SEATTLE CITY COUNCIL

Legislative Summary

CB 118525

Record No.: CB 118525 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 124951 **In Control:** City Clerk

File Created: 09/04/2015

Final Action: 12/17/2015

Title: AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references, clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.050, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text - CB 118525

Drafter: amy.gray@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/22/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	09/22/2015	sent for review	Council President's Office			
	Action Text:	The Council Bill (CB) was sent for review. to the Council President's Office					

Notes:

1	Council President's Office	09/23/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee	

Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Full Council	10/19/2015	referred	Seattle Public Utilities and Neighborhoods Committee	

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Seattle Public Utilities and Neighborhoods Committee	12/03/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 2 Chair Bagshaw, Member Harrell

Opposed: 0

1	Full Council	12/07/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 7 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember Rasmussen

Opposed: 0

1	City Clerk	12/11/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	12/17/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	12/17/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	12/17/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124951

COUNCIL BILL 118525

AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references, clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.050, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

WHEREAS, the Phase I Municipal Stormwater National Pollutant Discharge Elimination System ("NPDES") general permit issued by the Washington State Department of Ecology to control and regulate the discharge of stormwater, and under which the City of Seattle has coverage, requires that the City review, revise, and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require low impact development principles and best management practices as defined in the NPDES permit; and

WHEREAS, the amendments to Title 15 of the Seattle Municipal Code are designed to address the NPDES permit requirements; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.02.042 of the Seattle Municipal Code, last amended by Ordinance 124598, is amended as follows:

