

Ordinance No. 123494

Council Bill No. 116982

AN ORDINANCE relating to Seattle Public Utilities, amending Seattle Municipal Code Chapters 21.16 and 21.24, to clarify existing requirements, consolidate fee language, clarify authority, update definitions, modify enforcement process and provisions, modify build-over requirements, clarify side sewer reuse requirements, and clarify grease pretreatment requirements.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]  
Councilmember

## Committee Action:

~~12/9~~ 12/9/2010 PASSED 2-0 (RC, MOB)  
@W

12.13.10 Passed as 9-0  
amended

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

CF No. \_\_\_\_\_

Date Introduced:	Sept. 27, 2010	
Date 1st Referred:	Sept. 20, 2010	
Date Re - Referred:	To: (cc) Seattle Public Utilities and Neighborhoods	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: 9-0	
Date Presented to Mayor:	Date Approved: 12.20.10	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123494

1 AN ORDINANCE relating to Seattle Public Utilities, amending Seattle Municipal Code  
2 Chapters 21.16 and 21.24, to clarify existing requirements, consolidate fee language,  
3 clarify authority, update definitions, modify enforcement process and provisions, modify  
4 build-over requirements, clarify side sewer reuse requirements, and clarify grease  
pretreatment requirements.

5 WHEREAS, the purpose of the City of Seattle's Side Sewer Code (SMC 21.16) is to promote the  
6 public health, safety, and welfare in relation to side sewers and general sewer discharges  
7 to the public utility; and

8 WHEREAS, the Side Sewer Code has not been substantively revised since 1988; and

9 WHEREAS, the existing Side Sewer Code requires updating to reflect current permitting and  
10 construction practices, NOW, THEREFORE,

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

12 Section 1. Seattle Municipal Code Section 21.16.010, last amended by Ordinance 97016,  
13 is hereby amended to read as follows:

14 **21.16.010 Chapter title and purpose.**

15 This chapter 21.16 shall be known as the "Side Sewer Code", and may be cited as  
16 such. This chapter is declared to be an exercise of the police power of the state and  
17 of the City to promote the public health, safety and welfare, and its provisions shall  
18 be liberally construed for the accomplishment of that purpose. This chapter is not  
19 intended to create or otherwise establish or designate any particular class or group of  
20 persons who will or should be especially protected or benefited by its terms.

21 Section 2. Seattle Municipal Code Section 21.16.020, last amended by Ordinance  
22 114298, is hereby amended to read as follows:

23 **21.16.020 Chapter provisions as minimum standards.**



1  
2 The requirements of this chapter are declared to be minimum standards and shall not  
3 be construed to prevent the enforcement of more stringent standards imposed by  
4 other ordinances, or by or under the authority of state law. Unless specifically stated  
5 to the contrary, all provisions herein apply to both service drains and to side sewers  
6 located within areas served by the City's sewer and drainage infrastructure~~((The City  
7 of Seattle's sewer service area))~~.  
8

9 Section 3. Seattle Municipal Code Section 21.16.030, last amended by Ordinance  
10 122036, is hereby amended to read as follows:

11 **21.16.030 Definitions.**

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

14  
15 1. "Authorized Agent" means someone who is employed by a registered side sewer  
16 contractor, but has not passed the registered side sewer contractor exam.

17 2. "Building" is as defined in Chapter 22.204 of the Seattle Municipal Code.

18 3. "Certified Individual" means someone who has successfully passed the registered  
19 side sewer contractor exam.

20  
21 ~~((1))~~4. "City" means The City of Seattle.

22 ~~((2. "Comprehensive plans" means plans which are large in scope and intended to~~  
23 ~~provide for the ultimate development of the drainage basins served by the sewers and~~  
24 ~~drains, as determined by the Director of Seattle Public Utilities at the time the plan~~  
25 ~~was proposed.))~~

1  
2 ((3))5. "Cover" means the depth of material between the top of the side sewer or  
3 service drain pipe and the finished grade immediately above it.

4 6. "Director" means the Director of the department authorized to take particular  
5 action, and the Director's designee, who may be employees of that department or  
6 another City department.

7 ((4))7. "Director of Health" means the Director of Public Health, his or her designee,  
8 or employees of the Seattle-King County Department of Public Health.

9 ((5))8. "Director of the Department of Planning and Development" means the  
10 Director(~~(-or employees))~~ of The City of Seattle Department of Planning and  
11 Development, his or her designee, or employees of the Department of Planning and  
12 Development.

13 ((6))9. "Director of Seattle Public Utilities" means the Director of Seattle Public  
14 Utilities, (~~(or))~~his or her designee, or employees of Seattle Public Utilities.

15 ((7))10. "Downspout" means a pipe which conveys(~~(conducts))~~ water from a roof of  
16 a building.

17 11. "Drainage water" is as defined in Chapter 22.801 of the Seattle Municipal Code.

18 12. "Drainage system" is as defined in Chapter 22.801 of the Seattle Municipal  
19 Code.

20 13. "Food Waste" means putrescible solid waste not properly shredded, and liquid  
21 waste from the preparation, cooking, and dispensing of food that is capable of  
22 settling and restricting or blocking flows in the public sewer system, at a sewage  
23



treatment plant, or at a pumping station.

1  
2 ((8))14. "Footing drain" means an open joint or perforated pipe located near the  
3 foundation of a building or other structure, intended to intercept and ~~((carry))~~ convey  
4 groundwater.

5 ((9))15. "Garbage" means putrescible waste from the preparation, cooking and  
6 dispensing of food, and from the handling, storage and sale of produce.

7  
8 ~~((10. "Garbage, properly shredded" means garbage that has been shredded to such a  
9 degree that it will be carried or suspended freely under the flow conditions normally  
10 prevailing in public sewers, with no particle larger than three eighths inch (3/8") in  
11 any dimension.))~~

12 16. "Grease Interceptor" means a plumbing appurtenance or appliance that is  
13 installed in a wastewater system to intercept non-petroleum fats, oil, and grease  
14 (FOG) and food waste from a wastewater discharge.

15  
16 ((11))17. "Industrial waste" means a liquid, solid or gaseous substance, or  
17 combination thereof, resulting from any process of industry, manufacturing, food  
18 processing, business, trade or research, including the development, recovering or  
19 processing of natural resources and including garbage, but distinguished from  
20 sanitary sewage or ~~((storm-))~~ drainage water.

21  
22 ((12))18. "Main sewer" means a pipe which is part of the public sewer system and to  
23 which a side sewer is connected.

24 ~~((13. "Metro" means King County.))~~

25  
26 ((14))19. "Natural outlet" means a watercourse, pond, lake, sound, stream, river,



ditch, or other body of surface water.

~~((15))~~20. "Owner, operator, or occupant" means the owner of real or personal property, or the ~~((agent or))~~lessee, permittee, licensee, or agent of the owner.

~~((16))~~21. "Permit face~~((eard))~~" means a document~~((eard))~~ 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.

~~((17))~~22. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

~~((18))~~23. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.

~~((19))~~24. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure which ~~((carries))~~conveys the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to ~~((carry))~~convey stormwater or unpolluted drainage water.

~~((20))~~25. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which conveys~~((carries))~~ stormwater or unpolluted drainage water.

~~((21))~~26. "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 Seattle Public Utilities.

27. "Properly shredded" means shredded to such a degree that the waste has no particle larger than 3/8 inch in any dimension and that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers.



1           ~~((22))~~28. "Public place~~((;))~~" means all public areas pursuant to Chapter 15.02 of the  
2           Seattle Municipal Code.~~((("public area" or "street area" means and includes streets,~~  
3           ~~avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips,~~  
4           ~~squares, triangles and rights-of-way dedicated for the use of the public, and the space~~  
5           ~~above or beneath the surface of the same.))~~

6           ~~((24))~~29. "Public sewer system" means the sewer or~~((-storm))~~ drainage facilities  
7           owned and maintained by the City or other agencies having jurisdiction (e.g.  
8           ~~((Rainer Vista Sewer District))~~Valley View Sewer District, Southwest Suburban  
9           Sewer District, King County)~~((-or Metro))~~, or any sewer~~((age))~~ or drainage facilities  
10           acquired~~((;))~~ or constructed~~((-or maintained))~~ by such agencies.

11           ~~((23))~~30. "Registered Side Sewer Contractor" means a company approved and  
12           registered by the Director of Seattle Public Utilities to construct or repair side sewers  
13           in the public place.

14           31. "Responsible party" means all of the following persons:

- 15           1. Owners, operators, and occupants of property; and  
16           2. Any person causing or contributing to a violation of the provisions of this  
17           chapter.

18           ~~((25))~~32. "Service drain" means a privately owned and maintained drainage system  
19           which ~~((earries))~~conveys only stormwater runoff, surface water,  
20           ~~((foundation))~~subsurface drainage, and/or other unpolluted drainage water~~((s and~~  
21           ~~which discharges at an approved outlet as defined by the Director of Seattle Public~~  
22           ~~Utilities)).~~ Service drains include, but are not limited to, conveyance pipes, catch  
23             
24             
25             
26             
27             
28



1 basin connections, downspout connections, detention pipes, and subsurface drainage  
2 connections to an approved outlet. Service drains do not include  
3 ~~((groundwater))~~ subsurface drainage collection systems ~~((upstream from the point of~~  
4 ~~connection to a service drain))~~.

5 ~~((26))~~ 33. "Sewage" means waste discharged from sanitary plumbing outlets of  
6 buildings.

7 ~~((27))~~ 34. "Sewage treatment plant" means an arrangement of devices, structures, and  
8 equipment for treating wastewater.

9 ~~((28))~~ 35. "Sewer, combined" means a publicly owned and maintained sewerage  
10 system which ~~((carries))~~ conveys surface runoff water, polluted water, unpolluted  
11 water, industrial waste, effluent from storm plumbing outlets, sewage, and ~~((water~~  
12 ~~from foundation drains))~~ subsurface drainage.

13 ~~((29))~~ 36. "Sewer, sanitary" means a publicly owned and maintained sewage system  
14 which ~~((carries))~~ conveys wastewater, and is not designed to ~~((carry stormwater or~~  
15 ~~unpolluted))~~ convey drainage water.

16 ~~((30))~~ 37. "Side sewer" means a privately owned and maintained pipe system which  
17 is designed to convey wastewater ~~((carry sewage))~~ and/or drainage water  
18 ~~((stormwater runoff, surface water, foundation drainage,))~~ to the public sewer system  
19 or approved outlet. This includes the pipe system up to, but not including, the tee,  
20 wye, or connection to the public main.

21 ~~((31. "Sidewalk" means the walkway in a public area lying generally parallel to the~~  
22 ~~roadway.))~~



1 ((32))38. "Standard Plans and Specifications" means the City of Seattle Standard  
2 Plans and Specifications for Road, Bridge, and Municipal Construction in effect on  
3 the date of permit application.~~((standard plans and specifications in effect on the date~~  
4 ~~of issuance of the permit.))~~

5 ((33))39. "Storm drain" is as defined in Chapter 22.801 of the Seattle Municipal  
6 Code.~~((means a publicly owned and maintained drainage system which carries~~  
7 ~~stormwater runoff, surface water, foundation drainage, and other unpolluted water.))~~

8 40. "Stormwater" is as defined in Chapter 22.801 of the Seattle Municipal Code.

9 41. "Structure" is as defined in Chapter 22.204 of the Seattle Municipal Code.

10 ((34))42. "Suspended solids" means solids that either float on the surface of or are in  
11 suspension in water, sewage, or other liquids, and which are removable by filtering  
12 the liquid, and includes matter which, upon dilution with water or sewage, results in  
13 the formation of suspended solids.

14 ((35))43. "Unpolluted water" means water in its natural state, or water which, after  
15 use for any purpose, is not substantially changed as to chemical or biochemical  
16 qualities. The Director of Health or the Director of Seattle Public Utilities has the  
17 authority to determine which waters are unpolluted waters.

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

22 ((37))44. "Wastewater" is a comprehensive term including industrial waste, sewage,  
23  
24  
25  
26



1 and other unpolluted waters, as determined by the Director of Health or Director of  
2 Seattle Public Utilities.

