
Council Bill Number: 111465

Ordinance Number: 118396

AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department; and the customer service call center and construction engineering functions of the City Light Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Water Department.

Status: Passed

Note: Typographical errors in ordinance title are corrected by text in square brackets.

Vote: 7-1

Date filed with the City Clerk: 1996/11/26

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Committee: Budget

Sponsor: CHOE

Committee Recommendation: Pass

Index Terms: SEATTLE-PUBLIC-UTILITIES, WATER-DEPARTMENT, SOLID-WASTE-UTILITY, DRAINAGE-AND-WASTEWATER-UTILITY, ENGINEERING-DEPARTMENT, GOVERNMENTAL-REORGANIZATION, CITY-LIGHT

Electronic Copy: [PDF scan of Ordinance No. 118396](#)

Reference: Amending: Ord 72630, 118314, 48022, 116464, 117002, 117169, 3302, 80818, 109081, 116463, 109763, 114225, 116466, 112373, 113826, 98820, 116694, 110250, 116926, 89715, 116467

Text:

AN ORDINANCE creating a new agency, Seattle Public Utilities, by combining the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Water Department.

WHEREAS, the City has undertaken a comprehensive review and reorganization of its utility and transportation functions to take effect in the 1997-1998 biennium; and

WHEREAS, as a result of that review, it has been determined that the functions of the Water Department, the sewer, drainage, solid waste, and engineering service functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department would be better served by being consolidated in a new agency, the Seattle Public Utilities, Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

I. ABOLITION OF THE WATER DEPARTMENT AND TRANSFER OF FUNCTIONS

Section 1. Abolition of the Water Department and Transfer of Powers, Duties and Resources Related to Water Supply. Effective January 1, 1997, the Water Department is abolished. From and after that date all functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets and liabilities of the Water Department shall be transferred to the newly created Seattle Public Utilities. The Director of Seattle Public Utilities is hereby authorized to perform all responsibilities, duties and obligations and exercise all powers related to water supply functions heretofore belonging to the Superintendent of Water.

Section 2. Creation of Seattle Public Utilities. Effective January 1, 1997, there is created the Seattle Public Utilities based on the functions of the Water Department with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department.

Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations, notices and proceedings in effect with respect to the water supply functions of the former Water Department and with respect to the sewer, drainage, and solid waste functions of the former Engineering Department shall continue in effect unless and until they expire of their own terms or are superseded by order of the Director of Seattle Public Utilities or by ordinance.

Section 4. Continuation of Separate Funds. The Seattle Public Utilities shall continue to maintain the Water Fund, the Drainage and Wastewater Fund the Solid Waste Fund and the Engineering Services Fund as separate funds and allocate expenditures and receipts to each of these funds respectively according to the nature of the functions performed.

II. AMENDMENTS TO CODE SECTIONS

A. PURPOSE

Section 5. Purpose of Code Section Amendments. The purpose of amending the following array of Seattle Municipal Code sections is to accomplish the transfer of functions of the Water Department together with the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department, and the customer service call center and construction engineering functions of the City Light Department into a new agency, the Seattle Public Utilities, in addition to the transfer of functions by the general provisions of this ordinance. In doing so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In such cases, therefore, any remaining references to the Water Department or the Superintendent of Water shall be interpreted to be references to the newly created Seattle Public Utilities and the Director of Seattle Public Utilities. Any remaining references to the solid waste, drainage and wastewater, engineering services, and related executive management functions of the Engineering Department or to the Director of Engineering in that regard shall likewise be interpreted to be references to the newly created Seattle Public Utilities and the Director of Seattle Public Utilities.

B. AMENDMENTS

Section 6. SMC Chapter 3.32 is hereby amended as follows:

~~WATER DEPARTMENT~~ SEATTLE PUBLIC UTILITIES

Sections:

3.32.010 ~~Department created—Superintendent~~ Seattle Public Utilities -- Director.

3.32.020 Adoption of rules.

3.32.030 ~~Superintendent's~~ Director's duties.

~~3.32.040 Transfer from Charter authorization:~~

3.32.10 ~~Department created-Superintendent~~ Seattle Public Utilities

-- Director.

A. There shall be a ~~Water Department~~ the Seattle Public Utilities consisting of the municipal water system, the solid waste, drainage and wastewater, engineering services, and related executive management functions, and the customer service call center and construction engineering functions formerly within the City Light Department, the head of which shall be the ~~Superintendent of Water~~ Director of Seattle Public Utilities.

B. The ~~Superintendent of Water~~ Director of Seattle Public Utilities shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall serve for a four (4) year term ; ~~provided, that the Superintendent of Water serving on December 31, 1978, shall serve as such until a new Superintendent is appointed pursuant to the terms of this chapter.~~

3.32.020 Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228), the ~~Superintendent of Water~~ Director of Seattle Public Utilities may adopt whatever rule he or she deems useful for the conduct of ~~the Department's~~ Seattle Public Utilities business.

3.32.030 ~~Superintendent's~~ Director's duties.

Under the direction of the Mayor, the functions of the ~~Superintendent of Water~~ Director of Seattle Public Utilities include:

A. Operating, maintaining, managing and controlling the municipal water system and related facilities;

B. Managing, controlling, operating and maintaining the municipal sewerage utility system;

C. Managing, controlling, operating and maintaining the municipal solid waste utility and resource recovery programs and projects;

D. Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of City activities and contracts affecting drainage and the City's rights and duties with respect to stream flows and riparian rights within the City;

E. Managing controlling and operating a central customer service call center for the City's utility operations;

~~B~~ E. Enforcing and implementing City ordinances, contracts and rules which relate to the ~~Water Department~~ Seattle Public Utilities;

~~C~~ G . Appointing, supervising and controlling officers and employees of the ~~Water Department~~ Seattle Public Utilities, subject to personnel ordinances and rules of the City;

~~D~~ H . Making surveys, maps, profiles, plans, specifications, estimates and reports in connection with the ~~Water Department~~ Seattle Public Utilities;

E I. Laying out, directing, constructing and supervising all public works of the ~~Water Department~~ Seattle Public Utilities, and providing engineering and construction engineering services to other City departments as requested by those departments;

J. Performing other duties as assigned by the City.

~~3.32.040 Transfer from Charter authorization:~~

~~A. The Water Department heretofore established by Charter Article VII shall become the Water Department established pursuant to the provisions of this chapter. All of the records, books, papers, properties, equipment, offices, rights and responsibilities of the Department heretofore created by Charter are transferred to the department established by this chapter.~~

~~B. The appointment of each and every employee of the Water Department heretofore established by Charter is ratified and confined as an appointment to the Water Department established pursuant to the provisions of this chapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time, sick leave, compensation time, or any other benefit, on account of this transfer from a department created by Charter to a department created by this chapter.~~

Section 7. SMC 3.121.010 is hereby amended as follows:

Charges for dishonored checks to City utilities and Municipal Court.

The Superintendent of ~~Water and City Light~~ and the Director of ~~Engineering, as director of the solid waste, sewer, and drainage utilities,~~ Seattle Public Utilities are authorized to set, charge and collect a fee from any person making or presenting a check, which is later dishonored, for a payment to the City for the credit of their respective utilities. The Presiding Judges of the Municipal Court are authorized to set, charge and collect a similar fee for payments to the City for the credit of the Municipal Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City, costs to the City in making collection, and other City expenses caused by its return without payment.

Section 8. SMC 5.78.080 is hereby amended as follows:

~~Expenditures-Water Department~~ Seattle Public Utilities.

The ~~Superintendent of Water~~ Director of Seattle Public Utilities is authorized to direct expenditures for the donations made to the ~~Water Department~~ Seattle Public Utilities programs in the City's Gift Catalogue as designated by the donor; and the City Finance Director is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the ~~Superintendent~~ Director of Seattle Public Utilities as to payee and purpose.

Section 9. SMC Chapter 10.06 is hereby amended as follows:

EMERGENCY CONTROL OF DRAINAGE PROBLEMS, EARTH SLIDES

AND MUD FLOWS

Sections:

10.06.010 Owner request for assistance-Authority of Director of

~~Engineering~~ Seattle Public Utilities.

10.06.010 Owner request for assistance-Authority of Director of

~~Engineering~~ Seattle Public Utilities.

For the emergency control of drainage problems, earth slides and mud flows occurring or threatening to occur on private property, the Director of ~~Engineering~~ Seattle Public Utilities is authorized upon the request of the owner or occupant of any such property to render necessary emergency assistance for such period of time as will enable such owner or occupant to arrange with private agencies to carry on the work, and for such purpose the Director of ~~Engineering~~ Seattle Public Utilities is authorized to enter into agreements with any such owner or occupant providing for reimbursement of the City's cost of performing such emergency assistance, and is further authorized to collect such costs.

Section 10. SMC Chapter 10.22 is hereby amended as follows:

FLUORIDATION OF WATER SUPPLY

Sections:

10.22.010 Addition-Administration.

10.22.010 Addition-Administration.

A source of fluoridation approved by the Washington State Department of Social and Health Services be added to the Seattle water supply under the rules and regulations of the Washington State Department of Social and Health Services, such addition to be administered by the ~~Superintendent of Water~~ Director of Seattle Public Utilities under the direction of the Director of ~~Public Health of Seattle~~ the Seattle-King County Department of Public Health.

Section 11. SMC Chapter 10.46 is hereby amended as follows:

SEPTIC TANKS, CESSPOOLS AND GREASE TRAPS

Sections:

10.46.010 Permit for disposal required.

10.46.020 Authority to make rules and regulations.

10.46.030 Violation-Penalty.

10.46.010 Permit for disposal required.

It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools, grease traps and seepage pits within the City without a proper permit issued by the ~~City~~ Director of ~~Engineering~~ Seattle Public Utilities authorizing the disposal of such cleanings at points to be specified by the ~~City~~ Director of ~~Engineering~~ Seattle Public Utilities. The fee for such permit, which shall be issued only to the holder of a proper registration and inspection certificate to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the Seattle-King County Health Department pursuant to law for carrying on such business, shall be Thirty Dollars (\$30.00) per month, payable in advance on the first day of each and every month to defray the costs of supervision of such waste disposal and in addition such permit holder shall deposit with the City Finance Director in the Guaranty Deposit Fund the sum of One Hundred Fifty Dollars (\$150.00) to guarantee compliance with the terms of Section 10.48.020.

10.46.020 Authority to make rules and regulations.

The ~~City Engineer~~ Director of Seattle Public Utilities is authorized to promulgate rules and regulations governing the issuance of such permits, the dumping of such cleanings under the terms of this chapter, fixing the locations and times at which dumping of such cleanings shall be made.

10.46.030 Violation-Penalty.

Any violation of or failure to comply with any of the provisions of this chapter or of the rules and regulations referred to in Section 10.46.020 shall subject the offender on conviction thereof to a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for a term not exceeding ninety (90) days or by both such fine and imprisonment and each day on which violation or failure to comply occurs shall constitute a separate offense.

Section 12. SMC 10.76.040 is hereby amended as follows:

Hazardous Waste Management Committee.

The Seattle/King County Hazardous Waste Management Coordination Committee is hereby established. The Committee shall be composed of five (5) members:

- A. The Director of the King County Public Works Department or his/her designee;
- B. The Director of ~~The City of Seattle Engineering Department~~ Public Utilities or his/her designee;
- C. A representative appointed by the Suburban Cities Association;
- D. The Director of Metro or his/her designee; and
- E. The Director of the Seattle-King County Health Department or his/her designee.

Section 13. SMC 10.76.060 is hereby amended as follows:

Fees.

The following fees, which shall be remitted to the Department on a quarterly basis, are established to provide funds for the implementation of the Local Hazardous Waste Management Plan:

- A. The City of Seattle, ~~Solid Waste Utility~~ Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount of One Million, One Hundred Two Thousand Two Hundred Fifty-nine Dollars (\$1,102,259.00) in 1994. Effective January 1, 1995, the City of Seattle, ~~Solid Waste Utility~~ Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount equivalent to Sixty Cents (\$0.60) per month for each residential customer.
- B. The City of Seattle, ~~Solid Waste Utility~~ Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each self hauler load of solid waste brought to a transfer station operated by the City.
- C. Each privately owned transfer station or landfill located within the City shall pay to the Department an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each load of solid waste brought to such transfer station or landfill.

Section 14. SMC 15.46.040 is hereby amended as follows:

Owner's and contractor's responsibility.

The owner or lessee of the property who contracts for construction, an excavation or fill, or a demolition, and any general contractor responsible for the work, are responsible for preventing dumping, spillage, washing or overflow, tracking, or windblow of materials from or for the premises onto an adjoining public place. This responsibility includes activities of subcontractors and transportation of materials to or from the premises. The responsibility is joint and

several.

If a dumping, spillage, washing or overflow, tracking or windblow of materials should occur, the owner and/or contractor shall promptly cause the same to be removed and the public place cleaned. If the material should flow or be washed into City storm drains, the Director of ~~Engineering~~ Seattle Public Utilities shall be notified. If the owner or contractor should fail to remove the material and restore the public place, the owner and/or the contractor shall be liable to the City for the costs thereof together with a charge equal to fifteen percent (15%) of the City's cost to cover administrative expenses.

Section 15. SMC 20.16.070 is hereby amended as follows:

SMC 20.16.070 Substitution or enlarging of mains-Costs.

Whenever, in the prosecution of any of the improvements contemplated in this chapter, it is determined by the ~~Water Department~~ Seattle Public Utilities to substitute or enlarge the mains passing through the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing mains, shall be borne by the Water Fund.

Section 16. SMC 21.04.010 is hereby amended as follows:

Definitions-Number and gender.

The word "~~Superintendent~~" "Director" wherever used in this chapter, means the ~~Superintendent of Water of the City~~ Director of Seattle Public Utilities, and any act in this chapter required or authorized to be done by the ~~Superintendent~~ Director, may be done on behalf of the ~~Superintendent~~ Director by an authorized officer or employee of the ~~Water Department~~ Seattle Public Utilities. The word "person" wherever used in this chapter means and includes natural persons of either sex, associations, copartnerships and corporations whether acting by themselves or by a servant, agent or employee; the singular number includes the plural and the masculine pronoun includes the feminine.

Section 17. SMC 21.04.020 is hereby amended as follows:

Connection to water supply system-Application.

Any person desiring to have premises connected with the water supply system of the City shall present at the office of the ~~Water Department~~ Seattle Public Utilities a copy of a building permit or a regular certified copy from the Director of Construction and Land Use, containing his or her name, description of the lot, block and addition and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired, and shall specify the size of service pipe required and shall state fully the purposes for which water is to be used, and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be filed in the office of the ~~Superintendent~~ Director, and at the time of filing such application the applicant shall pay to the City Finance Director and make his or her receipt therefor, the fees for installation of water service provided in this chapter.

Section 18. SMC 21.04.050 is hereby amended as follows:

Connection-City responsibility.

Upon the presentation at the office of the ~~Superintendent~~ Director of the Finance Director's receipt for the installation fees and the execution of the contract provided for in Section 21.04.030, the ~~Superintendent~~ Director shall cause the premises described in the application, if the same abut upon a street in which there is a City water main, to be connected with the City's water main by a service pipe extending at right angles from the main to the property line, except as provided in Sections 21.04.060, 21.04.070 and 21.04.080 The City connection, which shall include a union placed at the end of pipe, and a stopcock placed within the curblin, shall be maintained by and kept within the exclusive control of the City.

Section 19. SMC 21.04.060 is hereby amended as follows:

Connection-Where permanent structure erected-Premises not abutting street with water main-Limitations.

- A. Whenever it has been ascertained that a retaining wall, ornamental wall or landscape rockery or any other form of permanent structure is to be, or has been, erected upon any portion of a City street or public place in which a water service connection has been installed, the ~~Superintendent~~ Director may cause the relocation or readjustment of such water service connection or any portion thereof. The cost of such relocation or readjustment shall be charged against the property at which the erection of the permanent structure, as herein above referred to, is to be or has been done, and to the owner thereof. In no case shall the City be required to maintain or repair any portion of the service connection between the union and property line.
- B. In case of application for water service to supply premises not abutting upon a street in which there is a standard City water main, the ~~Superintendent~~ Director will require construction of a standard water main abutting the property before a connection is made, provided, that under certain conditions, a temporary connection may be provided for the property, or a service to the property of the applicant may be placed along and beneath any public street or avenue. The ~~Superintendent~~ Director, pursuant to the Administrative Code (Chapter 3.02), shall establish criteria and procedures for making the aforementioned exceptions.
- C. Where water main construction is required and the applicant and/or other property owners jointly wish to construct the required water mains and appurtenances, the ~~Superintendent~~ Director is authorized to enter into a water main addition or extension agreement as set forth in the application and agreement forms attached as Exhibit "A" to Ordinance 658771 or such revised forms as approved by the City Attorney and adopted by Rule.
- D. The ~~Superintendent~~ Director may limit the size and number of service connections which may be allowed for any separate property. No service connection will be allowed from the City mains to any property supplied by water from any other source unless special permission is given by the ~~Superintendent~~ Director, which special permission may be terminated at any time, if in the judgment of the ~~Superintendent~~ Director the public interest would be best served.

Section 20. SMC 21.04.070 is hereby amended as follows:

Cross-connections.

- A. Cross-connections, as defined in Section 248-54 of the Washington Administrative Code (1991), or as may be amended, shall be eliminated or controlled in accordance with the administrative rules of the ~~Water Department~~ Seattle Public Utilities and any applicable rules of the State of Washington Department of Health or any other applicable City, State, or federal laws.
- B. As a term and condition of all water service, the ~~Superintendent of Water~~ Director of Seattle Public Utilities or his/her duly authorized representatives shall have a right to access at all reasonable times to all parts of the buildings or premises supplied by water from the City for the purpose of ascertaining the need to eliminate or control cross-connections.
- C. The Seattle ~~Water Department~~ Public Utilities shall deny or discontinue water service to any customer failing to cooperate in the elimination of cross-connections or the control of cross-connections through the installation, maintenance, testing or inspection of backflow prevention assemblies required by the Seattle ~~Water Department~~ Public Utilities.
- D. When in the discretion of the ~~Superintendent of Water~~ Director of Seattle Public Utilities appropriate circumstances so warrant, the ~~Superintendent~~ Director may charge the account of any customer who violates any applicable rules and regulations concerning cross-connections for all costs, including service calls, and any damages incurred by the ~~Water Department~~ Seattle Public Utilities in relation to such violation.

Section 21. SMC 21.04.080 is hereby amended as follows:

Separate service connections for each house-Exceptions.

Where there is a water main in front of any premises, the owner of each house supplied by City water must install his own separate service connection with the City main, and the premises so supplied will not be allowed to supply water to any other premises, except temporarily where there are no mains in the street, provided that such restrictions shall not apply to services already installed unless in the judgment of the ~~Superintendent~~ Director it is found necessary to enforce such provisions as to connections already made. Provided, further, where two (2) or more buildings are supplied by one metered service, not less than the minimum rate for premises supplied by meters, hereinafter provided for, shall be assessed for each separate building or premises so supplied.

Section 22. SMC 21.04.090 is hereby amended as follows:

Connection-Pipe materials and covering-Sprinkler systems.

A. Anyone connecting to City water service pipes or laying their own private pipe, shall use only standard galvanized wrought iron, galvanized steel, or copper pipe up to and including two inches (2") in size, and all pipes shall be laid with not less than two feet (2') of earth cover over the top of such pipe, exclusive of any pavement or other improvement laid on the earth cover, except as hereinafter provided. The ~~Superintendent~~ Director will maintain private services from City mains in streets which are being graded and will have such access on private property as shall be necessary to maintain such pipes during the work, and shall as soon as practicable upon the completion of such work, re-lay the pipes in street. Except for above cause, owners shall maintain their private pipes from the end of the City service to and into their property, or in case the ~~Superintendent~~ Director finds it necessary to maintain same the owner shall relinquish all right in the pipes. When necessary the ~~Superintendent~~ Director may slope service in on property to conform to the slope occasioned by the grading of street and charge expense to owner of service.

B. Whenever pipes connecting with a City service connection are to be used as part of a lawn and shrubbery sprinkling system exclusively such pipes may, at the option of the property owner, be laid with less than two feet (2') of earth cover. The property owner shall be required to install a control valve on each branch pipe which may lead from regular domestic supply pipes to the lawn and shrubbery sprinkling system.

C. Such lawn sprinkler systems may be constructed of nonmetallic material beyond an approved vacuum-breaker located on the discharge side of the last control valve; subject, however, to all provisions of the Plumbing Code (Ordinance No. 80242).

D. Sprinkling systems of this nature shall be constructed in such manner that all pipes and fittings connected therewith can be thoroughly drained when their seasonable use has been discontinued.

Section 23. SMC 21.04.100 is hereby amended as follows:

Connection-Minimum size-Fees and charges.

A. No service connection less than three-fourths inch (3/4") in size shall be installed.

B. The fees for the installation of water service as herein before provided shall be the actual cost of labor and material plus overhead charges to be determined by the ~~Superintendent of Water~~ Director of Seattle Public Utilities in laying such a service and replacing the pavement.

C. The ~~Superintendent of Water~~ Director of Seattle Public Utilities may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service. Such standard charges shall be subject to annual review.

Section 24. SMC 21.04.110 is hereby amended as follows:

Special tap charge-Imposed-Agreement and payment.

A. In addition to water service connection fees and charges required by ordinance, the owners of properties, which have not been assessed or charged or borne an equitable share of the cost of the City's water distribution and hydrant system, shall pay, prior to connection to a City water main or at the time of transfer of an existing metered water service connection to a standard main designed to serve the property, a special tap charge in an amount to be computed under Section 21.04.120; provided, that the special tap charge shall not apply to property which is so located that it would not have been assessed for the construction of the water main had a local improvement district been formed for such purposes. All properties with connections to a substandard water main which is replaced by a standard water main shall be transferred to the replacement water main, unless the ~~Superintendent~~ Director determines that such transfer is impractical and uneconomical.

The collection of the special tap charge to serve a residence may be deferred at the request of a person responsible for its payment who is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be connected to the City system. Interest on deferred charges shall be computed at the same rate as provided in Section 21.04.110 B as if payment were being made in a timely manner under an installment contract. A request for deferral must be made thirty (30) days prior to the levy of the special tap charge. All charges, including interest so deferred, shall become due and payable in full at the time of sale or transfer of the property or if there is a change to a higher use than single family.

B. The special tap charge shall be paid in cash or under installment contract with interest computed on unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue unless such charges are deferred pursuant to 21.04.110 A. Such contract shall provide for a down payment of one-fortieth (1/40) of the total special tap charge, payable upon execution of such contract and for payment of the balance in equal installments payable at specified intervals throughout the term of the contract, in addition to interest as provided in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall describe the property served by water, shall be recorded by the ~~Superintendent of Water~~ Director of Seattle Public Utilities in the office of the County Auditor at the expense of the property owner. Such contract shall include a provision that in the event of default the ~~Superintendent of Water~~ Director of Seattle Public Utilities may disconnect the City's water service from and refuse to supply water to the premises in default until the same is paid. Upon full payment of the contract, the ~~Superintendent of Water~~ Director of Seattle Public Utilities on behalf of the City shall execute and deliver to the property owner a release of such lien.

Section 25. SMC 21.04.120 is hereby amended as follows:

Special tap charge-Computation and payment.

A. The special tap charge imposed by Section 21.04.110 hereof shall be paid into the water fund and shall be computed as follows:~~The number of units of property frontage determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage," shall be multiplied by the average local improvement assessment per unit of frontage for such facilities in Seattle for the year in which the water main to which the property is to be connected was constructed and accepted as completed, as set forth in C.F. 257032.

B. The ~~Superintendent of Water~~ Director of Seattle Public Utilities is authorized and directed to annually compute and establish the average local improvement assessment paid by property owners for water mains and hydrants completed and accepted by the City during the previous calendar year. If no water main and hydrant local improvement districts are completed and accepted or those completed and accepted are not representative of the average current costs of construction, the ~~Superintendent of Water~~ Director of Seattle Public Utilities is hereby authorized to compute and establish an average water main and hydrant construction cost per assessable unit of frontage, using all water main and hydrant projects completed during the previous calendar year.

This average assessment or average cost shall be used in computing the special tap charge imposed in Section 21.04.110 as to water main and hydrant improvements completed in each year. A copy of such computation shall be delivered to the City Clerk not later than April 30th of each such year to be filed by him or her in C.F. 257032.

C. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120 A and B shall be decreased for those properties with existing metered water service connections installed prior to December 31, 1984 and connected to abutting and certain non- abutting substandard water mains which are being replaced with mains of standard size, material and related appurtenances in accordance with standards and replacement criteria established by the ~~Superintendent~~ Director pursuant to the Administrative Code (Chapter 3.02). Such decrease may also be applied to the special tap charges imposed upon properties connected to non-abutting substandard mains if the ~~Superintendent~~ Director determines that there will be no future abutting water mains.

D. Properties eligible for a decreased special tap charge under Section 21.04.120 C shall be charged a percentage of the full special tap charge, based upon the sizes of the existing substandard main and the new standard main, according to the following schedule.

Existing Substandard Main Size Percent of Special Tap

Charge to be Charged

for Replacement New

Mains

8 inches 12 inches

or smaller or larger

new main new main

size size

2 inches and smaller, without 35% 70%

hydrants

3 inches through 6 inches, without 15% 50%

hydrants

8 inches, without hydrants 0% 40%

4 inches through 8 inches, with 0% 40%

hydrants

Greater than 8 inches 0% 0%

1. The percentages in the above schedule are based upon estimates of the differential between the cost of replacing the existing substandard water mains and appurtenances with facilities of the same original size and the cost of replacing them with the larger standard size facilities. The ~~Superintendent~~ Director pursuant to the Administrative Code (Chapter 3.02) may change the above percentages. A copy of such changes shall be delivered to the City Clerk and filed by him or her in C.F. 257035.

2. Properties eligible for and charged the decreased special tap charge under Section 21.04.120 C and D are subject to the payment requirements authorized in Section 21.04.110 B.

E. The special tap charge imposed by Section 21.04.110 and computed under Section 21.04.120 may be decreased by the amount of a service line credit. Eligibility for such a credit is limited to properties which do not abut a public street, and where an abutting water main will not be required, and where there has been no reduction in the special tap charge according to the previous subsection or in certain other cases in accordance with criteria established by the ~~Superintendent~~ Director pursuant to the Administrative Code (Chapter 3.02). Service line credits shall be computed by multiplying the lineal foot distance from the street margin to the property line abutting the access route times the service line credit rate established for the year the water main was constructed, as set forth in Exhibit "B" attached to and by reference made part of the ordinance codified in this chapter. For water mains constructed after 1984, the ~~Superintendent of Water~~ Director of Seattle Public Utilities shall compute the service line credit based upon estimates of changes in costs of labor and materials and shall deliver a copy of such computation to the City Clerk not later than April 30th of each year to be filed by him or her in C.F.257032.

Section 26. SMC 21.04.160 is hereby amended as follows:

Stop and waste cocks-Inspection of water pipes.

A. Before water will be turned on to any premises connected with the City's mains, the service pipes upon such premises must be made to conform to the following regulations: The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop and waste cocks of the best standard make, approved by the ~~Superintendent~~ Director, with extension handle, properly protected from the frost, and so placed within the premises that all service pipes and fixtures may be thoroughly drained during freezing weather. Where sags or depressions occur in the pipe and this stop and waste cock is not sufficient to fully drain all the pipes and fixtures within the premises, additional stop and waste cocks, with extension handles, or other approved vents must be so placed as to fully drain them. In cases where no fixtures are placed between the property line and the basement the stop and waste cock may be placed in the basement, provided the basement is not less than six feet (6') in height and is provided with stairways or other means of access thereto; provided further, that where basements are enclosed in wooden walls the stop and waste cock shall be placed at least twelve inches (12") below the surface of the ground, and shall be provided with an extension handle. Stop and waste cocks on premises fronting on ungraded streets shall be placed at least six feet (6') inside of property line of the premises. The connection between the City's pipes at the property line and the service pipes on the premises must be made with a union. Every existing service or branch service not already equipped as required in this section must be so equipped at the owner's expense as soon as the defect is noted.

B. All water pipes which shall hereafter be laid, relaid or repaired on any private premises or in any street or public place within the City, shall be subject to inspection by the ~~Superintendent~~ Director, before such water pipes are covered.

Section 27. SMC 21.04.170 is hereby amended as follows:

Request to turn on water.

Whenever the owner of any premises connected with the City's water supply system shall desire to use the water he shall notify the ~~Superintendent~~ Director and request that the water be turned on to the premises. The owner shall leave his portion of the service exposed in the trench until the water is turned on by the ~~Superintendent~~ Director, when he shall immediately properly cover the pipe.

