areaways. All areaway entrances and areaway openings shall be constructed in the following manner:

The walls shall be constructed of masonry of sufficient strength safely to resist a pressure from without equivalent to that exerted by a fluid weighing not less than twenty-five (25) pounds per cubic foot, and having a depth equal to that of the retained earth. Plans and specifications for such structures shall be approved by the Superintendent of Buildings, as heretofore provided.

If the walls are reinforced by bracing, such reinforcements shall be fireproof and protected against corrosion.

B. Construction of Walk Over Areaways. The sidewalks above existing areaways, when in need of repair, shall be constructed of reinforced concrete slabs supported by beams of either reinforced concrete or structural steel, and shall be of sufficient strength to withstand an imposed load of not less than two hundred-fifty (250) pounds per square foot.

The concrete used in slabs shall be Class "6", using structural grade gravel as defined in City Standard Plans and Specifications.

C. Areaway Construction to Conform to Building Code. In the construction of areaway walls and sidewalks, in addition to the requirements herein set forth, all the requirements of the Building Code and all amendments thereto shall be deemed to apply and govern, insofar as they may be applicable and not inconsistent with the provisions hereof.

D. Areaway Metal Guard. All uncovered areaways shall be guarded by a metal railing which, together with their fastenings, shall be of sufficient strength to withstand a lateral pressure exerted against the top of such railing of seventy-five (75) pounds per linear foot.

E. Location and Extent of Areaway. No uncovered areaway shall be constructed in any public place unless the grade thereof exceeds twelve per cent (12%); provided, however, that no such areaway shall extend out from the property line more than fifty-four (54) inches, nor to a point beyond seven (7) feet inside of the curb line, nor to within thirty-six (36) inches of any public place other than the one in which such areaway is located; and provided, that in case the grade exceeds ten per cent (10%), an areaway may be constructed that does not extend to exceed thirty (30) inches from the property line.

F. No boiler or Dangerous Apparatus in Areaway. No boiler or other dangerous apparatus, or any explosive, shall be placed in any areaway or space under any public place.

G. Ventilation Opening in Sidewalks. Openings in sidewalks for the purpose of ventilation shall not extend into the sidewalk more than eighteen (18) inches. They shall be covered by wrought iron bars  $3/8'' \times 1-1/4''$  in size, placed one (1) inch on centers and at right angles to the direction of the sidewalk. Such bars shall be held in position by sleeves placed between them on two (2) half-inch iron rods running through such bars.

H. Sidewalk Elevators. Every sidewalk elevator shall be so constructed that when in use the sides of opening will be closed by

sheet metal guards, strengthened with iron frame and of a height equal to that of the elevator door. The maximum size over-all of a sidewalk elevator shall not exceed five feet by seven feet, and where practicable it shall be placed seventeen (17) inches from the curb, and if of less width than the maximum, the said lesser width shall be placed at right angles to the curb. No sidewalk elevator shall be constructed without the approval of the Board of Public Works and a permit from the Superintendent of Buildings to construct and operate same.

I. Metal Guards, Fuel Openings and Trap Doors. A metal guard shall be attached to every fuel opening or trap door in a public place in such a manner as to raise and lower automatically with any such door.

J. Time of Operation of Sidewalk Elevators. No sidewalk elevator or door, or fuel opening, or oil or gasoline intake contiguous to any "business property" shall be operated between the hours of 9:00 o'clock a.m. and 6:00 o'clock p.m., except in case of emergency, in which event operation shall not continue for a longer period than thirty (30) minutes. During the operation of a sidewalk elevator, a man shall be stationed on the sidewalk at the elevator opening to warn persons of the danger.

K. Type of Construction for Elevators and Trap Doors. All elevator, fuel opening and trap doors shall be made of metal of sufficient strength to sustain a weight of two hundred fifty (250) pounds per square foot and such doors and their hinges shall be so constructed that their surfaces will lie flat with the surface of the sidewalk upon which they are constructed and will present no obstruction whatsoever to traffic, and shall be so roughened and maintained as to occasion no danger whatsoever to pedestrians.

L. Elevators No Longer In Use. Doors shall be removed from all sidewalk elevators which are no longer used, and the opening shall be replaced with reinforced concrete capable of withstanding an imposed

load of not less than two hundred fifty (250) pounds per square foot.

The metal rim around the doors must also be removed.

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Section 18. MARQUEE AND AWNING PROJECTION

A. No marquee or awning shall extend more than nine (9) feet into a public place, nor within two (2) feet of the curb line. Marquees and awnings shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable codes by the Superintendent of Buildings before permission is granted for the street encroachment.

B. No cloth, drapery, sign or other thing shall be added, attached to or suspended from any awning or marquee.

C. The lowest point of the skirt of a canvas covered awning shall not be less than six feet, ten inches, (6' 10") above the surface over which such awning is constructed. The lowest point of the frame of any canvas covered awning, or the lowest point of any other type awning or marquee shall not be less than eight (8) feet from the surface over which it is constructed.

D. Advertising matter may appear upon the skirt of canvas-covered awnings, and upon the frieze of marquees. No advertising matter shall appear upon any other portion of such awnings or marquees.

E. All marquees shall be of such design and construction as to sustain with safety, in addition to the dead weight of the marquee, a live load of not less than twenty-five (25) pounds per square foot of area.