3 ~~((38))~~45. "Watercourse" is as defined in Chapter 22.801 of the Seattle Municipal  
4 Code. ~~((means a channel in which a natural flow of stormwater and/or groundwater  
5 occurs either continuously or intermittently.))~~

6 Section 4. Seattle Municipal Code Section 21.16.040, last amended by Ordinance  
7 121276, is hereby amended to read as follows:  
8

9 **21.16.040 Connection or abandonment of side sewers.**

10 A. Wastewater Side Sewer Connections. The owner or occupant of any lands,  
11 premises or habitable structures shall connect all buildings, habitable structures, sanitary  
12 plumbing outlets, and other sources of polluted water located thereon, unless exempt  
13 under subsection C of this section, with the nearest accessible sanitary sewer or combined  
14 sewer, whenever such sewer is located within ~~((three hundred))~~300 feet~~((300'))~~ of the  
15 closest point of the building, habitable structure, sanitary plumbing outlet, or source of  
16 polluted water. Except in conjunction with activity requiring a development permit, the  
17 Director of Seattle Public Utilities shall determine whether a sanitary sewer or combined  
18 sewer is accessible and whether the connection shall be made by a side sewer or by an  
19 extension of the public sewer system. In conjunction with activity requiring a  
20 development permit, the Director of the Department of Planning and Development,  
21 in~~((after))~~ consult~~((ing))~~ation with the Director of Seattle Public Utilities, shall  
22 communicate the decision to the owner or occupant based on the determination of the  
23 Director of Seattle Public Utilities~~((make such determination))~~.  
24  
25  
26  
27  
28



1 B. Service Drain Connections. Connections of service drains to combined sewers or  
2 public storm drains shall meet the requirements~~((be as))~~ specified in Chapters 22.800  
3 through~~((and))~~ 22.80~~((2))~~§ of the Seattle Municipal Code.

4 C. Exemptions from Connection. In conjunction with activity requiring a  
5 development permit, the Director of the Department of Planning and Development, after  
6 consulting with the Director of Seattle Public Utilities, may exempt any otherwise  
7 accessible developed property from connecting to the public sewer system; and except in  
8 conjunction with activity requiring a development permit the Director of Seattle Public  
9 Utilities may exempt any otherwise accessible developed property from connecting to the  
10 public sewer system; provided, in all cases, that the following conditions are met:

- 11 1. The owner or occupant has agreed to pay to the City a charge in an amount equal  
12 to the charge that would be made for sewer service if the property were connected to  
13 the sewer system, which amount shall be paid and collected at the times and in the  
14 manner provided by ordinance for the payment and collection of sewer service  
15 charges; and
- 16 2. The Director of ~~((Health))~~Seattle Public Utilities has waived the requirement as  
17 provided in subsection A of this section that properties within ~~((three hundred))~~300  
18 feet~~((300'))~~ of a sanitary sewer or combined sewer must connect to that sewer; and
- 19 3. The property has a currently functioning on-site sewage disposal system as  
20 determined by the Director of Health. ~~((The exemption will remain in effect until the~~  
21 ~~on-site sewer system fails, or the property is sold or otherwise transferred, or the~~  
22 ~~owner or occupant fails to timely pay the charges referred to in subsection C1,~~



1           ~~whichever occurs first, at which time the property shall be connected to the public~~  
2           ~~sewer system as required in subsection A herein.))~~

3  
4           The exemption will remain in effect until the on-site sewer system fails; or the property is  
5           sold or otherwise transferred, or the owner or occupant fails to timely pay the charges  
6           referred to in subsection C1 of this section, whichever occurs first, at which time the  
7           property shall be connected to the public sewer system as required in subsection A  
8           herein.

9  
10          D.     Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or  
11          occupant shall secure a permit from the Director of Seattle Public Utilities to cap the side  
12          sewer.

13          Section 5. Seattle Municipal Code Section 21.16.055, last amended by Ordinance  
14          122036, is hereby amended to read as follows:

15                 **21.16.055 Work in a public place--Registered contractor, supervision and permit**  
16                 **required.**

17  
18          No work may be performed in a public place to construct or repair side sewers except by  
19          a registered side sewer contractor under~~((pursuant to))~~ a permit issued in accordance  
20          with~~((pursuant to))~~ Section 21.16.080. Direct onsite supervision ~~((shall be provided-))~~ of  
21          all work to be performed in a public place shall be provided by a~~((or on behalf of the))~~  
22          registered side sewer contractor. The onsite supervision must be by a person who: 1)  
23          ~~((who-))~~ has successfully completed the examination provided for in sub~~((S))~~ection  
24          21.16.060A2, and 2) ~~((who-))~~ is listed on the roster required by Section 21.16.068 as the  
25          



1 registered side sewer contractor(~~or as a current employee of the registered side sewer~~  
2 ~~contractor~~)).

3 Section 6. Seattle Municipal Code Section 21.16.060, last amended by Ordinance  
4 122036, is hereby amended to read as follows:

5 **21.16.060 Registered side sewer contractor--Qualification--Registration--**  
6 **Insurance--Bond--Registration expiration and renewal.**

7  
8 A. To register as a registered side sewer contractor(~~RSSC~~), each applicant must:

- 9 1. Pay a registration fee of \$200 to the Director of Seattle Public Utilities(~~the~~  
10 ~~Department of Planning and Development~~));
- 11 2. Successfully complete a ((an oral and)) written examination administered by the  
12 Director of ((the Department of Planning and Development))Seattle Public Utilities,  
13 or employ an individual who has successfully completed the examination. Each  
14 applicant for the ((oral and)) written exam must pay to the Director of the  
15 Department of Planning and Development)Seattle Public Utilities an examination  
16 fee of \$100 to take the examination required by this subsection;
- 17 3. Provide to the Director of the Department of Planning and Development)Seattle  
18 Public Utilities a roster of all certified individuals and authorized agents employed  
19 by the ((applicant who have passed the examination provided for in subsection A2 of  
20 this Section)) side sewer contractor registration applicant who are allowed to obtain  
21 side sewer permits on behalf of the side sewer contractor registration applicant for  
22 work in the public place;
- 23 4. Provide evidence to the ((Department of Planning and Development))Director of  
24  
25  
26  
27  
28



1           Seattle Public Utilities that the applicant possesses a current Washington State  
2 Contractor's license;

3           5. Provide evidence to the (~~Department of Planning and Development~~)Director of  
4 Seattle Public Utilities that the applicant possesses a current City Business license  
5 issued pursuant to Section 5.55.030 of the Seattle Municipal Code;

6           6. File with the Risk Management Division of the Department of Finance and  
7 Administrative Services(~~Executive Administration~~) a certificate of insurance that  
8 meets the standards of subsection B of this section, and maintain the insurance as  
9 required by subsection B of this section;

10           7. Post with the City Clerk and maintain in full force and effect a bond as required  
11 by subsection C of this section;

12           8. Agree in writing, to defend, indemnify and (~~hold~~)save harmless the City from all  
13 claims, actions, or damages of every kind and description, including reasonable  
14 attorney fees and necessary litigation expenses incurred by the City, that may accrue  
15 to or be suffered by any person arising out of any opening in any street, alley,  
16 avenue, or other public place made by the registered contractor or those in the  
17 registered contractor's employ, in making any connection with any public or private  
18 sewer, or for any other purpose or object associated with side sewer construction and  
19 related activities, except for such losses that directly result from the sole negligence  
20 of the City; and

21           9. Agree in writing to provide direct on-site supervision in compliance with Section  
22 21.16.055 of all work located in a public place that is to be performed by or on  
23



1           behalf of the registered side sewer contractor, including without limitation all work  
2 relating to installation, alteration, extension, connection to or repair of the side  
3 sewer.

4       B.     Insurance. Each applicant for side sewer contractor registration shall file with the  
5 Risk Management Division of the Department of Finance and Administrative  
6 Services~~((Executive Administration))~~ certification of insurance, and each registered side  
7 sewer contractor shall maintain in full force and effect insurance from insurers acceptable  
8 to the Risk Management Division of the Department of Finance and Administrative  
9 Services~~((Executive Administration))~~. The certification shall state that the  
10 applicant/contractor carries comprehensive general liability insurance with limits of not  
11 less than \$1,000,000~~((,00))~~ for each occurrence combined single limit bodily injury and  
12 property damage. Such policy shall contain an endorsement or policy wording naming  
13 the City as an additional insured or, in lieu of naming the City as an additional insured,  
14 insuring the obligation described in subsection A8 above to indemnify the City, and  
15 providing for not less than 30 days prior written notice to the City of any change,  
16 cancellation or expiration of such policy.

17  
18  
19       C.     Each registered side sewer contractor shall post with the City Clerk and maintain  
20 in full force and effect a bond in the sum of \$30,000~~((,00))~~ conditioned that the contractor  
21 shall replace and restore such street, alley, avenue or other public place as required by  
22 ~~((SMC))~~Section 21.16.280. If a claim is made on the bond, the registered side sewer  
23 contractor shall immediately post with the City Clerk a new bond with the same terms  
24 and conditions.  
25  
26



1  
2 D. Expiration of Registration. All registrations issued under this chapter  
3 automatically expire on January 31 of each year and must be renewed pursuant to the  
4 provisions of subsection E of this section.

5 E. Renewal of Registration. In order to renew a registration, the contractor shall:

6 1. Submit a completed Registration Renewal Form.

7 ~~((1-))~~ 2. Pay a renewal fee of \$150(~~(.00)~~).

8  
9 ~~((2-))~~ 3. Provide proof of compliance with the requirements of subsections  
10 21.16.060A(2) through (9).

11 ~~((3-))~~ 4. Provide a current roster as specified in subsection 21.16.060A(3)(~~(the~~  
12 ~~name(s) of the person or persons who have successfully passed the oral and written~~  
13 ~~examination required by Subsection A(2) and who are currently employed by the~~  
14 ~~side sewer contractor applying for renewal)~~).

15  
16 F. Failure to Renew. A contractor seeking to renew a side sewer contractor  
17 registration more than one year after its expiration must provide proof of compliance with  
18 all of the initial registration requirements of Subsection A of this section.

19 Section 7. Seattle Municipal Code Section 21.16.065, last amended by Ordinance  
20 122036, is hereby amended to read as follows:  
21

22 **21.16.065 Suspension of registration.**

23 A. In addition to other penalties provided by law, the Director of Seattle Public  
24 Utilities(~~(the Department of Planning and Development)~~) may suspend the registration of  
25 a registered side sewer contractor for any of the following causes:  
26



- 1
- 2 1. Failure to successfully complete the examination or to employ an individual who
- 3 has successfully completed the examination required by Section 21.16.060;
- 4 2. Failure to maintain the insurance or bond required by Section 21.16.060;
- 5 3. Failure to comply with the provisions of this chapter of the Seattle Municipal
- 6 Code or any rules and regulations issued by the Director of Seattle Public
- 7 Utilities~~((the Department of Planning and Development))~~ under this chapter;
- 8
- 9 4. Fraud or misrepresentation in registering as a side sewer contractor; or
- 10 5. Nonpayment in excess of 90 days from the date of invoice for work performed by
- 11 the City for which the side sewer contractor is liable.

12 B. Upon information and belief that a registered side sewer contractor's registration  
13 should be suspended for any of the causes enumerated in subsection A of this section, the  
14 Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ shall  
15 send notice to the contractor in the form of a Director's Order or Notice of Violation  
16 pursuant to Section 21.16.320 that the contractor's registration may be suspended in not  
17 less than ~~((10))~~ten days from the date of the ~~((notice))~~order. The ~~((notice))~~order shall  
18 contain a statement of the basis for the suspension.