Section 28. SMC 21.04.180 is hereby amended as follows:

21.04.180 Supplying water to additional premises-Application.

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises unless he shall first make application in writing so to do at the office of the ~~Superintendent~~ Director.

Section 29. SMC 21.04.190 is hereby amended as follows:

Supplying water to additional premises-Charges.

When additional premises are connected without the application prescribed in Section 21.04.180, such premises may be charged at double the rate for the time they are in use, and the service may be shut off by the ~~Superintendent~~ Director and the current standard charges made for shutting off and turning on such service. In case water shall be turned off as provided in this section, the same shall not be turned on again until all rates and charges against the premises have been paid in full.

Section 30. SMC 21.04.200 is hereby amended as follows:

New connections on old sites-Abandoned connections-Transfers to new water mains.

When new buildings are to be erected on the site of the old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer used, the ~~Superintendent~~ Director may cut out or remove such service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making an application and paying for a new tap in the regular manner. When service connection of any premises on an unpaved street does not exceed one inch (1") in size and the same does not come from the main in front of the premises the ~~Superintendent~~ Director shall, when a main is laid in front of the premises, after notifying the owner or tenant thereof, transfer the service connection to the new main without charge, and at the same time cut out the old service connection. When a new main is laid in any street owners of premises on the street, or within one-half (1/2) block on side streets, who are being supplied with City water from a private main or a connection to a private service shall make application for tap and shall connect up with a separate service connection to the main in front of premises.

Section 31. SMC 21.04.210 is hereby amended as follows:

Discontinuance of service-Reinstallation application-Temporary service.

A. Whenever the owner of any premises connected with the City's water supply system desires to discontinue the use of water, he shall make written application to have the meter removed from the service. The actual cost of removing meter shall be charged to the property, except that the ~~Superintendent~~ Director may establish standard charges based on a review of prevailing actual costs of removal of meters. The same rate shall apply for reinstatement.

B. When it is desired to have a meter reinstalled the owner of the premises to be supplied by such meter shall file an application at the office of the ~~Superintendent~~ Director on forms provided for the purpose, and shall pay the cost in full for such reinstallation.

C. The ~~Superintendent~~ Director shall cause the reinstallation of meters within twenty-four (24) hours after the receipt of application for same. In the event of emergency the ~~Superintendent~~ Director may, at his discretion, permit the temporary use of unmetered water, such temporary use to be limited to the time of the placing of the meter on the service connection.

D. In all cases of the City furnishing temporary service within the meaning of this section a charge to be determined by the ~~Superintendent of Water~~ Director of Seattle Public Utilities based on the actual cost of furnishing the temporary service shall be added to and made a part of the regular meter charges.

Section 32. SMC 21.04.230 is hereby amended as follows:

Reconnections-Procedure.

When a meter has been removed from any premises upon the application of the owner thereof, or for nonpayment of water charges, or for any other cause, it shall be unlawful for any person again to connect such premises with water until all arrearages for the premises have been paid, and application made for reinstallation of meter, and other cause or causes corrected to the satisfaction of the ~~Superintendent~~ Director.

Section 33. SMC 21.04.240 is hereby amended as follows:

Water shut off by City.

When water has been shut off by the City for any cause, and is turned on again or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off, and the ~~Superintendent~~ Director may then shut off the water at the main, or remove a portion of the service connection in the street and shall charge the actual cost of cutting out and reinstating the water supply.

Section 34. SMC 21.04.260 is hereby amended as follows:

Accounts to be in name of owner or leaseholder.

A. All accounts for water shall be kept only in the name of the owner of the premises for which service was installed, provided, however, that persons holding under recorded lease may be supplied on their own account, and in such cases the ~~Superintendent~~ Director may require such deposit of money with the Finance Director of the City as in his or her judgment shall be necessary to protect the City against any and all delinquent and unpaid charges for water or other charges on account of such service. The property owner shall have the right to have water bills mailed to a tenant, or agent, but this shall not relieve the property from liability for water charges incurred.

B. The ~~Superintendent of Water~~ Director of Seattle Public Utilities may establish and collect charges based on actual costs, for special meter readings ordered in connection with property ownership or occupancy changes.

Section 35. SMC 21.04.270 is hereby amended as follows:

Water for construction purposes.

A. It shall be the duty of the ~~Superintendent of Buildings~~ Director of the Department of Construction and Land Use to report to the ~~Superintendent of Water~~ Director of Seattle Public Utilities the beginning of construction or repairs of all buildings in the City, such reports to be a duplicate of the building permit issued, containing a general description of the building to be erected or repaired, the name of the owner and contractor thereof, the official house number and street name, the lot, block and addition.

B. Water for construction purposes will only be furnished upon the application of the owner or authorized agent of the property.

C. Water for construction purposes shall be furnished by meter, and charged to the premises supplied and the owner thereof.

Section 36. SMC 21.04.330 is hereby amended as follows:

Fire protection services-Use of water.

A. Services for fire protection must be metered and fitted with such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes. Persons having such services shall be charged not less than the minimum service charge provided in Section 21.04.430. No charge will be made for water used in extinguishing fire if the owner or occupant of premises where such fire occurs gives written notice to the office of the ~~Superintendent~~ Director within thirty (30) days from the time of such fire. In no case shall any tap be made upon any pipe used for fire service purposes, or any tank connected therewith, nor shall the use of any water be permitted through any fire service nor through any pipes, tank or other fixtures therewith connected for any purpose except the extinguishing of fire on the premises. Provided, however, that all fire protection services heretofore or hereafter installed by the City or by the state exclusively for fire-control purposes on Interstate Highways 5 and 90 are exempted from the provisions of this section requiring installation of meters on fire protection services; provided further that all water for such connections be used

exclusively for fire-control purposes.

B. If in the event water is used for any other purpose than firefighting, through a fire service, after notice of a prior violation has been given by letter to the owner and/or occupant, and such service is not equipped with a device for accurately recording such flow of water, the ~~Superintendent~~ Director shall install a detector meter on such service and charge all cost of such installation to the property.

Section 37. SMC 21.04.340 is hereby amended as follows:

Fire protection services-Applications from apartments and hotels.

The ~~Superintendent of Water~~ Director of Seattle Public Utilities is authorized to accept applications for fire protection service connections from owners of apartment houses, apartment hotels and hotels constructed prior to May 4, 1970, for purposes of complying with provisions of the Seattle Fire Code (Ordinance 87870, as amended) contained in Sections 8.31.010, 8.31.030 and 8.31.040 thereof, 1 and there is imposed upon those owners of apartment houses, apartment hotels and hotels making such applications and electing to install such fire protection devices a special tapping charge computed and payable pursuant to Section 21.04.350.

Section 38. SMC 21.04.350 is hereby amended as follows:

Fire protection services-Special tap charge.

The special tap charge imposed by Section 21.04.340 shall be in an amount equal to the actual installation cost to the City and be paid in cash or under installment contract with interest computed on unpaid balances at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue. Such contract shall provide for a down payment of one-fortieth (1/40) of total estimated installation cost of such service connection at the time of application to the ~~Water Department~~ Seattle Public Utilities for such service connection and for payment of the balance, such balance being based upon actual installation cost less down payment, in equal installments payable at specified intervals throughout the term of the contract, in addition to interest as provided for in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall describe the property served by such fire protection service connection, shall be acknowledged by the property owner and shall be recorded by the ~~Superintendent of Water~~ Director of Seattle Public Utilities in the office of the County Auditor at the expense of the property owner and become a lien upon the property served. Such contract shall include a provision that, in the event of default, the ~~Superintendent of Water~~ Director of Seattle Public Utilities may disconnect the City's water service from and refuse to supply water to the premises in default until the same is paid. Upon full payment of the contract, the ~~Superintendent of Water~~ Director of Seattle Public Utilities, on behalf of the City, shall execute and deliver to the property owner a release of such lien.

Section 39. SMC 21.04.360 is hereby amended as follows:

Right of entry for ~~Superintendent~~ Director-Unlawful obstruction of water meter.

A. The ~~Superintendent~~ Director or his or her duly authorized representatives shall have free access at all reasonable times to all parts of buildings or premises supplied by water from the City's mains, for the purpose of ascertaining the quantity of water used, of inspecting the condition of pipes and fixtures and shutting off or turning on of water through the service connection.

B. It shall be unlawful for any person to hinder, obstruct, or unnecessarily delay the entering, by the ~~Superintendent~~ Director or his or her duly authorized representatives to any building or premises at the times and for the purposes referred to in subsection A.

C. It shall be unlawful for any person to store, maintain or keep any goods, merchandise, material or refuse within a distance of six feet (6') from any water meter, gate valve or other appliance in use on any water connection of the City.

Section 40. SMC 21.04.370 is hereby amended as follows:

Penalty for violation of Section 21.04.360.

In case of any violation of Section 21.04.360 the ~~Superintendent~~ Director may cause the disconnecting of the service pipe and withhold the supply of water from the premises where such violation occurs until there is a full compliance with the provisions of the section. Whenever a service connection has been disconnected in accordance with the provisions of this section, the cost of such disconnection together with the cost of reconnecting shall be charged against the property where such work has been performed and to the owner thereof.

Section 41. SMC 21.04.380 is hereby amended as follows:

Meter installations between curblines and property lines.

A. Whenever a meter is to be or has been installed within that portion of the street lying between the curblines and the property line and in which an areaway exists the ~~Superintendent~~ Director shall cause the erection of such bases, supports, or barriers as will reasonably secure the meter and pipes connected therewith against any damage or strain or settlement. The cost of the erection of such bases, supports or barriers shall be charged against the property for which the meter was installed and to the owner thereof.

Section 42. SMC 21.04.390 is hereby amended as follows:

Connection outside City limits-House number.

A. Whenever the City shall receive application for the installation of a water service connection to supply property beyond the limits of the City, the person filing application shall be required to furnish such property description as will be deemed sufficient by the ~~Superintendent~~ Director. From the information contained in such description the ~~Superintendent~~ Director shall determine the correct house number for the premises to be supplied with water. The house number mentioned in this section shall be noted in the application for the installation of water service connection.

B. The property owner shall be required to set up and fix in a conspicuous place on the premises to be served with water, the house number as determined by the ~~Superintendent~~ Director.

Section 43. SMC 21.04.400 is hereby amended as follows:

Protection of connections from driveways or crossings.

A. Whenever a driveway or crossing, to be used for vehicular traffic, is constructed within that portion of a City street lying between the curblines and the property line, the ~~Superintendent~~ Director shall cause the removal and relocation of any water service connection or any part thereof which may be within the lines of such driveway or crossing; provided, however, that instead of such removal of water service connection the ~~Superintendent~~ Director may, if he deems it advisable, cause the construction and placing of an iron or masonry box or chamber of sufficient strength to withstand the stress of vehicular traffic.

B. The cost of removal, relocation or maintenance of water service connections as provided in this section shall be charged against the property for which driveway or crossing was constructed and to the owner thereof.

Section 44. SMC 21.04.410 is hereby amended as follows:

Accounts of charges and penalties.

A. It shall be the duty of the ~~Superintendent~~ Director to keep accounts for all customers of the ~~Water Department~~ Seattle Public Utilities and to enter on such accounts all charges and penalties.

B. Pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended), the ~~Superintendent~~ Director will establish policies and procedures for the collection and reporting of all moneys due, specifying when and how collection is to be effected, including the discontinuation of service for past due accounts, negotiation of payments, collection of interest and such costs as may be incurred due to delinquency.

Section 45. SMC 21.04.420 is hereby amended as follows:

Flat rates.

A. The rates for use of water other than measured by meters shall be known as "flat rates" and shall be as follows:

Paving and laying sidewalks, concrete, per hundred sq.yds. or less for:

6" base or less \$0.50

6 1/4" and over.75

Earthwork, for settling each 100 cubic yards of earth 1.40

Curing pavement, per sq. yd.04

Portable engines:

For first horsepower (per month or less)

.80

For each additional horsepower.20

For laying brick, per thousand.15

Cement, per barrel.10

B. Water used for all other purposes not enumerated in this section shall be furnished and charged for either at meter rates or a special rate to be fixed by the ~~Superintendent~~ Director.

Section 46. SMC 21.04.450 is hereby amended as follows:

Cost for new mains constructed outside City limits.

In areas outside the limits of the City where new mains or replacements are constructed by the City the cost thereof together with interest at four percent (4%) per year computed on unpaid balances shall be repaid by users of water in the districts served by the mains by payment at the rate of One Dollar (\$1.00) per month or more by agreement, in addition to the general rate established by ordinance for water outside the City. The additional payments shall begin upon completion of the installation of such mains and continue until the cost thereof with interest at four percent (4%) per year computed as above is returned to the City. In the event of delinquency in payment of any such charges for water or water service or construction costs the ~~Superintendent of Water~~ Director of Seattle Public Utilities is directed to disconnect the City's water service from and refuse to supply water for the premises so in default until the same are paid.

Section 47. SMC 21.04.465 is hereby amended as follows:

Standard and administrative charges.

A. The ~~Superintendent~~ Director shall develop and update annually a schedule of charges for standard, recurring services which are incidental to the sale of water. Such charges shall be based on a review of the prevailing actual costs for providing these services.

B. The ~~Superintendent~~ Director may establish reasonable administrative charges for handling dishonored checks, money orders, or other instruments; fees for turning water on or off; charges for delinquent accounts and for related field visits; charges for meter tests, hydrant flow tests, and hydrant use; fees for customer statements of prior billings; charges for utility crossing permits; and for other services not encompassed in the schedule of standard charges.

C. Any standard charges, including administrative charges, and interest rates shall be developed and adopted pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended).

Section 48. SMC 21.04.470 is hereby amended as follows:

Bills for water used-Delinquency.

A. The ~~Superintendent~~ Director in his or her discretion may cause bills for water used for domestic purposes to be issued and mailed every three (3) months (quarterly) or less.

B. All bills for metered water shall become past due and delinquent as prescribed by ~~Water Department~~ Seattle Public Utilities administrative rule and date of delinquency shall be plainly noted on bill.

C. Upon nonpayment of bills as prescribed in this section, water supply will be subject to shut off. A standard charge will be assessed upon production of notice of intent to shut off, in order to compensate in part for the cost in delivery and associated collection efforts. The ~~Superintendent of Water~~ Director of Seattle Public Utilities shall prescribe by administrative rule a standard charge based on a review of prevailing actual costs for shutting off water service. The ~~Superintendent~~ Director may give a further grace period as provided by ~~Water Department~~ Seattle Public Utilities administrative rule before actual shutting off. The water shall again be turned on upon payment of all charges due and owing or upon approval of credit arrangements for payment of such charges. If credit arrangements are not honored by the customer, the water is again subject to shut off until all charges due and owing are paid in full.

Section 49. SMC 21.04.480 is hereby amended as follows:

Meters-Property of City-Failure to register properly.

All meters, unless otherwise authorized by the ~~Superintendent~~ Director, shall be and remain the property of the City and will not be removed unless the use of water on the premises is to be entirely stopped or the service connection discontinued or abandoned. In all cases where meters are lost, injured or broken by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired by

or under the direction of the ~~Superintendent~~ Director and the cost charged against the owner or occupant, and in case of nonpayment the water shall be shut off and will not be turned on until such charges and the charge for turning on the water are paid. In event of the meter getting out of order or failing to register properly the consumer shall be charged on an estimate made by the ~~Superintendent~~ Director on the average monthly consumption during the last three (3) months that the same was in good order or from what he may consider to be the most reliable data at his command.

Section 50. SMC 21.04.490 is hereby amended as follows:

Meters-Test for accuracy.

A. Where the accuracy or record of a water meter is questioned, it shall be removed at the consumer's request and shall be tested in the shops of the ~~Water Department~~ Seattle Public Utilities by means of the apparatus there provided, and a report thereon duly made. It shall be the privilege of the consumer to be present at the ~~Water Department~~ Seattle Public Utilities shops and witness such test. If the test discloses an error against the consumer of more than three percent (3%)

on the meter's registry, the excess of the consumption on the three previous readings shall be credited to the consumer's meter account.

B. No meter shall be removed, or in any way disturbed, nor the seal broken, except in the presence or under the direction of the Superintendent Director.

Section 51. SMC 21.04.500 is hereby amended as follows:

Emergency water use restrictions.

A. The ~~Superintendent of Water~~ Director of Seattle Public Utilities, upon finding that an emergency situation exists which threatens to seriously disrupt or diminish the municipal water supply, may order and enforce restrictions on water use so as to distribute the available supply on a just and equitable basis to all customers, including residential, industrial, and commercial users, as well as to municipal water districts, other municipalities and nonprofit water associations which purchase water from the City.

B. Upon declaration of a water supply emergency by the ~~Superintendent of Water~~ Director of Seattle Public Utilities, no water shall be used for outdoor uses including, but not limited to, irrigation of lawns, turf or other outdoor surfaces by any customer at any residence, apartment building, commercial building, or property or structure except at times and under conditions as specified by the ~~Superintendent of Water~~ Director of Seattle Public Utilities.

C. Before putting into effect any restrictions on water use for more than twenty-one (21) days pursuant to this section, the ~~Superintendent of Water~~ Director of Seattle Public Utilities shall explain fully to the Mayor ; ~~and the City Council and Board of Public Works~~ the reasons for such restrictions ; ~~and shall in addition give notice of a public hearing before the Board of Public Works for the ratification and confirmation, or modifications or rejection of the Superintendent's order, which notice shall be given as provided in the Administrative Code of the City (Ordinance 102228); provided that such public hearing shall be held and such order ratified and confirmed, modified, or rejected not more than ten (10) days from the date of such notice.~~

Section 52. SMC 21.04.505 is hereby amended as follows:

Emergency rate surcharge.

A. To effect conservation of water during water emergencies, the ~~Superintendent of Water~~ Director of Seattle Public Utilities is authorized to impose a surcharge for each day in which a customer's water usage exceeds the restrictions or target goals established by the Superintendent Director. The surcharge shall be just, fair, reasonable and sufficient for the purpose of ensuring and maintaining a sufficient water supply to satisfy the needs of its residential,

commercial and wholesale customers during the emergency.

B. The surcharge for residential, commercial and wholesale customers will be established annually by administrative rule.

C. Prior to the imposition of any surcharge authorized by this section, the ~~Water Department~~ Seattle Public Utilities shall notify customers through public announcements that mandatory water restrictions are in effect. Such notice shall advise customers that a surcharge shall be imposed for any water usage contrary to mandatory water restrictions established by the Superintendent Director, and shall advise the customers of the amount of such surcharge.

D. The restrictions and surcharge shall not compromise the health, safety or welfare of the public, and shall not restrict the essential watering of vegetable gardens or ornamental plants. Exemption from the imposition of a surcharge may be granted by the ~~Superintendent of Water~~ Director of Seattle Public Utilities, upon written request, if the Superintendent Director finds that a surcharge will constitute an undue burden on the customer.

E. The ~~Superintendent of Water~~ Director of Seattle Public Utilities is hereby authorized to promulgate such rules and

regulations pursuant to the Administrative Code (SMC Chapter 3.02) as shall be necessary to implement such a surcharge.

Section 53. SMC 21.04.510 is hereby amended as follows:

Aid in enforcement-Reports of fire.

It shall be the duty of the employees of the Police, Fire, ~~Engineer's and Streets and Sewers and Transportation~~ Departments to give vigilant aid to the ~~Superintendent~~ Director in the enforcement of the provisions of this chapter, and to this end they shall report all violations thereof which come to their knowledge to the office of the ~~Superintendent~~ Director, and it shall be the duty of the Chief of the Fire Department to report immediately to the ~~Superintendent~~ Director in case of fire in premises having metered service for fire protection purposes that fire has occurred there.

Section 54. SMC 21.04.530 is hereby amended as follows:

Use of fire hydrants.

A. It shall be unlawful for any person except when duly authorized by the ~~Superintendent~~ Director, or who shall be a member of the Fire Department, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the City.

B. Any person, other than employees of the Fire Department, requiring the use of any hydrant, stopcock or valve belonging to the City must make written application for the same in advance to the ~~Superintendent~~ Director. The ~~Superintendent~~ Director shall then send a hydrant inspector to open such hydrant, stopcock or valve, and the time of such inspector shall be charge to the person making application for the use of such hydrant stopcock or valve. Should it be necessary for the inspector to remain at the hydrant, stopcock or valve until the person using the same has secured the necessary supply of water, the full time consumed by the inspector shall be charged to the person securing such service, but in no case shall the charge be less than One Dollar (\$1.00). The ~~Superintendent~~ Director may require a deposit in advance as a condition for supplying such water.

Section 55. SMC 21.04.540 is hereby amended as follows:

Unlawful interference or damage to property.

It shall be unlawful for any person, unless duly authorized by the ~~Superintendent~~ Director, to disturb, interfere with or damage any water main, water pipe, machinery, tool, meter or any other appliances, buildings, improvement, lawns, grass plots, flowers, vines, bushes or trees belonging to, connected with, or under the control of the municipal water supply system of the City.

Section 56. SMC 21.04.570 is hereby amended as follows:

Unlawful connections to water supply system.

It shall be unlawful for any person to make a connection with any fixtures or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission so to do from the ~~Superintendent~~ Director. It shall also be unlawful to connect to, or use, any water main or water pipe belonging to the municipal water supply system for electrical grounding purposes.

Section 57. SMC 21.04.590 is hereby amended as follows:

Violation-Reward for securing conviction.

The ~~Superintendent~~ Director shall cause a reward not to exceed ~~Ten~~ One Hundred Dollars (\$100.00) to be paid to any person securing the conviction of any person for violation of any of the provisions of this chapter.

Section 58. SMC 21.04.600 is hereby amended as follows:

Authority of ~~Superintendent~~ Director

The ~~Superintendent~~ Director shall have authority to decide any question which may arise and which is not fully answered by the provisions of this chapter, and his decisions in such cases shall be final.

Section 59. SMC 21.08.010 is hereby amended as follows:

Definitions.

A. The following words and terms used in this chapter shall have the meanings set forth in this section unless otherwise indicated by their context:

1. "Anticorrosion chemical feeding equipment" means any apparatus designed or used to introduce measured quantities of chemicals into the potable hot water supply in order to prevent or control corrosion.
2. "Backflow prevention device" means equipment designed or used to counteract pressures or prevent back siphonage.
3. "Cross-connection" means a physical arrangement whereby a public water supply is connected, directly or indirectly, to a device which meters, injects, or otherwise applies chemical substances thereto.
4. "Director of Public Health" means the Director of the Seattle-King County Department of Public Health or his authorized representative.
5. "Licensed steam engineer" means a person holding a currently valid license as a steam engineer, grade III, or superior grade, issued in accordance with Ordinance 94595.
6. "Professional engineer" means a person holding a currently valid license from the state to practice engineering in its sanitary, civil or mechanical branches, and a corporation qualified to perform such professional services through licensed professional engineers.
7. "~~Superintendent of Water~~ Director of Seattle Public Utilities" means the ~~Superintendent~~ Director of the Seattle ~~Water Department~~ Public Utilities or his ~~or her~~ authorized representative.

B. Time periods measured by a specified number of days, are computed by excluding the day of the act or default from which the time period begins to run, and including Saturdays, Sundays, holidays and the last day of the period so computed, but if the last day is a Sunday or legal holiday, performance

may be accomplished the following day.

Section 60. SMC 21.08.030 is hereby amended as follows:

Unlawful acts.

It is unlawful for:

- A. Anyone other than a licensed steam engineer to operate any anticorrosion chemical feeding equipment;
- B. Anyone to install, or operate such anticorrosion chemical feeding equipment in violation of this chapter, the rules and regulations implementing it, or the permit issued for such purpose;
- C. Anyone to introduce any anticorrosion chemicals into a potable hot water supply system or into any anticorrosion

chemical feeding equipment for introduction into such hot water supply, which have not been approved by the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, or to introduce such chemicals in greater concentrations or at more intervals than so approved;

D. Anyone to alter, damage or destroy operating records required to be maintained by Section 21.08.210; or

E. Anyone to use or operate any anticorrosion chemical feeding equipment during a period when a permit is suspended or after it has been revoked.

Section 61. SMC 21.08.040 is hereby amended as follows:

Construction permit-Applications.

Applications for a permit to install, construct, reconstruct, or alter anticorrosion chemical feeding equipment shall be made in duplicate to the Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to the ~~Superintendent of Water~~ Director of Seattle Public Utilities. The application shall identify the premises, state the nature of the anticorrosion chemical feeding equipment to be installed or the work to be undertaken, the location of the connection and such other reasonable information as the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities may require and shall be accompanied by a copy of the plans for the work and the specifications of all equipment.

Section 62. SMC 21.08.070 is hereby amended as follows:

Construction permit-Construction time and conformance.

Upon approval of the plans and specifications, as submitted or as modified with the concurrence of the Director of the Seattle-King County Department of Public Health and of the ~~Superintendent of Water~~ Director of Seattle Public Utilities, the applicant shall have ninety (90) days or such greater time as the Director of the Seattle-King County Department of Public Health or ~~Superintendent~~ Director of Seattle Public Utilities may allow to undertake and complete the work authorized. All construction shall be performed in accordance with the plans and specifications, as approved or as modified with the written approval of the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities.

Section 63. SMC 21.08.090 is hereby amended as follows:

Construction permit-Inspection of work.

Upon completion of any installation, construction, alteration, or renovation, the applicant or an authorized agent shall notify the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities of its readiness for inspection. No equipment shall be used until inspected and approved by the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, or their authorized deputies, as in compliance with this chapter and applicable rules and regulations established in accordance herewith.

Section 64. SMC 21.08.100 is hereby amended as follows:

Annual operating permit-Application.

Applications for a permit to operate an anticorrosion chemical feeding equipment system and to introduce anticorrosion chemicals into the potable hot water supply shall be made in duplicate to the Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to the ~~Superintendent of Water~~ Director of Seattle Public Utilities. The application shall designate a licensed steam engineer, who shall be responsible for maintenance of the system, and who shall be empowered by the owner as his agent to accept service of notices and directives contemplated by Sections 21.08.250 through 21.08.280. Applications to use equipment shall be made on a form

provided by the Director of the Seattle- King County Department of Public Health before January 1st of each year by the person operating the anticorrosion chemical feeding equipment or by the person responsible for maintenance and use of the premises where the anticorrosion chemical feeding equipment is installed. Applications to operate facilities newly constructed and not previously registered for operation shall be made on or before the date that the equipment is approved for use under Section 4(g) of Ordinance 103095.

Section 65. SMC 21.08.120 is hereby amended as follows:

Annual operating permit-Inspections.

The chemical feeding equipment, its appurtenances and connections, and operating records required pursuant to Section 21.08.210 shall be inspected at least annually. A permit shall be issued authorizing its use if both the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, or their authorized deputies, determine that the equipment and system complies with this chapter and any rules and regulations implementing it.

Section 66. SMC 21.08.130 is hereby amended as follows:

Annual operating permit-Time when valid.

All permits are valid only during the period for which issued and shall expire December 31st of the year for which issued. Permits may be renewed annually upon payment of the fee as long as the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities both concur that the equipment and system comply with this chapter and all rules and regulations made pursuant thereto.

Section 67. SMC 21.08.170 is hereby amended as follows:

Water quality.

The water treated by the anticorrosion chemical feeding equipment shall at all times meet such standards of chemical, physical, and bacteriological quality set by the Director of the Seattle-King County Department of Public Health and ~~Superintendent of Water~~ Director of Seattle Public Utilities and shall not cause a person drinking or using the water to be exposed to any disease-producing organisms or to any chemical conditions that may be toxic, irritating or discoloring.

Section 68. SMC 21.08.190 is hereby amended as follows:

Chemicals to be approved.

Only those chemicals approved by the Director of the Seattle- King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities may be introduced into the anticorrosion chemical feeding equipment and into the potable hot water supply system and then only in concentrations and at intervals authorized.

Section 69. SMC 21.08.210 is hereby amended as follows:

Daily records.

The licensed steam engineer designated to maintain and operate the anticorrosion chemical feeding equipment shall keep daily records of the time and results of pH tests, total chemicals used, the amount of water treated, the rate of chemical applications, results of disinfectant residual tests, and such other matters as may be required by the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities from time to time with respect to a particular permit or by rules and regulations. The records shall be preserved for three (3) years.

Section 70. SMC 21.08.220 is hereby amended as follows:

Responsible officials.

This chapter shall be enforced concurrently by the Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities. The Director of the Seattle-King County Department of Public Health with the concurrence of the ~~Superintendent~~ Director of Seattle Public Utilities may promulgate rules and regulations in implementation of this chapter, including among other matters, standards for water quality, construction and installation of anticorrosion chemical feeding equipment, conduct and frequency of inspections, information to be included in daily records, chemicals authorized, manner of introduction and maximum concentrations of chemicals, and such other requirements as deemed reasonably appropriate for the protection of health and safety in the operation of potable hot water supply systems.