F. All marquees shall be provided with metal conductors for water, which shall drain back to the property line and be connected with the sewer, in the manner provided in the plumbing ordinance of the City of Seattle, or conducted under the sidewalk to the gutter if sewer connections are not available, and if so approved by the City Engineer.

G. All awnings and marquees shall be ornamental in design, and shall project as nearly horizontal from the building to which they are

attached as it is practicable. No awning or marquee together with the cornice and frieze shall exceed thirty inches in vertical depth.

H. All marquees shall be lighted by electricity. The lamps shall be placed on the underside of the marquee, and shall burn at least thirty-two candle power for every twenty feet of frontage thereof during the hours in which the municipal street lights are burning.

I. No awning or marquee shall be attached to or suspended from any building, unless the strength of the building is sufficient to sustain it with safety and a live load of not less than twenty-five (25) pounds per square foot, applied uniformly over the area of the marquee.

J. No awning or marquee shall be constructed at a location or in a manner which will obstruct, obscure, or interfere with any street light. There shall be a clearance horizontally between any awning or marquee, and the center of any street utility pole of not less than five (5) feet.

K. Permanent awnings (wood, plastic or aluminum) shall not be considered a marquee, and need not be permanently connected to sewers for drainage, and shall be subject to the following stipulations:

1. Must not project beyond six (6) feet from face of building.
2. Must have at least a thirty (30) degree pitch.
3. Must be capable of supporting a twenty-five (25) pound per square foot load.
4. Cannot extend into the sidewalk or planting (parking) strip area within two (2) feet of the curb line.

Section 19. SIGNS AND BILLBOARDS -

A. Signs in public places and their supports shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable ordinances by the Superintendent of Buildings prior to action by the Board of Public Works.

AMENDED ORD.

91749

B. Signs and their appurtenances, in so far as they affect the public, shall not conflict with the Traffic Code and other applicable ordinances.

C. Signs projecting 3'6" or less over a public place shall have a minimum clearance of eight feet, and those projecting more than 3'6" shall have a minimum clearance of ten feet above the adjacent sidewalk grade, except that those projecting over an alley shall have a minimum clearance of fourteen feet, six inches, and shall not extend beyond the center line of said alley.

D. Unless approved by the Board of Public Works, signs shall not extend more than six feet beyond the property line, except at a street intersection corner where a sign projecting at a 45° angle from the property line may extend to the intersection of the six-foot projection margins on each street; provided, however, that in no case will a sign project within two feet of the curb line.

E. Signs or billboards projecting over or upon a public place shall be kept in a state of good repair by the owner, occupant or lessee. If not properly maintained, or if no longer in use, the City Engineer shall order the same removed by the owner, occupant or lessee and the permit therefor cancelled by the Board of Public Works according to Section 13 of this ordinance.

F. Billboards shall be permitted to be erected and maintained upon public places as approved by the Board of Public Works.

Section 20. BARBER POLES - It shall be unlawful for anyone to erect any barber pole so that the same, together with its brackets and fastenings, shall extend more than one foot over or into any public place, or so that the bottom thereof will be less than eight feet from the sidewalk.

Section 21. BANNERS - It shall be unlawful for anyone to stretch, hang or otherwise place any canvas or cloth sign or banner over or across

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ORD. 102645 -- Adds SECTION 22-A. NEWSSTANDS  
(APPROVED 10-16-73)

any public place except upon written permit issued by the Board of Public Works, and then only upon such terms and conditions, and for such period of time as the Board shall direct.

Section 22. STREET CLOCKS -

A. No clock shall be constructed, erected or maintained in or upon any public place within 100 feet of any other clock on the same side of such place, nor within 8 feet of any utility pole or fire hydrant, nor so that any portion thereof extends beyond the curb line.

B. No clock shall be more than 15 nor less than 12-1/2 feet in height from the sidewalk to center of the dial. Each dial shall be illuminated from within only, by electric light of not less than 90 candle power to each dial which shall be kept burning during the hours of the day in which the municipal street lights are burning.

C. No clock shall be erected which has a base greater than 28 inches nor less than 16 inches in any dimension, nor which has a dial greater than three feet nor less than two feet in diameter.

D. No more than two lines of advertising matter shall appear upon the dial, nor anything other than the name and address of the owner, occupant or lessee upon the post or base of any clock.

E. No cloth, drapery, sign or other thing shall be added, attached or suspended from the head of any clock.

F. No person shall permit a street clock of which he is the owner, to incorrectly record the time unless all dials thereof be covered. The cover of such a clock shall not have advertising matter thereon. Any clock not showing correct time or which has been covered for more than 14 days shall be removed upon order of the Board of Public Works.

Section 23. DANGEROUS BUILDINGS AND APPURTENANCES -

A. Whenever the Superintendent of Buildings finds that a building is unsafe, according to the terms of the Building Code, or any other effective ordinance, and a hazard to public safety, health or welfare

may exist to members of the public using an abutting public place, then the abutting sidewalk and/or public place may be barricaded immediately by the City Engineer to the extent found necessary, so as to prevent public access to such area in the interest of public safety, and the Superintendent of Buildings forthwith shall notify the owner or his agent of such hazardous condition and to correct this condition within ten (10) days from date of notice thereof.