15.02.042 Definitions A through C

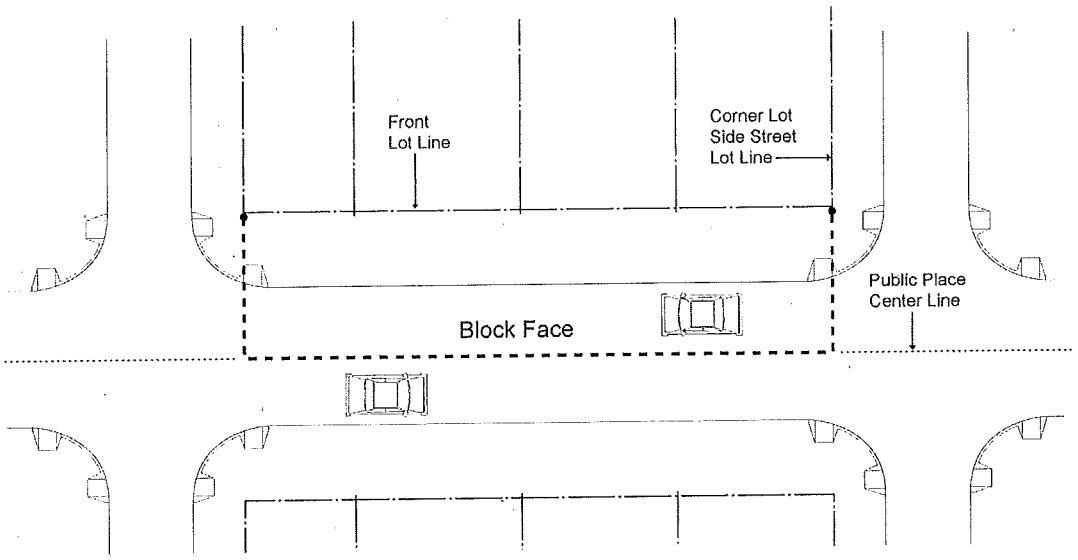
* * *

G. "Banner" means any fabric or sign material hanging over or placed across any public place.

H. "Best management practice" (BMP) means "best management practice" (BMP) as defined in Section 22.801.030.

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

Exhibit A for 15.02.042: Block Face



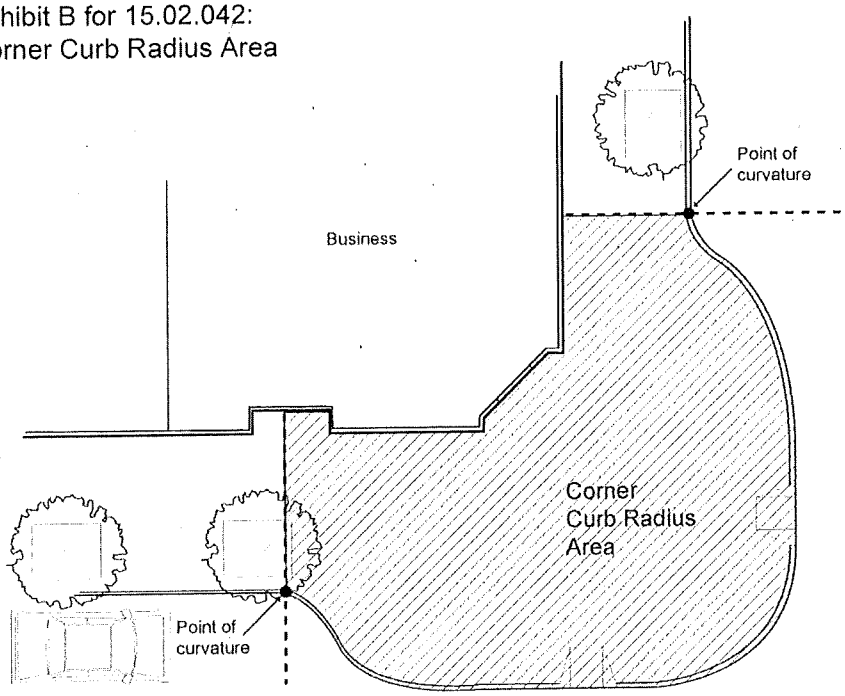
((H))J. "Communication cabinet" means all structures, cabinets, electric meters, and any other appurtenances installed in the public place, except utility poles and attachments to poles; by any publicly- or privately-owned entity for the purposes of providing any communications transmission, emission, or reception of signals, writings, pictures, images, and sounds or intelligence of any nature; by wire, cable, radio, optical, or other electromagnetic systems.

K. "Compaction" means "compaction" as defined in Section 22.801.040.

L. "Contaminate" means "contaminate" as defined in Section 22.801.040.

((J))M. "Corner-curb-radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner-curb-radius area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.

Exhibit B for 15.02.042:
Corner Curb Radius Area



Section 2. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance 124166, is amended as follows:

15.02.044 Definitions D through M

A. "Damages" means "damages" as defined in Section 22.801.050.

B. "Director of the Department of Planning and Development" means the Director of the Department of Planning and Development or authorized representatives.

((~~B~~))C. "Director of Transportation" means the Director of the Seattle Department of Transportation or authorized representatives.

((~~C~~))D. "Driveway" means the portion of a public place that provides vehicular access to adjacent property through a depression in the constructed curb or, when there is no constructed curb, the area in front of the vehicular facility defined or designated by authorized signs or markings.

((~~D~~))E. "Food service business" means:

1. The following business or other entities that serve, vend, or provide food for human consumption, including but not limited to:

a. Food establishments permitted by the Seattle-King County Department of Public Health;

b. Restaurants, snack bars, cafeterias, taverns, bars;

c. Stores selling groceries, produce, meat/fish/poultry, baked or delicatessen goods;

d. Food services in schools and private higher education learning facilities; or

e. Institutions licensed by the Seattle-King County Department of Public Health, such as hospitals, prisons, state-licensed-higher-education facilities, and child-care facilities;

2. The following businesses or other entities are not food-service businesses:

a. Private homes where food is prepared by or served to household members, their tenants, or guests;

b. Wholesale food distributors or food-processing plants;

c. Food vehicles or vending carts; or

d. Establishments where the sales of nonpotentially-hazardous food are incidental to the business.

F. "Green stormwater infrastructure" means "green stormwater infrastructure" as defined in Section 22.801.080.

((~~E~~))G. "Hazardous tree" means any tree or tree part that poses a high risk of damage to persons or property located in the public place, as determined by the Director according to the tree risk evaluation standards established by the International Society of Arboriculture.

((~~F~~))H. "Heritage tree" means a tree, or group of trees, given special designation by the Heritage Tree Program, co-sponsored by Plant Amnesty and Seattle Department of Transportation. Heritage tree classifications shall be maintained in the Street Tree Manual.

I. "Impervious surface" means "impervious surface" as defined in Section 22.801.100.

((~~G~~))J. "Marquee" means an approximately horizontal, rigid, nonretractable, noncollapsible structure, projecting from and supported by a building.

((~~H~~))K. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

((~~I~~))L. "Mobile-food vending" means to sell, offer for sale, solicit orders, display, or otherwise peddle; food that is exempt from acquiring a food-establishment permit under Title 5 of the King County Board of Health; to the public from a public place; as authorized or prohibited in Section((~~s 15.17.010, or~~)) 15.17.130.