19 C. If the registered side sewer contractor wishes to appeal the suspension, the  
20 suspension shall be stayed during the appeal until a final order is entered. Appeals shall  
21 follow the procedure required by subsection 21.16.320 D. (Review by Director).  
22 ~~((contractor must file with the Hearing Examiner within 10 days of the date of service or~~  
23 ~~mailing of the notice required by subsection B, whichever is earlier, a request for a~~



1 ~~hearing detailing the reasons why the proposed suspension should not be imposed, with a~~  
2 ~~copy to the Director of the Department of Planning and Development. The registered side~~  
3 ~~sewer contractor shall submit the Hearing Examiner's filing fee with the request as well~~  
4 ~~as a copy of the notice of suspension)).~~

5 ~~((D. If a timely request for a hearing is filed by the contractor, a hearing shall be~~  
6 ~~scheduled before the Hearing Examiner and shall be conducted by the Hearing~~  
7 ~~Examiner.))~~

8  
9 ~~((E. When a hearing has been requested regarding a suspension of a registration, the~~  
10 ~~registration shall remain in effect pending the determination made as a result of such~~  
11 ~~hearing; provided, that in cases involving a substantial and immediate threat to the public~~  
12 ~~health, safety or welfare, the registration may be summarily suspended by the Director.~~  
13 ~~Any notice of a summary suspension must state that it is a summary suspension and state~~  
14 ~~the facts surrounding the substantial and immediate threat to the public health, safety or~~  
15 ~~welfare.))~~

16  
17 ~~((F. If a timely appeal is not filed, the notice of the Director of the Department of~~  
18 ~~Planning and Development suspending the registration shall be final.))~~

19  
20 ~~((G. The Director of the Department of Planning and Development's decision shall be~~  
21 ~~reversed only if the Hearing Examiner finds that the decision was arbitrary and~~  
22 ~~capricious.~~

23 ~~((H. The record shall be established at the hearing before the Hearing Examiner, which~~  
24 ~~shall be conducted according to the Hearing Examiner's rules for contested cases.~~

25 ~~((I. The Hearing Examiner shall issue a written decision within 15 days after closing~~  
26



1 ~~the record. The Hearing Examiner may affirm, reverse, remand or modify the decision of~~  
2 ~~the Director of the Department of Planning and Development to suspend the registration.~~  
3 ~~Written findings and conclusions supporting the Hearing Examiner's decision shall be~~  
4 ~~made. The Director of the Department of Planning and Development and all parties of~~  
5 ~~record shall be bound by the terms and conditions of the Hearing Examiner's decision.~~

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

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

11 ~~((L))D. Whenever a registration is suspended, no new applications for registration or~~  
12 ~~renewal of that contract may be made during the period of suspension.~~

13 ~~((M))E. The period of suspension may be for any period up to (((1)))one year,~~  
14 ~~commencing on the date the Period of suspension provided for in the Directors notice((~~  
15 ~~Hearing Examiner's decision)) or order to suspend actually begins.~~

16 ~~((N))F. After the period of suspension, the registered contractor must apply for and~~  
17 ~~obtain a license renewal pursuant to ((S))subsection 21.16.060E in order to be reinstated~~  
18 ~~as a registered side sewer contractor.~~

19 Section 8. Seattle Municipal Code Section 21.16.068, last amended by Ordinance  
20 122036, is hereby amended to read as follows:

21 **21.16.068 Registered contractor roster required.**

22 Each registered side sewer ((sub))contractor shall provide to the Director of Seattle



1 Public Utilities~~((the Department of Planning and Development))~~ a current roster as  
2 described in subsection 21.16.060A(3)~~((of current employees who have passed the~~  
3 examination described in SMC 21.16.060A2)). Each registered side sewer contractor  
4 shall notify the Director of Seattle Public Utilities~~((the Department of Planning and~~  
5 Development)) within ~~((10))~~ten days of any changes to the~~((in the employment status of~~  
6 any employees who are or should be on this)) roster.  
7

8 Section 9. Seattle Municipal Code Section 21.16.070, last amended by Ordinance  
9 122036, and repealed from 21.24.010 (Section 49 in this ordinance), is hereby amended to read  
10 as follows:

11 **21.16.070 Permit and fee required for connection and repairs.**

12 A. ~~((A side sewer permit issued by the Director of Seattle Public Utilities require for~~  
13 any work on a side sewer including, but not limited to, construction, alteration, repair,  
14 removal, and capping))It is unlawful to connect any property or premises to a sanitary or  
15 combined sewer, or storm drain, as defined in Section 21.16.030, or to construct or to  
16 make repairs, alterations, additions to, or to abandon, remove, or cap any side sewer or  
17 service drain connecting to the sanitary or combined sewer, or storm drain, without first  
18 applying for and securing a permit for such work from the Director of Seattle Public  
19 Utilities and without first paying the fee as prescribed in Section 21.16.071. This  
20 requirement shall apply to all property, including that of the United States of America,  
21 the State of Washington, and any political subdivisions thereof.

22 B. When an existing structure is removed from a site and a new structure is  
23  
24 constructed, a side sewer permit is required to connect the new structure to the public  
25  
26



sewer system or approved outlet.

C. Unless an emergency exists, as determined by the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~, a side sewer permit must be obtained from the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ before any work may be started on a side sewer located within areas served by the City's sewer and drainage infrastructure~~((the City's sewer service area))~~, either on private property or within a public place.

D. No work shall be performed on a side sewer other than that work provided for in the permit or any revised permit issued by the Director of Seattle Public Utilities~~((Department of Planning and Development))~~. If additional work is necessary, the Director ~~((of the Department of Planning and Development))~~ may require a permit revision, an additional permit, and/or additional fees.

Section 10. Seattle Municipal Code Section 21.16.071, repealed from 21.24.021 (Section 50 in this ordinance), is hereby added as follows:

**21.16.071 Permit application and fees.**

Fees for side sewer permits shall be:

A. Side Sewers.

1. Installation, Connection, Relocation, or Alteration -- All Structures

First connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Each additional connection....\$280

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



1                   2. Additional Connections to Existing Side Sewers -- All Structures

2                   Each additional connection....\$375

3                   Each pump installation (single, duplex, etc.)....\$75

4                   Inspection time in excess of one hour will be billed separately.

5                   3. Additional Direct Connections to Public Sewer -- All Structures

6                   Each additional connection....\$375

7                   Each pump installation (single, duplex, etc.)....\$75

8                   Inspection time in excess of one hour will be billed separately.

9                   4. Reconnection to Public Sewer -- All Structures

10                  Each reconnection....\$375

11                  Each pump installation (single, duplex, etc.)....\$75

12                  Inspection time in excess of one hour will be billed separately.

13                  5. Temporary Services for Side Sewers -- All Structures

14                  Each temporary service....\$225

15                  Inspection time in excess of one hour will be billed separately.

16                  B. Repairs to Side Sewers -- All Structures

17                  Each repair....\$280

18                  Each pump repair (single, duplex, etc.)....\$75

19                  Inspection time in excess of one hour will be billed separately.

20                  C. Capping Existing Side Sewers -- All Structures

21                  Each line capped....\$375

22                  Inspection time in excess of one hour will be billed separately.



1           D. Service Drains and Ancillary Facilities.

2           1. Installation, Connection, Relocation or Alteration to Storm Drain, Combined  
3           Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving Waters  
4           -- All Structures.

5                   Each connection....\$375

6                   Each pump installation (single, duplex, etc.)....\$75

7                   Each additional connection....\$280

8                   Inspection time in excess of one hour will be billed separately.

9           2. Additional Connections to Existing Service Drains -- All Structures

10                   Each additional connection....\$375

11                   Each additional pump installation (single, duplex, etc.)....\$75

12                   Inspection time in excess of one hour will be billed separately.

13           3. Additional Direct Connections to Storm Drain, Combined Sewer, Curb Discharge,  
14           On-site Infiltration or Direct Discharge to Receiving Waters.

15                   Each additional connection....\$375

16                   Each additional pump installation (single, duplex, etc.)....\$75

17                   Inspection time in excess of one hour will be billed separately.

18           4. Reconnection to Storm Drain, Combined Sewer, Curb Discharge, On-site  
19           Infiltration or Direct Discharge to Receiving Waters.

20                   Each reconnection....\$375

21                   Each pump reconnection (single, duplex, etc.)....\$75

22                   Inspection time in excess of one hour will be billed separately.



1  
2 5. Temporary Services for Service Drains -- All Structures

3 Each temporary service....\$225

4 Inspection time in excess of one hour will be billed separately.

5  
6 6. Repairs to Service Drains -- All Structures

7 Each repair....\$375

8 Each pump installation repair (single, duplex, etc.)....\$75

9 Inspection time in excess of one hour will be billed separately.

10 E. Legal Document Fee.

11 For each document prepared by the City....\$50

12 F. Inspection Fee.

13 For the purpose of this section inspection time in excess of the base fee will be

14 charged per hour at \$160 or the current hourly fee as established by the applicable

15 Department of Planning and Development Director's Rule.

16  
17 In all cases of dispute regarding fees, permits, or other matters relating to this section, the  
18 decision of the Director of Seattle Public Utilities shall be final and conclusive.

19  
20 Section 11. Seattle Municipal Code Section 21.16.077, repealed from 21.24.090 (Section  
21 54 in this ordinance), is hereby added as follows:

22 **21.16.077 Refund of sewer permit fees.**

23 A. Applicants may request a refund of fees, less any administrative costs incurred by  
24 Seattle Public Utilities or the Department of Planning and Development up to the date of  
25 the refund request, at any time prior to any work or inspections occurring. Starting work  
26

1 signifies a use of the rights granted by the permit and thus the loss of a right to request a  
2 refund.

3 B. Notwithstanding the conditions of subsection A of this section, side sewer repair  
4 permits are not eligible for refunds.

5 Section 12. Seattle Municipal Code Section 21.16.080, last amended by Ordinance  
6 122036, is hereby amended to read as follows:

7 **21.16.080 Permit--Application--Authority of the Director of Seattle Public**  
8 **Utilities((~~the Department of Planning and Development~~)).**

9  
10 A. For side sewer work in a public place, a permit shall only be issued to a registered  
11 side sewer contractor, unless authorized by the Director of Seattle Public Utilities((an  
12 individual who has successfully completed the examination required by Section  
13 21.16.060 of the Seattle Municipal Code and who is a registered side sewer contractor or  
14 an employee of a registered side sewer contractor)).

15  
16 B. For side sewer work in other than a public place, a permit may be issued to the  
17 owner or occupant of the property or agent thereof.

18  
19 C. Application for the permit required by this section((~~chapter~~))shall be filed with  
20 the Director of Seattle Public Utilities((~~the Department of Planning and~~  
21 Development))with the following:

- 22 1. The name, address and telephone number of the applicant;
- 23 2. Name, mailing address, and telephone number of the property owner;
- 24 3. ((~~Legal description and a~~))Address of the property to be served;
- 25 4. A scale drawing showing the location of all structures on the property, dimensions
- 26



1 of the structures, and the location of all existing and proposed utilities, including side  
2 sewers;

3 5. Purposes for which all structures are to be used;

4 6. Proof that all necessary permits have been obtained in conjunction with or prior to  
5 issuance of the side sewer permit;

6 7. Proof that all necessary easements, releases, and/or permissions to connect have  
7 been obtained and ~~((provided to the Director of Department of Planning and~~  
8 ~~Development for))~~ recorded ~~((ing))~~ with the King County Department of Records and  
9 Elections;

10 8. Proof of payment of all permit fees and other charges required by Section  
11 21.16.070~~((Chapter 21.24 of the Seattle Municipal Code))~~.

12 D. The Director of Seattle Public Utilities~~((the Department of Planning and~~  
13 ~~Development))~~ may change or modify the application and designate the manner and  
14 place where the side sewer shall connect to the public sewer system, may specify the  
15 material, size and grade of the side sewer, and determine whether or not a permit  
16 shall be granted. The Director of Seattle Public Utilities~~((the Department of Planning~~  
17 ~~and Development))~~ may require the applicant to furnish plans prepared and stamped  
18 by a professional engineer, licensed in The State of Washington. ~~((The Director of~~  
19 ~~the Department of Planning and Development shall keep such records as the Director~~  
20 ~~deems necessary of all side sewer permits and inspection reports.))~~

21 E. Notwithstanding any other provisions of this chapter, the Director of Seattle  
22 Public Utilities~~((the Department of Planning and Development))~~ may refuse, until the  
23

1 condition is corrected, to issue a permit for work in a public place to a registered side  
2 sewer contractor for any of the following conditions:

- 3 1. Failure to pay within 60 days any bill for work performed by the City ~~((and))~~for  
4 which the owner or contractor is liable;
- 5 2. Failure to maintain the insurance or the bond required by Section 21.16.060~~((of~~  
6 ~~the Seattle Municipal Code))~~);
- 7 3. Failure to comply with a notice posted pursuant to Section 21.16.358~~((360 of the~~  
8 ~~Seattle Municipal Code))~~);
- 9 4. Failure to have a current business license issued under Section 5.55.030 of the  
10 Seattle Municipal Code; or
- 11 5. Failure to have a current Washington State Contractor's license.