Section 71. SMC 21.08.230 is hereby amended as follows:

Unscheduled inspections.

Unscheduled inspections may be held whenever and as often as the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities deem appropriate to protect the public health. The inspections include inspection of equipment, examination of Pipes, and the taking of chemical samples from, or making of tests with, water from taps used by consumers.

Section 72. SMC 21.08.240 is hereby amended as follows:

Right of entry.

The Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, and their authorized representatives, may enter any building or premises to perform their duties under this chapter at any reasonable time with the consent of the occupant, of the permit holder, or of the licensed steam engineer responsible for maintaining the anticorrosion chemical feeding equipment; or without such consent pursuant to a warrant issued therefor, or in response to a hazard to health or safety requiring emergency action.

Section 73. SMC 21.08.250 is hereby amended as follows:

Enforcement authority.

To enforce this chapter and the rules and regulations implementing it, the Director of the Seattle-King County Department of Public Health and/or the ~~Superintendent of Water~~ Director of Seattle Public Utilities may, among other remedial actions, issue notices, directives, and stop orders as provided in Sections 21.08.260, 21.08.270 and 21.08.280; and the Director of the Seattle-King County Department of Public Health, at the request of the ~~Superintendent of Water~~ Director of Seattle Public Utilities or without such request, may if he deems appropriate, suspend permits issued or revoke the same, as provided in Sections 21.08.290 through 21.08.330. Such remedial actions may be taken independently of or concurrently with each other, unless clearly inconsistent.

Section 74. SMC 21.08.270 is hereby amended as follows:

Directive for correction of violation.

The Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities may issue a directive for immediate correction whenever a violation or violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit, have created or threaten to create an unsanitary or hazardous condition requiring immediate correction. The directive shall set forth the violation or violations found, or conditions deemed unsanitary or hazardous; specify the corrective action to be taken; set a time by which the action must be taken or the violations corrected; inform the permit holder that a hearing and review will be

provided thereon should a request therefor be filed within five (5) days; and give notice that noncompliance may result in issuance of a stop order and/or suspension or revocation of the permit. Directives shall be served on the permit holder or the licensed steam engineer responsible for maintenance of the anticorrosion chemical feeding equipment and shall be posted on the premises.

Section 75. SMC 21.08.280 is hereby amended as follows:

Stop orders.

When upon discovery of an unsanitary or hazardous condition, the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities reasonably believes that continuation of chemical treatment or further use of the hot water supply may have harmful effects upon users or subject users to risk of harm, the Director of the Seattle-King County Department of Public Health and/or ~~Superintendent~~ Director of Seattle Public Utilities may, with or without notice, issue a stop order requiring cessation of use of the anticorrosion chemical feeding equipment, or of anticorrosion chemicals, and/or suspending water service to the premises. Stop orders shall be served on the permit holder as soon as practicable and shall be posted on the premises.

Section 76. SMC 21.08.290 is hereby amended as follows:

Permit-Reasons for suspension.

Permits may be suspended by the Director of the Seattle-King County Department of Public Health for any of the following reasons:

A. Failure to comply with or violation of:

1. This chapter,
2. The rules and regulations implementing it,
3. The terms and conditions of the permit,
4. A notice to correct a condition. take an action, follow a procedure, or discontinue a practice, which has been issued pursuant to Section 21.08.260 and a reasonable time for compliance has elapsed,
5. A directive or stop order, issued as provided in Sections 21.08.270 or 21.08.280;

B. Any cause for which a permit may be revoked;

C. Maintenance of incomplete or inaccurate records;

D. Denial of entry to conduct an inspection; and/or

E. To protect users of the potable hot water supply from harm through unsanitary or hazardous conditions then existing.

Section 77. SMC 21.08.320 is hereby amended as follows:

Reinstatement of permit.

Any person whose permit to operate has been suspended may apply in writing for reinstatement of the permit after correcting the condition or removing the cause for the suspension. The Director of the Seattle-King County Department of Public Health and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, or their authorized representatives, shall inspect the anticorrosion chemical feeding equipment, appurtenances, and connection described in the permit within five (5) days thereafter. Unless permit revocation proceedings are in progress, the permit shall be

reinstated if the inspection shows a compliance with the provisions of this chapter, the rules and regulations implementing it, and of the permit, and that the conditions or causes for suspension of the permit have been corrected.

Section 78. SMC 21.08.330 is hereby amended as follows:

Revocation of permits.

Permits may be revoked by the Director of the Seattle-King County Department of Public Health upon any of the following grounds:

- A. Serious or repeated violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit;
- B. Interference with the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities in the performance of their duties;
- C. Failure to comply with any lawful order of the Director of the Seattle-King County Department of Public Health or the ~~Superintendent of Water~~ Director of Seattle Public Utilities; or
- D. Operation or use of anticorrosion chemical feeding equipment during a period when the permit is suspended.

Section 79. SMC 21.08.340 is hereby amended as follows:

Request for review of notice, directive, stop order or suspension.

A party feeling aggrieved by any notice, directive, stop order, suspension or threatened suspension of a permit may seek review by filing a written request with the Director of the Seattle-King County Department of Public Health within ten (10) days after service or posting, whichever is later.

Section 80. SMC 21.08.350 is hereby amended as follows:

Department review.

When the action of the Director of the Seattle-King County Department of Public Health or ~~Superintendent of Water~~ Director of Seattle Public Utilities under review allows use of the anticorrosion chemical feeding equipment to continue or would permit its resumption of use upon correction of specified conditions, discontinuance of specified actions, or compliance with specified directions, the Director of the Seattle-King County Department of Public Health shall assume jurisdiction, set a hearing thereon within five (5) days unless the parties mutually agree upon a delay thereof and if not hearing the matter personally, appoint as the presiding officer an official, who has no prior involvement in the matter under review. The presiding officer may provide for interim relief pending the hearing; shall conduct the hearing in a manner allowing the parties to present evidence, to cross-examine witnesses, and to make argument, and may personally inspect the equipment and premises and on the evidence presented, may affirm, dissolve, or modify the action under review.

Section 81. SMC 21.08.360 is hereby amended as follows:

Hearing for revocation of permit.

Notice shall be given and hearings for revocation of permits shall be conducted in the manner provided for contested cases in the Administrative Code (Ordinance 102228)1 by the Director of the Seattle-King County Department of Public Health or by a Hearing Examiner appointed by him to make a recommended decision.

Section 82. SMC 21.08.370 is hereby amended as follows:

Applicability of chapter.

This chapter shall apply to all installation, and operation and maintenance of anticorrosion chemical feeding equipment and to introduction of anticorrosion chemicals into the hot water supply, provided it shall not make unlawful any heretofore lawful anticorrosion chemical feeding equipment, which is maintained and operated in compliance with this chapter, unless the Director of the Seattle-King County Department of Public Health shall find that such equipment or system is dangerous or insanitary or its continued use may cause harm to users.

Section 83. SMC 21.12.010 is hereby amended as follows:

Notice of cut-off of water supply-To Chief of Fire Department.

Whenever the water supply in any portion of the City is about to be cut off, the ~~Superintendent of Water~~ Director of Seattle Public Utilities shall cause notice to be given to the Chief of the Fire Department of the same, designating the portions of the City from which the water is so cut off together with a statement of the probable length of time during which such cut-off will continue, and when the same shall be again turned on, ~~the Board shall cause notice of such fact to be given to the Chief.~~

Section 84. SMC 21.12.020 is hereby amended as follows:

Notice of cut-off of water supply-Publication in official newspaper.

Before allowing the water supply to be cut off from any portion of the City, the ~~Superintendent of Water~~ Director of Seattle Public Utilities shall ~~cause the Superintendent of Water Works to~~ give at least twenty- four (24) hours' notice of the intended cutting off by publishing notice thereof in the City official newspapers, designating the portions of the City affected by such cutting off and the probable length of time that the same will continue, and no cutting off of water shall be made except after such notice; provided, that in case of accident or emergency which will not permit such notice, the water may be cut off immediately without notice, that if the same is not turned on within twenty-four (24) hours, a notice shall be published in the City official newspapers stating the portions of the City affected by such cutting off and the probable length of time that the same will continue.

Section 85. SMC 21.12.050 is hereby amended as follows:

Tolt River South Fork Watershed-City jurisdiction- Permit for use.

A. To protect that portion of the City's water supply to be derived from the Tolt River South Fork Watershed from contamination, the City exercises authority and jurisdiction over the drainage area of said watershed more particularly described as follows:

North 1/2 of Sections 1, 2 and 3, Township 25 North, Range 9 East, W. M.;

NE 1/4 of the NE 1/4; W 1/2 of the NE 1/4; and the NW 1/4, all in Section 4, Township 25 North, Range 9 East, W. M.;

NE 1/4 and the E 1/2 of the NW 1/4, all in Section 5, Township 25 North, Range 9 East, W. M.;

Gov. Lots 2 thru 4, both inclusive, Section 4, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 4, both inclusive, Section 5, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 5, both inclusive and Gov. Lot 12; E 1/2 of the NW 1/4; W 1/2 of the NE 1/4; NE 1/4 of the NE 1/4, all in Section 6, Township 25 North, Range 10 East, W. M.;

S 1/2 of the S 1/2 of Section 20, Township 26 North, Range 9 East, W. M.;

NW 1/4 of the SW 1/4; S 1/2 of the SW 1/4; S 1/2 of SE 1/4, all in Section 21, Township 26 North, Range 9 East, W. M.;

S 1/2 of the SW 1/4; S 1/2 of the SE 1/4; NE 1/4 of the SE 1/4, all in Section 22, Township 26 North, Range 9 East, W. M.;

S 1/2 of Section 23, Township 26 North, Range 9 East, W. M.; S 1/2 of Section 24, Township 26 North, Range 9 East, W. M.; Sections 25, 26, 27 and 29, all in Township 26 North, Range

9 East, W. M.;

E 1/2 of the E 1/2 of Section 30, Township 26 North, Range 9 East, W. M.;

SE 1/4 of the NE 1/4; NE 1/4 of the SE 1/4, all in Section 31, Township 26 North, Range 9 East, W. M.;

Sections 32, 33, 34, 35 and 36, all in Township 26 North, Range 9 East, W. M.;

S 1/2 of the NW 1/4; SW 1/4, all in Section 28, Township 26 North, Range 10 East, W. M.;

S 1/2 of the N 1/2; S 1/2, all in Section 29, Township 26 North, Range 10 East, W. M.;

S 1/2 of the N 1/2; S 1/2, all in Section 30, Township 26 North, Range 10 East, W. M.;

Sections 31 and 32, all in Township 26 North, Range 10 East, W. M.;

Section 33, except the NE 1/4 of the NE 1/4, Township 26 North, Range 10 East, W. M.;

SE 1/4 of the SW 1/4; SW 1/4 of the SE 1/4; W 1/2 of the SE 1/4 of the SE 1/4, all in Section 28, Township 26 North, Range 8 East, W. M.;

N 330 feet of the NE 1/4 of the NE 1/4 of the NW 1/4; N 330 feet of the NW 1/4 of the NW 1/4 of the NE 1/4; N 990 feet of the E 1/2 of the NW 1/4 of the NE 1/4; N 990 feet of the W 1/2 of the NE 1/4 of the NE 1/4; N 750 feet of the E 1/2 of the NE 1/4 of the NE 1/4, all in Section 33, Township 26 North, Range 8 East, W. M.;

including all of the property occupied by the works, rivers, systems, springs, branches and pipes and all lakes, rivers, springs, streams, creeks or tributaries therein and all the property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries, as contemplated by the laws of the state and the rules and regulations of the State Board of Health.

B. To further the purposes of subsection A, no one shall enter the Tolt River South Fork Watershed as described in subsection A without first having obtained a written permit from the ~~Superintendent of Water~~ Director of Seattle Public Utilities of the City, which permit shall state the terms and conditions upon which it is issued and shall state all activities, if any, which may be engaged in within the watershed by the permittee. All such permits shall be issued subject to the laws of the state and the rules and regulations relating to the protection of sources of public water supply from contamination as may be adopted by the State Board of Health, and upon the breach of any of the terms or conditions, or upon misuse or unlawful use of the permit, the same may be revoked by the ~~Superintendent~~ Director of Seattle Public Utilities.

Section 86. SMC 21.12.060 is hereby amended as follows:

Cedar River Watershed-Designated-Permit for use.

A. For the protection and security of the municipal water supply system, the following area is declared to be "The Cedar River Watershed":

CEDAR RIVER AREA

The north half and southeast quarter of Section One, and northeast quarter of northeast quarter of Section Twelve, in Township Twenty-one North, Range Seven East W. M.

North half of northeast quarter and northwest quarter of Section One; north half and southwest quarter of Section Two; all of Section Four except south half of southeast quarter; north half and northeast quarter of southwest quarter and southeast quarter of Section Seven; north half and southwest quarter of Section Eight; northwest quarter of northwest quarter of Section Nine; north half of north half of Section Ten; northwest quarter of northwest quarter of Section Eleven; all of Sections Three, Five and Six, in Township Twenty-one North, Range Eight East W. M.

North half of Section Seven; north half and southeast quarter of Section Eight; north half and southeast quarter of Section Fifteen; north half of Section Sixteen; northeast quarter and east half of northwest quarter of Section Twenty-two; north half, and northeast quarter of southwest quarter, and northwest quarter of southeast quarter, of Section Twenty-three; northwest quarter of Section Twenty-four; all of Sections One, Two, Three, Four, Five, Six, Nine, Ten, Eleven, Twelve, Thirteen, and Fourteen, Township Twenty-one North, Range Nine East W. M.

Northeast quarter and northeast quarter of northwest quarter of Section Nineteen; north half and southeast quarter of Section Twenty; north half of north half and southeast quarter of northeast quarter, of Section Twenty-six; north half of north half of Section Twenty-seven; north half of north half of Section Twenty-eight; north half of north half of Section Thirty-six; all of Sections One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-one, Twenty-two, Twenty-three, Twenty-four and Twenty-five, in Township Twenty-one North, Range Ten East W. M.

West half of northwest quarter and southwest quarter of Section Five; west half of Section Eight; northwest quarter of northwest quarter of Section Seventeen; west half and west half of southeast quarter of Section Nineteen; northwest quarter of northeast quarter, northwest quarter, and west half of southwest quarter, of Section Thirty; all of Sections Six, Seven, and Eighteen, in Township Twenty-one North, Range Eleven East W. M.

North half of northeast quarter and southeast quarter of Section Four; east half, southeast quarter of northwest quarter, and northeast quarter of southwest quarter of Section Eight; south half of northeast quarter, east half of southwest quarter, and southeast quarter of Section Eighteen; northeast quarter, east half of northwest quarter, and southeast quarter of Section Nineteen; north half and southeast quarter of Section Twenty-nine; northeast quarter and northeast quarter of northwest quarter of Section Thirty-three; north half and north half of southeast quarter of Section Thirty-four; all of Section Thirty-five except the southwest quarter of the southwest quarter thereof; all of Sections One, Two, Three, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Thirty-six, in Township Twenty-two North, Range Seven East W. M.

Northeast quarter and south half of Section One, south half of south half of Section Two; south half of Section Three; all of Section Four except the north half of northeast quarter thereof; all of Section Thirty except west half of west half thereof; all of Section Thirty-one except west half of west half thereof; all of Sections Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Eight East W. M.

Southwest quarter of southeast quarter and southwest quarter of Section Five; south half of Section Nine; south half of south half of Section Ten; southwest quarter of southwest quarter of Section Eleven; west half and southwest quarter of southeast quarter of Section Fourteen; west half of northwest quarter and south half of Section Twenty-four; all of Sections Six, Seven, Eight, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Nine East W. M.

South half of south half of Section Nineteen; south half of southwest quarter, southwest quarter of southeast quarter of Section Twenty-seven; southwest quarter and south half of southeast quarter of Section Twenty-eight; south half of north half and south half of Section Twenty-nine; all of Section Thirty-five except north half of north half thereof; all of Sections Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four and Thirty-six, in Township Twenty-two North, Range Ten East W. M.

Southwest quarter of Section Thirty-one, Township Twenty-two North, Range Eleven East W. M.

South half and south half of north half of Section Twenty-seven; south half of northeast quarter and southeast quarter of Section Twenty-eight; east half Section Thirty-three; all of Section Thirty-five except northeast quarter of northeast quarter thereof; south half of southwest quarter of Section Thirty-six; all of Section Thirty-four, in Township Twenty-three North, Range Seven East W. M.

Southeast quarter of northeast quarter and southeast quarter of Section Thirty-one; all of Section Thirty-two, except northwest quarter of northwest quarter thereof; west half of Section Thirty-three, in Township Twenty-three North, Range Eight East W. M.

South half of south half of Section Thirty-one, Township Twenty-three North, Range Nine East W. M.

LAKE YOUNGS AREA

The south half of Section Thirty-five; the west half of the

southwest quarter and the west half of the southeast quarter of the southwest quarter of Section Thirty-six; all in Township Twenty-three North, Range Five East W. M.

Lots Three, Four, Five, Six, Seven, Eight and Nine; the southwest quarter of northeast quarter; the west half of the southeast quarter of the northeast quarter; and the east half of the southeast quarter of Section One; all of Section Two; Lots One, Two, Three, Four, Five, Six and Seven; the west half of the northwest quarter of Section Eleven; and the southeast quarter of the northwest quarter of Section Eleven; the north half of the northeast quarter; the west half of the southwest quarter, the southeast quarter of the northwest quarter; the northeast quarter of the southwest quarter; and Lots One and Two in Section Twelve, all in Township Twenty-two North, Range Five East W. M.

Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two North, Range Six East W. M. including all the property occupied by the works, rivers, systems, springs, branches and pipes and all the lakes, rivers, springs, streams, creeks or tributaries therein and all property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries.

B. The ~~Superintendent of Water~~ Director of Seattle Public Utilities shall, ~~under the direction of the Board of Public Works,~~ and in connection with the supervision, management and control of the municipal water supply system and for the protection of the purity of the water supply, exercise exclusive control of all access to and activities within the Cedar River Watershed and the issuance of permits therefor in his discretion, subject to such rules and regulations as may be promulgated by the ~~Commissioner of Health of Seattle~~ Director of the Seattle-King County Department of Public Health or the Director of Health of the state. Any such permit may be revoked by the ~~Superintendent~~ Director of Seattle Public Utilities for violation of any condition thereof or of any such rules or regulations.

Section 87. SMC 21.16.030 is hereby amended as follows:

Definitions.

Words and phrases used in this chapter, unless the same shall be contrary to or inconsistent with the context, shall mean as follows:

- ~~1.~~ 1. "Board of Public Works" means that Board defined in Chapter 3.44 of the Seattle Municipal Code.
- ~~2~~ 1. "City" means The City of Seattle.
- ~~3~~ 2. "Comprehensive plans" means plans which are large in scope and intended to provide for the ultimate development of the drainage basins served by the sewers and drains, as determined by the Director of ~~Engineering~~ Seattle Public Utilities at the time the plan was proposed.
- ~~4~~ 3. "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.
- ~~5~~ 4. "Director of Health" means the Director of Public Health or employees of the Seattle-King County Department of Public Health.
- ~~6~~ 5. "Director of Construction and Land Use" means the Director or employees of The City of Seattle Department of Construction and Land Use.
- ~~7~~ 6. "Director of ~~Engineering~~ Seattle Public Utilities " means the Director of ~~Engineering~~ Seattle Public Utilities, or his or her designee, or employees of ~~The City of Seattle Engineering Department~~ Seattle Public Utilities.
- ~~8~~ 7. "Downspout" means a pipe which conducts water from a roof of a building.
- ~~9~~ 8. "Footing drain" means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry groundwater.
- ~~10~~ 9. "Garbage" means putrescible waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- ~~11~~ 10. "Garbage, properly shredded" means garbage that has been shredded to such a degree that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers, with no particle larger than three-eighths inch (3/8") in any dimension.
- ~~12~~ 11. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.
- ~~13~~ 12. "Main sewer" means a pipe which is part of the public sewer system and to which a side sewer is connected.
- ~~14~~ 13. "Metro" means King County.
- ~~15~~ 14. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.
- ~~16~~ 15. "Owner or occupant" means the owner of real property or the agent or lessee of the owner.
- ~~17~~ 16. "Permit card" means a card issued in conjunction with a permit (or a carbon copy of the permit) which shall be posted on the premises of the work being accomplished.
- ~~18~~ 17. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.
- ~~19~~ 18. "Ph" means a numerical indicator of the degree of acidity or alkalinity of a substance.
- ~~20~~ 19. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure which carries the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to carry stormwater or unpolluted

water.

~~21~~ 20. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries stormwater or unpolluted water.

~~22~~ 21. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of ~~Engineering~~ Seattle Public Utilities .

~~23~~ 22. "Public place," "public area" or "street area" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles and rights-of-way dedicated for the use of the public, and the space above or beneath the surface of the same.

~~24~~ 23. "Registered side sewer contractor" means a person approved and registered by the Director of ~~Engineering~~ Seattle Public Utilities to construct or repair side sewers.

~~25~~ 24. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the City, Rainier Vista Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired, constructed or maintained by such agencies.

~~26~~ 25. "Service drain" means a privately owned and maintained drainage system which carries only stormwater runoff, surface water, foundation drainage and/or other unpolluted waters and which discharges at an approved outlet as defined by the Director of ~~Engineering~~ Seattle Public Utilities. Service drains include, but are not limited to, conveyance pipes, catchbasin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet. Service drains do not include groundwater collection systems upstream from the point of connection to a service drain.

~~27~~ 26. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

~~28~~ 27. "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating wastewater.

~~29~~ 28. "Sewer, combined" means a publicly owned and maintained sewerage system which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and water from foundation drains.

~~30~~ 29. "Sewer, sanitary" means a publicly owned and maintained sewage system which carries wastewater, and is not designed to carry stormwater or unpolluted water.

~~31~~ 30. "Side sewer" means a privately owned and maintained pipe system which is designed to carry sewage and/or stormwater runoff, surface water, foundation drainage, and other unpolluted water leading from a plumbing outlet, drain or other facilities to the public sewer system or approved outlet.

~~32~~ 31. "Sidewalk" means the walkway in a public area lying generally parallel to the roadway.

~~33~~ 32. "Standard Plans and Specifications" means the standard plans and specifications ~~adopted by the Board of Public Works and~~ in effect on the date of issuance of the permit.

~~34~~ 33. "Storm drain" means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.

~~35~~ 34. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.

~~36~~ 35. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially

changed as to chemical or biochemical qualities. The Director of Health or the Director of ~~Engineering~~ Seattle Public Utilities has the authority to determine which waters are unpolluted waters.

~~37~~ 36. "Use" means and includes use or occupancy of a public place pursuant to Chapter 15.02 of the Seattle Municipal Code for the purpose of doing work, disturbing the surface, or erecting any structure under, along or over the public place.

~~38~~ 37. "Wastewater" is a comprehensive term including industrial waste, sewage, and other unpolluted waters, as determined by the Director of Health or Director of ~~Engineering~~ Seattle Public Utilities.

~~38~~ 39. "Watercourse" means a channel in which a natural flow of stormwater and/or groundwater occurs either continuously or intermittently.

Section 88. SMC 21.16.040 is hereby amended as follows:

Connection or abandonment of side sewers.

A. Wastewater Side Sewer Connections. The owner or occupant of any lands, premises or habitable structures shall connect all buildings, habitable structures, sanitary plumbing outlets, and other sources of polluted water located thereon, unless exempt under subsection C of this section, with the nearest accessible sanitary sewer or combined sewer, whenever such sewer is located within three hundred feet (300') of the closest point of the building, habitable structure, sanitary plumbing outlet, or source of polluted water. Except in conjunction with activity requiring a development permit, the Director of ~~Engineering~~ Seattle Public Utilities shall determine whether a sanitary sewer or combined sewer is accessible and whether the connection shall be made by a side sewer or by an extension of the public sewer system. In conjunction with activity requiring a development permit, the Director of Construction and Land Use, after consulting with the Director of ~~Engineering~~ Seattle Public Utilities, shall make such determination.

B. Service Drain Connections. Connections of service drains to combined sewers or storm drains shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

C. Exemptions from Connection. In conjunction with activity requiring a development permit, the Director of Construction and Land Use, after consulting with the Director of ~~Engineering~~ Seattle Public Utilities, may exempt any otherwise accessible developed property from connecting to the public sewer system; and except in conjunction with activity requiring a development permit the Director of ~~Engineering~~ Seattle Public Utilities may exempt any otherwise accessible developed property from connecting to the public sewer system; provided, in all cases, that the following conditions are met:

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to the charge that would be made for sewer service if the property were connected to the sewer system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges; and
2. The Director of Health has waived the requirement as provided in subsection A of this section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must connect to that sewer; and
3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health. The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to in subdivision 1 of this subsection, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.

D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall cap the side sewer.

Section 89. SMC 21.16.050 is hereby amended as follows:

Connection-Notice to owner or occupant.

A. Whenever any land, buildings, or premises are required to be connected with the public sewer system as provided in Section 21.16.040, the Director of Health, upon notice from the Director of ~~Engineering~~ Seattle Public Utilities that a connection is accessible, shall serve upon the owner or occupant of the lands, buildings, premises or habitable structures, a notice in writing specifying the time within which such connection must be made, which time shall not be more than sixty (60) days from the date of delivery of such notice.

B. If such owner or occupant shall fail or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director of Health shall notify the Director of ~~Engineering~~ Seattle Public Utilities, whereupon the Director of ~~Engineering~~ Seattle Public Utilities may make such connection and the connection cost plus fifteen percent (15%) thereof, for engineering design and administrative costs, shall be charged to the owner or occupant, and a bill showing the amount thereof shall be mailed or delivered to the owner or occupant, or posted upon the premises, whereupon the amount shall immediately be paid to the City Finance Director. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

Section 90. SMC 21.16.060 is hereby amended as follows:

Registered side sewer contractor-Qualification-Insurance-Bond.

A. To obtain registration from the City as a side sewer contractor, an applicant must:

1. Pay to the City Finance Director an examination fee of Sixty Dollars (\$60.00) for each individual who takes the examination required by this subsection;
2. Successfully complete or employ an individual who has successfully completed an oral and written examination administered by the Director of ~~Engineering~~ Seattle Public Utilities;
3. Possess a current Washington State Contractor's license;
4. Possess a current City Business and Occupation license;
5. File with the Director of ~~Engineering~~ Seattle Public Utilities a certificate of insurance as prescribed by subsection B; and
6. Post a bond as prescribed by subsection C.

B. Each registered side sewer contractor shall file with the Director of ~~Engineering~~ Seattle Public Utilities a certificate of insurance and maintain in full force and effect a policy of insurance from an insurance company licensed to do business in the State of Washington. The certificate shall state that the contractor carries comprehensive general liability insurance with bodily injury limits of not less than Three Hundred Thousand Dollars (\$300,000.00) for any one (1) person killed or injured in any one (1) accident or occurrence, and One Million Dollars (\$1,000,000.00) for more than one (1) person killed or injured in any one (1) accident or occurrence and with property damage liability limits of at least One Hundred Thousand Dollars (\$100,000.00) for all damages arising out of injury to or destruction of property. Such policy shall contain an endorsement naming the City as an additional insured and providing for not less than ten (10) days' notice to the City of any change, cancellation or expiration of such policy. The Director of ~~Engineering~~ Seattle Public Utilities shall, upon notice, cancel the contractor's registration if such insurance shall cease to be of full force and effect.

C. Each registered side sewer contractor shall post with the City Clerk and maintain in full force and effect a bond in the sum of Fifteen Thousand Dollars (\$15,000.00) conditioned that the applicant shall indemnify and save harmless the City from all claims, actions, or damages of every kind or description which may accrue to or be suffered by any person by reason of any opening in any street, alley, avenue or other public place made by the contractor or those in the contractor's employ, in making any connection with any public or private sewer, or for any other purpose or object

whatever, and that the contractor shall also replace and restore such street, alley, avenue or other public place to as good a state and condition as at the time of commencement of said work, and maintain the same in good order, and that the contractor shall comply with all of the provisions of this subtitle and any other ordinance of the City, relating to the business of side sewer contracting.

Section 91. SMC 21.16.065 is hereby amended as follows:

Cancellation, suspension or denial of registration.