Section 3. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance 124166, is amended as follows:

15.02.046 Definitions N through Z

* * *

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

G. "Pervious surface" means "pervious surface" as defined in Section 22.801.170.

H. "Pruning, major" means removal of branches 2 inches in diameter or greater; removal of roots 2 inches in diameter or greater; or removal of branches constituting more than 15 percent of a tree's foliage-bearing area.

((~~H~~))I. "Public place" means public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned.

((~~I~~))J. "Publisher" means the owner or distributor of a newspaper or other publication distributed through a newsstand.

((~~J~~))K. "RCW" is an abbreviation for Revised Code of Washington.

L. "Runoff" means "runoff" as defined in Section 22.801.190.

((~~K~~))M. "Severe crown reduction" means the reduction of the overall size of the tree by altering the tree's natural structure by cutting back to lateral limbs less than 1/3 of the diameter of the limb that is cut.

((~~L~~))N. "Shoreline street ends" means the land portions of street segments that provide or could provide if improved, the public with visual or physical access to a body of water and its

shoreline that are listed on Exhibit A to Resolution 29370 that adopted policies guiding the development of public access improvements to shoreline street ends.

((~~M~~))O. "Sidewalk café" means a portion of the public place in which tables and chairs are placed for the use of patrons consuming food or beverages including alcoholic beverages that is operated by a food service business located on abutting property.

((~~N~~))P. "Sign" means any medium, including its structure and component parts that is used or intended to be used out of doors to attract attention to the subject matter for advertising, identification, or informative purposes.

((~~O~~))Q. "SMC" is an abbreviation for Seattle Municipal Code.

((~~P~~))R. "Street tree" means any tree planted or growing within a public place.

((~~Q~~))S. "Street Tree Inventory" means a database or list of trees growing in public places, that includes attributes such as species, size, tree condition, location, and maintenance responsibility, as maintained by the Director.

((~~R~~))T. "Street Tree Manual" means the Department of Transportation's Tree Standards Manual for planting, pruning, maintenance, and protection of trees in public places, as adopted by Director's Rule.

U. "Stormwater" means "stormwater" as defined in Section 22.801.200.

((~~S~~))V. "Superintendent" or "Superintendent of Parks and Recreation" means the City Superintendent of Parks and Recreation or authorized representatives.

((~~T~~))W. "Topping" means the severe and indiscriminate cutting back of limbs to stubs within the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are not sufficiently large enough

to assume the terminal role, or are less than ((½)) one-half of the diameter of the limb or branch that is cut.

((~~U~~))X. "Tree Service Provider" means any individual or business entity that engages in the business of pruning, removing, or otherwise treating trees for monetary or other compensation.

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

((~~W~~))Z. "Vending cart" means a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers.

Section 4. Section 15.04.010 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.010 Permit—Required

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

B. All activities in the public place shall implement stormwater best management practices in accordance with the Stormwater Code, Subtitle VIII of Title 22, and any related

Director's Rules. Failure to implement stormwater BMPs shall be a violation of Title 15 and subject to enforcement as described in Chapters 15.90 and 15.91.

Section 5. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.035 Approval; considerations

* * *

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

1. The paramount purpose of streets for travel and transportation;

2. Utilities; authorized secondary street uses; and any use being made by the public of the site;

3. Fire access and public safety;

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

5. ((~~[Reserved.]~~

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

((~~7~~))6. The environment, including but not limited to efforts to minimize impervious surface, loss of native vegetation, and stormwater runoff;

((~~8~~))7. Drainage, surface and underground; springs and watercourses; and the stability of soils; and

((~~9~~))8. Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

* * *

Section 6. Section 15.06.050 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.06.050 Curb setbacks

Curb setbacks may be allowed by the ((~~Director of Planning and Development after consulting with the~~)) Director of Transportation, or the Superintendent as to park drives or boulevards, on the basis of demonstrated need by the applicant upon the following terms and conditions:

A. Space for tree planting or green stormwater infrastructure shall be reserved, with a minimum of 11.5 feet from the new curb location to the property line, unless existing trees ((~~in the area supply the need~~)) or existing green stormwater infrastructure provide for the required green stormwater infrastructure.

B. Curb setbacks are not permitted on streets where parking is allowed in the existing curb lane.

C. Curb setbacks shall be able to provide for a minimum of a 12-foot driving lane and an 8-foot parking lane in the public place adjacent to the new curb location.