B. If such hazardous condition has not been corrected by the owner or agent within the ten (10) day period, the owner or agent shall be notified to obtain a permit for the construction and maintenance of a covered way over that portion of sidewalk or street area as directed by the City Engineer. In case of failure of owner or agent to begin construction according to permit or failure to obtain such permit in time specified, then owner or agent may be subject to penalties provided by this ordinance and the City Engineer may cause such covered way to be constructed and charge the cost plus fifteen percent (15%) thereof against the property described and such charges shall be collected by laws governing collection of debts.

Section 24. BUILDING CLEANING, ETC. -

A. When necessary to occupy a public place to clean or paint any building, wall, or sign, it shall be unlawful for anyone to undertake such cleaning or painting without first having obtained a permit to do so from the City Engineer. The permit shall specify the portion of the public place which may be occupied with equipment for the generating of steam or compressed air, hanging scaffold, or for any purpose whatsoever.

B. A permit issued hereunder shall be valid only for the number of days stated therein and for the occupation of such portion of said street as is definitely set forth and at such hours as may be designated and only for the purpose of the cleaning, painting or hanging of said scaffold for the particular structure for which the permit is issued.

C. If such cleaning is done with steam, the steam boiler and all of its appliances including piping, hose and nozzle, shall comply with the provisions of the law regulating the operations of steam boilers in the City and no boiler may be put into operation without first having withstood a test by boiler inspector. A valid boiler permit signed by the boiler inspector must be posted on the plant.

D. The use of acids or chemicals or any cleaning material which, if precipitated in the street would cause injuries to persons or damage to property, is prohibited, except as otherwise provided for in this ordinance.

E. All scaffolding shall comply with the provisions of this ordinance pertaining to scaffolds, and to all requirements of the State Safety Code.

F. A substantial canvas tarpaulin shall be attached to the underside of such scaffold where directed by the City Engineer in such a manner as to stop any spray, dirt, or other material from spreading on the street below.

G. During operations a suitable portion of the sidewalk or other public thoroughfare as required by the City Engineer shall be barricaded in an approved manner. Specified hours of operation and any additional construction may be required to protect the public in passing said point.

H. If a ladder more than fourteen (14) feet in height is used in building or cleaning operations, there shall be at all times a man stationed at the base thereof in the interest of public safety.

#### Section 25. BUILDING OPERATIONS IN PUBLIC PLACES -

In any district when a building is to be erected, razed, repaired or altered the following specifications shall be complied with by the owner of the building or his agent:

A. An application shall be filed with the City Engineer for use of street or walk area deemed necessary for building operations. Said

application shall also specify the period of time he desires to use the specified area. The City Engineer will investigate the area adjacent to the place of such building construction, demolition or repair as to the traffic carried by the roadway and walks, and as to the inconvenience and hazard to the public. This application shall be accompanied by a plan of the definite limits of areas desired for use and is to be confined to and abutting the property to be improved, provided that upon written permission of other adjacent property owners filed with said application and approved by the City Engineer, said street use may extend beyond the limits of the improvement.

Such use of walk or street area abutting a resident property except on arterial highways and bus routes shall be limited to the use of the street area between the sidewalk and curb and, where necessary, that area, adjacent to the outside of the curb, generally occupied by a parked automobile. On arterial highways and bus or trolley routes the use of street area is to be limited to the area authorized by the City Engineer.

Upon completion of investigation of street use as applied for, the Board of Public Works may direct a permit be granted, said permit to be subject to the applicant furnishing public liability insurance and cash deposit and/or surety bond as the City Engineer deems necessary to protect the City from any claims for damages to persons or injury to public utilities or any other cause. The City Engineer may revise such plans and applications and confine the use of street to the area as he finds it to be of the greatest safety for the public. He may alter conditions of said permit at any time he finds such use may cause damage to persons or things or to any improvements of the City of Seattle.

B. It shall be necessary to erect a fence or enclosure at any location wherein a building is to be erected, razed, repaired or altered and a hazard to pedestrian traffic is created (a) within 10 feet of a

walk or roadway, (b) in a business district, (c) or in any case deemed necessary by the City Engineer.

C. Fences or enclosures at building sites on which construction or demolition operations are being performed shall be solid and tight for their full length, except for such openings, which shall be provided with sliding doors or hinged doors swinging inward, as may be necessary for the proper execution of the work. The doors of such openings shall be securely fastened in a closed position when not in use.

Such fence, unless otherwise provided, shall be at least seven (7) feet in height and shall, where practicable, be erected before any work is commenced; provided that if said enclosure is adjacent to a street intersection or corner, that portion of the fence from 4 feet to 7 feet high which is within thirty (30) feet each way from said corner must be of wire mesh to provide for traffic visibility at all times, unless otherwise designated by the City Engineer.

D. No materials, fence, or shed shall obstruct the approach to any fire hydrant, manhole, fire alarm box, catch basin, inlet, vault, valve chamber, or any other public utility or traffic facility which is within an area being used by a permittee. No obstruction shall be placed so that there will be any interference with the passage of water in the gutter.

E. Earth taken from excavations and rubbish from buildings shall not be stored on the sidewalk or other street area, but shall be removed from day to day as rapidly as produced. Where such materials are dry and apt to produce dust when handled they shall be kept sufficiently moist to prevent the wind blowing the same about. Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing same and when likely to produce dust the chute must be provided with means of wetting this waste to prevent the wind blowing same about.

F. It shall be unlawful to mix mortar or concrete in a public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement, or any similar material.