A. In addition to other penalties provided by law, the Director of ~~Engineering~~ Seattle Public Utilities may cancel or suspend the registration of a registered side sewer contractor, or may deny an application for registration, for any of the following causes:

1. Failure to successfully complete the examination or to employ an individual who has successfully completed the examination required by Section 21.16.060;
2. Failure to maintain the comprehensive general liability insurance or bond required by Section 21.16.060;
3. Failure to comply with this Title of the Seattle Municipal Code or the rules and regulations issued by the Director of ~~Engineering~~ Seattle Public Utilities governing the construction and laying of side sewers;
4. Fraud or misrepresentation in registering as a side sewer contractor;
5. Failure to pay for labor or material used in the construction of a side sewer;
6. Fraud or misrepresentation to the owner or occupant of a building for the purpose of obtaining a contract for the construction of a side sewer;
7. Nonpayment for work performed by the City for which the side sewer contractor is liable; or
8. Construction or other performance showing dissatisfactory work by the side sewer contractor.

B. Upon information and belief that a registered side sewer contractor's registration should be suspended or canceled, or an application for registration denied, for any of the causes enumerated in subsection A of this section, the Director of ~~Engineering~~ Seattle Public Utilities shall send notice by certified mail to the contractor that the contractor's registration as a side sewer contractor may be suspended or canceled or an application for registration may be denied in not less than ten (10) days from the date of the notice. The notice shall contain a statement of the basis for the suspension or cancellation, or for denial of application for registration.

C. If the contractor wishes to appeal the action, the contractor must file with the Director of ~~Engineering~~ Seattle Public Utilities a request for a hearing before the Hearing Examiner within ten (10) days of the date of service or mailing of such notice. The contractor shall submit the Hearing Examiner's filing fee with

such request.

D. If a timely request for a hearing is filed by the contractor or applicant, a hearing shall be scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner according to his/her rules for contested cases.

E. When a hearing has been requested by a contractor in connection with a suspension or cancellation of the contractor's registration, the registration shall remain in effect pending the determination made as a result of such hearing; provided, that in cases involving a substantial threat to the public health, safety or welfare, the registration may be summarily suspended.

F. If a timely appeal is not filed by the contractor or applicant, the order of the Director of ~~Engineering~~ Seattle Public

Utilities denying, suspending or revoking the registration shall be final; provided, that the Hearing Examiner may waive the ten (10) day requirement upon satisfaction that failure to receive notice of the order was beyond the control of the person requesting the hearing.

G. The Director of ~~Engineering~~ Seattle Public Utilities ' decisions shall be reversed only if the Hearing Examiner finds that the decision was arbitrary and capricious.

H. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

I. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director of ~~Engineering~~ Seattle Public Utilities ' decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director of ~~Engineering~~ Seattle Public Utilities and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

J. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice.

K. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner's decision specifically states that the Hearing Examiner retains jurisdiction.

L. Within fifteen (15) calendar days from the date of issuance of the Hearing Examiner's decision, a party of record may appeal the decision to the King County Superior Court through application for a writ of review.

M. Whenever a registration is denied, no reapplication for registration will be considered by the Director of ~~Engineering~~ Seattle Public Utilities until correction of the disability on which the denial was based.

N. Whenever a registration is revoked, no new application for registration that has been revoked will be considered by the Director of ~~Engineering~~ Seattle Public Utilities for a period of one (1) year, commencing on the date the order to revoke becomes final.

O. The period of suspension shall be a period as stated in the order to suspend, and may be for any period up to one (1) year, commencing on the date the order to suspend becomes final.

Section 92. SMC 21.16.070 is hereby amended as follows:

Permit required.

A. A side sewer permit is required for any work on a side sewer including, but not limited to, construction, alteration, repair, removal, and capping.

B. When an existing structure is removed from a site and a new structure is constructed, a side sewer permit is required to connect the new structure to the public sewer system or approved outlet.

C. Unless an emergency exists, as determined by the Director of ~~Engineering~~ Seattle Public Utilities, a side sewer permit must be obtained from the Director of ~~Engineering~~ Seattle Public Utilities before any work may be started on a side

sewer located within the City's sewer service area, either on private property or within a public place.

D. No permit shall be altered and no work shall be performed on a side sewer other than that provided for in the permit. If additional work is necessary, the Director of ~~Engineering~~ Seattle Public Utilities may require an additional permit and/or fees.

Section 93. SMC 21.16.080 is hereby amended as follows:

Permit-Application-Director of ~~Engineering~~ Seattle Public Utilities' authority.

- A. For work in a public place, a permit shall only be issued to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a duly authorized representative of a registered side sewer contractor.
- B. For work in other than a public place, a permit may be issued to the owner or occupant of the property or agent thereof.
- C. Whenever a registered side sewer contractor applies for a permit, a permit shall be issued only to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a duly authorized representative of the contractor.
- D. Application for the permit required by this chapter shall be filed with the Director of ~~Engineering~~ Seattle Public Utilities with the following:
1. The name, address and telephone number of the applicant;
 2. Name, mailing address, and telephone number of the property owner;
 3. Legal description and address of property to be served;
 4. A scale drawing showing the location of all structures on the property, dimensions of the structures, and the location of all existing and proposed side sewers;
 5. Purposes for which all structures are to be used;
 6. Proof that all necessary permits have been obtained in conjunction with or prior to issuance of the side sewer permit;
 7. Proof that all necessary easements, releases, and/or permissions to connect have been obtained and recorded with the King County Department of Records and Elections;
 8. Proof of payment of all permit fees and other charges required by Chapter 21.24 of the Seattle Municipal Code.
- E. The Director of ~~Engineering~~ Seattle Public Utilities may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer, and determine whether or not a permit shall be granted. The Director of ~~Engineering~~ Seattle Public Utilities may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in the State of Washington. The Director of ~~Engineering~~ Seattle Public Utilities shall keep such records as he/she deems necessary of all side sewer permits and inspection reports.
- F. Notwithstanding any other provisions of this chapter, the Director of ~~Engineering~~ Seattle Public Utilities may refuse, until the condition is corrected, to issue a permit to a registered side sewer contractor for any of the following conditions:
1. Failure to pay within sixty (60) days any bill for work performed by the City and for which the contractor is liable;
 2. Failure to maintain the comprehensive general liability insurance or the bond required by Section 21.16.060 of the Seattle Municipal Code; or
 3. Failure to comply with a notice posted pursuant to Section 21.16.360 of the Seattle Municipal Code.

Section 94. SMC 21.16.090 is hereby amended as follows:

Permits-Period of validity-Restrictions-Posting.

A. Unless authorized by the Director of ~~Engineering~~ Seattle Public Utilities, no permit shall be issued for side sewer connection before the public or private main sewer system has met requirements set by the Director of ~~Engineering~~ Seattle Public Utilities.

B. Side sewer permits are not transferable.

C. All side sewer permits shall expire ninety (90) days after issuance unless extended by the Director of ~~Engineering~~ Seattle Public Utilities prior to the date of expiration. Expired permits are not subject to refunds pursuant to Section 21.24.090 of the Seattle Municipal Code.

D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily and safely accessible to the Director of ~~Engineering~~ Seattle Public Utilities.

Section 95. SMC 21.16.100 is hereby amended as follows:

Police officer's authority.

It shall be the duty of any police officer and of the Director of Health, finding any person breaking ground for the purpose of making connection with a public or private sewer system, to ascertain if such person has a permit therefor and if not to immediately report the fact to the Director of ~~Engineering~~ Seattle Public Utilities.

Section 96. SMC 21.16.110 is hereby amended as follows:

Permit for temporary connection.

The Director of ~~Engineering~~ Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of ~~Engineering~~ Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of ~~Engineering~~ Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City Finance Director following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law. The Director of ~~Engineering~~ Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of ~~Engineering~~ Seattle Public Utilities the recording number of said instrument.

Section 97. SMC 21.16.140 is hereby amended as follows:

Inspections.

A. Any person performing work pursuant to the provisions of this chapter shall notify the Director of ~~Engineering~~ Seattle Public Utilities when the work will be ready for inspection, and shall specify in such notification the location of the premises by address and the file number of the permit.

B. The Director of Engineering Seattle Public Utilities shall schedule inspection times. On any call for inspection forty-eight (48) hours' notice plus Saturday, Sunday and holidays may be required by the Director of Engineering Seattle Public Utilities.

C. If the Director of Engineering Seattle Public Utilities finds the work performed or materials used not in accordance with this chapter and rules and regulations and/or the City "Standard Plans and Specifications" for side sewer construction, he/she shall notify the person doing the work and the owner or occupant of the premises by posting a notice on or near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or materials found in such inspection.

D. The inspection shall include a test in the presence of the Director of Engineering Seattle Public Utilities to determine that the side sewer is of tight construction and does not allow infiltration or exfiltration of water. Specifications for such a test shall be included in the rules and regulations referred to in Section 21.16.350 of the Code.

E. If the permittee is a registered side sewer contractor, either the contractor or a competent representative shall be on the premises, whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during the regular hours of business when

requested.

Section 98. SMC 21.16.150 is hereby amended as follows:

Trenches and excavations.

A. Trenches and excavations shall be subject to the requirements established by the Director of Engineering Seattle Public Utilities. No excavation shall be made in any public area except at the times and in the manner prescribed by the Director of Engineering Seattle Public Utilities.

B. No trench shall be filled nor any sewer or drain covered until the work shall have been inspected and approved by the Director of Engineering Seattle Public Utilities, with said approval noted on the card posted on the job site.

C. All trenches or excavations within four feet (4') of any public place and all obstructions or encroachments upon a public place shall be barricaded as required by the Street Use Ordinance

(Title 15 of the Seattle Municipal Code). The lateral support of any public place shall be maintained while constructing, altering or repairing any side sewer. All trenches or excavations within four feet (4') of any public place shall be safely covered during hours of inactivity of work on the side sewer.

D. All work in public places shall conform to the requirements of the current edition of The City of Seattle Traffic Control Manual for In-Street Work.

Section 99. SMC 21.16.160 is hereby amended as follows:

Filling of excavations.

A. For side sewers in King County, all excavations in any public area by a registered side sewer contractor shall be filled and/or covered in such a manner that no significant settlement shall occur for a period of two (2) years.

B. Work within the limits of any public area shall be prosecuted to completion with due diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director of Engineering Seattle Public Utilities may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the Director of Engineering Seattle Public Utilities in such work plus fifteen percent (15%) for administrative costs shall be charged to the side sewer contractor in charge of such work and shall be immediately

payable to the City Finance Director by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.

Section 100. SMC 21.16.170 is hereby amended as follows:

Failure to complete work-Completion by City.

If any work performed on a side sewer is not completed in accordance with the provisions of this chapter and the plans and specifications as approved by the Director of ~~Engineering~~ Seattle Public Utilities, and if the contractor or person doing the work shall refuse to properly construct and complete such work, notice of such failure or refusal shall be posted on the premises where the work is being done, and the Director of ~~Engineering~~ Seattle Public Utilities may cause the work to be completed and the sewer connected in the proper manner, and the cost of such work and any materials necessary therefor plus fifteen percent (15%) for administrative costs shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the Director of ~~Engineering~~ Seattle Public Utilities giving written notice of the amount thereof or posting a notice thereof on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

Section 101. SMC 21.16.180 is hereby amended as follows:

Repair of inoperative or inadequate sewer or drain.

Where it is determined by the Director of Health or the Director of ~~Engineering~~ Seattle Public Utilities that a side sewer, drain, ditch, or natural watercourse is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director of Health and/or the Director of ~~Engineering~~ Seattle Public Utilities may give notice to the owner of the side sewer and, if different than the owner of the side sewer, to the owner or occupant of the property in which such condition exists. The owner or occupant shall correct such condition within the time specified in the written notice. If the owner or occupant shall fail to correct such condition within the time specified in such notice, the Director of ~~Engineering~~ Seattle Public Utilities may perform such work as may be necessary to comply with this chapter. The cost of such work done by the Director of ~~Engineering~~ Seattle Public Utilities, plus fifteen percent (15%) for administrative costs, shall be charged to the property owner or occupant and shall become immediately payable to the City Finance Director upon written notice of such amount being given to the property owner or occupant or posted upon the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

Section 102. SMC 21.16.210 is hereby amended as follows:

Mechanical lifting or backwater sewage valves.

A. In any building, structure or premises in which the plumbing outlets or other drainage facilities are too low in elevation as determined by the Director of ~~Engineering~~ Seattle Public Utilities to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer.

B. Whenever a situation exists involving danger of backups of sewage or drainage from the public sewer system, the Director of ~~Engineering~~ Seattle Public Utilities may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Wastewater from drains or side

sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the Director of ~~Engineering~~ Seattle Public Utilities, or if approved by the Director of ~~Engineering~~ Seattle Public Utilities, a backwater sewage valve may be installed provided the property owner shall record with the King County Department of Records and Elections an instrument as described in Section 21.16.260 of the Seattle Municipal Code. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the side sewer.

Section 103. SMC 21.16.220 is hereby amended as follows:

Drainage of hard-surfaced or graded areas.

Hard-surfaced or graded areas such as parking lots, service station yards and storage yards shall be drained in such manner as will protect adjacent public and private property from damage and such drainage shall enter the public sewer system or other outlet approved by the Director of ~~Engineering~~ Seattle Public Utilities and as required by Chapters 22.800 and 22.802 of the Seattle Municipal Code. Such storm drainage shall not be connected to or enter a sanitary sewer.

Section 104. SMC 21.16.250 is hereby amended as follows:

Easements and agreements.

A. Before a side sewer may be located on a building site other than the site being served by the side sewer, and before the Director of ~~Engineering~~ Seattle Public Utilities shall issue a side sewer permit, the owner of the side sewer shall secure a written easement from the owner of the property to be crossed. The easement shall be duly acknowledged, and shall grant the right to occupy the property for side sewer or utility purposes. The easement shall be recorded in the office of the King County Department of Records and Elections, by the owner of the side sewer, and the recording number shall be exhibited to the Director of ~~Engineering~~ Seattle Public Utilities.

B. When two (2) or more structures are allowed to connect to one (1) side sewer, an instrument(s) which identifies all affected properties and which shall save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side sewer must be executed by all affected property owners and recorded with the King County Department of Records and

Elections for each affected property. The instrument(s) shall be upon a form approved by the Director of ~~Engineering~~ Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the affected properties.

Section 105. SMC 21.16.260 is hereby amended as follows:

Installation when compliance is impractical-Conditional permit.

If, in the opinion of the Director of Construction and Land Use, after consulting with the Director of ~~Engineering~~ Seattle Public Utilities, physical conditions make compliance with the provisions of this chapter impracticable, the Director of ~~Engineering~~ Seattle Public Utilities may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the King County Department of Records and Elections an instrument acceptable to the Director of ~~Engineering~~ Seattle Public Utilities agreeing to save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side sewer. Such instrument shall be upon a form approved by the Director of ~~Engineering~~ Seattle Public Utilities. This section is not intended to be used to allow storm drainage connections to a sanitary sewer.

Section 106. SMC 21.16.270 is hereby amended as follows:

Construction requirements and specifications.

A. Materials and workmanship in connection with the installation of any side sewer or service drain shall be as required by the Standard Plans and Specifications of the City, and Chapters 22.800 and 22.802 of the Seattle Municipal Code, and as designated by the Director of ~~Engineering~~ Seattle Public Utilities. If any requirements or standards conflict, or if special circumstances exist, the Director of ~~Engineering~~ Seattle Public Utilities will determine which requirements or standards will be applicable.

B. Unless authorized by the Director of ~~Engineering~~ Seattle Public Utilities, an owner or occupant who is required, or

wishes, to connect to a public sewer shall be required to build a main sewer line extension if a public sewer is not accessible within an abutting public area, or if the building, habitable structure, plumbing outlet or source of polluted water is more than two hundred feet (200') from the public sewer.

C. Unless authorized by the Director of Engineering Seattle Public Utilities, no more than one (1) building shall be connected to a side sewer. Where a dual connection of two (2) single-family dwellings, or a multiple dwelling or commercial building connected with a single-family dwelling, is permitted by the Director of Engineering Seattle Public Utilities, the pipe below the point of dual connection shall be not less than six inches (6") in diameter.

D. All multiple dwellings and industrial and commercial buildings shall be connected with not less than six-inch (6") diameter pipe on private property; provided, with the permission of the Director of Engineering Seattle Public Utilities, no more than three (3) two-inch (2") downspouts, or one (1) motel unit, may be connected with four-inch (4") diameter pipe on private property.

E. Unless authorized by the Director of Engineering Seattle Public Utilities, all side sewers shall be constructed with not less than two percent (2%) grade and not more than one hundred percent (100%) grade.

F. Unless authorized by the Director of Engineering Seattle Public Utilities, all side sewers shall have not less than sixty inches (60") of cover at the curblineline or in a public alley, thirty inches (30") of cover at the property line, and eighteen inches (18") of cover on private property.

G. All side sewers serving one (1) dwelling unit shall have minimum pipe size of four inches (4") in private property and six inches (6") in public areas.

H. Ductile or cast iron pipe shall be used for all side sewers crossing over water mains for a distance of at least five feet (5') measured perpendicular from the center of the water main. Side sewer lines must be laid at least six inches (6") below and one foot (1') away from any water service line or water main, unless ductile or cast iron pipe is used for the side sewer.

I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to the property line as possible without interrupting service to any other building.

Section 107. SMC 21.16.280 is hereby amended as follows:

Restoration of streets and other public areas.

Streets, sidewalks, planting strips, and other public areas except as mentioned in Section 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored by the side sewer contractor to the original surface condition as approved by the Director of Engineering Seattle Public Utilities; and in event of the failure of the contractor to so restore the area the Director of Engineering Seattle Public Utilities may make such restoration and charge the cost thereof to the side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area make immediate payment thereof to the City Finance Director.

Section 108. SMC 21.16.300 is hereby amended as follows:

Prohibited discharge of certain substances.

Unless approved by the Director of Engineering Seattle Public Utilities it is unlawful to discharge or cause to be discharged any of the following substances in the public sewer system or any drain, ditch or natural outlet:

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

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

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

D. Garbage that has not been properly shredded;

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

system;

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

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

plant;

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

I. Noxious or malodorous gas or substance capable of creating a public nuisance.

Section 109. SMC 21.16.310 is hereby amended as follows:

Pretreatment facilities.

A. Grease, oil, sand, liquid waste containing grease or flammable material or other harmful ingredients shall be intercepted prior to being discharged to the public sewer system by the installation and operation of pretreatment facilities which shall be of a type and capacity approved by the Director of ~~Engineering~~ Seattle Public Utilities and shall be so located as to be readily accessible for maintenance and inspection.

B. When pretreatment facilities are installed for private use, they shall be maintained by the owner or occupant at his or her expense in continuously efficient operation at all times. The Director of ~~Engineering~~ Seattle Public Utilities shall determine whether such equipment shall be allowed or required to be installed, and whether the effluent produced is satisfactory.

C. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the Director of ~~Engineering~~ Seattle Public Utilities; and construction of such facilities shall not begin until such approval is noted on the plan.

Section 110. SMC 21.16.330 is hereby amended as follows:

Standards for measurements and analyses.

Measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the standards prescribed by "Standard Methods for the Examination of Water and Sewage," filed in the City Clerk's office under ~~Comptroller Clerk's~~ File No. 260956. In any property served by a side sewer carrying industrial wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the Director of ~~Engineering~~ Seattle Public

Utilities. Such manhole shall be accessible, safely located, and shall be constructed and installed in accordance with plans approved by the Director of ~~Engineering~~ Seattle Public Utilities. Such manhole shall be installed and maintained by the owner or occupant at his or her expense.

Section 111. SMC 21.16.340 is hereby amended as follows:

Right of entry for inspection.

The Director of ~~Engineering~~ Seattle Public Utilities or other City officials or employees of the City, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times, or during an emergency at any time, for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.

Section 112. SMC 21.16.350 is hereby amended as follows:

Authority to make rules and regulations.

The Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the provisions of this chapter.

Section 113. SMC 21.16.360 is hereby amended as follows:

Authority to post notices.

The Director of Health or the Director of ~~Engineering~~ Seattle Public Utilities is authorized to post notice on private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require work to cease if necessary.

Section 114. SMC 21.16.370 is hereby amended as follows:

Unlawful destruction of notices.

It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Director of Health or the Director of ~~Engineering~~ Seattle Public Utilities pursuant to the provisions of this chapter.

Section 115. SMC 21.20.010 is hereby amended as follows:

Connections authorized.

Pursuant to authority granted by RCW 35.67.310 the Director of ~~Engineering~~ Seattle Public Utilities is authorized to enter into agreements for and on behalf of the City with the owners of property beyond the City limits permitting connection of such property with the City's sewers upon the terms, conditions and subject to the payments prescribed in this chapter when, in the judgment of the Director of ~~Engineering~~ Seattle Public Utilities, such connections will not overload or imperil the City's sewer system.

Section 116. SMC 21.20.020 is hereby amended as follows:

Specifications of agreement.

A. Such agreement shall specify the property to be connected with the City sewer system; shall grant permission for connection upon payment of prescribed fees and charges therefor; shall require the property owners to construct such connection in accordance with City plans and specifications and under the supervision of the Director of ~~Engineering~~

Seattle Public Utilities, without cost or expense to the City; shall provide that the property owner shall not allow any additional property to be served by such connection until the owner of such additional property has executed a similar agreement, except that two (2) or more property owners may join in one (1) connection agreement; shall require such property owner to pay any sewerage utility charge fixed by ordinance and also an amount equivalent to side sewer permit fees and special connection charges fixed by ordinance for like property within the City, which special connection charge shall be paid in cash or in installments with interest at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue computed annually on unpaid balances; shall agree that the City in the event the terms and conditions of said agreement are not faithfully kept and performed may disconnect the sewer serving the property from the City's system and for that purpose shall authorize the Director of ~~Engineering~~ Seattle Public Utilities to enter upon the premises of such property owner; and shall provide that in such event the payment made for such connection shall be forfeited to the City and no credit shall be allowed therefor if such property is later reconnected to the City sewer system upon approval of a new application therefor and shall further provide that such agreement shall be filed for record in the office of the Director of Records and Elections of King County, Washington, and shall constitute a covenant running with the land binding upon the property owner, his heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in said property.

B. In the event that such agreement provides for payment of the special connection charge in installments, such agreement shall further provide for a down payment of five percent (5%) of the total connection charge, payable upon execution of such agreement and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall further provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable.

Section 117. SMC 21.24.010 is hereby amended as follows:

Permit and fee-Required for connection and repairs.

It is unlawful to connect any property or premises with a public sewer, as defined by the ordinances of the City, pertaining to sewers and drains, or to make repairs, alterations or additions to any side sewer or drain connecting thereto, without first applying for and securing a permit therefor from the Director of ~~Engineering~~ Seattle Public Utilities and without paying the fee prescribed in this chapter. This requirement shall apply to all property, including that of the United States of America, the state, and any political subdivisions thereof.

Section 118. SMC 21.24.021 is hereby amended as follows:

Permit application and fee.

The permit application for a sewer or drain connection, repair, alteration or addition shall be made by the owner of such property or premises or by a registered side sewer contractor representing the owner, and the Director of ~~Engineering~~ Seattle Public Utilities shall determine whether the permit application conforms to the requirements of this chapter and other ordinances of the City regulating side sewers and compute the amount of the fee in accordance with the following schedule:

A. Sanitary Sewers.

1. Sanitary Sewer Connection, Relocation, or Alteration.

a. Single-family.

Connection. \$135.00

Pump. 45.00

More than one (1) connection

to main, each

additional. 135.00

Inspection time in excess of one (1) hour will be billed separately.

b. Multiple-family.

Connection per Building.

First unit \$ 135.00

Plus each additional

unit 30.00

Pump. 45.00

Maximum permit

fee 1,000.00

More than one (1)

connection to main,

each additional 135.00

Inspection time in excess of one (1) hour will be billed separately.

c. Commercial Structures and Additions.

Connection, each

square foot \$ 0.04

Pump. 45.00

Minimum fee 250.00

Maximum permit

fee 1,000.00

Inspection time in excess of one (1) hour will be billed separately.

d. Combination Commercial and Residential.

Connection.

Each square foot

of commercial. \$ 0.04

Plus each

residential unit 30.00
Pump. 45.00
Minimum fee 250.00
Maximum fee 1,000.00

More than one (1)

connection to main,
each additional 250.00

Inspection time in excess of one (1) hour will be billed separately.

2. Additional Connections to Existing Side Sewers.

All Structures.

One-half (1/2) of the rate

for initial connection

but not less than. \$70.00

Inspection time in excess of one (1) hour will be billed separately.

3. Additional Direct Connections to Main Sewer.

All Structures.

Same as initial connection

but not less than. \$135.00

Inspection time in excess of one (1) hour will be billed separately.

4. Reconnection to Sanitary Sewer- Structures Moved From Another Location.

All Structures.

Same as initial fee but

not less than. \$135.00

Inspection time in excess of one (1) hour will be billed
separately.

B. Repairs.

1. Repairs to Side Sewers.

All Structures.

Repairs on

property \$ 65.00

Repairs in street

area or both130.00

Inspection time in excess of one (1) hour will be billed separately.

C. Capping.

1. Cap Existing Side Sewers.

All Structures.

Per line capped. \$ 65.00

plus

Guarantee deposit per line to be

capped100.00

Inspection time in excess of one (1) hour will be billed separately.

D. Storm Drainage.

1. Drainage Systems Connecting Directly to Storm Drains or Discharging Directly to Receiving Waters.

a. Single-family (Less than Nine Thousand (9,000)

Square Feet of Developmental Coverage).

Connection fee. \$160.00

Inspection time in excess of one (1) hour will be billed separately.

b. Multi-family or Commercial with less than Nine

Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee. \$300.00

Inspection time in excess of two (2) hours will be billed separately.

c. All Developments with Greater than Nine Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee. \$0.02 per square foot
plus \$285.00

Inspection time in excess of two (2) hours will be billed separately.

2. Drainage Systems with Detention Required.

a. Single-family (Less than Nine Thousand (9,000) Square Feet of Developmental Coverage).

Connection fee \$245.00

Inspection time in excess of one (1) hour will be billed separately.

b. Multi-family or Commercial with Less than Nine Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee. \$400.00

Inspection time in excess of two (2) hours will be billed separately.

c. All Developments with Greater than Nine Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee. \$0.02 per square foot
plus \$350.00

Inspection time in excess of two (2) hours will be billed separately.

E. Additional Fees Levied. When side sewer or drainage work, as regulated by Seattle Municipal Code Chapter 21.16 (Ordinance 97016) is without the required permit, the fee shall be double the fee fixed by this chapter, except that the double-fee charge shall not apply in cases where, in the discretion of the Director of Engineering Seattle Public Utilities, an emergency has arisen at a time other than business hours and a permit is secured before noon (12:00 noon)

of the first business day following an emergency.

F. Legal Document Fee.

For each document prepared

by the City. \$65.00

G. Inspection Fee.

For the purpose of this

section inspection time

in excess of the base

fee will be charged per

hour \$90.00

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of ~~Engineering~~ Seattle Public Utilities shall be final and conclusive.

Section 119. SMC 21.24.030 is hereby amended as follows:

Special connection charge-Imposed.

A. In addition to sewer connection permit fees required by ordinance, there is imposed upon, and the owners of properties which have not been assessed or charged or borne an equitable share of the cost of the City's sewerage system shall pay prior to connection to a City sewer, a special connection charge in an amount to be computed under Section 21.24.040.

B. The special connection charge shall be paid in cash or under installment contract with interest thereon at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year connection is made with the City sewer, computed annually on unpaid balances. Such contract shall provide for a down payment of five percent (5%) of the total connection charge, payable upon execution of such contract and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st and October 1st. Such installment contract shall provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable, shall describe the property served by the sewer, shall be acknowledged by the property owner and shall be recorded by the Director of ~~Engineering~~ Seattle Public Utilities in the office of the King County Records and Elections Division at the expense of the property owner. Delinquent payments under such installment contract shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280; and as an additional and concurrent method of enforcing the lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until the delinquent installments are paid. Upon full payment of the contract, the Director of ~~Engineering~~ Seattle Public Utilities on behalf of the City shall execute and deliver to the property owner a release of such lien.

Section 120. SMC 21.24.040 is hereby amended as follows:

Special connection charge-Computation.