Section 7. Section 15.20.070 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.20.070 Public protection((~~.~~))

A. Any person who uses a public place or abutting property for cleaning or painting a structure, vehicle, or other equipment with or without a permit, is required to protect the general

public and the public place from injury or damage. The general public and public place includes, but is not limited to, people who may also be using the public place in the vicinity; vehicles that may be traveling or parked on the roadway; ((~~and~~)) adjoining properties; abutting green stormwater infrastructure and other municipal drainage outlets; and trees and other vegetation. Protective measures include, where applicable ((~~,~~)) : controls on spraying; placement of tarpaulin or other coverings to intercept spillage or droppings; ((~~and~~)) screening devices; and other best management practices.

B. During cleaning or painting operations, a suitable portion of the public place shall be closed to the general public; and barricades, warnings, or other traffic-control devices required by the authorizing official shall be placed in an approved manner. Hours of operation ((~~and/or~~)) or additional construction may be specified to protect the public from injury or damage.

Section 8. Section 15.22.060 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.22.060 Removal of earth and debris((~~,~~))

A. Earth taken from excavations and rubbish from buildings or abutting property shall not be stored in a public place, but shall be removed as rapidly as produced.

B. Materials that are dry and apt to produce dust when handled shall be kept sufficiently moist or covered to prevent the wind blowing them about. Building rubbish accumulating on upper floors and all rubbish, plaster, and other loose materials ((~~,~~)) ; produced while wrecking, altering, or repairing a building((~~, must~~)) or development site shall be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing the ((~~same~~)) debris. When likely to produce dust, the chutes must be provided with means of wetting waste to prevent the wind from blowing it about. Best management practices shall be used to prevent

contaminate, silt, dust, or other debris settlement in abutting public places, including green stormwater infrastructure and other municipal drainage outlets.

Section 9. Section 15.22.080 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.22.080 Repair of damage to public property((.))

Any damage done to the public place, including, but not limited to the sidewalk, pavement, sewers, drain inlets, catchbasins, green stormwater infrastructure, streets, trees, or any other public facility or asset shall be repaired as directed by the Director of Transportation as ((~~he or she~~)) the Director finds necessary((,)) and, if repaired by the Director, all costs and damages plus ((~~fifteen~~)) 15 percent (((~~15%~~))) to cover administrative expenses shall be charged against the permittee, owner, agent, or contractor; except that:

A. If the damage ((~~be~~)) occurs to a park drive or boulevard, the Superintendent of Parks and Recreation may make the repairs and charge the costs and damages plus ((~~fifteen~~)) 15 percent (((~~15%~~))) to cover administrative expenses to the permittee, owner, agent, or contractor;

B. If the authorizing official grants a permit to do so, the ((~~owner, agent or contractor may~~)) permittee shall restore and repair ((~~such damages~~)) the public place as required by, and under the inspection of, the authorizing official; and

C. Injury to City-owned street trees shall be remedied in the discretion of the authorizing official by compensation ((~~and/or~~)) or replacement so that the City is made whole.

D. If construction or demolition activities cause the City to undertake additional maintenance activities in the vicinity (((~~such as~~)), including but not limited to: street cleaning or sweeping; or clearing ((~~of its~~)) drain inlets, catchbasins, green stormwater infrastructure, or storm drains ((~~functioning~~)); or removing of other material from a public place ((~~,~~)) ; the

authorizing official may charge the responsible permittee, owner, agent, or contractor ((~~responsible therefor~~)) the cost of the ((~~added~~)) additional maintenance plus ((~~fifteen~~)) 15 percent (((~~15%~~))) to cover administrative expenses.

Section 10. Section 15.22.100 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.22.100 Permit to drive over sidewalk or curb((~~,~~))

Whenever construction vehicles or heavy equipment are to be moved across a public sidewalk or curb or a portion ((~~thereof~~)) of a public place not set aside as a driveway, including but not limited to pervious pavement and other green stormwater infrastructure or within the dripline of a street tree; the owner, agent, or contractor shall secure a permit to drive over the walk ((~~and/or~~)) or curb; and shall deposit cash, a surety bond, or both, or establish an escrow account as directed by the authorizing official.

Section 11. Section 15.32.160 of the Seattle Municipal Code, last amended by Ordinance 118751, is amended as follows:

15.32.160 Street restoration requirements((~~,~~))

A. Anyone issued a permit for construction or other activity under this((~~chapter~~)) Chapter 15.32 shall temporarily restore the street, alley, stormwater conveyance system, green stormwater infrastructure, or other public place in a manner approved by the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, within ((~~twenty-four (24)~~)) 24 hours after ((~~completion of~~)) completing the permitted work ((~~for which the permit was issued~~)). This requirement of a temporary restoration shall be waived if a permanent restoration is completed in a manner approved by the Director of Transportation as described in subsections 15.32.160.C, 15.32.160.D, and 15.32.160.E ((~~of this section~~)) within

((~~twenty-four (24)~~)) 24 hours after ((~~completion of~~)) completing the permitted work ((~~for which the permit was issued~~)).