12  
13  
14 F. Notwithstanding any other provisions of this chapter, the Director of Seattle  
15 Public Utilities may refuse, until the condition is corrected, to issue a permit for work in  
16 any place other than a public place as provided for in subsection E of this section to an  
17 applicant for any of the following conditions:

- 18 1. Failure to comply with a notice posted pursuant to Section 21.16.358;  
19 2. Failure to pay within 60 days any bill for work performed by the City for which  
20 the owner or contractor is liable.

21  
22 Section 13. Seattle Municipal Code Section 21.16.090, last amended by Ordinance  
23 122036, is hereby amended to read as follows:

24 **21.16.090 Permits--Period of validity--Restrictions--Posting.**

25 A. Unless authorized by the Director of Seattle Public Utilities, no permit shall be  
26  
27  
28



1 issued for side sewer connection before the public or private main sewer system has met  
2 requirements set by the Director of Seattle Public Utilities.

3 B. Side sewer permits are not transferable.

4 C. All side sewer permits shall expire 18 months after issuance unless extended by  
5 the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~  
6 prior to the date of expiration. Expired permits are not subject to refunds pursuant to  
7 Section 21.16.077~~((21.24.090 of the Seattle Municipal Code))~~.

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

10 Section 14. Seattle Municipal Code Section 21.16.100, last amended by Ordinance

11 118396, is hereby amended to read as follows:  
12

13  
14 **21.16.100 Police officer's authority.**

15 It shall be the duty of any police officer and of the Director of Health, finding any  
16 person breaking ground for the purpose of making connection with a public or  
17 private sewer system, to ascertain if such person has a permit ~~((therefor))~~ and if not  
18 to immediately report the fact to the Director of Seattle Public Utilities.  
19

20 Section 15. Seattle Municipal Code Section 21.16.130, last amended by Ordinance

21 114298, is hereby repealed and replaced by Section 21.16.071 (Section 10 of this ordinance):  
22

23 **21.16.130 Reserved~~((Permit fees))~~.**

24 ~~((Fees for side sewer permits shall be as prescribed by Chapter 21.24 of the Seattle  
25 Municipal Code.))~~  
26

1 Section 16. Seattle Municipal Code Section 21.16.140, last amended by Ordinance  
2 118396, is hereby amended to read as follows:

3 **21.16.140 Inspections.**

4 A. Any person performing work pursuant to the provisions of this chapter shall  
5 notify the Director of Seattle Public Utilities when the work will be ready for inspection,  
6 and shall specify in such notification the location of the premises by address and the file  
7 number of the permit.  
8

9 B. The Director of Seattle Public Utilities shall schedule inspection times. On any  
10 call for inspection, ~~((forty-eight (48)))~~ 48 ~~((hours))~~ hours ~~((notice))~~ notice plus Saturday, Sunday, and  
11 holidays may be required by the Director of Seattle Public Utilities.  
12

13 C. If the Director of Seattle Public Utilities finds the work performed or materials  
14 used not in accordance with this chapter and rules and regulations and/or the City  
15 ~~((the))~~ Standard Plans and Specifications ~~((the))~~ for side sewer construction, ~~((he/she))~~ the  
16 Director shall notify the person doing the work and/or the owner or occupant of the  
17 premises by posting a notice on or near the permit face or near said work ~~((and))~~. Such  
18 posted notice shall be all the notice that is required to be given of the defects in the work  
19 or materials found in such inspection.  
20

21 D. The inspection shall include a test in the presence of the Director of Seattle Public  
22 Utilities to determine that the side sewer is of tight construction and does not allow  
23 infiltration or exhalation of water. Specifications for such a test shall be included in the  
24 rules and regulations referred to in Section 21.16.350 ~~((of the Code))~~.  
25  
26  
27  
28



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

5 Section 17. Seattle Municipal Code Section 21.16.150, last amended by Ordinance  
6 118396, is hereby amended to read as follows:  
7

8 **21.16.150 Trenches and excavations.**

9 A. Trenches and excavations shall be subject to the requirements established by the  
10 Director of Seattle Public Utilities. ~~((No excavation shall be made in any public area  
11 except at the times and in the manner prescribed by the Director of Seattle Public  
12 Utilities.))~~

13  
14 B. No ~~((trench shall be filled nor any sewer or drain))~~ new, repaired, or altered side  
15 sewer shall be covered until the work has~~((shall have))~~ been inspected and approved by  
16 the Director of Seattle Public Utilities, with said approval ~~((noted on the card-))~~ posted  
17 ~~((on))~~ at the job site.

18  
19 C. All trenches or excavations within ~~((four))~~ 4 feet~~((4'))~~ of any public place and all  
20 obstructions or encroachments upon a public place shall be barricaded as required by the  
21 Street Use Ordinance (Title 15 of the Seattle Municipal Code). The lateral support of any  
22 public place shall be maintained while constructing, altering or repairing any side sewer.

23 All trenches or excavations within ~~((four))~~ 4 feet~~((4'))~~ of any public place shall be safely  
24 covered during hours of inactivity of work on the side sewer.  
25  
26  
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28



1 D. All work in public places shall conform to the requirements of the current edition  
2 of The City of Seattle Traffic Control Manual for In-street Work, Title 15 of the Seattle  
3 Municipal Code, SDOT Street & Sidewalk Pavement Opening and Restoration Rules,  
4 and the City Standard Plans and Specifications as applicable.

5 Section 18. Seattle Municipal Code Section 21.16.160, last amended by Ordinance  
6 120794, is hereby amended to read as follows:  
7

8 **SMC 21.16.160 Filling of excavations.**

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

12 ~~((B.))~~ Work within a~~((the limits of any))~~ public place~~((area))~~ shall be  
13 performed~~((prosecuted))~~ to completion with due diligence, and if any excavation is left  
14 open, whether covered or uncovered, beyond a time reasonably necessary to fill the same,  
15 the Director of Seattle Public Utilities may cause the same to be backfilled and the public  
16 place~~((area))~~ restored forthwith. Cost incurred by the City~~((Director of Seattle Public~~  
17 ~~Utilities))~~ in such work plus ~~((fifteen))~~ 15 percent ~~((15%))~~ for administrative costs shall  
18 be charged to the side sewer contractor in charge of such work and shall be immediately  
19 payable to the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and  
20 Administrative Services by the contractor upon written notification of the amount thereof  
21 given to the contractor or posted on the premises.  
22

23 Section 19. Seattle Municipal Code Section 21.16.170, last amended by Ordinance  
24 118396, is hereby amended to read as follows:  
25



1                   **21.16.170 Failure to complete work--Completion by City.**

2  
3                   If any work performed on a side sewer is not completed in accordance with the  
4                   provisions of this chapter and the plans and specifications as approved by the  
5                   Director of Seattle Public Utilities, and if the contractor or person doing the work  
6                   shall refuse to properly construct and complete such work, notice of such failure or  
7                   refusal shall be posted on the property or premises where the work is being done, and  
8                   the Director of Seattle Public Utilities may cause the work to be completed and the  
9                   sewer connected in the proper manner, and the cost of such work and any materials  
10                  necessary ~~((therefor))~~ plus ~~((fifteen))~~ 15 percent ~~((15%))~~ for administrative costs  
11                  shall be charged to the owner or contractor and be payable by the owner or  
12                  contractor immediately upon the Director of Seattle Public Utilities giving written  
13                  notice of the amount to the owner or contractor ~~((thereof))~~ or posting a notice  
14                  ~~((thereof))~~ on the property or premises where the work is being done. The amount of  
15                  said costs or any portion ~~((thereof))~~ which becomes delinquent shall immediately  
16                  become a lien upon the premises and such lien may be foreclosed by the City as  
17                  provided by State law.

18  
19  
20                  Section 20. Seattle Municipal Code Section 21.16.180, last amended by Ordinance  
21                  120794, is hereby amended to read as follows:

22                   **21.16.180 Repair of inoperative or inadequate side sewer or ~~((drain))~~ drainage**  
23                   **system.**

24  
25                  Where it is determined by the Director of Health or the Director of Seattle Public  
26  
27  
28



1 Utilities that a side sewer(~~(, drain, ditch,))~~ or drainage system(~~(natural watercourse))~~  
2 is obstructed, broken, inoperative, or inadequate and is a menace to health, or is  
3 likely(~~(liable))~~ to cause damage to public or private property, the (~~(Director of Health~~  
4 ~~and/or the ))~~Director of Seattle Public Utilities may give notice to the owner of the  
5 side sewer or drainage system and, if different than the owner of the side sewer or  
6 drainage system, to the owner or occupant of the property or premises in or on which  
7 such condition exists and may order that the condition be corrected. The owner or  
8 occupant shall correct such condition within the time specified in the written notice.  
9 If the owner or occupant shall fail to correct such condition within the time specified  
10 in such notice, the Director of Seattle Public Utilities may perform such work as may  
11 be necessary to comply with this chapter. The cost of such work performed(~~(done))~~  
12 by the City(~~(Director of Seattle Public Utilities))~~, plus (~~(fifteen))~~15 percent (~~((15%))~~)  
13 for administrative costs, shall be charged to the property owner or occupant and shall  
14 become immediately payable to the (~~(City))~~ Director of (~~(Executive~~  
15 ~~Administration))~~Finance and Administrative Services upon written notice of such  
16 amount being given to the property owner or occupant or posted upon the premises.  
17 The amount of said costs or any portion thereof which becomes delinquent shall  
18 immediately become a lien upon the premises and such lien may be foreclosed by the  
19 City as provided by state law.

20 Section 21. Seattle Municipal Code Section 21.16.190, last amended by Ordinance  
21 114298, is hereby amended to read as follows:  
22



1           **21.16.190 Ownership of side sewers.**

2           Side sewers, whether located in a public or private place, shall be owned, installed,  
3           operated, and maintained by the owner or occupant of the property or premises  
4           served. This includes the pipe system up to, but not including, the tee, wye, or  
5           connection to the public main.

6  
7           Section 22. Seattle Municipal Code Section 21.16.200, last amended by  
8           Ordinance 121276, is hereby repealed:

9           **21.16.200 Reserved((Use of existing sewer for new building)).**

10           ((Where a new or converted building or new installation replaces an old one, the use  
11           of an existing side sewer will be permitted when approved by the Director of the  
12           Department of Planning and Development as conforming to all requirements of this  
13           chapter.))

14  
15           Section 23. Seattle Municipal Code Section 21.16.210, last amended by Ordinance  
16           118396, is hereby amended to read as follows:

17           **21.16.210 Mechanical lifting or backwater sewage valves.**

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

22           B.     Whenever a situation exists involving danger of backups of sewage or drainage  
23           from the public sewer system, the Director of Seattle Public Utilities may prescribe a  
24           



1 minimum elevation at which the plumbing outlet or side sewer may be discharged to the  
2 public sewer system. Wastewater from drains or side sewers below such minimum  
3 elevations shall be lifted mechanically to an elevation determined by the Director of  
4 Seattle Public Utilities, or if approved by the Director of Seattle Public Utilities, a  
5 backwater sewage valve may be installed provided the property owner shall record with  
6 the King County Department of Records and Elections an instrument as described in  
7 Section 21.16.27~~((6))0((of the Seattle Municipal Code))~~. The effective operation of the  
8 backwater sewage valve shall be the responsibility of the owner of the side sewer.  
9

10 Section 24. Seattle Municipal Code Section 21.16.220, last amended by Ordinance  
11 118396, is hereby amended to read as follows:

12 **21.16.220 Drainage of hard-surfaced or graded areas.**

13 Hard-surfaced or graded areas such as parking lots, service station yards and storage  
14 yards shall be drained in such manner as will protect adjacent public and private  
15 property from damage and such drainage shall enter the public sewer system or other  
16 outlet approved by the Director of Seattle Public Utilities and as required by  
17 Chapters 22.800 through~~((and))~~ 22.80~~((2))~~8 of the Seattle Municipal Code. Such  
18 stormwater~~((drainage))~~ shall not be ~~((connected))~~conveyed to or enter a sanitary  
19 sewer.  
20  
21

22 Section 25. Seattle Municipal Code Section 21.16.230, last amended by  
23 Ordinance 114298, is hereby amended to read as follows:

24 **21.16.230 ~~((Reserved))~~ Connections to new or converted buildings.**

25 A. Only one residential-use building shall be connected to a side sewer unless  
26



1 otherwise approved by the Director of Seattle Public Utilities.