A. The special connection charge imposed by Section 21.24.030 shall be paid into the Sewer Drainage and Wastewater Fund and, in order that property owners bear their equitable share of the cost of the sewer system, shall be computed as

follows:

1. For Lateral Sewers. The number of units of property frontage to be served by the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage" or by such other method or combination of methods of computing assessments which may be deemed to more fairly reflect the special benefits to the property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in which the sewer to which the property is to be connected was constructed and accepted as completed, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made; except that for connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.
 2. For Trunk Sewers. The number of square feet of property area to be served by the sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are connected was constructed and accepted, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made, except that, for connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.
- B. The Director of ~~Engineering~~ Seattle Public Utilities is authorized to annually compute and establish the average local improvement assessment paid by property owners for lateral and trunk sewers completed and accepted by the City during the previous calendar year which average assessment shall be used by him or her in computing the special connection charge imposed in Section 21.24.030 as to sewer improvements completed in 1965 and thereafter. A copy of such computation shall be delivered to the City Clerk not later than February 1st of each such year to be filed by him in C.F. 253991.
- C. The Director shall file with the City Clerk in C.F. 253991 the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin, or otherwise available from the Federal Reserve Bank for each calendar year commencing with 1953. Such information shall be delivered to the City Clerk not later than April 1st for each preceding year.
- D. The collection of the special connection charge to serve a residence may be deferred at the request of a person responsible for its payment who is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be connected to the City system. Interest on deferred charges shall be computed at the same rate as provided in subsection A of Section 21.24.030 as if payment were being made in a timely manner under an installment contract. A request for deferral must be made thirty (30) days prior to levy of the special connection charge. All charges, including interest, so deferred, shall become due and payable in full at the time of sale or transfer of the property.
- E. Such special connection charge for property abutting on a street in which a sewer can be constructed or extended to serve such property, shall be computed as if the sewer were so constructed or extended; and the special connection charge for property located back from the margin of the street in which the sewer exists and outside of the assessment district created therefor shall be made giving consideration to the distance of the property from the street margin. In no case shall credit be allowed for the cost of extra length of side sewer required for connection to the City's sewerage system; provided, that in cases where application of the foregoing formula to a particular property results in a charge

which because of unusual conditions is in excess of charges to similar properties, the Director of ~~Engineering~~ Seattle Public Utilities is authorized to reduce the special connection charge to the amount charged to properties similarly situated.

F. For connection to side sewers constructed by the City, the property owner for whose benefit connection is made shall pay the cost of the side sewer. The cost shall be computed as follows: The actual cost to the City of the side sewer, plus fifteen percent (15%) for City design and administrative costs, plus interest at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection and applied until the connection is made, but excluding both the year of completion of construction and the year connection is made.

Section 121. SMC 21.24.070 is hereby amended as follows:

Fee payment.

The fee shall be paid to the City Finance Director before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Director of ~~Engineering~~ Seattle Public Utilities.

Section 122. SMC 21.24.090 is hereby amended as follows:

Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Director of ~~Engineering~~ Seattle Public Utilities shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate, the City Finance Director is authorized to draw and to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in the fund.

Section 123. SMC 21.24.100 is hereby amended as follows:

Refund of special sewer connection charge.

Whenever pursuant to Ordinance 82583, as amended, a special sewer connection charge shall have been paid on behalf of a property within the City limits, or pursuant to Ordinance 85317, as amended, a special sewer connection charge shall have been paid on behalf of property outside the City limits, and such charge shall have been incorrectly computed, duplicate a previous charge imposed and collected pursuant to the authority of either such ordinance, or be otherwise erroneous and an application is made for a refund, the Director of ~~Engineering~~ Seattle Public Utilities may authorize the same, such authorization to be in writing and accompanied by a statement of the facts justifying such refund and the amount approved.

Section 124. SMC 21.28.005 is hereby amended as follows:

Definitions.

For purpose of this chapter, the words or phrases below shall have the following meanings:

A. "Average winter water consumption" means the average of measured water used during a consecutive four month period, after October 31st and before May 1st, with the consumption measured entirely within that period.

- B. "CCF" means one hundred (100) cubic feet, equivalent to seven- hundred and forty-eight (748) gallons.
- C. "Commercial" means customers with two (2) or more residential dwelling units, or municipal, institutional, commercial, or industrial properties.
- D. "Customer" means an owner or operator of a property receiving wastewater charges from the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities on a Combined Utility Billing Statement (CUBS) or by direct invoice.
- E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of the ~~Drainage and Wastewater Utility~~ drainage and wastewater functions of the Seattle Public Utilities, which fund was renamed in Ordinance 116455 from the "Sewer Fund," which had been established under Ordinance 84390.
- F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.
- G. "High strength industrial waste or HSIW" means a surcharge determined by King County on high strength wastes generated by industries, primarily food, beverage and laundry industries, and is computed on the basis of biochemical oxygen demand.
- H. "Irrigation" means water used exclusively for watering lawns and gardens.
- I. "Metered water consumption" means water measured through public utility meters or meters owned and installed by the customer and approved by the Director of ~~Engineering~~ Seattle Public Utilities.
- J. "Seasonal customers" means residential customers who leave their Seattle homes vacant during a significant portion of the four (4) month period used to calculate the average winter water consumption.
- K. "Sewage" means refuse liquids or waste matter carried off by sewers.
- L. "Sewer" means an artificial conduit to carry off sewage and sometimes surface water (as from rainfall).
- M. "Sewerage" means the removal and disposal of sewage and surface water by sewers, or a system of sewers.
- N. "Single-family residence" means an individual dwelling unit with no commercial use and one (1) water meter.
- O "Submeter" means a meter installed down the line from a main water meter, measuring a portion of the total amount of water delivered through the main meter.
- P. "Wastewater" means refuse liquids or waste matter carried off by sewers; a synonym for sewage.
- Q. "Wastewater volume charge" means the wastewater volume rate multiplied by the volume of measured water consumed on the premises in accordance with this chapter.
- R. "Wastewater volume rate" means the dollar charge per CCF of wastewater measured in accordance with this chapter.

Section 125. SMC 21.28.010 is hereby amended as follows:

Sewerage system a public utility.

It is necessary for the public health, safety and welfare that the existing sewerage system of the City, in conjunction with the storm and surface water sewers, together with such extensions, additions and improvements thereto as may from time to time be authorized, continue to be maintained, conducted and operated as a public utility of the City ~~called the Drainage and Wastewater Utility~~ within the Seattle Public Utilities. The ~~Drainage and Wastewater Utility~~ Seattle Public Utilities shall have jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature owned or held by the City within its boundaries which comprise or relate to storm and surface water sewers,

including all facilities constructed and to be constructed with moneys from the Drainage and Wastewater Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department, ~~the Water Department~~, the City Light Department and the Executive Services Department ~~of Administrative Services~~. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

Section 126. SMC 21.28.020 is hereby amended as follows:

Administration of utility.

The Director of ~~Engineering~~ Seattle Public Utilities, through the ~~Department of Engineering~~ Seattle Public Utilities, shall operate and administer ~~the Drainage and Wastewater Utility~~ drainage and wastewater functions and enforce this chapter and there shall be kept a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Finance Director, as required by law.

Section 127. SMC 21.28.040 is hereby amended as follows:

Wastewater volume charge.

A. There is hereby imposed upon all premises ~~served by the Drainage and Wastewater Utility~~ for which Seattle Public Utilities provides wastewater services and on which water is consumed a volume charge for wastewater services. The volume charge shall be the amount obtained when the wastewater volume rate is multiplied by the volume of water consumed on the premises, whatever the source of such water. Wastewater shall be metered water consumption. However, every premise shall pay at the minimum a wastewater volume charge equal to one (1) CCF (hundred cubic feet) per month to cover billing and general administrative costs. The following premises shall be exempt from the charge imposed by this section:

1. Premises which are not connected and not required under SMC 21.16.040 (Section 3 of Ordinance 97016) to be connected to the public sewer system;
2. Premises, the owner, agent, lessee, or occupant of which has not been notified in accordance with SMC 21.16.040 (Section 4 of Ordinance 97016) to connect to the public sewer system.

B. There is hereby imposed upon all premises served by the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities and on which water is consumed, a City wastewater volume rate per CCF of metered flow per month. The minimum monthly wastewater volume charge shall be equal to the wastewater volume rate for one CCF regardless of actual metered flow. Effective January 1, 1996, the 1995 wastewater volume rate shall be increased only in the amount necessary to pass-through the cost to the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities of the increase, if any, in the King County wastewater treatment rate for 1996; provided that such King County increase shall not increase the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities' wastewater volume rate to more than Four Dollars and Twenty-three Cents (\$4.23) per CCF, and the actual rate has been determined by the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities to be Four Dollars and Five Cents (\$4.05) per CCF.

Section 128. SMC 21.28.080 is hereby amended as follows:

Calculation of residential wastewater volume charge.

A. It is the intent of this section to calculate residential wastewater charges based on water that should enter the sewerage system, and not on water used exclusively for irrigation or sprinkling. Wastewater charges for single-family and duplex residences shall be calculated in the following manner: For the six (6) months from November 1st through April 30th, the wastewater charge shall be based on metered water consumption. For the six (6) months from May 1st through October 31st, the wastewater charge shall be based on average winter water consumption or metered water

consumption, whichever is less. Average winter water consumption shall be calculated using the first four (4) month billing period that falls between November 1st and April 30th. The following is an example of residential billing:

Billing Period Water Use (ccf) Wastewater Use (ccf)

Nov-Dec 13 13

Jan-Feb 14 14

Mar-April 15 15

May-Jun 18 14

July-Aug 22 14

Sept-Oct 16 14

B. The Director of ~~Engineering~~ Seattle Public Utilities may use an assumed volume of six CCF per household, or prior water consumption records if those records are more representative of expected usage, to calculate residential wastewater charges under the following circumstances;

1. When the water meter has been determined to be malfunctioning;
2. When customers have insufficient water consumption history to calculate average winter water consumption;
3. When water use in the period used to calculate average winter water consumption is not representative of expected water use, such as rental property that is vacant between tenants or in the case of seasonal customers; and
4. When customers are not served by a publicly owned water supply system.

Section 129. SMC 21.28.090 is hereby amended as follows:

Calculation of commercial wastewater volume charge.

A. It is the intent of this section to charge commercial customers for water that should enter the sewer system. Wastewater charges shall be based on the metered water delivered to the premises except as noted below:

1. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to ships shall not be subject to any wastewater charge or rate.
2. Where the use of water is such that a portion of all water used is lost by evaporation, irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, customers may install, at their own expense, submeters approved by the Director of ~~Engineering~~ Seattle Public Utilities to enable measurement of the amount of water so used or lost. These submeters must measure in CCF, must be calibrated on a regular basis, and must be easily accessible for meter reading. If the submeter is unable to be read or if the reading is unreliable, an estimate can be used, but the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities must get at least one (1) accurate meter reading per year. It will be the responsibility of the ~~Drainage and Wastewater Utility~~ Seattle Public Utilities or its designee to inspect and approve the installation of a new submeter.

Where it is impractical to install a meter as described above, customers may apply to the Director of ~~Engineering~~ Seattle Public Utilities for an evaporation allowance or an irrigation allowance, provided that customer provide proof of the amount of water so used or lost. Evaporation loss allowances of eleven percent (11%) for industrial laundries and three

percent (3%) for laundromats are established. Irrigation allowances shall apply from June 1st through September 30th and will be calculated based on the residential methodology in Section 21.30.80.

B. Direct discharge of wastewater or industrial waste to salt or fresh water or to points other than the City sewer system shall not be cause for adjustment or reduction of the wastewater charge or rate.

Section 130. SMC 21.28.100 is hereby amended as follows:

Adjustments to wastewater volume charge.

A. Upon receipt of satisfactory evidence of hidden or underground water leakage, the Director of ~~Engineering~~ Seattle Public Utilities shall adjust the wastewater volume charge to the premises for water so lost and shall not use the period during which such leakage occurs in computing the average winter water consumption when to do so would result in a higher wastewater charge to such premises, provided that no such adjustment shall be made for leakage occurring more than four (4) months prior to the date of application therefor.

B. Where wastewater service is provided to premises outside the City limits, the wastewater charge shall be computed on the same basis as premises located inside the City, except that a sum equal to thirty percent (30%) of the wastewater charge shall be added, with the exception of sewer districts, or portions thereof, outside the City limits which are now or may hereafter be covered by special agreements.

C. Where wastewater service is provided to qualified low-income customers as defined in Section 21.76 of the Seattle Municipal Code, wastewater charges shall be partially offset in accordance with that chapter.

Section 131. SMC 21.28.200 is hereby amended as follows:

Wastes which would damage or overburden system.

A. In cases where the character of wastewater or industrial wastes from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system, or cannot be treated satisfactorily, the Director of ~~Engineering~~ Seattle Public Utilities shall require such users to dispose of such waste and prevent it from entering the system.

B. In cases where the character of the industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system greater than that imposed by the average wastewater entering the system, the Director of ~~Engineering~~ Seattle Public Utilities may by rule, require such manufacturing or industrial plant, building or premises, to pretreat such wastewater by means satisfactory to the Director of ~~Engineering~~ Seattle Public Utilities before discharging such wastewater into the sewerage system of the City.

C. If such pretreatment is not accomplished, the Director of ~~Engineering~~ Seattle Public Utilities shall recommend to the Council the levying of a surcharge which shall be in addition to the regular charge. The Council thereupon, by ordinance, may fix the amount of the surcharge.

Section 132. SMC 21.28.220 is hereby amended as follows:

High Strength Industrial Wastewater (HSIW) charges.

A. The Director of ~~Engineering~~ Seattle Public Utilities is assigned the responsibility for billing and collecting for and on behalf of King County, King County's High Strength Industrial Waste (HSIW) charges upon industrial users within the City's jurisdiction who deposit high-strength industrial wastes in the King County sewerage system, said charges to be determined by King County pursuant to Metro Resolution 2557 provided, however, that the Director of ~~Engineering~~ Seattle Public Utilities shall not bill such charges to users until the amounts thereof have been certified to him or her by King County.

B. The Director of ~~Engineering~~ Seattle Public Utilities shall provide King County each quarter with a listing of the water consumption by or metered flow to each HSIW industry served by the City.

C. In addition to the high-strength industrial waste charges as computed and certified to him or her by King County, the Director of ~~Engineering~~ Seattle Public Utilities shall add thereto in each instance a sum equal to the City and state taxes against such charges, if any, and a sum equal to the user's proportional share of the administration, billing and collection costs as determined by the Director of ~~Engineering~~ Seattle Public Utilities, and in connection with such billing the Director of ~~Engineering~~ Seattle Public Utilities may include on the same statement but as a separate item the High Strength Industrial Waste charges to be collected by the City for/ and on behalf of King County.

Section 133. SMC 21.28.260 is hereby amended as follows:

Billing and Collection of water and wastewater charges.

The rates and charges set out in this subchapter shall be effective and shall be computed and billed monthly or bimonthly by the Director of ~~Engineering~~ Seattle Public Utilities through an interdepartmental arrangement with the ~~Superintendent of Water~~ Director of Seattle Public Utilities, as a separate charge on the water bill, or through a direct invoice, and shall become due and payable to the City Finance Director as stated in such billing; and any wastewater rate or charge which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. Wastewater charges or any part thereof which become delinquent shall bear interest as authorized by RCW 35.67.200, at the rate of eight percent (8%) per year, or such rate as may hereafter be authorized by state law, computed on a monthly basis from the date of delinquency until paid. As authorized, RCW 35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid wastewater charges, including interest thereon, against any parcel for which the wastewater charges are delinquent. The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.210 through RCW 35.67.290. In the case of actions to collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection including but not limited to attorney's fees, staff time, and filing fees. As an additional and concurrent method of the collection of any such wastewater rate or charge, the ~~Superintendent of Water~~ Director of Seattle Public Utilities shall ~~upon written request from the Director of Engineering~~ have the authority to cut off the water service or supply from the premises to which such rate or charge for wastewater has attached until such rates and charges are paid.

Section 134. SMC 21.28.280 is hereby amended as follows:

Drainage and Wastewater Fund.

There exists a special fund of the City known as the "Drainage and Wastewater Fund." Any and all revenues received for the use of sewers and for wastewater service as set forth in this chapter, or in connection therewith, shall be credited to the Drainage and Wastewater Fund, and all expenses for the operation and maintenance of the existing sewerage system of the City, for the servicing of bonds of the Drainage and Wastewater Utility and the Sewerage Utility, as the utility was named prior to adoption of Ordinance 116455, and as these utilities were named prior to the creation of the Seattle Public Utilities, and for the cost of operation and maintenance of the sewerage plant and system of the City, as newly constructed or added to, and for maintenance of the utility in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance. Such expenses shall include the cost of billing and collection by the ~~Water Department~~ Seattle Public Utilities and all other interdepartmental charges for services related to wastewater functions ~~of the Utility~~ rendered by other departments for the ~~wastewater utility~~ Seattle Public Utilities, and payments to King County and Southwest Suburban for wastewater interception, treatment and disposal.

Section 135. SMC 21.28.350 is hereby amended as follows:

Refunds of wastewater charges.

The Director of Engineering Seattle Public Utilities is authorized to make refunds where any amount paid for wastewater services is found to be erroneous, or where adjustments have been made by him or her as authorized by this chapter. ~~The Superintendent of Water also is authorized to make refunds,~~ and the City Finance Director is authorized to draw and to pay the necessary warrants on the Drainage and Wastewater Fund upon certification by the Director of Engineering Seattle Public Utilities that the refund is authorized.

Section 136. SMC 21.33.010 is hereby amended as follows:

Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

- A. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.
- B. "City" means The City of Seattle.
- C. "Condominiums" or "townhouses" means residential properties or parcels which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.
- D. "Drainage service charge" means the fee imposed by the City upon all parcels of real property, except exempted properties, located within the boundaries of the City.
- E. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.
- F. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.
- G. "Non-single-family residential properties or parcels" means properties or parcels which contain more than two (2) residential dwelling units and institutional, commercial or industrial properties.
- H. "Open space" means parcels defined as greenbelts, natural areas, or park zones in the Mayor's Recommended Open Space Policies and identified as such on the Mayor's Recommended Open Space Zoning Map or as subsequently adopted by the City Council.
- I. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.
- J. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the total parcel size. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.
- K. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.
- L. "Rate category" means the classification of properties, based upon the estimated percentage of impervious surface on the parcel, for purposes of establishing drainage service charges.

M. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.

N. "Single-family residential property or parcel" means any property or parcel which contains one (1) or two (2) residential dwelling units.

O. "Submerged" means that portion of a parcel that extends beyond the shoreline as drawn on the King County Assessor's maps.

P. "System" means the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by the City or over which the City has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

Q. "Utility" means ~~The City of Seattle Drainage and Wastewater Utility~~ Seattle Public Utilities.

Section 137. SMC 21.33.080 is hereby amended as follows:

Drainage and Wastewater Fund.

The existing Sewer Fund is hereby renamed the Drainage and Wastewater Fund, and is to be used in the operation of the drainage and wastewater functions of Drainage and Wastewater Utility the Seattle Public Utilities. Changing the name of the fund to the Drainage and Wastewater Fund shall not in any way impair any obligations of the City where reference to the "Sewer Fund" may have been made.

Section 138. SMC 21.36.012 is hereby amended as follows:

Definitions C-E.

1. "City" means The City of Seattle.

2. "City's Waste" means all residential and nonresidential solid waste generated within the City, excluding Unacceptable Waste, Special Waste, Construction, Demolition and Landclearing Waste, and materials destined for recycling. City's Waste includes all such waste, regardless of which private or public entity collects or transports the waste. City's Waste includes all waste remaining after recycling.

3. "Clean wood waste" means and will consist of wood pieces generated as byproducts from manufacturing of wood products, hauling and storing of raw materials, tree limbs greater than four inches (4") in diameter and wood demolition waste (lumber, plywood, etc.) thrown away in the course of remodeling or construction, and waste approved for wood-waste recycling by the Director of the ~~Solid Waste Utility~~ Seattle Public Utilities. It excludes clean yardwaste, treated lumber, wood pieces, or particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock, and glass.

4. "Composting" means the controlled degradation of organic waste yielding a product for use as a soil conditioner.

5. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means waste comprised primarily of the following materials:

a. Construction Waste: waste from building construction such as scraps of wood, concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation, other building materials, plastics, styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging materials and containers.

b. Demolition Waste: solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition Waste consists of, but is not limited to, concrete, brick, bituminous concrete,

wood and masonry, composition roofing and roofing paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or leachate during its decomposition process and asbestos wastes are not considered to be Demolition Waste.

- c. Landclearing Waste: natural vegetation and minerals from clearing and grubbing land for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and rocks.
6. "Contaminated Soils" means soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions which contain harmful substances but are not designated dangerous wastes. Contaminated Soils may include excavated soils surrounding underground storage tanks, vector wastes (street and sewer cleanings), and soil excavated from property underlying industrial activities.
7. "Contractor" means those contracting with the City to collect and dispose of solid waste as described in this section, or the authorized representative of such contractors.
8. "Dangerous waste" means those solid wastes designated in WAC 173-303-070 through WAC 173-303-103 as dangerous or extremely hazardous waste.
9. "Detachable container" means a watertight, all-metal container, not less than one-half (1/2) cubic yard in capacity and equipped with a tight-fitting metal or other City-approved cover. The term shall also apply to containers of other material of similar size when approved by the Director of Engineering Seattle Public Utilities. Containers two (2) cubic yards and under shall be equipped with at least three (3) wheels.
10. "~~Director of Engineering Seattle Public Utilities~~ " or "~~City Engineer~~" means the Director of Engineering Seattle Public Utilities of The City of Seattle and authorized employees.
11. "Disposal site" means the areas or facilities where any final treatment, utilization, processing or deposition of solid waste occurs. See also the definition of interim solid waste handling site.
12. "Dwelling unit" in addition to its ordinary meaning includes a room or suite of rooms used as a residence and which has cooking facilities therein, but does not include house trailers in trailer courts, rooms in hotels or motels, or cells or rooms in jails or government detention centers.
13. "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

Section 139. SMC 21.36.014 is hereby amended as follows:

Definitions F-P.

1. "Fraternity, sorority or group student house" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, which is regulated by such institution.
2. "Garbage" means all discarded putrescible waste matter, including small dead animals weighing not over fifteen (15) pounds, but not including sewage or sewage sludge or human or animal excrement or yardwaste.
3. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty- six (26) pounds when empty and without cover, fitted with two (2) sturdy handles one (1) on each side and a tight cover, except in the case of sunken cans. The term shall also apply to containers of similar size and weight when approved by the Director of Engineering Seattle Public Utilities.
4. "Garbage container" means either:

- a. A garbage can; or
- b. A mini-can, or thirty-two (32), sixty (60), or ninety (90) gallon cart supplied by the collector and approved by the Director of ~~Engineering~~ Seattle Public Utilities for use under the solid waste collection contract.
5. "Hazardous substances" means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173- 303-102 or 173-303-103.
6. "Health Officer" means the Director of the Seattle-King County Department of Public Health or his/her designated representative.
7. "Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173.303 WAC.
8. "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
9. "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.
10. "Litter" means solid waste such as, but not limited to, disposable packages and containers dropped, discarded or otherwise disposed of upon any property.
11. "Mini-can" means a fifteen (15) to twenty (20) gallon container that is supplied by the contractor, made of galvanized metal or plastic, and meets the approval of the Director of ~~Engineering~~ Seattle Public Utilities .
12. "Mixed-use building" means a building with both residential and commercial solid waste with common garbage chute(s), and/or the residential and commercial solid waste generated in such building cannot be readily separated.
13. "Passenger vehicle" means any motor vehicle with a passenger car license plate.
14. "Person" means any governmental entity, or any public or private corporation, partnership or other form of association, as well as any individual.
15. "Planting strip" means that part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
16. "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks and planting (parking) strips, squares, triangles, and rights-of- way, whether open to the use of the public or not, and the space above or beneath the surface of the same.

Section 140. SMC 21.36.016 is hereby amended as follows:

Definitions R-Z.

1. "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass, that are identified as recyclable material pursuant to The City of Seattle's Comprehensive Solid Waste Plan.
2. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than incineration (including incineration for energy recovery) or other methods of disposal.

3. "Refuse" means either garbage or rubbish or both garbage and rubbish, and includes litter, but excludes yardwaste.
4. "Rubbish" means all discarded nonputrescible waste matter excluding yardwaste.
5. "Scavenging" means removal of material at a disposal site or interim solid waste handling site without the approval of the site owner or operator or of the Health Officer.
6. "Service unit" means a "garbage container."
7. "Small quantity generator hazardous waste" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated by businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173.303 WAC, but which is exempt from regulation as dangerous waste.
8. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to sludge from wastewater treatment plants, seepage from septic tanks, wood waste, dangerous waste, and problem wastes.
9. "Solid waste container" means a garbage container, detachable container, or any other secure, rigid, watertight container with a tight-fitting lid.
10. "Special category wastes" means wastes whose disposal is limited by certain restrictions and limitations, as identified in Section 21.36.029.
11. "Special Waste" means contaminated soils, asbestos and other waste specified by Washington Waste Systems in the Special Waste Management Plan included in the Operations Plan as requiring special handling or disposal procedures.
12. "Street" means a public or private way, other than alleys, used for public travel.
13. "Sunken can" means a garbage can which is in a sunken covered receptacle specifically designed to contain garbage cans and where the top of the garbage can is approximately at the ground level.
14. "Unacceptable Waste" means all waste not authorized for disposal at the Columbia Ridge Landfill and Recycling Center or successor site designated by the City, by those governmental entities having jurisdiction or any waste the disposal of which would constitute a violation of any governmental requirement pertaining to the environment, health or safety. Unacceptable Waste includes any waste that is now or hereafter defined by federal law or by the disposal jurisdiction as radioactive, dangerous, hazardous or extremely hazardous waste and vehicle tires in excess of those permitted to be disposed of by the laws of the disposal jurisdiction.
15. "Yardwaste" means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over four inches (4") in diameter; and biodegradable waste approved for the yardwaste programs by the Director of the ~~Solid Waste Utility~~ Seattle Public Utilities. It excludes loose soils, food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four inches (4") in diameter; human or animal excrement; and soil contaminated with hazardous substances.

Section 141. SMC 21.36.018 is hereby amended as follows:

Enforcement authority.

A. The Director of ~~Engineering~~ Seattle Public Utilities is authorized and directed to supervise and manage the collection

and disposal of solid waste under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of Police have general charge of supervision over the administration and enforcement of this chapter; provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening), 21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting facilities). The fire, health, engineering, construction and land use and other appropriate City departments are authorized to assist in enforcing the provisions of this chapter.

B. Upon a determination that in order to promote the public health, safety or welfare and that the successful operation of the system for collection and disposal of solid waste within the City requires such action, the Director of ~~Engineering~~ Seattle Public Utilities may direct that anyone, including but not limited to the persons or organizations exempted from the proscription of Section 21.36.030, must deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The determination by the Director of ~~Engineering~~ Seattle Public Utilities shall set forth the reasons therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and organizations covered by exemptions A through D and F of Section 21.36.030, and shall be published within three (3) days thereafter in the City official newspaper.

C. The Director of ~~Engineering~~ Seattle Public Utilities may request that the Chief of Police commission authorized representatives of the Director as nonuniformed special police officers with powers to enforce the provisions of the Solid Waste Code.

Section 142. SMC 21.36.026 is hereby amended as follows:

Household hazardous wastes.

A. It is generally recommended that no household hazardous wastes are disposed in municipal solid waste. Specific household hazardous wastes which are prohibited from disposal as municipal solid waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; and liquid paints.

B. The Director of ~~Engineering~~ Seattle Public Utilities by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, may prohibit additional substances from disposal or delete substances from the list in subsection A and authorize their disposal.

C. Household hazardous wastes prohibited from disposal as municipal solid waste are also prohibited from disposal in places where disposal of solid waste is prohibited.

D. Household hazardous wastes prohibited from municipal solid waste disposal shall be disposed of at special collection facilities, locations, and/or events designated by the Director of ~~Engineering~~ Seattle Public Utilities.

E. When empty, containers for household hazardous products may be disposed of as refuse.

Section 143. SMC 21.36.028 is hereby amended as follows:

Asbestos material and asbestos-containing waste material.

Asbestos material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA) as follows:

A. Removal. Persons removing asbestos material shall provide advance notification to PSAPCA, which enforces regulations concerning removal and disposal. Asbestos-containing waste material must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos- containing wastes shall be sealed into leak- tight containers or placed in one or more plastic bags with a combined six (6) mils thickness or greater, identified with the proper warning label.

B. Disposal.

1. It shall be unlawful for anyone to deposit, throw, place, discard or deliver, or cause to be deposited, thrown, placed, discarded or delivered any asbestos-containing waste material on any property, public or private, or in any public place; provided asbestos-containing waste material may be delivered to disposal sites or interim solid waste handling sites designated by the Director of ~~Engineering~~ Seattle Public Utilities for such purpose.
2. Disposal sites or interim solid waste handling sites which are designated to receive asbestos-containing waste material must be approved by the Seattle-King County Department of Public Health for this purpose.

Section 144. SMC 21.36.029 is hereby amended as follows:

Tires and special category wastes.