G. Any damage done to sidewalk, pavement, sewers, drain inlets, catch basins or any other public facility shall be repaired by the City Engineer as he finds necessary, and all costs plus fifteen (15) per cent to be charged against the owner, agent or contractor; except that if a permit is granted so to do, the owner, agent or contractor may restore and repair such damages as required and under the inspection of the City Engineer.

H. Where excavations are to be made in any area adjacent to street area the owner, agent or contractor shall maintain the lateral support of said street area. Where excavations have been made in the street area, or a cave-in or slide of earth has occurred extending into a public place due to excavation on private property, the City Engineer shall restore the street area, or if he so directs, the contractor, owner or agent may make such backfill and restoration under inspection of the City Engineer and the contractor, owner or agent shall pay for such inspection and any other expenses which have been incurred.

I. Whenever an excavation is to be made adjacent to a public place or in any case wherein materials are to be moved across a public sidewalk or curb or a portion thereof not set aside as a driveway, and the adjacent street area is not being used under permit while building, the owner, agent or contractor shall secure a permit to drive over the walk and/or curb and deposit cash, a surety bond or both as provided herein and as the City Engineer directs.

J. In the use of street area or driving over walks and curbs the contractor is required to keep such walk and pavement reasonably clean,

properly protected with planks during working hours, and safe for public travel; upon failure to so do the City Engineer may place such planking and cause such cleanup to be made and the cost thereof plus fifteen (15) per cent is to be charged to the contractor. Any charges so made may be deducted from the contractor's deposits on file or may be charged against his bond.

K. Whenever structures shall be built or extended to a height of more than 25 feet above the sidewalk grade and fronting on a street, a protective roof extending over the sidewalk area shall be built and maintained during construction or repair to provide a temporary covered walkway. Said protective roof shall have a clear height of ten feet above the sidewalk and shall be tightly boarded with a covering of roofing paper or other material to prevent water from falling through.

L. Every such walkway shall have a tight board fence built along its entire length, on the side abutting the building site. The entire structure shall be designed to carry the loads imposed upon it, provided the minimum live load to be used in design shall not be less than 35 pounds per square foot, uniformly loaded.

M. If materials are stored or work is done on the roof of the walkway, the curb side of the walkway shall be protected by a tight board fence 3 feet high. Where necessary to properly protect pedestrians, wire mesh or other suitable material shall be provided on the curb side from the walk to the roof or canopy.

N. The space under the roof over the walkway shall be kept well lighted with artificial lighting continuously between sunset and sunrise, and such other times as necessary.

P. Whenever it is not necessary to construct a covered temporary walkway according to the preceding paragraphs of this ordinance, an uncovered temporary walkway shall be constructed where directed by the

City Engineer as a condition to the issuance of the permit. Said temporary walkway shall be kept clear for the passage of pedestrians, except when materials are being handled over the same, and no person shall leave any material, tools, implements, machinery or debris thereon. The ends of said temporary walkway shall extend from and be laid flush with the permanent sidewalk to which it is attached. Whenever such a walkway is constructed, an adequate and secure handrailing shall be constructed on the curb side thereof. Where such walkway extends into the roadway area the sleepers on which it is laid shall not interrupt the flow of water in a gutter. The temporary walkway shall be constructed or reconstructed to conform with the requirements of the City Engineer. When deemed necessary by the City Engineer a tight board fence shall be erected along the side next to the abutting private property. Said tight board fence shall be at least seven feet high, except that portion within 30 feet of a street intersection shall be not more than 4 feet high.

Q. No temporary building, structure or machinery over four feet high shall be located within a street intersection, nor shall materials be piled over four feet high within an intersection.

Section 26. SCAFFOLDS -

A. It shall be unlawful for anyone to use any scaffold or staging unless it has sufficient strength to support the weight to be placed upon it and unless it has sufficient width to prevent persons and materials from falling from it. Tarpaulins and scaffolds shall be braced sufficiently or anchored to the building so that they will not fall or be blown about or otherwise collapse.

B. It shall be unlawful for any person to erect, hang, build or maintain any scaffolding over any public place without a permit from the Board of Public Works. However, a general permit for the use of

said public place while building or remodeling a structure shall carry with it the right for such scaffolding.

Section 27. BACKFILLING AND RESTORING SURFACE -

After the completion of any work for which a permit has been granted, if the same shall have involved an excavation or disturbance of the surface of any public place, the City Engineer shall have control of the refilling and restoring of same to its proper condition, and the cost thereof plus fifteen (15) per cent shall be billed to the person or deducted from the grantee's indemnity deposit.

Section 28. HOUSE MOVING -

Ord. 90213

A. No one shall move a building along or across any public place without a permit to do so from the City Engineering Department.

B. Everyone, before being granted a permit to move a building along or across any public place shall obtain from the City Comptroller a House Mover's License and no such license shall be issued until such house mover has filed with the City Comptroller a good and sufficient surety bond in the amount of \$5,000, conditioned to indemnify and save harmless the City of Seattle from all claims, actions or damages of every kind and description which may accrue to or be suffered by said City by reason of his operations; and in addition to said bond shall file with the City Comptroller a certificate stating that the City of Seattle is included as an additional insured on his Protective Public Liability Insurance, providing for a limit of not less than \$50,000.00 for all damages arising out of bodily injuries to, or death of one person in any one accident; \$100,000.00 for two (2) or more persons injured in any one accident, subject to \$50,000.00 for each one; and shall also provide Property Damage Liability Insurance providing for a limit of not less than \$50,000.00 for all damages arising out of injury to or destruction of property in any one accident.