2 B. Only one commercial, industrial, institutional, or mixed-use property or building  
3 shall be connected to a side sewer.

4 Section 26. Seattle Municipal Code Section 21.16.240, last amended by Ordinance  
5 114298, is hereby amended to read as follows:

6 **21.16.240 ((Reserved))Use of existing side sewer.**

7 A. The Director of Seattle Public Utilities may approve the use of an existing side  
8 sewer for a new or converted building or dwelling unit provided the permit application  
9 meets all requirements of this chapter and the permit applicant:

10 1. Submits to the Director of Seattle Public Utilities an evaluation prepared and  
11 certified by a licensed professional engineer that the existing side sewer from the public  
12 sewer main to the new or converted buildings or dwelling units:

13 a) has passed a pressure test per City standards; and

14 b) is in a condition and has the capacity to serve the existing and proposed  
15 connections.

16 Other existing side sewer lines connected to the evaluated and certified line are not  
17 subject to this evaluation and certification requirement; or

18 2. Rehabilitates or replaces the existing side sewer from the public sewer main to the  
19 new or converted buildings or dwelling units requiring a side sewer connection. The  
20 permit applicant shall submit to the Director of Seattle Public Utilities a plan for such  
21 rehabilitation or replacement. A licensed professional engineer shall certify to the  
22 Director of Seattle Public Utilities that:



1           a) The existing side sewer pipe has passed a pressure test or has been  
2           rehabilitated so that pipe joints are water-tight;

3           b) The side sewer rehabilitation complies with accepted industry practices;  
4           and

5           c) The rehabilitated side sewer is in a condition and has the capacity to serve  
6           the existing and proposed connections.

7  
8           Other existing side sewer lines connected to the rehabilitated or replaced line are not  
9           subject to rehabilitation or replacement or certification.

10          B. If the number of buildings or dwelling units using an existing side sewer does not  
11          increase, in lieu of meeting the requirements of Section 21.16.240A, the permit applicant  
12          may instead elect to comply with the requirements of Section 21.16.250B.

13  
14          C. If the number of buildings or dwelling units using an existing side sewer  
15          increases, the permit applicant shall:

16               1. At least 30 days prior to the permit application date, the permit applicant shall  
17               notify all other owners of properties served by the existing side sewer that a side  
18               sewer permit to connect to the existing side sewer is being sought. Notification shall  
19               be by certified mail, return-receipt requested, on a form approved by the Director of  
20               Seattle Public Utilities, to the street address of all properties served by the existing  
21               side sewer and mailing address of taxpayers of the same properties as recorded with  
22               the office of the King County Department of Records and Elections; and  
23





1 ~~each affected property. The instrument(s) shall be upon a form approved by the Director~~  
2 ~~of Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the~~  
3 ~~affected properties. ))~~Notwithstanding the requirements in Section 21.16.230, before the  
4 Director of Seattle Public Utilities may issue a side sewer permit authorizing a  
5 connection to an existing or new side sewer used by another building or dwelling unit, an  
6 instrument which identifies all properties served by the shared side sewer and that saves  
7 harmless and indemnifies the City from any damage or injury resulting from the  
8 installation, operation, and maintenance of the shared side sewer must be executed by the  
9 property owners of the new or converted buildings or dwelling units. The Director of  
10 Seattle Public Utilities shall approve the form of the instrument. The instrument shall be  
11 recorded with the King County Department of Records and Elections against all  
12 properties identified on the permit application. The permit applicant shall provide a copy  
13 of the recorded instrument to the Director of Seattle Public Utilities before a permit is  
14 issued.

17 C. Before the Director of Seattle Public Utilities may issue a side sewer permit  
18 authorizing a side sewer line to serve more than one new building or dwelling unit, a joint  
19 use and maintenance agreement shall be executed by owners of all properties that will be  
20 subject to the approved side sewer permit. The instrument shall be recorded with the  
21 King County Department of Records and Elections against all properties identified in the  
22 permit application. The permit applicant shall provide a copy of the recorded instrument  
23 to the Director of Seattle Public Utilities before a permit is issued.  
24  
25  
26  
27  
28



1           D. No property owner may construct a new or modify an existing structure over a  
2           public sewer or storm drain.

3           E. Notwithstanding the prohibition in subsection D of this section, the Director of  
4           Seattle Public Utilities may grant a variance to permit construction over a public sewer or  
5           storm drain, provided that the property owner:

6                   1. Demonstrates to the satisfaction of the Director that there is no other feasible  
7                   alternative;

8                   2. Enters into a build-over agreement with the Director that must include those  
9                   terms and conditions the Director determines are reasonably necessary or advisable  
10                  to protect and maintain the sewer and storm drains and to preserve public health and  
11                  safety;

12                  3. Provides the City with an easement to allow Seattle Public Utilities to perform  
13                  necessary maintenance and repair of the sewer and storm drains and to preserve the  
14                  public's health and safety; and

15                  4. Properly files and records the build-over agreement and easement with the King  
16                  County Department of Records and Elections.

17           Section 28. Seattle Municipal Code Section 21.16.260, relocated in this Chapter under  
18           Section 30 of this ordinance, is hereby repealed:

19           ~~((21.16.260 Installation when compliance is impractical—Conditional permit.~~

20           ~~If, in the opinion of the Director of the Department of Planning and Development,~~  
21           ~~after consulting with the Director of Seattle Public Utilities, physical conditions~~  
22           ~~make compliance with the provisions of this chapter impracticable, the Director of~~



1           ~~Seattle Public Utilities, may issue a permit for installation of a side sewer requiring~~  
2           ~~compliance with the provisions insofar as is reasonably possible, and such permit~~  
3           ~~shall be issued only upon the condition that the property owner shall record with the~~  
4           ~~King County Department of Records and Elections an instrument acceptable to the~~  
5           ~~Director of Seattle Public Utilities agreeing to save harmless and indemnify the City~~  
6           ~~from any damage or injury resulting from the installation, operation and maintenance~~  
7           ~~of said side sewer. Such instrument shall be upon a form approved by the Director of~~  
8           ~~Seattle Public Utilities. This section is not intended to be used to allow storm~~  
9           ~~drainage connections to a sanitary sewer.))~~

11           Section 29. Seattle Municipal Code Section 21.16.270, last amended by  
12 Ordinance 119688, is hereby amended to read as follows:

13           **21.16.260((270)) Construction requirements and specifications.**

14           A.     Materials and workmanship in connection with the installation of any side sewer  
15           ((or service drain ))shall be as required by this chapter, the City's ((“))Standard Plans and  
16           Specifications((of the City”)), ((and)) Chapters 22.800 ((and))through 22.80((2))8 of the  
17           Seattle Municipal Code, all associated rules issued by the Director, and as designated by  
18           the Director of Seattle Public Utilities. If any requirements or standards conflict, or if  
19           special circumstances exist, the Director of Seattle Public Utilities will determine which  
20           requirements or standards will be applicable.

21           B.     Unless authorized by the Director of Seattle Public Utilities, an owner or occupant  
22           who is required, or wishes, to connect to a public sewer shall be required to build a main  
23           sewer line extension if a public sewer is not accessible within an abutting public



1 ~~place((area, or if the building, habitable structure, plumbing outlet or source of polluted~~  
2 ~~water is more than two hundred (200) feet from the public sewer. In the case of certain~~  
3 ~~housing development or redevelopment projects for households with aggregate annual~~  
4 ~~incomes no higher than fifty (50) percent of median income, the Director shall, prior to~~  
5 ~~December 31, 2003, in accordance with SMC Section 21.04.280, fund a portion of the~~  
6 ~~costs of construction of a main sewer line extension)).~~

7  
8 C. Unless authorized by the Director of Seattle Public Utilities, no more than one  
9 ~~((1))~~ building shall be connected to a side sewer. If more than one building is allowed to  
10 connect to one side sewer, in addition to requirements in Section 21.16.250,~~((Where a~~  
11 ~~dual connection of two (2) single family dwellings, or a multiple dwelling or commercial~~  
12 ~~building connected with a single family dwelling, is permitted by the Director of Seattle~~  
13 ~~Public Utilities,))~~ the pipe downstream of~~((below))~~ the point of shared~~((dual))~~ connection  
14 shall be not less than ~~((six (6)))~~6 inches in diameter.

15  
16 D. All multiple-unit~~((dwellings))~~buildings, ~~((and))~~ industrial buildings, and  
17 commercial buildings shall be connected with not less than ~~((six (6)))~~6 inch diameter pipe  
18 on private property~~((; provided, with the permission of the Director of Seattle Public~~  
19 ~~Utilities, no more than three (3) two (2) inch downspouts, or one (1) motel unit, may be~~  
20 ~~connected with four (4) inch diameter pipe on private property)).~~

21  
22 E. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall  
23 be constructed with not less than ~~((two (2)))~~2 percent grade and not more than ~~((one~~  
24 ~~hundred (100)))~~100 percent grade.

25  
26 F. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall



1 have not less than ~~((sixty-))60(( ))~~ inches of cover at the curblineline or in a public alley,  
2 ~~((thirty-))30(( ))~~ inches of cover at the property line, and ~~((eighteen-))18(( ))~~ inches of  
3 cover on private property.

4 G. Unless authorized by the Director of Seattle Public Utilities, a~~((A))~~ll side sewers  
5 serving one ~~((1))~~ dwelling unit shall have minimum pipe size of ~~((four-))4(( ))~~ inches  
6 in private property and ~~((six-))6(( ))~~ inches in the public ~~((areas))~~place.  
7

8 H. Ductile or cast iron pipe shall be used for all side sewers crossing over water  
9 mains for a distance of at least ~~((five-))5(( ))~~ feet measured perpendicular from the center  
10 of the water main. Side sewer lines must be laid at least ~~((six-))6(( ))~~ inches below and  
11 ~~((one-))1(( ))~~ foot away from any water service line or water main, unless ductile or cast  
12 iron pipe is used for the side sewer.  
13

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

16 Section 30. Seattle Municipal Code Section 21.16.270, repealed and relocated in this  
17 Chapter from Section 28 of this ordinance, is hereby added as follows:

18 **21.16.270 Installation when compliance is impractical--Conditional permit.**

19 If, in the opinion of the Director of Seattle Public Utilities, or the Director of the  
20 Department of Planning and Development, after consulting with the Director of Seattle  
21 Public Utilities, physical conditions make compliance with the provisions of this chapter  
22 impracticable, the Director of Seattle Public Utilities may issue a permit for installation  
23 of a side sewer requiring compliance with the provisions insofar as is reasonably  
24 possible, and such permit shall be issued only upon the condition that the property owner  
25  
26  
27  
28



1 shall record with the King County Department of Records and Elections an instrument  
2 acceptable to the Director of Seattle Public Utilities agreeing to save harmless and  
3 indemnify the City from any damage or injury resulting from the installation, operation,  
4 and maintenance of said side sewer. Such instrument shall be in a form approved by the  
5 Director. This section is not intended to be used to allow drainage connections to a  
6 sanitary sewer.

7  
8 Section 31. Seattle Municipal Code Section 21.16.275 is hereby added as follows:

9 **21.16.275 Side sewer construction as-builts (record drawings).**

10 As-built (or record) drawings are required for all side sewer work that requires a side  
11 sewer permit. As-built drawings shall be prepared by the permit holder using the  
12 standards and requirements as established by the Director of Seattle Public Utilities.

13 Drawings that do not meet these requirements, as determined by the Director, shall be  
14 returned to the permit holder for revision and resubmittal as part of the side sewer permit  
15 work requirements.