B. All permanent repairs of a temporary restoration shall be completed within one (((~~1~~))) year after ((~~completion of~~)) completing the permitted work ((~~for which the permit was issued~~)). If the permittee fails to complete the permanent restoration within this time period and in a manner approved by the Director of Transportation as described in subsections 15.32.160.C, 15.32.160.D, and 15.32.160.E ((~~of this section~~)), the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, may restore the street, alley, or other public place and bill the permittee for the repair as ((~~set forth~~)) provided in Section 15.26.020. The permittee may, at the time the permit is issued, if the Director of Transportation agrees, contract with the Director of Transportation for ((~~completion of~~)) completing the permanent restoration.

C. Permanent restoration of a concrete street, alley, or other public place shall be completed in a manner approved by the Director of Transportation. Permanent restoration shall include, at a minimum, the following((~~:~~)) unless the Director of Transportation determines that the permittee can otherwise make an equivalent restoration of the street, alley, or other public place:

1. For any concrete surface ((~~fifteen (15)~~)) 15 years old or less or in excellent condition as determined by the Director of Transportation, entire replacement of any concrete panel affected by the construction or other activity ((~~is~~)) shall be required, except that in the case of a large concrete panel, the Director of Transportation may authorize the panel to be saw cut and require only the affected portion of the panel be replaced.

2. For any concrete surface where ((~~forty (40)~~)) 40 percent or more of a concrete panel is affected by the construction or other activity, entire replacement of any concrete panel ((~~so~~)) affected by the construction or other activity is required, except that in the case of a large concrete panel, the Director of Transportation may authorize the panel to be saw cut and require only the affected portion of the panel be replaced.

3. For any other concrete surface, restoration of the area of the panel affected is required.

D. Permanent restoration of an asphalt or asphalt overlay street, alley, or other public place shall be completed in a manner acceptable to the Director of Transportation. Permanent restoration shall include, at a minimum, the following((~~;~~)) unless the Director of Transportation determines that the permittee can otherwise make an equivalent restoration of the street, alley, or other public place:

1. For any asphalt surface three ((~~(3)~~)) years old or less, new asphalt for the length of the cut and width of all lanes affected by the construction or other activity is required.

2. For any asphalt surface where ((~~thirty (30)~~)) 30 percent or more of the width of any lane is affected by the construction or other activity, new asphalt for the length of the cut and width of all lanes affected is required.

3. For any other asphalt surface, new asphalt for the length and width of the affected area is required.

E. Other than concrete or asphalt, permanent restoration of approved paving surfaces or treatments on a street, alley, or other public place shall be completed in a manner acceptable to the Director of Transportation. In the case of any permeable paving surface or treatment, the permanent restoration shall include restoration of the stormwater drainage function.

F. Permittees shall be responsible for any necessary repair of a temporary restoration of a street, alley, or other public place until the permanent restoration is completed. Permittees shall be responsible for any necessary repair of a permanent restoration until the street, alley, or other public place has exceeded its useful life or has been repaved or reconstructed, unless the permittee contracted with the Director of Transportation for the permanent restoration. If the permittee who is responsible fails to complete any necessary repair of a failed temporary restoration within three ((~~(3)~~)) calendar days or a permanent restoration within ((~~thirty (~~))30((~~)~~)) calendar days of being notified to do so by the City, the Director of Transportation may complete the repair and bill the permittee for the costs of ((~~such~~)) the repair and restoration as ((~~set forth~~)) provided in Section 15.26.020.

((~~F~~)) G. In those cases where the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, has determined that the permittee has not restored the street, alley, stormwater conveyance system, green stormwater infrastructure, or other public place to its condition prior to the commencement of activity under the permit, the permittee shall pay to the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, a standard charge from a schedule adopted by ordinance reflecting the Director of Transportation's estimate of the loss in useful life of the street, alley, stormwater conveyance system, green stormwater infrastructure, or other public place as a result of the construction or other activity. ((~~Such~~)) The charge shall be based on the size of the area affected and the types of surface (concrete, asphalt, or other) and subgrade material of the street, alley, or other public place ((~~prior to the commencement of~~)) before starting the permitted activity ((~~under the permit~~)). This charge shall be paid regardless of whether the permanent street restoration is completed by the permittee or by the Director of Transportation. All funds

collected from this charge shall be deposited in the Transportation Fund, or as to park drives and boulevards, the Parks and Recreation Fund, and used only for pavement, stormwater conveyance, or green stormwater infrastructure replacement, repair, and maintenance, and ((~~not~~)) for ((~~any~~)) no other purpose.