C. All applications for permits to move buildings through, or across public places of the City shall be made to the City Engineer on a form provided by the City Engineer, and every such application shall state the location of the building to be moved, its dimensions and its principal materials; shall definitely describe the route over which it is to be moved, and the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site within the City of Seattle is issued, specific written approval must be obtained from the Building Department. The approval of all public utilities owned and operated by the City of Seattle is also necessary, if those utilities are to be disturbed.

D. Where the removal or trimming of any shade trees or other shrubbery is necessary the building mover is required to obtain from the owner thereof a written release for any damages and the City of Seattle is to be held free of any liability or damages whatsoever. If said building is to be moved along or across any boulevard or other public place controlled and planted by the Park Department, the building mover is also required to have written approval from the Park Department.

E. The City Engineer shall determine the probable injury and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities. Such findings shall be endorsed upon the application for permit.

F. The City Engineer shall ascertain the probable interference with the rights of the public that such moving will cause, and any other facts which may aid in determining whether or not such permit should be granted. The City Engineer shall also prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations he may deem necessary for public safety and convenience. He shall endorse his findings thereon and transmit the same to the Board of Public Works.

The Board of Public Works may, if the injury to public utilities or private property is apparently excessive as to the value of building to be moved, notify the owners or agents of said properties that a public hearing will be held, and set a date for this hearing. At this hearing all persons interested may appear and object to the granting of such permit. If the Board of Public Works finds the injury and inconvenience to the public, owners of private property and public utilities is minor said permit may be granted without a hearing.

Whenever the Board of Public Works determines that a public hearing must be held to determine the feasibility of moving a building, the applicant shall pay to the Treasurer of the City of Seattle and take his receipt therefor the sum of ten dollars (\$10.00) for advertising a hearing upon the application as herein provided. The receipt number for said sum shall be recorded on the application.

G. The grantee of a permit to move a building along or across any public place shall bear any and all expense that may be occasioned by such moving; provided, however, that nothing herein contained shall be construed as repealing any of the provisions of any franchise ordinance.

H. The Board of Public Works may grant permits to move small buildings through or across a public place when the structure is of such dimensions as may be hauled on a single truck or semi-trailer without said mover having a license, provided that same may be moved speedily without any inconvenience to the public. The City Engineer is to specify the time of moving, the route to be taken and any other qualification he deems necessary for the safety of the public and the protection of private and public property.

I. The City Engineer may make rules and regulations governing the moving of buildings along or across public places, and those rules and regulations shall become a part of this ordinance.

Section 29. FRANCHISE PERMITS AND REGULATIONS -

It shall be unlawful for anyone holding a franchise, from the City of Seattle, or who may hereafter be granted a franchise, to use or occupy any public place, to go upon such public place, or to perform any construction work therein which shall disturb the surface of the street, planting (parking) strip or sidewalk, without complying with all the provisions of this ordinance in relation thereto and obtaining and having a permit from the Board of Public Works so to do; provided that the City Engineer may, without referring the application to the Board of Public Works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatuses, or poles already placed, or for the emergency repair of any existing construction or service connections.

In order to obtain the permit provided for in the preceding paragraph, anyone desiring to do such work shall file with the City Engineer an application therefor, on a form furnished by said City Engineer, which application therefor shall be accompanied by a plat, drawn to an accurate scale, such plat being made conformable to such reasonable rules and regulations as the City Engineer may prescribe, and showing the exact location, character, position, dimension, depth and height of the work proposed to be done. The City Engineer shall note on such application his recommendation and shall transmit the application to the Board of Public Works, which, prior to the granting of any permit, may require such modifications or changes as it deems necessary properly to protect the public in the use of said public places, and shall in said permit, if the same be granted, fix the time or times within and during which such work shall be done. When such application has been granted by the Board of Public Works a permit allowing such construction shall be issued from the office of the City Engineer,

who shall have the power to supervise, regulate and direct the construction and who shall keep a record of this permit and the work done thereunder. Permits issued by the City Engineer or the Board of Public Works may be revoked by the Board of Public Works on ten days' notice.

Anyone doing construction work under such permit either from the Board of Public Works or the City Engineer shall pay into the City Treasury such amounts as, in the judgment of the City Engineer, are reasonably necessary to investigate any application for construction work, to inspect such work, to secure proper field notes of location, and to plat such locations on the permanent records of the City Engineering Department of the City of Seattle, or to inspect or reinspect as to maintenance during the progress of or after the repair of any construction placed under permits previously issued; or shall pay permit fees specified by ordinance when required.

All structures built, excavations made, and material placed on any public place by anyone holding a franchise from the City of Seattle without a permit therefor first having been obtained, as in this section provided, shall be deemed public nuisances, and in addition to the penalties provided for violation of this ordinance, such nuisances shall be abated with or without action, and such other proceedings shall be taken thereof as are authorized by law and the ordinances of the City of Seattle for the prevention, abatement and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public place.

The Board of Public Works may, in its reasonable discretion, defer the action of the permit hereinabove provided for, until such time as it deems proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in

any work by the City, or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and may in granting such permit, so regulate the manner of doing such work as shall cause least inconvenience to the public in the use of such public place, and in all cases any work of the City or its contractors or employees shall have precedence over all work of every kind.