16  
17 Section 32. Seattle Municipal Code Section 21.16.280, last amended by Ordinance  
18 122036, is hereby amended to read as follows:

19 **21.16.280 Restoration of streets and other public areas.**

20 Streets, sidewalks, planting strips, and other public areas, except as mentioned in Section  
21 21.16.260((270)), disturbed or altered in the course of any side sewer or drainage work,  
22 shall be restored to the standards and in the manner required by the Seattle Department of  
23 Transportation.  
24



1 Section 33. Seattle Municipal Code Section 21.16.300, last amended by Ordinance  
2 119192, is hereby amended to read as follows:

3 **21.16.300 Prohibited discharge of certain substances.**

4 A. Unless approved in writing by the Director of Seattle Public Utilities, it shall be a  
5 violation of this chapter for any person to discharge, ~~((or to))~~ cause to be discharged, or  
6 allow to be discharged any of the following substances in the public sewer system or any  
7 storm drain~~((, ditch))~~ or natural outlet:

- 8
- 9 1. Liquid or vapor having temperature higher than ~~((one hundred fifty (°)))~~ 150~~((°))~~  
10 degrees Fahrenheit;
  - 11 2. Wastewater which contains more than ~~((one hundred (°)))~~ 100~~((°))~~ parts per million  
12 by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;
  - 13 3. Flammables capable of causing explosion or supporting combustion in the public  
14 sewer system, including but not limited to the following: gasoline, benzene, naphtha,  
15 cleaning solvent, kerosene, fuel oil, crankcase oil, and acetylene generation sludge;
  - 16 4. Food Waste~~((Garbage that has not been properly shredded))~~;
  - 17 5. Ashes, cinders, sand, cat litter, mud, straw, hair, shavings, metal, glass, utensils,  
18 rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or  
19 viscous substance capable of causing obstruction to the flow of sewers or other  
20 interference with the proper operation of the public sewer system;
  - 21 6. Wastewater having a pH lower than ~~((five and five tenths (°)))~~ 5.5~~((°))~~ or higher  
22 than 12, or having the capacity to cause damage to structures or equipment, or which  
23 is hazardous to personnel of the public sewer system;
  - 24
  - 25
  - 26

1           7. Wastewater containing a hazardous, toxic, or poisonous substance including but  
2           not limited to chlorinated hydrocarbons in sufficient quantity to injure or interfere  
3           with any sewage treatment process, constitute a hazard to humans, animals, fish, or  
4           fowl, or create any hazard in the receiving waters or in the sewage treatment plant;

5           8. Wastewater containing suspended solids of such character and quantity that  
6           unusual attention or expense is required to handle such materials in a main sewer, at  
7           a sewage treatment plant, or a pumping station; or  
8

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

10          B.     Every owner, occupant, or operator of any property or premises served by a side  
11          sewer shall be in violation of this chapter if there exists in such side sewer a visually  
12          evident accumulation of fat, oil, or grease of animal, vegetable, or mineral petroleum  
13          origin (~~(originating from the owner's or operator's property)~~) and which either alone or in  
14          combination with other wastes is reasonably likely to be capable of obstructing flow or  
15          interfering with the operations or performance of any part of the sewer system.  
16

17          Section 34. Seattle Municipal Code Section 21.16.310, last amended by Ordinance  
18          119192, is hereby amended to read as follows:

19                 **21.16.310 Pretreatment facilities.**

20          A.     Grease, oil, sand, and liquid waste containing grease or flammable material or  
21          other harmful ingredients shall be intercepted prior to being discharged to the public  
22          sewer system by the installation and operation of pretreatment facilities which shall be of  
23          a type and capacity sufficient to meet the requirements of this chapter and shall be so  
24          located as to be readily accessible for maintenance and inspection.  
25  
26

1 B. ~~((When pretreatment facilities are installed for private use, they shall be~~  
2 ~~maintained by the owner or occupant at his or her expense in continuously efficient~~  
3 ~~operation at all times. The Director of Seattle Public Utilities has the option to determine~~  
4 ~~whether such equipment shall be allowed or required to be installed, and whether the~~  
5 ~~effluent produced is satisfactory, and has the option to issue an order regarding the~~  
6 ~~installation and/or maintenance of any such facility))~~Pretreatment facilities, including but  
7 not limited to all grease interceptors, shall be maintained by the owner, occupant, or  
8 operator at his or her expense in continuously efficient operation at all times. The  
9 Director of Seattle Public Utilities has the option to determine whether such facility,  
10 equipment, or device shall be allowed or required to be installed, and whether the effluent  
11 produced is satisfactory, and has the option to issue an order upon any owner, occupant,  
12 or operator regarding the installation and/or maintenance of any such facility, equipment,  
13 or device.

16 C. For purposes of this subsection, a grease interceptor is not in continuously  
17 efficient operation and is in violation of this chapter if the total volume of grease, solids,  
18 or food waste at any time displaces more than twenty-five percent of the effective volume  
19 of any chamber of the grease interceptor. However, if a manufacturer's written  
20 specification provides that a grease interceptor may be operated at continuous efficiency  
21 at a standard other than twenty-five percent of total volume of grease, solids or food  
22 waste in any chamber of the grease interceptor, then a grease interceptor shall be in  
23 violation of this chapter only if the standards for efficient operation specified by the  
24 manufacturer are exceeded.



1           D. Removal of grease, solids, or food waste from a grease interceptor shall be done  
2           through manual or mechanical means only. At no time shall an emulsifying agent,  
3           enzyme, bio-additive, or similar chemical be introduced into a grease interceptor or any  
4           chamber of a grease interceptor.

5           ~~((C))~~E. The Director of Seattle Public Utilities has the option to issue an order that plans,  
6           specifications, and any other pertinent information relating to proposed preliminary  
7           treatment facilities be submitted for approval of the Director of Seattle Public Utilities;  
8           and has the option to issue an order that construction of such facilities shall not begin  
9           until such approval is noted on the plan.

11           ~~((D))~~E. In determining appropriate action under subsections B through E~~((or C))~~ of this  
12           ~~((S))~~section ~~((21.16.310-))~~with respect to a location, the Director of Seattle Public  
13           Utilities will consider the existing or planned uses which discharge or will discharge to  
14           the public sewer system, any current pretreatment capacity, and, if applicable, the history  
15           of noncompliance, sewer blockage or backup, and attempts to comply.

17           ~~((E. — The Director of Seattle Public Utilities shall serve an order pursuant to this~~  
18           ~~Section 21.16.310 on the owner and/or other person responsible for the condition. The~~  
19           ~~order shall identify the condition to be corrected and the Director's requirements for~~  
20           ~~corrective action and shall specify a time for compliance. The time for compliance shall~~  
21           ~~be determined by the Director who shall consider: the type of violations or conditions~~  
22           ~~found, the past history of attempts to comply, the complexities of compliance, and other~~  
23           ~~relevant factors known to the Director. The order shall be served upon the person~~  
24           ~~responsible for the condition by personal service, or certified mail with return receipt~~



1 requested, at the person's last known address. Service by certified mail shall be effective  
2 on the date of mailing. If the whereabouts of the person responsible is unknown and  
3 cannot be ascertained in the exercise of reasonable diligence, and the Director makes an  
4 affidavit to that effect, then service may be accomplished by publishing the notice once  
5 each week for two (2) consecutive weeks in the City official newspaper. If the order is  
6 directed to a person responsible for the condition other than the owner, a copy shall be  
7 sent via first class mail to the owner. If no request for informal review is made pursuant  
8 to Section 21.16.310, the order shall immediately become final.))

10 ((F. — Any failure to comply with a final order of the Director shall be a violation of this  
11 Code.))

12 ((G. — Any party affected by an order of the Director of Seattle Public Utilities pursuant  
13 to this Section 21.16.310 may obtain an informal review of the order by requesting such  
14 review in writing to the Director within ten (10) days after service of the order. When the  
15 last day of the period is a Saturday, Sunday, or federal or City holiday, the period shall  
16 run until five (5:00) p.m. of the next business day. The director shall notify the person  
17 requesting review, all persons served with the order, and all other persons who have  
18 requested notice of review, of the date, time and place of the informal review. The review  
19 will consist of an informal review meeting held at Seattle Public Utilities. A  
20 representative of the Director who is familiar with the case and the applicable ordinances  
21 will attend. The Director's representative shall explain the reasons for the issuance of the  
22 notice of violation and will consider any information presented by the persons attending.  
23 At or within a reasonable time after the review, the Director shall issue a decision in  
24 writing that sustains or withdraws the order, amends the order, or continues the review to  
25 a future date to allow further consideration. The decision shall be served in the manner  
26

1 ~~provided in this Section 21.16.310 for service of an order. Upon service of a decision~~  
2 ~~sustaining an order, the order shall immediately become final. Upon service of a decision~~  
3 ~~amending an order, the order shall immediately become final as amended by the~~  
4 ~~decision.))~~

5  
6 Section 35. Seattle Municipal Code Section 21.16.330, last amended by Ordinance  
7 118396, is hereby amended to read as follows:

8 **21.16.330 Standards for measurements and analyses.**

9 Measurements, tests, and analyses of the characteristics of waters and waste to which  
10 reference is made in this chapter shall be determined in accordance with the standards  
11 prescribed by the most recent edition of "Standard Methods for the Examination of Water  
12 and ((Sewage))Wastewater" (edited by Lenore S. Clesceri et alia, published by American  
13 Waterworks Association et alia)((-filed in the City Clerk's office under Clerk's File No.  
14 260956)). Other standards, such as Washington State Department of Ecology's Analytical  
15 Methods for Petroleum Hydrocarbons and other USEPA test methods may also apply,  
16 depending on analytes and appropriate parameters, as determined by the Director of  
17 Seattle Public Utilities. In or on any property served by a side sewer carrying industrial  
18 wastes, the owner, ((or))occupant, or operator shall install a manhole in the side sewer to  
19 facilitate observation, sampling, and measurement of the wastes, when required by the  
20 Director of Seattle Public Utilities. Such manhole shall be accessible, safely located, and  
21 shall be constructed and installed in accordance with plans approved by the Director of  
22 Seattle Public Utilities. Such manhole shall be installed on the owner's property and shall  
23  
24  
25  
26  
27  
28



1 be installed and maintained by the owner, (~~or~~)occupant, or operator at his or her  
2 expense.

3 Section 36. Seattle Municipal Code Section 21.16.352 is hereby added as follows:

4 **21.16.352 Violations.**

5 **A. Civil Violations.**

6 1. The following are civil violations of this chapter, subject to a maximum civil  
7 penalty of up to \$5,000 per day for each violation:

8 a. General. It is a violation to not comply with any requirement of, or to act in a  
9 manner prohibited by, this chapter, or a permit, approval, rule, manual, order, or  
10 Notice of Violation issued pursuant to this chapter;

11 b. Aiding and Abetting. It is a violation to aid, abet, counsel, encourage,  
12 commend, incite, induce, hire, or otherwise procure another person to violate this  
13 chapter;

14 c. Dangerous Condition. It is a violation to allow to exist, or cause or contribute  
15 to, a condition of a side sewer that is likely to endanger the public health, safety or  
16 welfare, the environment, or public or private property;

17 d. Interference. It is a violation for any person to interfere with or impede the  
18 correction of any violation, or compliance with any Notice of Violation,  
19 emergency order, stop work order, or the abatement of any nuisance;

20 e. Altering a Posted Order. It is violation for any person to remove, obscure, or  
21 mutilate any posted order of the Director, including a stop work or emergency  
22 order; and

1                   f. Continuing Work. It is a violation for any work to be done after service or  
2                   posting of a stop work order, except work necessary to perform the required  
3                   corrective action, until authorization is given by the Director.

4                   B. Criminal Violations.

5                   1. The following are criminal violations, punishable upon conviction by a fine of not  
6                   more than \$5,000 per day of each violation or imprisonment for each violation for  
7                   not more than 360 days, or both such fine and imprisonment:

8                   a. Failing to comply with a Notice of Violation or Director's order issued  
9                   pursuant to this chapter;

10                   b. Failing to comply with a court order;

11                   c. Tampering with or vandalizing any part of a public sewer system, private side  
12                   sewer, or notice posted pursuant to this chapter; and

13                   d. Anyone violating this chapter who has had a judgment, final Director's order,  
14                   or Director's review decision against them for a prior violation of this chapter in  
15                   the preceding five years.

16                   Section 37. Seattle Municipal Code Section 21.16.354 is hereby added as follows:

17                   **21.16.354 Liability and defenses of responsible parties.**

18                   A. Who Must Comply. It is the specific intent of this chapter to place the obligation  
19                   of complying with its requirements upon the responsible parties, as defined in Section  
20                   21.16.030. The City and its agencies are intended to have the same obligation for  
21                   compliance when the City is a responsible party. No provision of this chapter is intended  
22                   to impose any other duty upon the City or any of its officers or employees.



1           1. Joint and Several Liability. Each responsible party is jointly and severally liable  
2           for a violation of this chapter. The Director may take enforcement action, in whole or  
3           in part, against any responsible party. All applicable civil penalties may be imposed  
4           against each responsible party.