Section 12. Section 15.22.110 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.22.110 Protection of sidewalk and pavement((~~,~~))

In using a public place or driving over walks and curbs, including but not limited to pervious pavement and other green stormwater infrastructure or within the dripline of a street tree, the ((~~contractor~~)) permittee shall keep ((~~such walk and pavement~~)) the public place ((~~reasonably~~), including but not limited to pervious pavement and other green stormwater infrastructure or within the dripline of a street tree; clean, properly protected ((~~during working hours~~)), and safe for public travel at all times; upon failure to do so the authorizing official may place ((~~such~~)) protective covering and ((~~cause such clean-up to be made, and the cost thereof plus fifteen percent (15%)~~)) restore the public place. The City may bill the costs and damages to the permittee plus 15 percent to cover administrative expenses ((~~shall be charged to the contractor~~)). Any charges ((~~so~~)) made by the City may be deducted from the ((~~contractor's deposits~~)) permittee's deposit on file or may be charged against ((~~his or her~~)) the bond.

Section 13. Section 15.36.010 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.36.010 Permits—Authority((~~,~~))

A. The Director of Transportation, or as to park drives and boulevards((~~,~~)) the Superintendent of Parks and Recreation, may grant permits ((~~to raise and/or lower safes,~~)) for

construction equipment, including but not limited to cranes, lifts, or booms; for purposes including but not limited to raising or lowering machinery or any other heavy articles ((~~into and from buildings and to occupy in so doing such~~)) over or on a portion of the public place ((~~as the authorizing official may deem~~)). The permittee shall ensure that the permitted activity minimizes soil compaction and protects the public place, including but not limited to pervious pavement, green stormwater infrastructure, and street trees; as necessary for and subject to ((~~such~~)) the conditions and regulations ((~~as may be~~)) prescribed for the safety and convenience of the public. Upon completing the permitted activity, the permittee shall restore the public place to the condition that existed prior to use occurring in the public place. The Director of Transportation, or as to park drives and boulevards the Superintendent of Parks and Recreation, may restrict heavy equipment on pervious surfaces and other non-paved public place areas.

B. Street trees shall not be removed to clear space or accommodate lifting heavy equipment unless the Director of Transportation, or as to park drives and boulevards the Superintendent of Parks and Recreation, determines that no other physically feasible option exists to accommodate the lifting of heavy equipment.

Section 14. Section 15.44.030 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.44.030 Permit—Security((~~.~~))

A. ((~~An applicant~~)) The permittee for ((~~the permit~~)) excavation and fill permits as required by Sections 15.44.003 or 15.44.020 shall post or cause ((~~the owner or contractor to post~~)) to be posted security with the City in an amount determined by the authorizing official to be sufficient to cover the following:

1. All charges and payments due under this ((~~title~~)) Title 15;

2. When it can be anticipated that ((~~an~~)) earth movement might occur, the ((~~reasonable~~)) costs of the following:

a. ((~~The cost of repair~~)) Repair and restoration of any adjacent public place, including but not limited to grading, resurfacing, and drainage((~~,~~)) facilities, including green stormwater infrastructure;

b. ((~~The cost of repair~~)) Repair and restoration of all sewers, storm drains, green stormwater infrastructure, water((~~,~~)) and power lines, and other utilities in the adjacent public place ((~~, and~~)) ;

c. Tree or landscape mitigation, including but not limited to the replacement, lost value, and damage due to excavation and restoration; and

d. ((~~The expense of safety~~)) Safety precautions and emergency measures to protect the public, ((~~street~~)) utilities, and any adjacent public place, including but not limited to the expense of placing signs, barricades, fences, and traffic detours; and

3. When soldier piles or other shoring ((~~will~~)) may be located in a public place, the ((~~reasonable~~)) cost of the extraction of the soldier piles and other materials ((~~which~~)) that are to be situated in a public place for shoring purposes and are to be removed.

B. Upon notice to the ((~~applicant~~)) permittee, the authorizing official may at any time increase or reduce the amount of the required security or waive the ((~~same~~)) amount as conditions warrant.

C. The ((~~party posting the security~~)) permittee may elect whether the security will be in the form of a cash indemnity deposit or a surety bond approved as to surety and form by the City Attorney, or a combination of a cash indemnity deposit and a surety bond.