- A. Tires. The Director of ~~Engineering~~ Seattle Public Utilities may authorize collection of tires at City of Seattle transfer stations according to restrictions established by Administrative Rule, in accordance with Seattle Municipal Code Section 3.12.020.
- B. Special Category Wastes. The Director of ~~Engineering~~ Seattle Public Utilities may define by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, special restrictions and limitations on the disposal of certain types of wastes which cannot be handled safely through the municipal solid waste collection system. Restricted materials may include items over certain sizes or weights, and dust-producing materials.
- C. Polystyrene Packaging Pieces. The Director of ~~Engineering~~ Seattle Public Utilities may set special restrictions and limitations on the disposal of polystyrene packaging pieces in solid waste to be collected by the City or a contractor making collection for the City. Restrictions may include containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the packaging pieces.

Section 145. SMC 21.36.030 is hereby amended as follows:

Unlawful hauling of City's Waste-Exceptions.

It is unlawful for anyone, except the following, to haul City's Waste through the streets in the City:

- A. The University of Washington or its contractor;
- B. Military establishments or their contractors;
- C. The City's solid waste contractors;
- D. Anyone authorized to collect solid waste in the City under RCW Chapter 81.77;
- E. Business concerns, as to City's Waste originating within their own establishments; and
- F. The Seattle Housing Authority or its contractor; provided, however, that the exempted persons and organizations may be required to deposit such City's Waste at disposal, processing, or recovery sites provided and/or designated by the Director of ~~Engineering~~ Seattle Public Utilities pursuant to Section 21.36.018.

Section 146. SMC 21.36.040 is hereby amended as follows:

Unlawful disposal sites.

It is unlawful for anyone to deliver and/or deposit any solid waste that is City's Waste generated within the City at any disposal site other than a disposal, processing, or recovery site provided and/or designated by the Director of ~~Engineering~~ Seattle Public Utilities pursuant to Sections 21.36.030 and 21.36.018.

Section 147. SMC 21.36.060 is hereby amended as follows:

Garbage cans-Maintenance.

A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes accumulated at that premises until it is removed to a disposal site or interim solid waste handling site.

B. All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used. The ~~(City Engineer-Director of Seattle Public Utilities,~~ at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can, garbage container, or detachable container is satisfactory for use.

Section 148. SMC 21.36.080 is hereby amended as follows:

Placement of garbage containers, bundles and detachable containers.

A. All garbage cans and bundles for backyard collection shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches (14") above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, garbage cans or bundles may be placed at a location selected by the customer and the Director of ~~Engineering~~ Seattle Public Utilities . Garbage containers or bundles and bundles-of-yardwaste for curbside/alley collection shall be placed as follows:

1. From properties with level planting strips, in the planting strip or driveway within one (1) yard of the curb;
2. From properties with alleys of sufficient width, in the alley or within one (1) yard of the alley gate if the gate is within one (1) yard of the alley;
3. From properties with sidewalks but not planting strips, on the owner's property, within one (1) yard of the sidewalk, if level;
4. When the foregoing location slopes at a grade making placement of a container difficult, the nearest reasonable level area; and
5. If the premises has no sidewalk or planting strip, dense shrubbery or extraordinary circumstances preclude such a location, from a placement suitable to the customer and convenient to the collection contractor.

B. Containers and bundles for collection shall not be placed on the sidewalk or in the planting strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

C. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Section 149. SMC 21.36.087 is hereby amended as follows:

White goods and bulky items.

A. The Director of ~~Engineering~~ Seattle Public Utilities may determine from time to time the items eligible for pickup under the ~~Solid Waste Utility's~~ Seattle Public Utilities' program for collection of white goods and bulky items, and after

consultation with the Purchasing Agent, arrange for the disposition of the items collected without regard to the procedures of Section 3.14.828.

B. "White goods" are large household appliances, such as refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines and air conditioners. "Bulky items" include and are illustrated by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and wardrobes. Neither term includes motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.

C. By delivering possession to the collector, the customer relinquishes title to the white goods and bulky items picked up. The ~~Solid Waste Utility~~ Seattle Public Utilities may decline to accept such items that contain refuse, contraband, or hazardous wastes.

D. The Director of ~~Engineering~~ Seattle Public Utilities may:

1. Remove all hazardous and toxic constituents, including the recovery of CFCs (chlorofluorocarbons), from white goods delivered to the City recycling and disposal stations and require that the resultant scrap metal not be landfilled;
2. Accept a maximum of two (2) white goods per load at a rate established in subsection A of Section 21.40.080 and subsection D of Section 21.40.080;
3. Reject vehicle loads at the City's recycling and disposal stations which contain more than two (2) white goods or white goods from non-Seattle residents and provide information to the haulers of rejected loads on alternative disposal sites for white goods available within Seattle;
4. Direct white goods from charitable organizations qualified under Section 21.40.080 to the City's selected white-goods processor;

Section 150. SMC 21.36.112 is hereby amended as follows:

Designation of receiving facilities.

A. Union Pacific's Seattle Intermodal Facility or successor receiving facility specified by the City is hereby designated as the receiving facility for disposal of all City's Waste, including waste left over after separating out Special Waste, CDL Waste or materials destined for recycling. All generators, handlers, and collectors of City's Waste shall deliver or, for example, by taking City's Waste to a City transfer station, shall ensure delivery of all City's Waste to Union Pacific's Seattle Intermodal Facility or successor receiving facility designated by the City, in a manner specified by the Director of ~~Engineering~~ Seattle Public Utilities.

B. Special Waste (excluding Contaminated Soils) may be disposed at any permitted solid waste handling facility; provided, that no City's Waste, Special Waste or CDL Waste generated within The City of Seattle shall be disposed of at a facility owned or operated by King County, unless specifically agreed by the City and King County.

C. The City of Seattle's North and South Recycling Disposal Stations, Waste Management of Seattle's Eastmont Transfer Station and RABANCO's Third and Lander Transfer Station, or successor receiving facilities specified by the City, are hereby designated as the receiving facilities for disposal of all nonrecycled CDL Waste and Contaminated Soils generated within the City. All generators, handlers and collectors of CDL Waste and Contaminated Soils shall deliver or ensure delivery of all nonrecycled CDL Waste and Contaminated Soils to the receiving facilities hereby designated by the City.

D. Each receiving facility designated in subsection C of SMC Section 21.36.112 or successor receiving facility designated by the City, shall submit to the Director of ~~Engineering~~ Seattle Public Utilities by the twentieth day of each month, commencing February 20, 1993, on a form available from the Director of ~~Engineering~~ Seattle Public Utilities, a monthly flow report. The report shall document, for the previous month, (1) the number of trucks delivering waste and recyclables, (2) the type and amount (in tons) of waste and recyclables delivered to the receiving facility from each

political jurisdiction in which waste or recyclables originated and (3) the type and amount (in tons) of all waste and recyclables leaving the receiving facility for each final destination. For waste, "type" means City's Waste, CDL Waste, Contaminated Soils, wood waste, Yardwaste or Special Waste; for recyclables, "type" means plastics, metal, paper, glass, wood waste, yardwaste and inert materials. Type of recyclables shall, at a minimum, be specified further as mixed waste paper, newspaper, corrugated paper, tin, iron, aluminum, glass, PET plastic, HDPE plastic, other plastic, and magazines.

E. In order to facilitate the designation of transfer stations and receiving facilities or successor receiving facilities, the Director of ~~Engineering~~ Seattle Public Utilities shall:

1. Establish any specifications and procedures determined necessary to address the manner in which waste is identified, packaged, loaded, containerized or delivered to transfer stations or receiving facilities and establish any other specifications and procedures determined necessary for the City to fulfill its obligations under its contract for the transportation and disposal of waste;
2. Mail, pursuant to SMC Section 21.36.018, a notice of the designated receiving facilities and specifications and procedures for delivery of waste to the facilities. In addition, the notice shall be mailed to all persons and organizations covered by exemptions A through E of SMC Section 21.36.030;
3. Publish such notice in the City official newspaper within three (3) days of mailing such notice.

Section 151. SMC 21.36.113 is hereby amended as follows:

Containers-Billing-Unacceptable waste.

A. Containers shall be provided by Washington Waste Systems, Inc. to transfer stations in the City for delivery of City's Waste to the designated receiving facility. All transfer stations delivering City's Waste to the designated receiving facility shall load each container with waste, seal it with a cargo security seal and prepare a bill of lading in accordance with the procedures established by the Director of ~~Engineering~~ Seattle Public Utilities.

B. All persons shall use reasonable care in the handling of the containers supplied by Washington Waste Systems, Inc. and shall be responsible for repair or replacement of containers they damage or destroy through their own negligence. Washington Waste Systems, Inc. shall be responsible for ordinary wear and tear.

C. All persons required to deliver City's Waste to the designated receiving facility shall be billed by the City at the rates specified by ordinance.

D. City's Waste delivered to the designated receiving facility shall be in compliance with all applicable federal, state, and local environmental health laws, rules, and regulations. The designated receiving facility and the Columbia Ridge Landfill or successor landfill are authorized to reject all Unacceptable Waste and shall not take title to Unacceptable Waste.

Section 152. SMC 21.36.114 is hereby amended as follows:

Enforcement authority-Inspections.

A. The Director of ~~Engineering~~ Seattle Public Utilities and designated solid waste enforcement officers are authorized and directed to enforce the flow provisions of this chapter.

B. The Director of ~~Engineering~~ Seattle Public Utilities and designated solid waste enforcement officers are authorized to make lawful inspection of the premises of any person suspected of violating the flow provisions of this chapter and to inspect the books and accounts related to the subject of this ordinance.

Section 153. SMC 21.36.420 is hereby amended as follows:

Unlawful dumping of solid waste.

It is unlawful for anyone to dump, throw, or place solid waste on any property, public or private, or in any public place except, as authorized by city ordinance, in a litter container, solid waste container, or in a bundle as described in this chapter, or upon or at a disposal site or interim solid waste handling site provided and/or designated by the Director of ~~Engineering~~ Seattle Public Utilities pursuant to Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this section shall remove and properly dispose of it. This section does not apply to dumping, throwing or placing litter in the amount of one (1) cubic foot or less which does not contain hazardous substances.

Section 154. SMC 21.36.425 is hereby amended as follows:

Accumulation of solid waste.

A. It shall be unlawful for any person to keep solid waste or allow solid waste to accumulate on any property, or in any public place, except in a litter receptacle, in a solid waste container, or in a bundle as described in this chapter, or as otherwise authorized by ordinance or by the Director of ~~Engineering~~ Seattle Public Utilities. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any solid waste on sidewalks or planting strips, whether the solid waste is deposited by such owner or occupant or not. Solid waste that is prohibited to accumulate includes but is not limited to litter, cigarette butts, burning or smoldering materials, garbage, and rubbish. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public. This provision shall not apply:

1. To the Sheriff when removing the contents of a building to the sidewalk or planting strip pursuant to an eviction ordered by the Superior Court;
2. To firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. To the use of receptacles placed or authorized by the City for the collection of solid waste on sidewalks or planting strips; or
4. To accumulations temporarily authorized under a street use permit.

Section 155. SMC 21.36.430 is hereby amended as follows:

Unlawful use of City litter receptacles.

Except as authorized by the Director of ~~Engineering~~ Seattle Public Utilities, it shall be unlawful to place in any receptacle provided by the City for litter disposal any solid waste accumulated on private property or generated by any business, including but not limited to burning or smoldering materials, asbestos material, asbestos-containing waste material, yardwaste, dangerous waste, household hazardous waste, small quantity generator hazardous waste, human or animal excrement and dead animals; nor shall the contents of any such litter receptacle be removed or disturbed by anyone except as authorized by the Director of ~~Engineering~~ Seattle Public Utilities.

Section 156. SMC 21.36.922 is hereby amended as follows:

Civil infractions.

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

B. The violation of or failure to comply with the following section shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

SMC Section 21.36.420 (Unlawful dumping of solid waste)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Fifty Dollars (\$50.00), not including statutory assessments:

SMC Section 21.36.044(Containers required -Nonresidential)

SMC Section 231.36.410 (Littering)

SMC Section 21.36.425 (Accumulation of solid waste)

SMC Section 21.36.430 (Unlawful use of City litter and solid waste receptacles)

SMC Section 21.36.440 (Unlawful use of private solid waste container)

D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the provisions of the Solid Waste Code are:

(1) the Director of ~~Engineering~~ Seattle Public Utilities; (2) authorized representatives, assistants or designees of the Director of ~~Engineering~~ Seattle Public Utilities; and (3) commissioned officers of the Seattle Police Department and persons issued non-uniformed special police officer commissions by the Chief of Police with authority to enforce such provisions.

E. An action for a civil infraction shall be processed in the manner contemplated by RCW Chapter 7.80.

F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal action to enforce this chapter as deemed necessary and appropriate.

Section 157. SMC 21.36.975 is hereby amended as follows:

Reimbursement for City expenses.

Whenever it furthers the safety or convenience of the public, the Director of ~~Engineering~~ Seattle Public Utilities may remove obstructions, hazards or nuisances composed of solid waste from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses and together with the costs of collection and interest.

Section 158. SMC 21.36.980 is hereby amended as follows:

Crediting of reimbursement to Solid Waste Fund.

All sums received by the City in reimbursement for the ~~Solid Waste Utility's~~ Seattle Public Utilities' costs, expenses or charges relating to removal of solid waste or cleaning of property pursuant to any section of this chapter shall be credited to the Solid Waste Fund.

Section 159. SMC 21.40.030 is hereby amended as follows:

Administration.

The Director of ~~Engineering Seattle Public Utilities~~, through the ~~Department of Engineering Seattle Public Utilities~~, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him or her a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Finance Director, as required by law in such connection.

Section 160. SMC 21.40.050 is hereby amended as follows:

Collection rates.

A. There is imposed upon all residences and other dwelling units within the City a charge for garbage and rubbish collection and disposal service in accordance with the following schedule, and the amounts stated below shall be charged for optional ancillary services:

1. All single family residences with curbside/alley pickup: A charge per month or portion thereof, for each dwelling unit for once- a-week service, billed directly to the owner or occupant thereof as follows:

Service Units Rates

Micro-can \$ 10.05

Mini-can 12.35

1 16.10

2 32.15

3 48.25

Each additional

service unit 16.10

2. All single family residences with backyard pickup: A charge per month or portion thereof, for each dwelling unit for once- a-week service, billed directly to the owner or occupant as follows:

Service Units Rates

1 \$ 22.50

2 45.00

3 67.55

Each additional

service unit 22.50

3. Multifamily variable can rate schedule for curbside/alley pickup: A charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for the entire building as follows:

Service Units Rates

Micro-can \$ 9.75

Mini-can 12.05

1 15.80

2 31.85

3 47.90

Each additional

service unit 16.10

4. Multifamily variable can rate schedule for backyard pickup: A charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for the entire building as follows:

Service Units Rates

1 \$ 23.10

2 44.60

3 67.10

Each additional

service unit 22.50

5. Minimum Charge, No Pickup Service. A charge per month or portion thereof, for each dwelling unit, including single family dwellings not being used as residences, billed directly to the owner or occupant of Six Dollars and Twenty-five Cents (\$6.25) to cover landfill closure costs, billing, collection, Low Income Rate Assistance, hazardous waste costs, and litter cleanup costs. To be eligible for the minimum charge (zero (0) container rate) a customer may not generate any garbage or rubbish for collection or disposal. With occupied premises, the customer must demonstrate a consistent and effective practice of selective purchasing to minimize refuse, of recycling materials whenever practical, and of composting any yardwastes generated on the premises and the customer must have qualified for the rate on or before December 31, 1988. A customer is not eligible for the zero (0) container rate by hauling his or her garbage and rubbish to a transfer station, disposal site, or by disposal in another customer's containers or by the use of prepaid stickers. Vacant multifamily units do not qualify for the minimum charge.

6. Extra Bundles. A charge of Five Dollars (\$5.00) for a bundle. A customer may place an extra bundle with its container for regular pickup. The charge will be billed directly to the owner or occupant, unless a prepaid sticker is used. A prepaid sticker authorizes pickup of the bundle when placed with the customer's container. The sticker must be affixed to the bundle in order for the bundle to be picked up by the collector, and the customer not to be billed.

7. Bulky and White Goods Pickup. A charge of Twenty-six Dollars and Eight-five Cents (\$26.85) for each item.

8. Curbside/Alley Yardwaste. A charge per month or portion thereof for each dwelling unit, billed directly to the owner or occupant, of Four Dollars and Twenty-five Cents (\$4.25) except that such charge shall be Two Dollars and Fifteen Cents (\$2.15) for customers qualifying for Low Income Rate Assistance. To receive this service, a customer must be signed up with the ~~Solid Waste Utility~~ Seattle Public Utilities for a minimum of twelve (12) months' service and place his or her yardwaste at the curbside/alley for collection on the scheduled date. The maximum allowed to any customer is five (5) bundles of yardwaste per week per subscription.

9. Providing, Exchanging and Replacing Containers. A charge to customers on curbside/alley service for (a) providing, exchanging or replacing micro-cans, (b) exchanging or replacing collector-supplied containers for larger containers; or (c) replacing lost, stolen or damaged collector-supplied containers in accordance with written policy promulgated by the Director of the ~~Solid Waste Utility~~ Seattle Public Utilities, as follows:

Micro-can \$ 6.00

Mini-can container 10.00

32-gallon container 12.25

60-gallon container 30.00

90-gallon container 40.00

In order to encourage proper subscription levels during the initiation of the extra bundle program, this charge will not apply to collector-supplied containers until April 1, 1996. The charge for micro-cans will be applied regardless of the reason for, or the timing of, delivery.

10. New/Changed Account. A charge of Ten Dollars and Seventy-five Cents (\$10.75) for the establishment of a new account or for each change in an existing account. This charge shall apply when the owner or property manager of any single-family residence or multifamily structure (duplex, tri-plex, four-plex, or structure with five (5) or more units) establishes a new account or requests any change in his/her account requiring a change in account number or customer number. The new/changed account charge is not applicable to customers qualified for Low Income Rate Assistance.

11. Physical Disability Exemption. An exemption will be provided to qualified residents to allow for backyard collection at curbside rates when the resident is physically unable to take his or her garbage and rubbish containers to the curb. Qualifying criteria shall include, but are not limited to, the resident's physical condition, qualification for backyard service in other City programs, a physician's recommendation, the presence of other physically capable persons in the household, special topography and other unique property conditions, taking into account the contractors' ability to provide different combinations of container sizes to make curbside pickup feasible.

B. The City shall calculate the charge for each multifamily dwelling unit within apartment houses and apartment hotels and for each resident within boarding, rooming, fraternity, sorority and group student houses for two (2) times a week service, billed directly to the owner or agent for the entire building, by doubling the applicable one (1) container and multifamily rates in subsection A4 of this section and reducing this calculated amount by Three Dollars and Sixty-five Cents (\$3.65) per unit to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

C. All Single-Family and Multifamily Customers Requesting and Receiving Special, Nonroutine Collection Service for Garbage, Yardwaste, or Recyclable Materials. A per-pickup charge of Twenty-three Dollars and Ninety Cents (\$23.90) for first container collected plus One Dollar and Eighty Cents (\$1.80) for each additional container.

The following charges shall apply to detachable container customers requesting special collections:

Uncompacted Compacted

Service Unit Service Service

3/4 cubic yards

-First container \$ 42.90 \$ 58.25

-Each Additional 21.35 36.70

1 cubic yard

-First container 44.15 64.60

-Each additional 22.65 43.10

12 cubic yards

-First container 52.55 83.15

-Each additional 31.05 61.70

2 cubic yards

-First container 60.90 101.80

-Each additional 39.40 80.30

3 cubic yards

-First container 77.70 139.00

-Each additional 56.20 117.50

4 cubic yards

-First container 94.45 176.20

-Each additional 73.00 154.75

6 cubic yards

-First container 122.20 244.80

-Each additional 100.65 223.30

8 cubic yards

-First container 149.85 313.40

-Each additional 128.35 291.85

10 cubic yards

-First container 189.25 393.65

-Each additional 167.75 372.15

D. The charges imposed by subsections A1 through A5 of this section inclusive shall not apply to dwelling units which elect to use detachable containers supplied either by the City's contractor or by the customer for the storage of garbage and rubbish. Application for detachable container service for a minimum period of six (6) months shall be made to the Director of Engineering Seattle Public Utilities on forms supplied by him/her, and collection of garbage and rubbish from such premises shall be made at such frequency as is necessary as determined by the Director of Engineering

Seattle Public Utilities, but in no event less than once each week. The monthly charges for detachable container service for the container and frequency selected shall be in accordance with the rates set forth in Section 21.40.060.

E. The Director of ~~Engineering~~ Seattle Public Utilities may adjust the service level to a single-family residence to match the garbage and rubbish actually collected from the premises, or, for multifamily structures, to match the amount of garbage and rubbish reasonably anticipated from the dwelling units on the premises.

Section 161. SMC 21.40.060 is hereby amended as follows:

Detachables container rates.

A. Uncompacted Rates. Effective September 1, 1994 there is imposed upon residential premises that use detachable containers without mechanical compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following formula:

$(\$6.65 + cn + f(\$13.25 + \$20.70n + \$36.95ns) + \$.60d)$ where:

c = capital cost per container/60 months;

n = number of containers served;

f = number of pickups per week;

s = size of container in cubic yards; and

d = number of dwelling units

The capital cost per container/sixty (60) months for various container sizes is as follows:

3/4 cubic yard. \$ 4.95

1 cubic yard. 4.95

1 1/2 cubic yards. 5.50

2 cubic yards 6.10

3 cubic yards 7.55

4 cubic yards 9.20

6 cubic yards 11.05

8 cubic yards 15.20

10 cubic yards. 43.90

B. Compacted Rates. Effective September 1, 1994, there is imposed upon residential premises that use detachable containers with compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following formula:

$\$6.65 + cn + f(\$13.25 + \$20.70n + \$90.10ns) + \$.60d)$, where:

c = capital cost per container/60 months;

n = number of containers served;

f = number of pickups per week; and

s = size of container in cubic yards; and

d = number of dwelling units.

The capital cost per container/sixty (60) months for various container sizes is as follows:

3/4 cubic yard	\$ 4.95
1 cubic yard	4.95
1 1/2 cubic yards	5.50
2 cubic yards	6.10
3 cubic yards	7.55
4 cubic yards	9.20
6 cubic yards	11.05
8 cubic yards	15.20
10 cubic yards	43.90

C. Recycling Setup Fee. There is assessed on all accounts of residential structures of five (5) units or more, who opt for City- provided recycling collection services, except those customers selecting recycling collection services from Nuts and Bolts Recycling and West Seattle Recycling, a setup fee according to the following schedule:

1. Uncompacted Dumpster Accounts.

Weekly Collection Service Fee

1 cubic yard	\$50.00
1.5-2 cubic yards	100.00
3-5 cubic yards	200.00
6-8 cubic yards	350.00
9-10 cubic yards	500.00

2. Can Service Accounts will be assessed a Fifty Dollar (\$50.00) setup fee.

3. Compacted Dumpster Accounts will be assessed a Five Hundred Dollar (\$500.00) setup fee.

No setup fee will be assessed on three-quarter (3/4) cubic yard per week garbage accounts, and no setup fee will be assessed on those accounts which are at minimum garbage collection service levels.

D. Mixed-Use Building. The Director of Engineering Seattle Public Utilities will determine the appropriate residential collection service level for a mixed-use building according to the estimated amount of residential garbage or refuse generated and to be collected by the City.

E. Charges for Lockable Containers. Customers using detachable containers (compacted or noncompacted) may have a lock installed by the collection contractors. A fee of Fifty-three Dollars and Forty Cents (\$53.40) will be assessed for installation of the lock. Additional keys are Three Dollars and Sixty Cents (\$3.60) and an extra padlock is Eight Dollars and Thirty Cents (\$8.30). Only customers who own their own containers may install their own locks.

F. Customers who own their own detachable containers shall have the factor for the capital cost of containers in the formulas in subsections A and B of this section omitted in calculating the collection charge.

Section 162. SMC 21.40.085 is hereby amended as follows:

Commercial railyard rate.

A. Nonresidential solid waste generated within the City and directed by the City to the Argo Yard or its successor facility for transport and disposal shall be charged Sixty-two Dollars and Twenty Cents (\$62.20) per ton with a minimum charge of One Thousand Five Hundred Fifty-five Dollars (\$1,555.00).

B. A hauler depositing waste at the Argo Yard or its successor receiving facility shall be subject to an hourly shipping container rental charge if any shipping container supplied for transport and disposal of waste is detained by the hauler more than twenty-four (24) hours. The charge shall be One Dollar and Fifty Cents (\$1.50) for each hour and for each container detained beyond twenty-four (24) hours. The Director of Engineering Seattle Public Utilities will provide exemptions from this charge consistent with the City's operating agreement with Washington Waste Systems, Incorporated.

C. In the event the receiving facility turnaround time experienced by all trucks hauling waste to the Argo Yard or its successor receiving facility averages more than twenty (20) minutes in a calendar month, a hauler shall be entitled to receive a portion of any liquidated damage paid to the City by Washington Waste Systems as a result of this excessive turnaround time. The total liquidated damage for any calendar month will be equal to One Dollar and Twenty-five Cents (\$1.25) for each minute exceeding twenty (20) minutes multiplied by the total number of containers deposited at the receiving facility during the month. A hauler shall receive a portion of this liquidated damage equal to the total liquidated damage multiplied by the hauler's share of containers deposited at the receiving facility during the calendar month for which the liquidated damage applies.

D. A hauler who deposits waste at the Argo Yard or its successor receiving facility shall be subject to payment of any cost incurred for the separation and proper disposal of any hazardous or unacceptable waste found in the deposited waste.

Section 163. SMC 21.40.090 is hereby amended as follows:

Authority to make rules and regulations.

To carry out the provisions of this chapter, the Director of Engineering Seattle Public Utilities is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal sites, which regulations shall designate what material may be disposed of at particular disposal sites, may establish and provide for the collection of reasonable fees for special services rendered to persons requesting the same at such

disposal sites.

Section 164. SMC 21.40.120 is hereby amended as follows:

Payment of charges-Delinquency and lien.

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three (3) months in advance at the office of the City Finance Director and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services and the balance to outstanding charges for water services. The charges imposed under Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises is being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of ~~Engineering~~ Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In such connection the Director of ~~Engineering~~ Seattle Public Utilities may from time to time reduce the liability for such charges upon request therefor whenever he or she is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of ~~Engineering~~ Seattle Public Utilities ~~through an interdepartmental arrangement with the Superintendent of Water~~ as a separate charge on the water bill for residences or dwelling units served, and the Director of ~~Engineering~~ Seattle Public Utilities ~~and the Superintendent of Water shall cooperate, in the interest of economy and efficiency, in establishing~~ establish common billing practices and procedures to the extent permitted by law.

B. Garbage and rubbish collection charges shall be against the premises served and when such charges have not been paid within ninety (90) days after billing, they shall be delinquent and constitute a lien against the residence or dwelling units served. Notice of the City's lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be filed with the County Auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and material as authorized by RCW 35.21.140.

Section 165. SMC 21.40.130 is hereby amended as follows:

Solid Waste Fund-Purchase of recyclable solid waste.

A. ~~The utility created by this chapter shall be known as the Solid Waste Utility~~ solid waste functions authorized by this chapter shall be operated by the Seattle Public Utilities, and the Garbage Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites, and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of the collection system, operation and maintenance of the disposal sites, operation and maintenance of recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of operation and maintenance of the disposal system as constructed or added to, and to maintain the ~~Solid Waste Utility~~ solid waste functions of the Seattle Public Utilities in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing and collection and all interdepartmental charges for service rendered by other City departments to the utility.

B. The City ~~Engineering~~ Seattle Public Utilities is authorized to purchase at the City's solid waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue received from the sale by the City of such recyclable solid waste, less costs of handling, accounting, and transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste purchased and sold by the City in the preceding quarterly period.

Section 166. SMC 21.76.030 is hereby amended as follows:

Qualification.

A. To implement the program provided for in Section 21.76.010, credits to partially offset the billings for solid waste shall be issued to each household upon satisfactory proof that a member of the household:

1. a. Is sixty-five (65) years of age or older, and has a maximum annual income, if single, of not more than seventy percent (70%) of the Washington State median income for a one (1) person household, as computed annually by the state or the City, or whose annual income, if married, together with that of his or her spouse, does not exceed seventy percent (70%) of the Washington State median income for a two (2) person household as computed annually by the

state or the City, or

- b. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383, or
 - c. Is disabled and receives funds from a disability program as a result of a disability that prevents him or her from working consistent with the requirements of 42 USC Section 401 et seq. and whose annual household income, together with all household members, does not exceed seventy percent (70%) of the Washington State median income for the number of individuals in the household as computed annually by the state or the City, or
 - d. Requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which generates a disproportionate amount of solid waste; provided, that rate assistance issued on the basis of this qualification shall be limited to solid waste service where a significant proportion of the solid waste is from medical purposes; and
2. Resides in a dwelling unit served directly by the City's solid waste ~~utility services~~ services and is billed by the light or ~~solid waste utilities~~ Seattle Public Utilities; or, if not so billed, has resided for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of the solid waste rate increase affects the amount of the rent charged.