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Section 30. PUBLIC UTILITY PERMITS AND REGULATIONS -

It shall be unlawful for anyone having the right under the law to construct, maintain and operate on, under or over the streets, alleys or public places of the City of Seattle, ducts, poles, fixtures, or wires necessary for the purpose of conducting a telephone or telegraph business; or for anyone having a franchise from the City of Seattle, or which may hereafter be granted a franchise to construct, maintain and operate on, under or over the streets, alleys, and public places of the City of Seattle all ducts, poles, fixtures or wires necessary for the purpose of supplying private wire connections for messenger service or for local connections for long distance telephone service, radio and television service, to go upon any such public place to perform any work therein which will disturb the surface of the street, planting (parking) strip or sidewalk, without complying with all the provisions of any ordinance in relation thereto and obtaining and having a permit from the Board of Public Works so to do; provided, that the City Engineer may, without referring the application to the Board of Public Works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatuses, on poles already placed, or for the emergency repair of any existing construction, or for service connections. Permits issued either by the City Engineer or the Board of Public Works may be revoked on ten days' notice by the Board of Public Works.

The terms and conditions of the use and occupancy of public streets and alleys in the City of Seattle by such companies shall be as follows:

A. That anyone desiring to place any poles or wires upon or above, or any ducts, conduits or wires below the surface of any street, alley or other public place in the City of Seattle shall, prior to the commencement of any construction work, file an application for permit therefor as hereinbefore described. When permission has been granted by the Board of Public Works a permit allowing of such construction shall be issued from the office of the City Engineer, who shall have power to supervise, regulate and direct the construction and who shall keep a record of the permit and the work done thereunder.

B. That anyone doing construction work under permit either from the Board of Public Works or the City Engineer shall pay into the City Treasury such amounts as, in the judgment of the City Engineer, are reasonably necessary to investigate any application for construction work, to inspect such work, to secure proper field notes of location, and to plat such locations on the permanent records of the Department of the City Engineer of the City of Seattle, or to inspect or reinspect as to maintenance or during the progress of or after the repair of, any construction placed under permits previously issued.

C. That anyone constructing under authority of this section and ordinances amendatory thereof, any underground duct or conduits exceeding in number two, shall reserve free of cost to the City of Seattle for the exclusive use of the City, additional ducts in the proportion of one duct for every five or less constructed.

D. That any such person, firm, company, corporation or association shall allow any other company or the City of Seattle to joint use of its

poles upon payment, except as provided in subdivision E of this section, of a reasonable proportion of the cost of such poles installed and shall obey any order issued by the Board of Public Works relative to the joint use of poles.

E. That any such person, firm, company, corporation or association shall allow the City of Seattle the right, free of charge, to attach, maintain and operate its police and fire alarm wires on fixtures, on crossarms, or on the poles erected and maintained within the limits of the public streets, alleys and public places in the City of Seattle.

F. That any such person, firm, company, corporation or association shall, upon order of the Board of Public Works or the City Engineer, paint or repaint its poles to such height and in such colors and at such times as the Board of Public Works or the City Engineer may direct.

G. That anyone having a franchise from the City of Seattle, or which may hereafter be granted a franchise, upon twenty-four hours' notice from the Board of Public Works, shall, at his or its own cost and expense, disconnect or move his or its wires to allow for the moving of buildings across or along any such street, alley or other public place; provided that any cost to the companies affected exceeding, in the judgment of the Board of Public Works, a reasonable percentage of the value of the building, shall be borne by the person desiring to move the building.

H. That anyone upon order of the City Engineer or the Board of Public Works, shall upon ten days' notice, at his or its own cost and expense, move any underground, surface or overhead construction which interferes with any local improvement district work or with any construction for public purposes authorized or ordered by the City of Seattle.

I. That anyone maintaining over any street, alley or other public place, any overhead construction, either poles or wires, shall place the same underground upon being directed so to do by the City Council of the

City of Seattle, which notice may be given either by resolution or by ordinance of such City Council; provided, that all other public utility companies maintaining overhead construction shall be subject to such resolution or ordinance.

J. That anyone accepting permits under the terms of this section and ordinance amendatory thereof, shall in addition to the provisions provided for in this ordinance indemnify and save the City of Seattle free and harmless from any liability, loss, cost, damage, trouble or expense due to casualty, accident or damages either to person or property which may at anytime arise or occur by reason of the construction, maintenance, operation or use of conduits, poles, wires, facilities, or apparatus of any character placed under authority of this section.

Section 31. TEMPORARY FENCE -

Under a permit to improve a planting (parking) strip by grass, flowers, shrubs and trees, a fence with a one-inch by three-inch, or wider, board along the top, and at least thirty inches high, may be temporarily maintained until such grass, flowers, shrubs and trees shall become thoroughly rooted. The Board of Public Works may order the removal of such fence if the same be considered hazardous to the public.

Section 32. HEAVY EQUIPMENT -

The City Engineer may grant permits to qualified persons to raise and lower safes, machinery or any other heavy articles into and from buildings and to occupy in so doing such portion of the street and sidewalk as the City Engineer may deem necessary and subject to such conditions and regulations as he may prescribe for the safety and convenience of the public.