5           2. Allocation of Damages. In the event enforcement action is taken against more  
6           than one responsible party, recoverable damages, costs, and expenses may be  
7           allocated among the responsible parties by the court based upon the extent to which  
8           each responsible party's acts or omissions caused the violation. If this factor cannot  
9           be determined the court may consider:

- 11           a. Awareness of the violation;  
12           b. Ability to correct the violation;  
13           c. Ability to pay the damages, costs, and expenses;  
14           d. Cooperation with government agencies;  
15           e. Degree to which any impact or threatened impact on water or sediment  
16           quality, human health, the environment, or public or private property is related to  
17           acts or omissions by each responsible party;  
18           f. Degree to which the responsible parties made good-faith efforts to avoid a  
19           violation or to mitigate its consequences; and  
20           g. Other equitable factors.

1           B. Defenses. A responsible party shall not be liable for civil violations under this  
2           chapter when the responsible party proves, by a preponderance of the evidence, one of  
3           the following:

4                     1. The violation was caused solely by an act of God;

5                     2. The violation was caused solely by another responsible party over whom the  
6                     defending responsible party had no authority or control and the defending  
7                     responsible party could not have reasonably prevented the violation;  
8

9                     3. The violation was caused solely by a prior owner or occupant when the defending  
10                    responsible party took possession of the property without knowledge of the violation,  
11                    after using reasonable efforts to identify violations. However, the defending  
12                    responsible party shall be liable for all continuing, recurrent, or new violations after  
13                    becoming the owner or occupant; or  
14

15                    4. The responsible party implemented and maintained all appropriate side sewer  
16                    structures, equipment, treatment facilities, and pretreatment facilities identified in  
17                    rules promulgated by the Director or as otherwise identified and required of the  
18                    responsible party by the Director in writing.  
19

20           Section 38. Seattle Municipal Code Section 21.16.356 is hereby added as follows:

21           **21.16.356 Right of entry for enforcement.**

22           With the consent of the owner or occupant of a building, premises, or property, or  
23           pursuant to a lawfully issued warrant, the Director may enter a building, premises, or  
24           property at any reasonable time to perform the duties imposed by this chapter.  
25

26           Section 39. Seattle Municipal Code Section 21.16.358 is hereby added as follows:  
27  
28



1 **21.16.358 Enforcement actions.**

2 **A. Investigation.** The Director of Seattle Public Utilities may investigate any site  
3 where there is reason to believe that there may be a failure to comply with the  
4 requirements of this chapter.

5 **B. Notice of Violation.**

6 1. Issuance. The Director of Seattle Public Utilities is authorized to issue a Notice of  
7 Violation to a responsible party, whenever the Director determines that a violation of  
8 this chapter has occurred or is occurring. The Notice of Violation shall be  
9 considered an order of the Director.

10 **2. Contents.**

11 **a. The Notice of Violation shall include the following information:**

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

13 **ii. The date of the notice; and**

14 **iii. A deadline by which the action necessary to correct the violation must be**  
15 **completed.**

16 **b. A Notice of Violation may be amended at any time to correct clerical errors,**  
17 **add citations of authority, or modify required corrective action.**

18 **3. Service.** The Director of Seattle Public Utilities shall serve the Notice of Violation  
19 upon a responsible party either by personal service, by first class mail, or by certified  
20 mail return receipt requested, to the party's last known address. If the address of the  
21 responsible party cannot be found after a reasonable search, the notice may be served  
22 by posting a copy of the notice at a conspicuous place on the property. Alternatively,



1 if the whereabouts of the responsible party is unknown and cannot be ascertained in  
2 the exercise of reasonable diligence, and the Director makes an affidavit to that  
3 effect, then service may be accomplished by publishing the notice once each week  
4 for two consecutive weeks in the City official newspaper.

5 4. Nothing in this chapter shall be deemed to obligate or require the Director to issue  
6 a Notice of Violation or order prior to the initiation of enforcement action by the City  
7 Attorney's Office pursuant to Subsection 21.16.358E.  
8

9 C. Stop Work and Emergency Orders.

10 1. Stop Work Order. The Director of Seattle Public Utilities may order work on a  
11 site stopped when the Director determines it is necessary to do so in order to obtain  
12 compliance with or to correct a violation of any provision of this chapter or rules  
13 promulgated hereunder or to correct a violation of a permit or approval granted under  
14 this chapter.

15 a. The stop work notice shall contain the following information:

16 i. A description of the violation; and

17 ii. An order that the work be stopped until corrective action has been  
18 completed and approved by the Director.

19 b. The stop work order shall be personally served on the responsible party or  
20 posted conspicuously on the premises.

21 2. Emergency Order.

22 a. The Director of Seattle Public Utilities may order a responsible party to take  
23 emergency corrective action and set a schedule for compliance and or may require  
24



1 immediate compliance with an emergency order to correct when the Director  
2 determines that it is necessary to do so in order to obtain immediate compliance  
3 with or to correct a violation of any provision of this chapter, or to correct a  
4 violation of a permit or approval granted under this chapter.

5 b. An emergency order shall be personally served on the responsible party or  
6 posted conspicuously on the premises.

7 c. The Director of Seattle Public Utilities is authorized to enter any property to  
8 investigate and correct a condition associated with a side sewer when it  
9 reasonably appears that the condition creates a substantial and present or  
10 imminent danger to the public health, safety or welfare, the environment, or  
11 public or private property. The Director may enter property without permission or  
12 an administrative warrant in the case of an extreme emergency placing human  
13 life, property or the environment in immediate and substantial jeopardy which  
14 requires corrective action before either permission or an administrative warrant  
15 can be obtained. The cost of such emergency corrective action shall be collected  
16 as set forth in Section 21.16.364.

17 3. Director's Review of Stop Work Order and Emergency Order. A stop work  
18 order or emergency order shall be final and not subject to a Director's review.

19 D. Review by Director.

20 1. A Notice of Violation, Director's order, or invoice issued pursuant to this chapter  
21 shall be final and not subject to further appeal unless an aggrieved party requests in  
22 writing a review by the Director within ten days after service of the Notice of  
23

1 Violation, order, or invoice. When the last day of the period so computed is a  
2 Saturday, Sunday or federal or City holiday, the period shall run until 5:00 p.m. on  
3 the next business day.

4 2. Following receipt of a request for review, the Director shall notify the requesting  
5 party, any persons served the Notice of Violation, order or invoice, and any person  
6 who has requested notice of the review, that the request for review has been received  
7 by the Director. Additional information for consideration as part of the review shall  
8 be submitted to the Director no later than 15 days after the written request for a  
9 review is mailed.

10 3. The Director will review the basis for issuance of the Notice of Violation, order,  
11 or invoice and all information received by the deadline for submission of additional  
12 information for consideration as part of the review. The Director may request  
13 clarification of information received and a site visit. After the review is completed,  
14 the Director may:

- 15 a. Sustain the Notice of Violation, order, or invoice;  
16 b. Withdraw the Notice of Violation, order, or invoice;  
17 c. Continue the review to a date certain for receipt of additional information; or  
18 d. Modify or amend the Notice of Violation, order, or invoice.

19 4. The Director's decision shall become final and is not subject to further  
20 administrative appeal.

21 E. Referral to City Attorney for Enforcement. If a responsible party fails to correct a  
22 violation or pay a penalty as required by a Notice of Violation, or fails to comply with a  
23



1           Director's order, the Director shall refer the matter to the City Attorney's Office for civil  
2           or criminal enforcement action. Civil actions to enforce a violation of this chapter shall  
3           be brought exclusively in Municipal Court.

4           F. Appeal to Superior Court. Because civil actions to enforce this chapter are  
5           brought exclusively in Municipal Court, notices of violation, orders, and all other actions  
6           made under this chapter are not subject to judicial review under chapter 36.70C RCW.  
7           Instead, final decisions of the Municipal Court on enforcement actions authorized by this  
8           chapter may be appealed under the Rules for Appeals of Decisions of Courts of Limited  
9           Jurisdiction.

10           G. Filing of Notice or Order. A Notice of Violation, voluntary compliance  
11           agreement, or an order issued by the Director or court may be filed with the King County  
12           Department of Records and Elections.

13           H. Change of Ownership. When a Notice of Violation, voluntary compliance  
14           agreement or an order issued by the Director or court has been filed with the King County  
15           Department of Records and Elections, a Notice of Violation or an order regarding the  
16           same violations need not be served upon a new owner of the property where the violation  
17           occurred. If no Notice of Violation or order is served upon the new owner, the Director  
18           may grant the new owner the same number of days to comply as was given the previous  
19           owner. The compliance period for the new owner shall begin on the date that the  
20           conveyance of title to the new owner is completed.

21           Section 40. Seattle Municipal Code Section 21.16.360, last amended by Ordinance

22           118396, is hereby amended to read as follows:

1                   **21.16.360 (~~(Authority to post notices)~~) Voluntary compliance agreement.**

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

6                   A.     Initiation. Either a responsible party or the Director may initiate negotiations for  
7                   a voluntary compliance agreement at any time. Neither has any obligation to enter into a  
8                   voluntary compliance agreement.

9  
10                  B.     Contents. A voluntary compliance agreement shall identify actions to be taken by  
11                  the responsible party that will correct past or existing violations of this chapter. The  
12                  agreement may also identify actions to mitigate the impacts of violations. The agreement  
13                  shall contain a schedule for completion of the corrective actions and any mitigating  
14                  actions. The agreement shall contain a provision allowing the Director to inspect the  
15                  premises to determine compliance with the agreement. The agreement shall provide that  
16                  the responsible party agrees the City may perform the actions set forth in the agreement if  
17                  the responsible party fails to do so according to the terms and schedule of the agreement,  
18                  and the responsible party will pay the costs, expenses, and damages the City incurs in  
19                  performing the actions, as set forth in Section 21.16.364.

20  
21                  C.     Effect of Agreement.

22                         1. A voluntary compliance agreement is a binding contract between the party  
23                         executing it and the City. It is not enforceable by any other party. By entering into a  
24  
25  
26  
27  
28

1 voluntary compliance agreement, a responsible party waives the right to a Director's  
2 Review of the Notice of Violation or order.

3 2. Penalties may be reduced or waived if violations are corrected or mitigated  
4 according to the terms and schedule of a voluntary compliance agreement. If the  
5 responsible party fails to perform according to the terms and schedule of the  
6 voluntary compliance agreement, penalties for each violation addressed in the  
7 agreement may be assessed starting from the date the violation occurred, or as  
8 otherwise provided for in a Notice of Violation or Director's order.

9  
10 D. Modification. The terms and schedule of the voluntary compliance agreement  
11 may be modified by mutual agreement of the responsible party and the Director if there  
12 exist circumstances or conditions outside the responsible party's control, or unknown at  
13 the time the agreement was made, or if other just cause necessitate such modifications.

14  
15 Section 41. Seattle Municipal Code Section 21.16.362 is hereby added as follows:

16 **21.16.362 Penalties and damages.**

17  
18 A. Assessment of Penalties by the Director. The Director, after considering all  
19 available information, may assess a penalty for each violation of this chapter based upon  
20 the Schedule of Civil Penalties.

21  
22 B. Schedule of Civil Penalties. The Director shall determine penalties as follows:

23 1. Basic Penalty.  
24  
25  
26  
27  
28



1           a. Maximum Penalty. A violation of this chapter is subject to a maximum civil  
2           penalty of up to \$5,000. Each day or portion thereof during which a violation of  
3           this chapter exists is a separate violation of this chapter.

4           b. Commencement Date. The penalty shall commence on the date of the  
5           violation, unless otherwise provided for in a Notice of Violation or Director's  
6           order.

7           c. Assessment Matrix. The penalty shall be assessed using a matrix of criteria  
8           and scored as defined in rules promulgated by the Director. The total score will  
9           equate with a penalty up to a maximum of \$5,000 for each violation. The penalty  
10           shall be rated for severity by using the criteria listed below and by answering  
11           "No", "Possibly", "Probably", or "Definitely":

12                   i. Does the violation pose a public health risk;

13                   ii. Does the violation cause environmental damage or adversely impact  
14                   infrastructure;

15                   iii. Was the responsible party willful or knowing of the violation;

16                   iv. Was the responsible party unresponsive in correcting the violation;

17                   v. Was there improper operation or maintenance;

18                   vi. Was there a failure to obtain necessary permits or approval;

19                   vii. Does the violation provide economic benefit for non-compliance; and

20                   viii. Was the violation a repeat violation.