Section 15. Section 15.46.020 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.46.020 Spilled loads((.))

The owner or operator of any vehicle ((~~which~~)), or abutting property owner that has spilled, dropped, dumped, or in any manner deposited, or caused to be deposited, any matter upon a public place shall ((~~cause the public place to be cleaned~~)) restore the public place, including but not limited to cleaning municipal stormwater facilities and green stormwater infrastructure, replacing trees and vegetation, and remediating any contaminated soil, trees, and groundwater when notified so to do by the Director of Transportation, or as to park drives and boulevards((.)) by the Superintendent of Parks and Recreation.

Section 16. Section 15.70.030 of the Seattle Municipal Code, last amended by Ordinance 121420, is amended as follows:

15.70.030 Notification to construct or reconstruct((~~—When~~)) when work to be done by Seattle Department of Transportation((.))

A. Whenever the City Council has adopted ((~~such~~)) a resolution requiring an owner to construct or reconstruct a sidewalk, ((~~it shall cause~~)) a notice ((~~to~~)) shall be served on the owner of the property directly abutting ((~~on such~~)) that portion of ((~~such street instructing said owner~~)) the public place that instructs the owner to construct or reconstruct ((~~a~~)) the portion of the sidewalk ((~~on such portion~~)) in accordance with plans and specifications ((~~which~~)) that shall be attached to ((~~such~~)) the notice. ((~~Such~~))

B. The notice shall be served by delivering it in person to the owner or leaving it at ((~~his~~)) the owner's home with a person of suitable age and discretion ((~~then~~)) that is a resident ((therein)) in the home, or with an agent of such owner, authorized to collect rentals on such

property, or, if the owner is a nonresident of the state, by mailing a copy to ((~~his~~)) the owner's last known address, or, if the owner is unknown or if ((~~his~~)) the owner's address is unknown, then by posting a copy in a conspicuous place on ((~~such~~)) the portion of ((~~said street~~)) the public place where such improvement is to be made. ((~~Such~~))

C. The notice shall specify:

1. ((a))A reasonable ((~~time within which such~~)) date by which construction or reconstruction shall be made((~~, and shall state that in case~~)) ;

2. If the owner fails to ((~~make the same within such time~~)) comply by the date provided in the notice, the City will proceed to make the ((~~same~~)) improvement through the Seattle Department of Transportation ((~~and at a~~)) ; and

3. A subsequent date((~~, to be definitely stated in the notice, said department will~~)) to the date in subsection 15.70.030.C.1 on which the Department of Transportation shall report to the City Council an assessment roll showing the lot or parcel of land directly abutting ((~~on such portion of such street so~~)) the improved public place, the cost of ((~~such~~)) the improvement, the name of the abutting property owner ((~~,~~)) if known, and that the City Council, on that subsequent date ((~~at the time stated in the notice~~)) or ((~~at the time or times~~)) on the date or dates to which the ((~~same~~)) City Council may ((~~be adjourned~~)) adjourn the matter, will hear any and all protests against the proposed assessment.

D. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct ((~~such~~)) the sidewalk, if the owner has failed to perform ((~~such~~)) the work, the City may ((~~proceed to~~)) perform the work and shall, within the time fixed in said notice, report to the City Council an assessment roll showing the lot or parcel of land directly abutting ((~~on such~~

~~portion of such street so~~)) the improved public place, the cost of ((~~such work~~)) the improvement ((~~,~~)) and, if known, the name of the owner((~~, if known~~)).

E. The City Council shall, at the time in ((~~such~~)) the notice ((~~designated~~)), or ((~~at an~~)) on the adjourned ((~~time or times~~)) date or dates, assess the cost of such improvement against the property and shall fix the ((~~time~~)) date and manner for payment thereof((~~, which~~)). The assessment shall become a lien upon the property and ((~~shall~~)) be collected in the manner provided by law for collection of local improvements assessments under Title 35 of the Revised Code of Washington.

F. If the property owner fails to complete the permanent restoration or improvement within the time period and in a manner approved by the Director of Transportation as described in this Section 15.70.030, the Director of Transportation, or as to park drives and boulevards the Superintendent of Parks and Recreation, may restore or improve the street, alley, or other public place and bill the property owner for the restoration or improvement as provided in Section 15.26.020. The property owner may, when the notice is issued, and if the Director of Transportation agrees, contract with the Director of Transportation to complete permanent restoration or improvement.