Section 33. IMPOUNDING OF OBJECT OR THING -

A. Any object or thing, which, without a permit, shall occupy continuously any public place for a period of more than twenty-four

(24) hours, is hereby declared to be a nuisance, and the City Engineer may seize and impound the same. Said seizure shall be made by said City Engineer, or, under his direction, by any employee of the City Engineering Department, or by any police officer. The one making such seizure shall take such object or thing and store, impound and detain the same at any City storage yard or building until the same is redeemed or sold, as herein provided. If, at the expiration of two (2) days from and after the time of seizing and impounding any such object or thing, the same is not redeemed and released to the owner by payment of costs and fees, as herein provided, the City Engineer shall proceed to give fifteen (15) days' notice, by publication, in the official newspaper of the City of Seattle, of the time and place where he will offer such object or thing for sale at public auction, unless for good and sufficient reason said period of sale be postponed from time to time, and when sold he shall proceed to pay all expenses theretofore incurred by reason of the seizure and impounding, and all other necessary expenses incurred by the advertising and sale of the same, and shall pay the residue into the City Treasury. Said notice of sale shall describe the object or thing intended to be sold with reasonable certainty, and shall state to whom, if anyone, the City Engineer believes the same belongs, and if the name of the owner is wholly unknown to said City Engineer, that fact shall be stated in said notice, and in case such owner shall be known to the City Engineer, and can be found within the City, a copy of such notice shall be served upon him, at least one day prior to the sale. At anytime within six (6) months from and after the date of the sale, the former owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after deducting

the necessary expenses, and if at the expiration of six (6) months the former owner shall not have applied to the City Treasurer, as provided in this section, the residue of the proceeds of such sale shall be turned into the general fund. The fees for any of the foregoing services shall be the cost thereof plus fifteen (15) per cent.

B. If no sale is consummated the thing shall be disposed of in a manner determined by the City Engineer.

Section 34. UNLAWFUL ACTS -  
WARNING LIGHTS AND BARRICADES -

A. It shall be unlawful for anyone, in any manner to obstruct, excavate or tear up any public place, without at all times during the hours of darkness maintaining at the point of obstruction or excavation a barricade and four or more red lights of sufficient power and brilliancy and so placed as to be plainly visible for a distance of not less than five hundred (500) feet in all directions from the point of such obstructions. Obstructions in public places during daylight hours shall have sufficient barricades posted in such a manner as to indicate plainly the danger involved. Barricades may be removed at the completion of work or the removal of obstructions in public places providing the surface of the roadway has been restored to the satisfaction of the City Engineer.

B. Adequate advance warning lights and barricades must be posted on all obstructions in any arterial street as defined in the traffic code of the City of Seattle.

C. In case of non-compliance with this section of this ordinance, the City Engineer shall place lights and/or barricades as he may deem necessary to provide proper protection to the public. The expenses thus incurred by the City Engineer may be billed to the person causing the obstruction.

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D. The City Engineer's judgment shall be final as to the number and adequacy of lights and barricades at all obstructions and excavations.

E. It shall be unlawful to deface, move, injure, damage, alter or remove any barricade or light placed at or near any obstruction or defect in the street, or posted to obstruct the passing of vehicles.

Section 35. PLANTING TREES AND SHRUBS -

A. No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or any other tree, the roots of which cause injury to the sewers, sidewalks or pavements, or which breeds disease dangerous to other trees or to the public health or allow to remain in any public place any planted tree which has become dead or is in such condition as to be hazardous to the public, and any such trees now existing in any such planting (parking) strip or abutting street area may be removed in the manner hereinbefore provided for the revocation of permits and removal of obstructions. No tree shall be planted within two feet of any sidewalk or pavement, except by special permit.

B. No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the sidewalk or roadway, or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet above the same, and fourteen feet above a roadway.

C. No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires of public service companies or of the City of Seattle; provided, however, that such wires are twenty-five (25) feet above the level of the public place over which they pass. When the Board of Public Works shall find that trees are coming in contact with the wires of public service companies or of the City of Seattle, the Board may order the trees trimmed, and if not so trimmed

within ten (10) days after service of written notice upon the owner of such trees, or the posting of written notice thereof upon the premises, the Board may direct the City Engineer to issue a permit to the owners of the wires, authorizing them to trim such trees at their own expense. If the work be done by the owners of the wires, the City Engineer or his representative may accompany them and have charge of the work, and the cost of supervision shall be borne by the owners of the wires.

D. Planting (Parking) Strips, Planting In. No trees, shrubs or flowers over two (2) feet in height shall be planted or maintained in that portion of any planting (parking) strip lying within thirty (30) feet of the intersection of said planting (parking) strip with the curb line of any intersecting street.

E. Tree planting shall conform to the Street Tree Planting Standards of the City of Seattle adopted by the Board of Public Works, in so far as practical. Changes from those standards may not be granted without approval of said Board.

F. If any such trees or shrubs are or become a hazard, the Board of Public Works may order the same removed as provided by this ordinance.

Section 36. DEBRIS IN PUBLIC PLACES -

Whenever it is expedient to the safety or convenience of the public, the City Engineer may remove obstructions, hazards or nuisances from public places, and anyone causing said obstructions, hazards or nuisances shall be responsible for reimbursing the City Engineer for the expense of cleaning the public place as well as being subject to prosecution in the Municipal Court.

Section 37. SPILLED LOADS -

The owner or operator of any vehicle which has spilled, dropped, dumped, or in any manner deposited any matter upon a public place shall

cause the public place to be cleaned when notified so to do by the City Engineer.

Section 38. DEBRIS IN GUTTERS -

It shall be unlawful to sweep or otherwise deposit any matter in any street or gutter.