B. To implement the program provided for in Section 21.76.010, "low-income water, wastewater, drainage, and street utility credits" shall be issued to each person who shows satisfactory proof that he or she resides in a dwelling unit that is directly served by the City's water, drainage and wastewater or street utility services and is billed by ~~the light, water, drainage and wastewater or street utilities~~ City Light, Seattle Public Utilities or Seattle Transportation; or if not so billed has resided for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of the ~~water, wastewater, drainage or street utility~~ Seattle Public Utilities or Seattle Transportation rate increase affects the amount of rent charged and:

1. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or
2. Resides in a household whose annual income together with all household members does not exceed one hundred twenty-five percent (125%) of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or
3. Resides in a household whose annual income together with all household members does not exceed seventy percent (70%) of the Washington State median income for the number of individuals in the household as computed annually by the state or the City and is:
 - a. Blind, or
 - b. Sixty-five (65) years of age or older, or
 - c. Disabled and receives funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or
 - d. Requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function; or
4. Notwithstanding household income, requires medical life- support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water, provided that rate assistance issued on the basis of this qualification shall be limited to water and wastewater service where a significant proportion of the water use is for medical purposes.

C. Applicants shall verify such information, and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the Department of Housing and Human Services.

Section 167. SMC 21.76.040 is hereby amended as follows:

Utility low-income rates assistance.

A. Drainage, Wastewater, and Water ~~and Street Utility~~. Persons qualified by the Department of Housing and Human Services as eligible recipients of low-income utility credits provided for in Section 1.76.010 shall be granted low-income billing credits in amounts equal to one-half (1/2) of the monthly, or monthly equivalent bill for single-family, duplex or multi-family dwellings, as appropriate; provided, however, that in no case shall the amount of the low income billing credit granted for a utility service exceed the amount owing for that service.

B. Solid Waste. Persons qualified by the Director of Housing and Human Services as eligible recipients of Low Income Rate Assistance (LIRA) shall be granted special rates in the following amounts (stated in monthly rates). The rates for qualified solid waste customers become effective September 1, 1994.

Single-Family LIRA -

Variable Can Service (once a week service)

Curbside/

Alley Backyard

Service Unit Service Service

Minimum charge \$ 2.50 N/A

Micro-can 4.05 N/A

Mini-can 4.95 N/A

One (1) can 6.45 \$ 9.00

Two (2) cans 19.30 27.00

Three (3) cans 35.35 49.50

Additional cans

each 16.10 22.50

Multi-Family LIRA -

Variable Can Service (once a week service)

Curbside/

Alley Backyard

Service Unit Service Service

Minimum charge \$ 2.40 N/A

Micro-can 3.90 N/A

Mini-can 4.85 N/A

One (1) can 6.30 \$ 8.85

Two (2) cans 19.20 26.85

Three (3) cans 35.25 49.35

Additional cans 16.10 22.50

Qualified customers residing in dwellings subject to multi-family variable can rates based on the number of dwelling units, two (2) times-per-week service will pay rates equal to double the above rates less One Dollar and Forty-five Cents (\$1.45) to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

Qualified customers residing in dwellings subject to multi-family rates based on the number of detachable containers will receive a monthly credit of Four Dollars (\$4.00).

C. Qualified persons receiving drainage, wastewater, water, solid waste or street utility credits through their City Light bills or through vouchers will receive credits for the full period covered by the City Light bill or voucher. The credit amount given will be based solely on the credit levels in effect at the time the City Light bill or voucher is issued.

Section 168. SMC 21.76.050 is hereby amended as follows:

Method of receiving credit.

Qualified persons receiving drainage, wastewater, water, solid waste or street utility services shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should the billing period be other than monthly; provided, that no qualified person shall receive or accept utility credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which would otherwise be payable.

B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper credit shall be made in the manner determined by the Director of Housing and Human Services and the ~~Superintendent of Water~~ Director of Seattle Public Utilities, including, but not limited to:

1. A reduction in the amount otherwise payable on the light bills of those qualified persons who do not receive drainage, wastewater, water, solid waste or street utility bills but who do receive a light utility bill,
2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers shall not be redeemed in cash and shall be honored by the City only when applied to the account through which utility services received by the qualified person are paid.

Section 169. SMC 22.204.020 is hereby amended as follows:

"A."

A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

B. "Apartment house" means any building containing three (3) or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

C. "Approved" means approved by the Director or by the Director of Seattle-King County Public Health, or by the ~~Superintendent of Water~~ Director of Seattle Public Utilities, or by the Fire Chief, as the result of investigations or tests, or approved by the Director by reason of accepted principles or tests recognized by authorities, or technical or scientific organizations.

Section 170. SMC 22.204.080 is hereby amended as follows:

"G."

A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.

B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.

C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of ~~Engineering~~ Seattle Public Utilities. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.

D. "Governmental entity" means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.

E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

F. "Guest" means any person occupying a guest room pursuant to a rental agreement.

G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.

Section 171. SMC 22.206.200 is hereby amended as follows:

Minimum standards for vacant buildings.

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

1. Sanitary Facilities.

a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.

b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.
3. Safety From Fire.
 - a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.
 - b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.
4. All vacant buildings and their accessory structures shall meet the following standards:
 - a. All windows shall have intact glazing or plywood of at least one-quarter inch (1/4O) thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (9O) on center.
 - b. Doors and service openings with thresholds located ten feet (10') or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths inches (13/8O) thick equipped with a one-half inch (1/2O) throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.
 - c. There shall be at least one (1) operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-half inch (1/2O) deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of three-quarter inch (3/4O) CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.
 - d. All debris, combustible materials, litter and garbage shall be removed from vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be maintained free from such items.
 - e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of three-quarter inch (3/4O) plywood, brick or metal coverings over exterior openings, when the standards specified in subparagraphs 4a through 4d above are inadequate to secure the building:
 - i. Due to the design of the structure, or
 - ii. When the structure has been subject to two (2) or more unauthorized entries after closure pursuant to the standards specified above, or
 - iii. When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subparagraphs 4a through 4d above.
5. If a building component of a vacant building or structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.
6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines

they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with three-quarter inch (3/4O) plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6O). If a hole in a wall presents a hazard, the hole shall be covered with one-half inch (1/2O) Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6O). Covers for both floor and wall holes shall be securely attached.

B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.

C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.

D. Termination of Utilities. The Director may, by written notice to the owner and to the ~~Superintendent of Water~~ Director of Seattle Public Utilities, the Superintendent of City Light or the Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be terminated or disconnected.

E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to 22.206.200 D, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written notification by the Director that service may be restored. It shall be unlawful for anyone other than the ~~Superintendent of Water~~ Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or their

duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued

pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation shall be issued pursuant to SMC Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

- a. When the building is repaired pursuant to the requirements of this Code and reoccupied;
- b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or
- c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A C 22.901T).

Section 172. SMC 22.208.120 is hereby amended as follows:

Occupying or renting building or premises unfit for habitation - Termination of utilities.

A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

B. The Director may, by written notice directed to the owner and to the ~~Superintendent of Water~~ Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the ~~Superintendent of Water~~ Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.

C. It is unlawful for anyone other than the ~~Superintendent of Water~~ Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.

Section 173. SMC 22.800.080 is hereby amended as follows:

Authority.

A. 1. The Director of Construction and Land Use shall have

authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans, and review of erosion control plans, and shall have inspection and enforcement authority pertaining to temporary erosion/sediment control measures.

2. The Director of ~~Engineering~~ Seattle Public Utilities shall have authority regarding all other provisions of this subtitle pertaining to stormwater, drainage, and erosion control, including inspection and enforcement authority.

B. The Directors of Construction and Land Use and ~~Engineering~~ Seattle Public Utilities are authorized to take actions necessary to implement the provisions and purposes of this subtitle in their respective spheres of authority, including, but not limited to: promulgating and amending rules and regulations, pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, which may include prescribing best management practices ("BMPs"); establishing and conducting inspection programs; establishing and conducting or, as set forth in Section 22.802.012, requiring responsible parties to conduct, monitoring programs, which may include sampling of discharges to or from drainage control facilities, the public drainage control system, or surface water; taking enforcement action; abating nuisances; promulgating guidance and policy documents; and reviewing and approving or disapproving required submittals and applications for approvals and permits.

C. The Director of ~~Engineering~~ Seattle Public Utilities is authorized to develop drainage basin plans for managing surface water, drainage water, and erosion within individual subbasins. Compliance with an adopted drainage basin plan may, when approved by the Director of ~~Engineering~~ Seattle Public Utilities, modify requirements of this subtitle, provided the level of protection for human health, safety and welfare, the environment, and public or private property will equal or exceed that which would otherwise be achieved.

Section 174. SMC 22.801.020 is hereby amended as follows:

"A."

"Abandoned solid waste disposal site" means a site which is no longer in use and where solid waste was disposed with or without a permit.

"Agency" means any governmental entity or its subdivision. "Agency with jurisdiction" means those agencies with statutory authority to approve, condition or deny permits, such as the United States Environmental Protection Agency, the Washington State Department of Ecology or the Seattle King County Department of Public Health.

"Approved" means approved by either the Director of Construction and Land Use or the Director of ~~Engineering~~ Seattle Public Utilities .

"As-graded" means the surface condition existing after completion of grading.

Section 175. SMC 22.801.050 is hereby amended as follows:

"D."

"Damages" means monetary compensation for harm, loss, costs, or expenses incurred by the City, including but not limited to: costs of abating violations of this subtitle or public nuisances; fines or penalties the City incurs as a result of a violation of this subtitle; and costs to repair or clean the public drainage control system as a result of a violation. For the purposes of this subtitle, it does not include compensation to any person other than the City.

"Design storm" means a rainfall event used in the analysis and design of drainage facilities.

"Designated receiving waters" means the Duwamish River, Puget Sound, Lake Washington, Lake Union, and the Lake Washington Ship Canal, and other receiving waters designated by the Director of ~~Engineering~~ Seattle Public Utilities as having the capacity to receive drainage discharges.

"Detention" means and refers to temporary storage of drainage water.

"Development" - See "New development" and "Redevelopment." "Developmental coverage" means all areas within a site

planned to be developed or redeveloped including, but not limited to, rooftops, driveways, carports, accessory buildings, parking areas, areas in which soils, slopes and vegetation have been altered, and roadways and other pervious and impervious surfaces.

"Director" means the Director of the Department authorized to take a particular action, and the Director's designees, who may be employees of that department or another City department.

"Director of Construction and Land Use" means the Director of the Department of Construction and Land Use of The City of Seattle and/or the designee of the Director of Construction and Land Use, who may be employees of that department or another City department.

"Director of ~~Engineering~~ Seattle Public Utilities" means the Director of ~~Engineering~~ Seattle Public Utilities of The City of Seattle and/or the designee of the Director of ~~Engineering~~ Seattle Public Utilities, who may be employees of that department or another City department.

"Discharge point" means the location to which drainage water from a specific site is released.

"Discharge rate" means the rate at which drainage water is released from a specific site. The discharge rate is expressed

as volume per unit of time, such as cubic feet per second.

"Drainage basin" means the tributary area through which drainage water is collected, regulated, transported, and discharged to receiving waters.

"Drainage control" means the management of drainage water. Drainage control is accomplished through the collection, conveyance, and discharge of drainage water, controlling the rate of discharge from a site, or separating, treating or preventing the introduction of pollutants.

"Drainage control facility" means any facility, including best management practices, installed or constructed for the purpose of controlling the flow, quantity, and/or quality of drainage water.

"Drainage control plan" means a plan for collecting, controlling, transporting and disposing of drainage water falling upon, entering, flowing within, and exiting the site, including designs for drainage control facilities.

"Drainage control system" means a system intended to collect, convey and control release of only drainage water. The system may serve public or private property. It includes constructed and/or natural components such as ditches, culverts, streams and drainage control facilities.

"Drainage water" means stormwater, snow melt, surface water, surface and irrigation runoff, water from footing drains and other drains approved by the Director of ~~Engineering~~ Seattle Public Utilities or installed in compliance with this subtitle and rules which may be adopted hereunder. Other water which is not an illicit discharge as defined in Section 22.802.012 C shall be considered drainage water if it drains from the exterior of a building or structure, a pervious or impervious surface, or undeveloped land, or by surface or shallow subsurface flow.

"Dredging" means the excavation of earth materials from land covered by water. The term shall include dredging which maintains an established water depth.

Section 176. SMC 22.801.200 is hereby amended as follows:

"S."

"Sanitary sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section 21.16.030.

"Serve" or "Service," when used regarding a document, means the procedures set forth in Section 22.808.030.

"Service drain" means a privately owned and maintained drainage control facility or system which carries only drainage water. Service drains include, but are not limited to conveyance pipes, catchbasin connections, downspout connections, pipes, and subsurface drain connections.

"Shoreline district" means all land regulated by the Shorelines Management Act of 1971 (RCW Chapter 90.58) or City ordinances implementing it, as defined in the Land Use Code, Title 23 of the Seattle Municipal Code.

"Side sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section 21.16.030.

"Site" means any lot, parcel of land, street or highway right- of-way, or contiguous combination thereof, where a permit for new development, redevelopment, land-disturbing activity, or grading has been issued or where any such work is proposed or performed.

"Slope" means an inclined ground surface. In this subtitle, the inclination of a slope is expressed as a ratio of horizontal distance to vertical distance.

"Small project" means a project with nine thousand (9,000) square feet or less of developmental coverage.

"Soil" means naturally deposited non-rock earth materials. "Solid waste" means solid waste as defined by SMC Section 21.36.016 .

"Standard design" is a design approved by the Seattle ~~Engineering Department~~ Public Utilities for drainage and erosion control for a typical site.

"Storm drain" - see "Public storm drain" and "Service drain." "Stormwater" means water originating from rainfall and other precipitation, and from footing drains and other subsurface drains approved by the Director of ~~Engineering~~ Seattle Public Utilities or installed in compliance with rules which may be adopted hereunder.

Section 177. SMC 22.802.012 is hereby amended as follows:

Prohibited discharges.

A. Stormwater Discharges to Sanitary and Combined Sewers. In consultation with the local sewage treatment agency, the Director of ~~Engineering~~ Seattle Public Utilities may approve discharges of stormwater to a public combined sewer or sanitary sewer if other methods of controlling pollutants in the discharge are not adequate or reasonable, the discharging party certifies that the discharge will not harm the environment and will not overburden or otherwise harm the public combined sewer or sanitary sewer systems. The Director of ~~Engineering~~ Seattle Public Utilities shall condition approval of such a discharge on compliance with local pretreatment regulations.

B. Discharges Prohibited to Public Drainage Control Systems. It is unlawful to make illicit discharges, as defined in subsection C below, either directly or indirectly to a public drainage control system.

C. Illicit Discharges Defined.

1. Except as provided in subsection D below, all discharges which are not composed entirely of stormwater are illicit discharges. See Section 22.808.020 for defenses available to responsible parties.

2. The following is a partial list, provided for informational purposes only, of common substances which are illicit discharges when allowed to enter a public drainage control system:~~Solid waste; human and animal waste; antifreeze, oil, gasoline, grease and all other automotive and petroleum products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam- cleaning waste; laundry waste; soap; detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water; domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel.

D. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the Director of ~~Engineering~~ Seattle Public Utilities determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a violation of the City's NPDES stormwater permit or is causing or contributing to a water quality problem, such as those which contain more contamination than typical discharges in the City, or which contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the City: Potable water sources; washing of potable water storage reservoirs; flushing of potable water lines; natural uncontaminated surface water; natural uncontaminated groundwater; air-conditioning condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn watering; irrigation runoff; runoff from residential car washing by individuals; flows from riparian habitats and wetlands; heat; discharges in compliance with an NPDES permit; and discharges from approved footing drains and other subsurface drains or, where approval is not required, installed in compliance with this subtitle and rules promulgated pursuant to this subtitle.

E. Exemption. Discharges resulting from public firefighting activities, but not from activities not related to firefighting such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section.

F. Testing for Illicit Discharges. When the Director of ~~Engineering~~ Seattle Public Utilities has reason to believe that any

discharge is an illicit discharge, the Director of ~~Engineering~~ Seattle Public Utilities may sample and analyze the discharge and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the Director of ~~Engineering~~ Seattle Public Utilities may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense.

Section 178. SMC 22.802.013 is hereby amended as follows:

Requirements for existing discharges and land uses.

A. General.

1. For all existing discharges directly or indirectly to a public drainage control system, responsible parties shall implement and maintain nonstructural best management practices as specified in rules promulgated jointly by the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use. "Nonstructural best management practices" shall include, but not be limited to, maintenance and housekeeping practices such as cleaning of catchbasins and detention facilities, sweeping of parking lots, storing oil barrels and other contaminant sources out of the rain, covering material stockpiles, and proper use and storage of hazardous materials.
2. If the Director of ~~Engineering~~ Seattle Public Utilities determines that discharges from a drainage control facility are causing or contributing to a water quality problem, such as discharges that violate the City's municipal stormwater NPDES permit or that cannot be adequately addressed by nonstructural best management practices, including, but not limited to, areas with recurrent spills such as discharges from vehicle maintenance shops or gas stations, then the Director of ~~Engineering~~ Seattle Public Utilities may require the responsible party to undertake more stringent or additional best management practices. These best management practices may include structural best management practices, or other action necessary to cease causing or contributing to the water quality problem or the violation of the City's permit. Structural best management practices include but shall not be limited to constructed facilities such as detention tanks, wet ponds, oil/water separators, grassed swales, roofing and berming of container storage areas, and revised piping systems.

B. Spill Prevention Required.

1. All commercial and industrial responsible parties shall take measures to prevent spills or other accidental introduction of illicit discharges into a public drainage control system. Such measures shall include:
 - a. Establishment and implementation of plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater;
 - b. Implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater and;
 - c. Provision of necessary containment and response equipment on-site, and training of personnel regarding the procedures and equipment to be used.
2. The provisions of this subsection may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with an NPDES industrial stormwater permit for the site.
3. The responsible parties shall make the plans and procedures required by this subsection available to the Director of ~~Engineering~~ Seattle Public Utilities when requested.

C. Release Reporting Requirements. A responsible party must, at the earliest possible time, but in any case within twenty-four (24) hours of discovery, report to the Director of ~~Engineering~~ Seattle Public Utilities, a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants to a public drainage control system. This reporting requirement is in addition to, and not instead of, any other reporting requirements under federal, state or local laws.

D. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

E. Obstruction of Watercourses. Watercourses shall not be obstructed.

Section 179. SMC 22.802.015 is hereby amended as follows:

Stormwater, drainage, and erosion control requirements.

A. When Compliance is Required.

1. New Development. All new development, regardless of type, and regardless of whether or not a permit is required, must comply with the minimum requirements set forth in subsection C below. Projects exceeding nine thousand (9,000) square feet of developmental coverage shall also comply with the requirements for large projects set forth in subsection D below. Only those projects meeting the review thresholds set forth in subsection B must prepare and submit the required plans.

2. Redevelopment. The portion of the site being redeveloped shall at least comply with the minimum requirements set forth in subsection C below. Projects exceeding nine thousand (9,000) square feet of developmental coverage must also comply with the additional requirements set forth in subsection D below. Compliance is required regardless of the type of redevelopment, and regardless of whether or not a permit is required. However, only those projects meeting the review thresholds set forth in subsection B below must prepare and submit the required plans.

3. Approval of Exceptions Required. Exceptions to the requirements of this subtitle may not be used on any projects, including those that are below the threshold sizes specified in subsection B, unless allowed by rule promulgated jointly by the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use or approved by the Director of Construction and Land Use. Approval shall be obtained prior to initiating land-disturbing activities or new development or redevelopment. Approvals must be obtained for exceptions to any and all requirements of this subtitle, including but not limited to the requirement that natural drainage patterns be maintained and the requirement that watercourses not be obstructed.

B. Thresholds for Drainage Control Review. The City may, by interagency agreement signed by both the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use, waive the drainage and erosion control permit and document requirements for property owned by public entities, when discharges from the property do not enter the public drainage control system or the public combined sewer system. Whether or not they are required to obtain permits or submit documents, public entities are subject to the substantive requirements of this subtitle, unless exceptions are granted as set forth in Section 22.808.010. Except as provided in this subsection, drainage control review and approval shall be required as provided below:

1. Where an application for either a master use permit or building permit includes the cumulative addition of seven hundred fifty (750) square feet or more of developmental coverage after the effective date of the ordinance codified in this subtitle;

2. Where an application for a grading permit or approval is required;

3. Where a street use permit is required and the permit is for the cumulative addition of seven hundred fifty (750) square feet or more of developmental coverage after the effective date of the ordinance codified in this subtitle;

4. Where a City public works project or construction contract, including contracts for day labor and other public works purchasing agreements, is for the cumulative addition of seven hundred fifty (750) square feet or more of developmental coverage to the site after the effective date of the ordinance codified in this subtitle, except for projects in a City-owned right-of-way and except for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation;

5. Where any permit approval or contract includes any new or additional developmental coverage on a site deemed a potentially hazardous location, as specified in Section 22.800.050 ;

6. Whenever an exception to a requirement set forth in this subtitle or in a rule promulgated under this subtitle is desired, whether or not review and approval would otherwise be required, including but not limited to alteration of natural drainage patterns or the obstruction of watercourses.

C. Minimum Requirements for All Projects. All projects must comply with the requirements of this subsection. Projects with more than nine thousand (9,000) square feet of developmental coverage shall also comply with the requirements of subsection D below. The Director of Construction and Land Use may also require projects with nine thousand (9,000) square feet or less of developmental coverage to comply with the requirements set forth in subsection D when necessary to accomplish the purposes of this subtitle. In making this determination, the Director of Construction and Land Use may consider, but not be limited to, the following attributes of the site: location within an environmentally critical area; proximity and tributary to an environmentally critical area; proximity and tributary to an area with known erosion or flooding problems.

1. Discharge Point. The discharge point for drainage water from each site shall be selected as set forth in rules promulgated jointly by the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use specifying criteria, guidelines and standards for determining drainage discharge points to meet the purposes of this subtitle. The criteria shall include, but not be limited to, preservation of natural drainage patterns and whether the capacity of the drainage control system is adequate for the additional volume. For those projects meeting the review threshold, the proposed discharge point shall be identified in the drainage control plan required by paragraph C4 below, for review and approval or disapproval by the Director of Construction and Land Use.

2. Discharge Rate. To the extent practical, the peak drainage water discharge rate from pervious and impervious surfaces on the site shall not exceed 0.2 cubic feet per second per acre under design storm conditions. The Director of Construction and Land Use and the Director of ~~Engineering~~ Seattle Public Utilities may jointly promulgate rules modifying the discharge rate requirement for projects which will result in less than two thousand (2,000) square feet of new impervious surface. The Director of Construction and Land Use and the Director of ~~Engineering~~ Seattle Public Utilities may jointly promulgate rules allowing exceptions to the permissible peak discharge rate for property which discharges water directly to a designated receiving water or directly to a public storm drain which the Director of ~~Engineering~~ Seattle Public Utilities determines has sufficient capacity to carry existing and anticipated loads from the point of connection to a receiving water. The design storm used to determine detention volume necessary to obtain the required discharge rate shall be a storm with a statistical probability of occurrence of one (1) in twenty-five (25) in any given year. If the project is within an environmentally critical area, the design storm requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, shall be applied. The Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use shall jointly adopt rules specifying the methods of calculation to determine the discharge rate. Where laws or regulations of the federal government or The State of Washington impose a more stringent requirement, the more stringent requirement shall apply.

3. Control Measures. During new development, redevelopment and land-disturbing activities, best management practices, as further specified in rules promulgated jointly by the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use, shall be used to accomplish the following:

a. Control erosion and the transport of sediment from the site through measures such as mulching, matting, covering, silt fences, sediment traps and catchbasins, settling ponds and protective berms;

b. Permanently stabilize exposed soils that are not being actively worked, through such methods as the installation of permanent vegetative cover and installation of slope- protective materials; and

c. Control the introduction of contaminants and pollutants into, and reduce and treat contaminants in drainage water, drainage control facilities, surface water and groundwater, and the public drainage control system by methods such as covering of material stockpiles; proper disposal of hazardous materials; regular cleaning of catchbasins, gravel truck loading and heavy equipment areas; spill control for fueling operations; sweeping; and maintaining erosion control

protective features described above.

4. Drainage Control Plan. For those projects meeting the review thresholds set forth in subsection B above and which are less than nine thousand (9,000) square feet, the applicant shall submit a drainage control plan as set forth in rules promulgated jointly by the Director of Engineering Seattle Public Utilities and the Director of Construction and Land Use. Standard designs for drainage control facilities as set forth in the rules may be used. Projects exceeding nine thousand (9,000) square feet must submit a comprehensive drainage control plan as set forth in subsection D below. The Director of Construction and Land Use may impose additional requirements, including a comprehensive drainage control plan prepared by a licensed civil engineer, when the project has complex or unusual drainage, or when additional requirements are otherwise necessary to accomplish the purposes of this subtitle.

5. Memorandum of Drainage Control. The owner(s) of the site shall sign a "memorandum of drainage control" that has been prepared by the Director of Engineering Seattle Public Utilities. Completion of the memorandum shall be a condition precedent to issuance of any permit or approval for which a drainage control plan is required. The memorandum shall not be required when the drainage control facility will be owned and operated by the City. A memorandum of drainage control shall include:

- a. The legal description of the site;
- b. A summary of the terms of the drainage control plan, including any known limitations of the drainage control facilities, and an agreement by the owners to implement those terms;
- c. An agreement that the owner(s) shall inform future purchasers and other successors and assignees of the existence of the drainage control facilities and other elements of the drainage control plan, the limitations of the drainage control facilities, and of the requirements for continued inspection and maintenance of the drainage control facilities;
- d. The side sewer permit number and the date and name of the permit or approval for which the drainage control plan is required;
- e. Permission for the City to enter the property for inspection, monitoring, correction, and abatement purposes;
- f. An acknowledgment by the owner(s) that the City is not responsible for the adequacy or performance of the drainage control plan, and a waiver of any and all claims against the City for any harm, loss, or damage related to the plan, or to drainage or erosion on the property, except for claims arising from the City's sole negligence; and
- g. The owner(s)' signature, acknowledged by a notary public.

The applicant shall file the memorandum of drainage control with the King County Department of Records and Elections so as to become part of the King County real property records. The applicant shall give the Director of Engineering Seattle Public Utilities proof of filing of the memorandum.

6. Flood-prone Areas. Sites within flood-prone areas must employ measures to minimize the potential for flooding on the site and for the project to increase the risk of floods on adjacent or nearby properties. Flood control measures shall include those set forth in other titles of the Seattle Municipal Code and rules promulgated thereunder, including but not limited to, SMC Chapter 25.06 (Floodplain Development) and Chapter 25.09 (Environmentally Critical Areas), and in rules promulgated jointly by the Director of Engineering Seattle Public Utilities and the Director of Construction and Land Use to meet the purposes of this subsection.

7. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

8. Obstruction of Watercourses. Watercourses shall not be obstructed.

D. Additional Requirements for Large Projects. All projects exceeding nine thousand (9,000) square feet of developmental coverage and those small projects identified by the Director according to subsection C above must

comply with the requirements set forth in this subsection. These requirements are in addition to the requirements set forth in subsection C above. When the Directors develop rules prescribing best management practices for particular purposes, whether or not those rules are adopted by ordinance, BMPs prescribed in the rules shall be the BMPs required for compliance with this subsection. Best management practices shall include, but not be limited to: maintenance and housekeeping practices such as proper storage of oil barrels and other contaminant sources, covering material stockpiles, proper use and storage of hazardous materials, as well as constructed facilities such as detention tanks, wet ponds, extended detention dry ponds, infiltration, vegetated streambank stabilization, structural stabilization, catchbasins, oil/water separators, grassed swales, and constructed wetlands.