Section 17. Section 15.72.010 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.72.010 Notice to clear or clean sidewalk((~~,~~))

A. Whenever, in the judgment of the Director of Transportation, the condition of any sidewalk, or any portion thereof, in the City is such as to render the same unfit or unsafe for purposes of public travel, or require clearing, cleaning, repair or renewal, said official is authorized, empowered and directed to serve upon the owner of the property immediately

abutting upon the sidewalk, a notice advising such owner of the condition thereof and instructing ((~~him/her~~)) the owner to clear, clean, repair, or renew the same.

B. The property owner may, when the notice is issued, and if the Director of Transportation agrees, contract with the Director of Transportation to complete the permanent restoration or improvement. The Director of Transportation shall bill the property owner for the repair as provided in Section 15.26.020.

Section 18. Subsection 15.91.016.B of the Seattle Municipal Code, which section was last amended by Ordinance 124598, is amended as follows:

15.91.016 Penalties

* * *

B. Second and ((~~Subsequent Violations.~~)) subsequent violations

1. No Street Use permit obtained. If, within a five-year period after a first violation has been determined to exist, a person or entity is subsequently cited for violating subsection 15.91.002.A.1, except Street Use vending permits identified in subsection 15.91.016.B.3.a, for not obtaining a Street Use permit((~~; within a five-year period after a first violation has been determined to exist~~)), the person or entity shall be subject to a penalty of $1,000 for that violation and each subsequent violation.

2. Violations of Title 15 or Street Use permit. If, within a five-year period after a person's or entity's first violation of subsections 15.91.002.A.2 through 15.91.002.A.25 has been determined to exist, ((~~Any subsequent time that~~)) a person or entity is subsequently cited for violating ((~~found to have violated the provisions in~~)) subsections 15.91.002.A.2 through 15.91.002.A.25, except Street Use vending permits identified in subsection 15.91.016.B.3.b ((~~; or violated a condition of their Street Use permit; within a five-year period after a first violation of~~

~~subsections 15.91.002.A.2 through 15.91.002.A.23 has been determined to exist~~)),the person or entity shall be subject to a penalty of $500 for that violation and each subsequent violation.

* * *

Section 19. If any section or subsection of the Seattle Municipal Code affected by this ordinance is amended by another ordinance without reference to amendments made by this ordinance, each ordinance shall be given effect to the extent that the amendments do not conflict in purpose, and the code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

Section 20. This ordinance shall take effect on January 1, 2016.

Passed by the City Council the 7th day of December, 2015, and signed by me in open session in authentication of its passage this 7th day of December, 2015.

President _____ of the City Council

Approved by me this 17th day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

331978 No.

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:124944-955 TITLE ONLY

was published on

01/04/16

The amount of the fee charged for the foregoing publication is the sum of $207.35 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
6-24-19
STATE OF WASHINGTON

Subscribed and sworn to before me on

01/04/2016

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 7, 2015, 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 124955

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with Kitsap County to acquire Light Detection and Ranging data; and ratifying and confirming certain prior acts.

Ordinance 124954

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124953

AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124952

AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Ordinance 124951

AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references, clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.060, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

Ordinance 124950

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124949

AN ORDINANCE relating to the City's criminal code; amending Sections 6.36.020, 12A.06.120, 12A.06.180, 12A.06.195, 12A.14.080, 12A.16.030, 12A.20.100, 12A.24.010, 12A.24.150, 18.12.255, and 18.12.257 of the Seattle Municipal Code and adding Sections 12A.10.160, 12A.10.220, and 12A.24.105 to the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124948

AN ORDINANCE relating to affordable housing; authorizing the Director of the Office of Housing to enter into and administer an Interlocal Cooperation Agreement with King County, Pierce County, Snohomish County, and the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, and Woodinville to create and operate a Regional Equitable Development Initiative Fund (REDI Fund) for the Puget Sound Region; and providing that 2015 appropriations for the REDI Fund shall automatically carry forward into the 2016 fiscal year.

Ordinance 124947

AN ORDINANCE relating to land use and zoning, amending Section 23.47A.004 of the Seattle Municipal Code to allow for the expansion of up to 20,000 square feet of existing medical services uses in Neighborhood Commercial 1 zones.

Ordinance 124946

AN ORDINANCE relating to the Seattle Streetcar; amending Ordinance 122424 to revise reporting requirements of operating streetcar lines.

Ordinance 124945

AN ORDINANCE relating to the Construction and Land Use Fund; adding a new Section 22.202.070 to the Seattle Municipal Code.

Ordinance 124944

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

Date of publication in the Seattle Daily Journal of Commerce, January 4, 2016.

1/4(331978)