Section 39. SNOW AND ICE REMOVAL -

It shall be unlawful for the owner or occupant of private property to allow snow on the sidewalks abutting his property to become or to remain in an icy, ridged, uneven or humped condition or in a condition which is potentially hazardous to users of the public sidewalks.

Section 40. BARBED WIRE OR ELECTRIC FENCE -

It shall be unlawful to place, or maintain, or allow to be placed, or maintained, any barbedwire or electric fence abutting upon the marginal line of any public place.

Section 41. EXCAVATIONS -

It shall be unlawful to leave unguarded any excavation within four feet of any public place, or to fail to maintain the lateral support of any such public place.

It shall be unlawful to excavate or fill on private property within an area existing between the vertical prolongation of the street margin and a 100 (one hundred) per cent slope line (45° from a horizontal line) from the existing elevation of the public place margin to the proposed elevation of the private property, without first obtaining a permit from the City Engineer to so do. If in the opinion of the City Engineer the safety or stability of a public place may be jeopardized by such excavation or fill, then he may order special plans, specifications, and proposed methods of construction to be submitted for his approval, giving detailed information on how the excavation or fill is to be structurally barricaded, reinforced or retained and the stability and

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safety of public places maintained. The City Engineer may require a cash indemnity fund and/or a surety bond to be posted with the City of Seattle to guarantee proper replacement of public places. A permit to excavate or perform any such work on any private property concerned shall not be granted by the Superintendent of Buildings until the above permit has been granted by the City Engineer.

Section 42. AIR GUNS -

It shall be unlawful to carry or shoot any spring gun, air gun, sling or slingshot, in, upon, or onto any public place.

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Section 43. LOITERING ON SCHOOL GROUNDS -

It shall be unlawful to loiter in or upon any public school ground during school hours.

Section 44. NOTICE COMPLIANCE -

The Board of Public Works or the City Engineer are authorized to post notice on private property at or abutting the scene of any violation of this ordinance, calling for the terms of this ordinance to be complied with.

Section 45. REMOVING OR DESTROYING NOTICES -

It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Board of Public Works or the City Engineer pursuant to the provisions of this ordinance.

Section 46. CITATION, ARREST AND BAIL -

Whenever any person is arrested for any violation of this ordinance, the arresting officer may serve upon him a citation and notice that he must appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he shall be taken into custody of such

arresting officer and so remain or be placed in confinement in the City jail.

The Municipal Court Judge, who hears such cases, may designate the specified offenses of the street use ordinance of this City for which the posting of bail may be accepted by his office. The Municipal Court Judge may designate the bail to be posted for first, second, and third offenses which may be accepted by his office, provided that the bail shall not exceed the limits established as penalties for violations of this ordinance.

If bail is to be posted by anyone for a violation of this ordinance, the arresting officer shall note the amount of such bail upon the citation or notice, in accordance with the bail designated for such offense by the Municipal Court Judge, and the bail must be posted with the Municipal Court within 7 days, exclusive of Saturday, Sunday and Holidays, after the date of the citation or notice.

Anyone charged with an offense for which bail may be posted with the Municipal Court Judge shall have the option of forfeiting such bail, if it is posted within the time specified in the notice, or of requesting a trial as authorized by law. The date and time of said trial must be set by the Court office at the time bail is posted.

Section 47. PENALTIES -

Anyone who shall violate or fail to comply with any of the provisions of this ordinance, or who shall fail to remove any obstruction or discontinue use or occupancy of any public place when ordered to do so by the Board of Public Works, under authority of this ordinance, shall upon conviction be punished by a fine in a sum not exceeding five hundred dollars (\$500.00) or by imprisonment in the City jail for a term not exceeding six (6) months or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the

provisions of this ordinance, shall be deemed and considered a separate offense.

Section 43. REPEALS - The following Ordinances:

That ordinances numbered 16081, 19346, 20152, 20536, 21308, 21389, 24836, 29461, 29484, 30603, 31148, 32515, 32578, 34508, 35865, 38045, 83818, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

*Sec. 49(a) - Ord. 99674*

Section 49. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20 day of February, 19 61,  
and signed by me in open session in authentication of its passage this 20 day of  
February, 19 61 *Frank Lane*

President..... of the City Council.  
Approved by me this 23 day of February, 19 61,  
*Jordan S. Clinton*  
Mayor.

Filed by me this 23 day of February, 19 61  
Attest: *H. Grandson*  
City Comptroller and City Clerk.

(SEAL)

Published MAR 18 1961

By W. A. Perrine  
Deputy Clerk.





C-480

## Affidavit of Publication

STATE OF WASHINGTON, | ss.  
COUNTY OF KING

M. E. Brown, being first duly sworn, on oath deposes and says that he is the business manager and one of the publishers of The Daily Journal of Commerce, a daily newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the 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 said newspaper. That the said Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of said King County.

That the annexed is a true copy of .....

**ORDINANCE NO 90047**

....., as it was published in the regular issue  
(and not in supplement form) of said newspaper on the  
**18th** day of **March 1961**....., and that said  
newspaper was regularly distributed to its subscribers during  
all of said period.

*M. E. Brown*

Subscribed and sworn to before me this

**18th** day of **March 1961**

*E. Campbell*

Notary Public in and for the State of Washington, residing at Seattle.  
(This form officially sanctioned by Washington State Press Association.)  
affidavit Form D.