1. In addition to detaining a twenty-five (25) year storm to a release rate of 0.2 cubic feet per second per acre, the peak drainage water discharge rate from projects of more than nine thousand (9,000) square feet of developmental coverage shall not exceed 0.15 cubic feet per second per acre in a two (2) year storm;
2. Control the sources of sediment and other contaminants and pollutants that could enter drainage water, including the selection, design and maintenance of temporary and permanent best management practices;
3. Minimize streambank erosion and effects on water quality in streams, including the selection, design and maintenance of temporary and permanent best management practices, where stormwater is discharged directly to a stream or to a conveyance system that discharges to a stream;
4. Minimize the introduction of sediment, heat and other pollutants and contaminants into wetlands, including the selection, design and maintenance of temporary and permanent best management practices, where stormwater discharges directly to a wetland or to a conveyance system that discharges into a wetland;
5. Analyze impacts to off-site water quality resulting from the project. The analysis shall comply with this subsection and rules promulgated pursuant to this subsection. The analysis shall provide for mitigation of all surface water quality or sediment quality impacts. The impacts to be evaluated and mitigated shall include at least the following:
 - a. Amount of sedimentation,
 - b. Streambank erosion,
 - c. Discharges to groundwater contributing to recharge zones,
 - d. Violations of state or federal surface water, groundwater, or sediment quality standards, and
 - e. Spills and other accidental illicit discharges;
6. A schedule shall be provided for inspection and maintenance of proposed temporary and permanent drainage control facilities and other best management practices. The schedule shall meet the requirements of this subtitle and rules promulgated under this subtitle.
7. In addition to the requirements described above, for land-disturbing activities and demolition of structures, an erosion/sediment control plan designed to comply with the requirements and purposes of this subtitle and rules promulgated hereunder shall be submitted and implemented. The erosion/sediment control plan shall be designed to accomplish the following,
 - a. Stabilization of exposed soils and sediment trapping,
 - b. Delineation of limits on clearing and easements,
 - c. Protection of adjacent property,
 - d. Appropriate timing and stabilization of sediment trapping measures,

- e. Minimization of erosion on cut-and-fill slopes,
 - f. Control of off-site erosion,
 - g. Stabilization of temporary conveyance channels and outlets,
 - h. Protection of storm drain inlets, i. Minimization of transport of sediment by construction vehicles,
 - j. Appropriate timing for removal of temporary best management practices,
 - k. Control of discharges from construction site dewatering devices to minimize contamination of drainage water, and
 - l. Inspection and maintenance of best management practices for erosion/sediment control to insure functioning at design capacity;
8. Comprehensive Drainage Control Plan. A comprehensive drainage control plan to comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed civil engineer in accordance with standards adopted by the Director of Construction and Land Use.

E. Basin Plans. The Director of Construction and Land Use may determine that, for a particular project, compliance with a drainage basin plan satisfies subsections D1 through D4 above. The basin plan must have been adopted by rule or ordinance and must provide a level of protection for surface water and groundwater that equals or exceeds that which would otherwise be achieved.

Section 180. SMC 22.802.040 is hereby amended as follows:

Drainage control plan registry.

The Director of ~~Engineering~~ Seattle Public Utilities shall maintain an official registry and permanent file of all approved drainage control plans. Each plan shall be cataloged in the registry according to the property address, legal description of the property, and the side sewer permit number of the permit or approval for which the plan is required. Where a drainage control plan covers more than one (1) property, the approved plan shall be cataloged for each property covered by the plan.

Section 181. SMC 22.802.060 is hereby amended as follows:

Installation of drainage control facilities.

A. All privately owned and operated drainage control facilities or systems, whether or not they discharge to a public drainage control system, shall be considered side sewers and shall be subject to Title 21 of the Seattle Municipal Code, the ~~Engineering Department~~ Seattle Public Utilities Director's Rules promulgated under that title, and the design and installation specifications and permit requirements of the ~~Engineering Department~~ Seattle Public Utilities and Department of Construction and Land Use for side sewer and drainage control systems.

B. Side sewer permits and inspections shall be required for construction, capping, alterations, or repairs of privately owned and operated drainage control systems as provided in Chapter 21.16 of the Seattle Municipal Code. When the work is ready for inspection, the permittee shall notify the Director of ~~Engineering~~ Seattle Public Utilities. If the work is not in accordance with plans approved under this subtitle and in accordance with Chapter 21.16, ~~Engineering Department~~ Seattle Public Utilities and Department of Construction and Land Use Director's Rules, and ~~Engineering Department~~ Seattle Public Utilities and Department of Construction and Land Use design and installation specifications, the ~~Engineering Department~~ Seattle Public Utilities, after consulting with the Department of Construction and Land Use, may order the work stopped by written notice to the persons engaged in performing the

work or causing the work to be done, and may require modifications as provided in this subtitle and Chapter 21.16.

Section 182. SMC 22.802.070 is hereby amended as follows:

Modifications of drainage control facilities during construction.

A. During construction the Director of ~~Engineering~~ Seattle Public Utilities may require, or the applicant may request, that the construction of drainage control facilities and associated project designs be modified if physical conditions are discovered on the site which are inconsistent with the assumptions upon which the approval was based, including but not limited to unexpected soil and/or water conditions, weather generated problems, or changes in the design of the improved areas. Modifications shall be submitted to the Director of Construction and Land Use for approval prior to implementation.

B. Any such modifications made during the construction of drainage control facilities shall be recorded on the final approved drainage control plan, a revised copy of which shall be filed by the Director of ~~Engineering~~ Seattle Public Utilities.

Section 183. SMC 22.802.090 is hereby amended as follows:

Maintenance and inspection.

A. Responsibility for Maintenance and Inspection. Drainage control facilities required by this subtitle, and by rules adopted hereunder, shall be maintained by the owner or other responsible party. The owner or responsible party shall inspect permanent drainage control facilities at least annually, and shall inspect temporary drainage control facilities and other temporary best management practices or facilities on a schedule sufficient for the facilities to function at design capacity. The Director of ~~Engineering~~ Seattle Public Utilities may require the responsible party to conduct more frequent inspection and/or maintenance when necessary to insure functioning at design capacity.

B. Inspection by City. The Director of ~~Engineering~~ Seattle Public Utilities may establish inspection programs to insure compliance with the requirements of this subtitle and accomplishment of its purposes. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the City's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: ~~~reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other best management practices.

C. Entry for Inspection and Abatement Purposes.

1. New Installations and Connections. When any new drainage control facility is installed on private property, and when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall execute a permission form provided by the Director of ~~Engineering~~ Seattle Public Utilities. The property owner shall grant the City the right to enter the property at reasonable times and in a reasonable manner pursuant to an inspection program established pursuant to subsection B above, and to enter the property when the City has a reasonable basis to believe that a violation of this subtitle is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this subtitle.

2. Existing Land Uses and Discharges. Owners of property with existing discharges or land uses subject to this subtitle who are not installing a new drainage control facility or making a new connection between private property and a public drainage control system, sanitary sewer or combined sewer, shall have the option to execute a permission form for the purposes described above when provided with the form by the Director of ~~Engineering~~ Seattle Public Utilities.

D. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance of drainage and stormwater control facilities shall be conducted in accordance with federal, state and local regulations, including the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, guidelines for disposal of waste materials, and, where appropriate, Dangerous Waste Regulations, Chapter 173-303 WAC, including any subsequent amendments to these provisions.

E. Records of Installation and Maintenance Activities. When a new drainage control facility is installed, the party having the facility installed shall obtain a copy of the as-built plans from the Director of ~~Engineering~~ Seattle Public Utilities. Responsible parties shall make records of the installation and of all maintenance and repair, and shall retain the records for at least ten (10) years. These records shall be made available to the Director of ~~Engineering~~ Seattle Public Utilities during inspection of the facility and at other reasonable times upon request of the Director of ~~Engineering~~ Seattle Public Utilities.

Section 184. SMC 22.808.020 is hereby amended as follows:

Liability and defenses of responsible parties.

A. Who Must Comply. It is the specific intent of this subtitle to place the obligation of complying with its requirements upon the responsible parties, as defined in Section 22.801.190 . The City of Seattle and its agencies are intended to have the same obligation for compliance when the City is a responsible party. No provision of this subtitle is intended to impose any other duty upon the City or any of its officers or employees.

B. Joint and Several Liability. Each responsible party is jointly and severally liable for a violation of this subtitle. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use or both of them may take enforcement action, in whole or in part, against any responsible party. All applicable civil penalties may be imposed against each responsible party. In the event enforcement action is taken against more than one (1) responsible party, recoverable damages, costs, and expenses may be allocated among the responsible parties by the court or the Hearing Examiner based upon the extent to which each responsible party's acts or omissions caused the violation, unless this factor cannot be determined, or the party receiving the allocation under this factor is unable to correct the violation, or is unable to pay the damages, costs, expenses, and any penalty imposed, in which case the trier of fact shall consider:

1. Awareness of the violation;
2. Ability to correct the violation;
3. Ability to pay the damages, costs, and expenses;
4. Cooperation with government agencies;
5. Degree to which any impact or threatened impact on water or sediment quality, human health, or the environment is related to acts or omissions by each responsible party;
6. Degree to which the responsible parties made good- faith efforts to avoid a violation or to mitigate its consequences; and
7. Other equitable factors.

C. Defenses. A responsible party shall not be liable under this subtitle when the responsible party carries the burden of proving, by a preponderance of the evidence, one (1) of the following defenses:

1. The violation was caused solely by an act of God;
2. The violation was caused solely by another responsible party over whom the defending responsible party had no

authority or control and the defending responsible party could not have reasonably prevented the violation;

3. The violation was caused solely by a prior owner or occupant when the defending responsible party took possession of the property without knowledge of the violation, after using reasonable efforts to identify violations. However, the defending responsible party shall be liable for all continuing, recurrent, or new violations after becoming the owner or occupant.

4. The responsible party implemented and maintained all appropriate best management practices identified in rules promulgated by the Director of Construction and Land Use and the Director of ~~Engineering~~ Seattle Public Utilities, or in manuals published by the State Department of Ecology until superseded by rules of the Directors.

Section 185. SMC 22.808.030 is hereby amended as follows:

Enforcement actions.

A. Investigation. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use or both of them may investigate any site where there is reason to believe that there may be a failure to comply with the requirements of this subtitle.

B. Notice of Violation.

1. Issuance. Whenever the Director determines that a violation of this subtitle has occurred or is occurring, the Director is authorized to issue a notice of violation to the property owner or other responsible party. The notice of violation shall be considered an order of the Director.

2. Contents.

a. The notice of violation shall include the following information:

i. A description of the violation and the action necessary to correct it;

ii. The date of the notice; and iii. A deadline by which the action necessary to

correct the violation must be completed.

b. A notice of violation may be amended at any time to correct clerical errors and to add citations of authority.

3. Service. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use shall serve the notice upon the responsible party either by personal service or by certified mail, return receipt requested, sent to the party's last known address and, where possible, by posting a copy on the site. Service by certified mail shall be effective on the date of mailing. If the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and either Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two (2) consecutive weeks in the City official newspaper.

C. Alternatives to Notice of Violation.

1. Stop-Work Order.

a. In lieu of issuing a notice of violation, the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use may order work on a site stopped when he or she determines it is necessary to do so in order to obtain compliance with or to correct a violation of any provision of this subtitle or rules promulgated hereunder or to correct a violation of a permit or approval granted under this subtitle. The stop-work notice shall contain the following information:

i. A description of the violation; and ii. An order that the work be stopped until corrective action has been completed and approved by either Director.

b. The stop-work order shall be posted conspicuously on the premises or personally served on the property owner or other person known to be responsible for the work. It is unlawful for any work to be done after posting or service of a stop-work order, except work necessary to conduct the required corrective action, until authorization to proceed is given by either Director. It is unlawful for any person to remove, obscure or mutilate a posted stop work order.

2. Emergencies.

a. The Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use are each authorized to enter any property when it reasonably appears that a condition associated with grading, drainage, erosion control or a drainage control facility creates a substantial and present or imminent danger to the public health, safety or welfare, the environment, or public or private property. The Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use each may enter property without permission or an administrative warrant in the case of an extreme emergency placing human life, property or the environment in immediate and substantial jeopardy which requires corrective action before either permission or an administrative warrant can be obtained.

b. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use or both of them may order the responsible party to take corrective action and set a schedule for compliance and may require immediate compliance with an order to correct. Any emergency which is not corrected as ordered by the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use is a public nuisance which each Director is authorized to abate summarily. The costs of abatement shall be collected as set forth in Section 22.808.080.

D. Appeal of Director's Decisions. Any Notice of Violation or final order other than a stop-work order or emergency order issued by the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use pursuant to this subtitle may be appealed to the Hearing Examiner by an aggrieved person. Appeals shall be initiated by filing a written notice with the applicable fee, as set forth in SMC Section 23.76.022. When, as set forth in Section 22.808.070, an invoice is issued without a prior hearing, the appeal period shall commence upon issuance of the invoice.

E. Filing Notice or Order. A notice of violation, voluntary compliance agreement or an order issued by a Director of ~~Engineering~~ Seattle Public Utilities, Director of Construction and Land Use, Hearing Examiner or municipal Judge, may be filed with the King County Department of Records and Elections.

F. Change of Ownership. When a notice of violation, voluntary compliance agreement or an order issued by a Director of ~~Engineering~~ Seattle Public Utilities, Director of Construction and Land Use, Hearing Examiner or municipal Judge has been filed with the King County Department of Records and Elections, a notice of violation or an order regarding the same violations need not be served upon a new owner of the property where the violation occurred. If no notice of violation or order is served upon the new owner, the Director of ~~Engineering~~ Seattle Public Utilities or Director of Construction and Land Use may grant the new owner the same number of days to comply as was given the previous owner. The compliance period for the new owner shall begin on the date that the conveyance of title to the new owner is completed.

Section 186. SMC 22.808.040 is hereby amended as follows:

Enforcement of notice of violation.

A. Hearing Examiner and Municipal Court. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use or both of them may choose to enforce a Notice of Violation through either of the following means:

1. An enforcement hearing through the Hearing Examiner's Office, as set forth in this section; or

2. Referral to the City Attorney's Office for action in the appropriate court according to that court's normal rules and procedures.

B. Enforcement Through Hearing Examiner's Office. Enforcement actions through the Office of the Hearing Examiner shall proceed according to this subsection.

1. Hearing Schedule. The Hearing Examiner's Office shall schedule a hearing after notification by the Director that enforcement will be pursued through the Hearing Examiner's Office.

2. Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on the violation pursuant to the rules of procedure of the Hearing Examiner, as modified by this section. The Director, the person to whom the notice of violation was issued, and any other responsible party regarding the matters addressed in the notice of violation may participate as parties in the hearing, with or without representation by an attorney. Each party may call and compel the attendance of witnesses.

3. Standard of Review and Burden of Proof. The determinations of the Director of ~~Engineering~~ Seattle Public Utilities and the determinations of the Director of Construction and Land Use shall be accorded substantial weight by the Hearing Examiner. The defending responsible party shall have the burden of proving by a preponderance of the evidence all defenses, mitigating factors and objections to the required corrective action or schedule.

4. Hearing Examiner's Order. The Hearing Examiner shall affirm, vacate or modify the Director's determinations. The Hearing Examiner shall issue an order within fifteen (15) days following the close of the record unless all parties agree to an extension of time. The order shall contain the following information:

a. The decision regarding the alleged violation;

b. Findings of fact and conclusions based thereon in support of the decision;

c. The required corrective action (if any);

d. The date and time by which the corrective action must be completed;

e. The monetary penalties and other costs, expenses, or damages being assessed against the responsible party;

f. Notice that the responsible party has twenty-one (21) days from the date of issuance of the decision to petition for judicial review, as provided by Section 705 of Chapter 347 of the Laws of 1995; and

g. Authorization for the City to abate or correct the violation following expiration of the appeal period and the time set for compliance with the order if the responsible party has not completed the required corrective action, and to charge the responsible party for its costs, as set forth in Section 22.808.080 . The order shall not require the City to abate or correct the violation.

5. Failure to Appear. If the responsible party to whom the notice of violation was issued fails to appear at a scheduled hearing before the Hearing Examiner, and no other responsible party appears to defend, then, upon an offer of proof by the City, which may be made by declaration, the Hearing Examiner shall issue an order finding that the violation occurred. The order shall contain the information set forth in subsection B4 above. In the absence of an offer of proof by the City, the Hearing Examiner shall issue an order finding the responsible party to be in default, and setting forth the penalties and other relief described in subsection B4.

Section 187. SMC 22.808.050 is hereby amended as follows:

Voluntary compliance agreement.

A. Initiation. Either a responsible party or the Director of ~~Engineering~~ Seattle Public Utilities or the Director of

Construction and Land Use may initiate negotiations for a voluntary compliance agreement at any time. Neither Director has any obligation to enter into any voluntary compliance agreement.

B. Contents. A voluntary compliance agreement shall set forth actions to be taken by the responsible party that will correct past or existing violations of this subtitle. It may also set forth actions to mitigate the impacts of violations. The voluntary compliance agreement shall set forth a schedule for completion of the corrective and mitigating actions. It shall contain a provision allowing the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use to inspect the premises to determine compliance with the agreement.

C. Effect of Agreement.

1. A voluntary compliance agreement is a binding contract between the party executing it and the City. It is not enforceable by any other party. All voluntary compliance agreements shall provide that the responsible party agrees the City may perform the actions set forth in the agreement if the responsible party fails to do so according to the terms and schedule of the agreement, and the responsible party will pay the costs, expenses and damages the City incurs in performing the actions, as set forth in Section 22.808.080 regarding abatements. By entering into a voluntary compliance agreement, a responsible party waives the right to an administrative appeal of the violation.

2. Penalties may be reduced or waived if violations are corrected or mitigated according to the terms and schedule of a voluntary compliance agreement. If the responsible party fails to perform according to the terms and schedule of the voluntary compliance agreement, penalties for each violation addressed in the agreement may be assessed starting from the date the violation occurred.

D. Modification. The terms and schedule of the voluntary compliance agreement may be modified by mutual agreement of the responsible party and either Director if circumstances or conditions outside the responsible party's control, or unknown at the time the agreement was made, or other just cause necessitate such modifications.

Section 188. SMC 22.808.070 is hereby amended as follows:

Collection of costs and penalties.

A. Invoice and Demand for Payment. When either Director has abated a public nuisance or corrected a violation of this subtitle and a hearing has not been conducted, the Director shall issue an invoice and demand for payment of the City's abatement costs. The invoice shall include:

1. The amount of the City's abatement or correction costs;
2. Either a legal description of the property corresponding as nearly as possible to that used for the property on the rolls of the King County Assessor or, where available, the property's street address;
3. A notice that the Director's determinations regarding the abatement and correction, including the amount owed, may be appealed to the Hearing Examiner by following the procedure set forth in SMC Section 23.76.022;
4. Notice that if the amount due is not paid within thirty (30) days, the outstanding balance may be collected in any of the manners set forth in subsection B of this section; and
5. Notice that interest shall accrue on the unpaid balance.

B. Collection Following a Hearing. The Director of Construction and Land Use and the Director of ~~Engineering~~ Seattle Public Utilities are not required to issue an invoice for payment when a hearing has been conducted as set forth in Section 22.808.040, and an order has issued imposing any penalties, costs, damages, expenses or abatement costs. If the order is not appealed within fifteen (15) days of mailing or other delivery of the order to the responsible party, the Director of Construction and Land Use or the Director of ~~Engineering~~ Seattle Public Utilities may immediately seek to collect the amounts owed by:

1. Referral to the City Attorney's Office for action in the appropriate court; or
2. Referral, after consultation with the City Attorney's Office to a collection agency; or
3. Addition of a surcharge in the amount owed under the order to the ~~Drainage and Wastewater Utility~~ bill for drainage and wastewater services to the site. If unpaid, the surcharge may become a lien on the property, may be foreclosed, and may accrue interest as provided by state law or SMC Section 21.33.110.

Section 189. SMC 22.808.080 is hereby amended as follows:

Public nuisance.

- A. **Abatement Required.** A public nuisance affecting stormwater, drainage, erosion control, grading and other public nuisances set forth in this section are violations of this subtitle. A responsible party shall immediately abate a public nuisance upon becoming aware of its existence.
- B. **Dysfunctional Facility or Practice.** Any private drainage control facility or best management practice relating to grading, stormwater, drainage control or erosion not installed or maintained as required by this subtitle, or otherwise found to be in a state of dysfunction creating, presently or in the event of a design storm, a threat to the public health, safety or welfare, the environment, or public or private property is hereby declared to be a public nuisance.
- C. **Obstruction of Watercourse.** Obstruction of a watercourse without authorization by the Director, and obstruction in such a manner as to increase the risk of flooding or erosion should a design storm occur, is hereby declared to be a public nuisance.
- D. **Dangerous Conditions.** Any condition relating to grading, stormwater, drainage or erosion which creates a present or imminent danger, or which is likely to create a danger, in the event of a design storm, to the public health, safety or welfare, the environment, or public or private property is hereby declared to be a public nuisance.
- E. **Abatement by the City.** The Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use are authorized, but not required, to investigate a condition that either Director suspects of being a public nuisance under this subtitle, and to abate any public nuisance. If a public nuisance is an immediate threat to the public health, safety or welfare or to the environment, the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use may summarily and without prior notice abate the condition. The Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use shall give notice of the abatement to the responsible party as soon as reasonably possible after the abatement.
- F. **Collection of Abatement Costs.** The costs of abatement may be collected from the responsible party, including a reasonable charge for attorney time and a fifteen-percent (15%) charge for administrative expenses as set forth in Section 22.808.060 C. Abatement costs and other damages, expenses and penalties collected by the City shall go into an abatement account for the department collecting the moneys. The money in the abatement account shall be used for abatements and corrections of violations conducted by the City. When the account is insufficient the Director of ~~Engineering~~ Seattle Public Utilities and the Director of Construction and Land Use may use other available funds.

Section 190. SMC 22.808.110 is hereby amended as follows:

Suspension or revocation.

Approvals or permits granted in error, or on the basis of incomplete, inaccurate or misleading information, or in violation of any law, ordinance or regulation may be suspended or revoked. Other permits or approvals interrelated with an approval suspended or revoked under this section, including certificates of occupancy or approvals for occupancy, may also be suspended or revoked. When an approval or permit is suspended or revoked, the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use may require the applicant to take

corrective action to bring the project into compliance with this subtitle by a deadline set by the Director of ~~Engineering~~ Seattle Public Utilities or the Director of Construction and Land Use, or may take other enforcement action.

Section 191. SMC 22.808.150 is hereby amended as follows:

Date of initial enforcement.

The Directors of ~~Engineering~~ Seattle Public Utilities and Construction and Land Use shall allow existing discharges and land uses six (6) months to adopt operational and nonstructural best management practices after adoption of rules or after such best management practices have been communicated in writing by the Director following a site inspection, whichever comes first. The Directors shall allow existing discharges and land uses twelve (12) months to install structural best management practices after the Directors determine that discharges from a site are causing or contributing to a water quality problem, and notify the discharger in writing of that determination and of the best management practices which must be installed.

Section 192. SMC 22.900.030 is hereby amended as follows:

Administration and enforcement.

A. For the purpose of this chapter, the term "Director" shall mean the Director of the Department or an authorized representative.

B. The Director is authorized to administer, interpret and enforce the provisions of this chapter; provided, that the Director of Seattle-King County Public Health shall administer, interpret and enforce sections of this chapter that are applicable to fuel gas piping permits; provided further that the Director of ~~Engineering~~ Seattle Public Utilities shall administer, interpret and enforce sections of this chapter that are applicable to Seattle ~~Engineering Department (SED)~~ Public Utilities (SPU) review of projects; and provided, further, that the Director of the Department of Neighborhoods shall administer, interpret and enforce sections of this chapter that are applicable to Certificates of Approval, Special Tax Valuation for Historic Properties and for environmental (SEPA) review of projects that include City of Seattle landmarks and projects located in special review districts or landmark districts.

C. The Director is authorized to collect fees for ~~SED~~ SPU review associated with Department review, and to transfer those funds to ~~SED~~ SPU.

D. Where no definite method is prescribed in the chapter for calculating the amount of fees, the Director may assess charges as required to cover expenses.

E. The Director shall have full authority to specify the terms and conditions upon which services and materials shall be made available, and the fees as determined by the Director shall be consistent with the reasonable estimated cost to the City for furnishing such services or materials.

F. The total fee assessed for any permit, decision or approval shall be rounded to the nearest whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded up: Fifty-one Cents (\$.51) through Ninety-nine Cents (\$.99).

Section 193. SMC 25.06.050 is hereby amended as follows:

Identification of areas of special flood hazard.

Areas of special flood hazard in The City of Seattle are identified by the Federal Insurance Administration in a scientific and engineering preliminary report entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," dated September 23, 1988, with accompanying Flood Insurance Rate Maps. The study and maps are filed in C.F. 296948 and are hereby adopted by reference and declared to be a part of this chapter. The study and maps shall be maintained on file at the Department of Construction and Land Use and the Seattle ~~Engineering Department~~ Public Utilities and may be maintained on file at the Seattle Park Department, the Seattle- King County Department of Public

Health, and other City offices.

Section 194. SMC 25.06.110 is hereby amended as follows:

Standards involving base flood elevations.

In all areas of special flood hazards where base flood elevation data has been provided under Section 25.06.050 or subsection C of Section 25.06.090, the following are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to two feet (2') or more above base flood elevation, or as otherwise approved by the Director of the Department of Construction and Land Use in consultation with the Director of ~~Engineering~~ Seattle Public Utilities .
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional civil engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot (1') above grade;
 - c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to two feet (2') or more above the level of the base flood elevation, or as otherwise approved by the Director of the Department of Construction and Land Use in consultation with the Director of ~~Engineering~~ Seattle Public Utilities ; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below two feet (2') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional civil engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided as set forth in subsection C of Section 25.06.070.

Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A2 above. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building floodproofed to one foot (1') above the base flood level will be rated as at the base flood level).

C. Critical Facilities. Construction of new critical facilities shall be located outside the limits of the areas of special flood hazard where possible. Construction of new critical facilities shall be permissible within areas of special flood hazard if no feasible alternative site is available. Critical facilities constructed within areas of special flood hazard shall have the lowest floor elevated to three feet (3') above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Access routes to all critical facilities shall be elevated to or above the level of the base flood elevation to the extent possible.

D. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the FIRM shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is two feet (2') or more above the base flood elevation, or as otherwise approved by the Director of the Department of Construction and Land Use in consultation with the Director of ~~Engineering~~ Seattle Public Utilities ; and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 25.06.100 A. This subsection applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This subsection does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before repair, reconstruction or improvement has commenced.

Section 195. SMC 25.09.120 is hereby amended as follows:

Development standards for flood-prone areas.

A. No development shall be permitted within the "floodway" of flood-prone areas. Permitted development within flood-prone areas lying outside the floodway shall not contribute to increased downstream flow of floodwaters and shall comply with the provisions of SMC Chapter 25.06, Seattle Floodplain Development Ordinance (FEMA). A drainage-control plan shall be required for all proposed development.

B. **Drainage-Control Plan.** If the site is mapped or determined to be flood-prone, a drainage-control plan shall be submitted with the permit application showing the flood-prone area, the tributary watershed, and all drainage features, to describe the existing situation and proposed modifications to the drainage system. The drainage-control plan shall provide for control of water quality and quantity in compliance with the SMC Title 22, Subtitle VIII, Grading and Drainage Control Ordinance, SMC Chapter 25.06, Seattle Floodplain Development Ordinance, and any other subsequent applicable flood- control codes or ordinances to protect the public interest and prevent harm.

C. **Elevation Above Base Flood Level.** The lowest floor elevation of any structure located in a flood-prone area shall be two feet (2') above the one-hundred (100) year flood elevation unless otherwise specified by the Director of ~~Engineering~~ Seattle Public Utilities.

III. MISCELLANEOUS PROVISIONS

Section 196. It is the express intent of the City Council that, in the event another ordinance has heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show intended amendments.

Section 197. In the event any section or subsection of the Seattle Municipal Code purported to be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

Section 198. It is the express intent of the City Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to the new office or position created by this ordinance, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to this ordinance.

Section 199. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code amended or recodified herein, but the later ordinance fails to account for the change made by this ordinance, the two sets of amendments should be given effect together if at all

possible.

Section 200. The Director of Seattle Public Utilities shall have the power to make all administrative decisions necessary to carry out the intent of this ordinance.

Section 201. The City Clerk shall publish in the City's legal newspaper the title and the first five (5) sections of this ordinance, a numerical tabulation by Seattle Municipal Code number of the sections or subsections that are amended by sections 6 through 195 of this ordinance, and a listing of any Seattle Municipal Code sections or subsections repealed as listed under the caption "Repealer" as the summary of this ordinance, and state as part of that publication that the entire text may be examined electronically at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

Section 202. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 203. It is the express intent of the City Council that this ordinance makes only those changes to the Seattle Municipal Code shown by striking out, inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in showing the pre-existing Seattle Municipal Code text are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

Section 204. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 202. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

President _____ of the City Council

Approved by me this _____ day of _____, 1996.

Mayor

Filed by me this _____ day of _____, 1996.

City Clerk

(Seal)