21           C. Penalty for Significant Violation. For violations causing significant harm to  
22           public health, safety, welfare, the environment, or private or public property, the Director  
23



1 may, as an alternative to the Basic Penalty, refer the matter to the City Attorney's Office  
2 for enforcement and request the City Attorney seek a penalty equivalent to the economic  
3 benefit the responsible party derived from the violation. "Significant harm" is damage or  
4 injury which cannot be fully corrected or mitigated by the responsible party, and which  
5 cannot be adequately compensated for by assessment of the Basic Penalty and costs,  
6 expenses, or damages under this chapter. Economic benefit may be determined by  
7 savings in costs realized by the responsible party, value received by the responsible party,  
8 increased income to the responsible party, increase in market value of property, or any  
9 other method reasonable under the circumstances.

11 D. Damages. Whoever violates any of the provisions of this chapter shall, in addition  
12 to any penalties provided for such violation, be liable for any: investigation cost, cost to  
13 correct, or other cost; expense; loss; or damage incurred by the City, plus a charge of 15  
14 percent for administrative costs. This chapter does not establish a cause of action that  
15 may be asserted by any party other than the City. Penalties, damages, costs and expenses  
16 may be recovered only by the City.

18 E. Effect of Payment of Penalties. The responsible party named in a Notice of  
19 Violation or order is not relieved of the duty to correct the violation by paying civil  
20 penalties.

22 Section 42. Seattle Municipal Code Section 21.16.364 is hereby added as follows:

23 **21.16.364 Collection of costs and penalties.**

24 A. Invoice and Demand for Payment of Investigation and Correction Costs. The  
25 Director may issue an invoice and demand for payment of the City's costs and expenses  
26



1 when the Director has investigated or corrected a violation of this chapter. The invoice  
2 shall include:

3 1. The amount of the City's investigation and correction costs, which include, but are  
4 not limited to:

5 a. Billed cost including labor, administration, overhead, overtime, profit,  
6 taxes, and other related costs for a hired contractor to investigate and/or  
7 perform the abatement work;  
8

9 b. Labor, administration, overhead, overtime, and other related costs for the  
10 City staff and crews to investigate and/or perform the abatement work;

11 c. Administrative costs to set up contracts and coordinate work;

12 d. Time spent communicating with the responsible party, any other enforcing  
13 agencies, and the affected community;  
14

15 e. Inspections for compliance with the Code, documentation of costs, and  
16 invoicing the responsible party;

17 f. Cost of equipment, materials, and supplies, including all related expenses  
18 for purchasing, renting, and leasing;

19 g. Laboratory costs and analytical expenses;

20 h. Cost of mobilization, disposal of materials, and cleanup; and

21 i. Any associated permit fees;

22 2. Either a legal description of the property corresponding as nearly as possible to  
23 that used for the property on the rolls of the King County Assessor or, where  
24 available, the property's street address;  
25  
26

1                   3. Notice that the responsible party may request a Director's review pursuant to  
2                   Subsection 21.16.358D;

3                   4. Notice that if the amount due is not paid within 30 days, the unpaid amount may  
4                   be collected in any of the manners identified in subsection C of this section; and

5                   5. Notice that interest shall accrue on the unpaid balance if not paid within 30 days  
6                   after the invoice date.

7  
8                   B. Invoice and Demand for Payment of Civil Penalties. The Director may issue an  
9                   invoice and demand for payment of civil penalties when the responsible party has failed  
10                  to pay a penalty by the deadline in a Notice of Violation or order and has failed to request  
11                  a Director's review within the required time periods established in Subsection  
12                  21.16.358D. The invoice shall include:

13                   1. The amount of the penalty;

14                   2. Either a legal description of the property corresponding as nearly as possible to  
15                   that used for the property on the rolls of the King County Assessor or, where  
16                   available, the property's street address;

17                   3. Notice that if the amount due is not paid within 30 days, the unpaid amount may  
18                   be collected in any of the manners identified in subsection C of this section; and

19                   4. Notice that interest shall accrue on the unpaid balance if not paid within 30 days  
20                   after the invoice date.

21  
22                  C. Collection Following a Judicial Review. If a court has issued an order or  
23                  judgment imposing penalties, costs, damages, or expenses for a violation of this chapter,  
24                  and the court's order or judgment is not appealed within 30 days, the Director may:  
25  
26



- 1           1. Refer the matter to the City Attorney to initiate appropriate enforcement action; or
- 2           2. After consultation with the City Attorney, refer the matter to a collection agency;
- 3           or
- 4           3. Add a surcharge in the amount owed under the order to the bill for drainage and
- 5           wastewater services to the site. If unpaid, the surcharge may become a lien on the
- 6           property, may be foreclosed, and may accrue interest as provided by state law or
- 7           Section 21.33.110 of the Seattle Municipal Code.

9           Section 43. Seattle Municipal Code Section 21.16.366 is hereby added as follows:

10           **21.16.366 Public nuisance.**

11           A.     Dysfunctional Facility or Practice; Abatement Required. Any private side sewer

12           not installed or maintained as required by this chapter, or otherwise found to be in a state

13           of dysfunction creating a threat to the public health, safety or welfare, the environment,

14           or public or private property is a public nuisance and is a violation of this chapter. A

15           responsible party shall immediately abate a public nuisance upon becoming aware of its

16           existence.

17           B.     Abatement by the City. The Director is authorized, but not required, to

18           investigate a condition that the Director suspects of being a public nuisance under this

19           chapter, and to abate any public nuisance. If a public nuisance is an immediate threat to

20           the public health, safety or welfare or to the environment, the Director may summarily

21           and without prior notice abate the condition. The Director shall give notice of the

22           abatement to the responsible party as soon as reasonably possible after the abatement.

1           C. Collection of Abatement Costs. The costs of abatement may be collected from  
2           the responsible party, including, a reasonable charge for attorney time, and a 15 percent  
3           surcharge for administrative expenses as set forth in Subsection 21.16.362D. Abatement  
4           costs and other damages, expenses and penalties collected by the City shall go into an  
5           abatement account for the department collecting the moneys. The money in the  
6           abatement account shall be used for abatements, investigations and corrections of  
7           violations performed by the City. When the account is insufficient the Director may use  
8           other available funds.

9  
10          Section 44. Seattle Municipal Code Section 21.16.368 is hereby added as follows:

11          **21.16.368 Additional relief.**

12          In addition to any remedy provided in this chapter, the Director may seek any other legal  
13          or equitable remedy to enjoin any acts or practices or abate any condition that constitutes  
14          or will constitute a violation of this chapter or a public nuisance.

15  
16          Section 45. Seattle Municipal Code Section 21.16.370, last amended by Ordinance  
17          118396, is hereby amended to read as follows:

18          **21.16.370 ((Unlawful destruction of notices))Suspension or revocation.**

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

22          Approvals or permits granted on the basis of inaccurate or misleading information may  
23          be suspended or revoked. Other permits or approvals interrelated with an approval  
24          suspended or revoked under this section, including certificates of occupancy or approvals  
25          suspended or revoked under this section, including certificates of occupancy or approvals  
26



1 for occupancy, may also be suspended or revoked. When an approval or permit is  
2 suspended or revoked, the Director may require the applicant to take corrective action to  
3 bring the project into compliance with this chapter by a deadline set by the Director, or  
4 may take other enforcement action.

5 Section 46. Seattle Municipal Code Section 21.16.372 is hereby added as follows:

6 **21.16.372 Financial assurance and covenants.**

7 As a condition precedent to issuance of any permit or approval provided for in this  
8 chapter, the Director may require an applicant for a permit or approval to submit financial  
9 assurances as provided in this section.

10  
11 A. Insurance.

12 1. The Director may require the property owners or contractor to carry liability and  
13 property damage insurance naming the City as an additional insured. The amount, as  
14 determined by the Director, shall be commensurate with the risks.

15  
16 2. The Director may also require the property owners to maintain a policy of general  
17 public liability insurance against personal injury, death, property damage and/or loss  
18 from activities conducted pursuant to the permit or approval, or conditions caused by  
19 such activities, and naming the City as an additional insured. The amount, as  
20 determined by the Director, shall be commensurate with the risks. It shall cover a  
21 period of not more than ten years from the date of issuance of a certificate of  
22 occupancy or finalization of the permit or approval. A certificate evidencing such  
23 insurance shall be filed with the Director before issuing a certificate of occupancy or  
24 finalizing a permit for any single family dwelling or duplex.  
25  
26  
27  
28



1                   3. The insurance policy shall provide that the City will be notified of cancellation of  
2                   the policy at least 30 days prior to cancellation. The notice shall be sent to the  
3                   Director who required the insurance and shall state the insured's name and the  
4                   property address. If a property owner's insurance is canceled and not replaced, the  
5                   permit or approval and any interrelated permit or approval may be revoked,  
6                   including a certificate of occupancy or approval for occupancy.

7  
8                   B. Bonds, Cash Deposits or Instruments of Credit.

9                   1. Surety Bond.

10                   a. The Director may require that the property owners or contractor deliver to the  
11                   Director for filing in the Office of the City Clerk a surety bond, cash deposit or an  
12                   instrument of credit in such form and amounts deemed by the Director to be  
13                   necessary to ensure that requirements of the permit or approval are met. A surety  
14                   bond may be furnished only by a surety company licensed to do business in the  
15                   State of Washington. The bond shall be conditioned that the work will be  
16                   completed in accordance with the conditions of the permit or approval, or, if the  
17                   work is not completed, that the site will be left in a safe condition. The bond shall  
18                   also be conditioned that the site and nearby, adjacent or surrounding areas will be  
19                   restored if damaged or made unsafe by activities conducted pursuant to the permit  
20                   or approval.

21  
22  
23                   b. The bond will be exonerated one year after a determination by the Director  
24                   that the requirements of the permit or approval have been met. For work under a  
25                   building permit or side sewer permit, issuance of a certificate of occupancy or  
26



1 approval for occupancy following a final inspection shall be considered to be such  
2 a determination. For work under a separate side sewer permit, the Director's  
3 approval after completion of the final side sewer inspection and submittal of all  
4 required documents shall be such a determination.

5 2. Assurance in Lieu of Surety Bond. In lieu of a surety bond, the owner may elect  
6 to file a cash deposit or instrument of credit with the Director in an amount equal to  
7 that which would be required in the surety bond and in a form approved by the  
8 Director. The cash deposit or instrument of credit shall comply with the same  
9 conditions as required for surety bonds.

10  
11 C. Covenants.

12 1. The Director may require a covenant between the property owners and the City.  
13 The covenant shall be signed by the owners of the site and notarized prior to issuing  
14 any permit or approval in a potential landslide area, potentially hazardous location,  
15 flood prone zone, or other area of potentially hazardous soils or drainage or erosion  
16 conditions. The covenant shall not be required where the permit or approval is for  
17 work done by the City. The covenant shall include:

- 18  
19 a. A legal description of the property;  
20  
21 b. A description of the property condition making this subsection applicable;  
22  
23 c. A statement that the owners of the property understand and accept the  
24 responsibility for the risks associated with development on the property given the  
25 described condition, and agree to inform future purchasers and other successors  
26 and assignees of the risks;

1           d. The application date, type, and number of the permit or approval for which  
2           the covenant is required; and

3           e. A statement waiving the right of the owners, and the owners' heirs,  
4           successors, and assigns, to assert any claim against the City by reason of or  
5           arising out of issuance of the permit or approval by the City for the development  
6           on the property, except only for such losses that may directly result from the sole  
7           negligence of the City.

8  
9           2. The covenant shall be filed by the Director with the King County Department of  
10           Records and Elections, at the expense of the owners, so as to become part of the  
11           King County real property records.

12 Section 47. Seattle Municipal Code Section 21.16.380 is hereby repealed:

13 **21.16.380 ((~~Violation—Penalty.~~)Reserved.**

14 ((~~A. Violation.~~

15  
16           ~~(1) A failure to comply with any provision of this chapter or any rule, regulation,~~  
17           ~~notice, or order of the Director of Health, the Director of Seattle Public Utilities, or~~  
18           ~~the Director of the Department of Planning and Development issued pursuant to this~~  
19           ~~chapter is a violation of this chapter.~~

20           ~~(2) Each day of violation or failure to comply constitutes a separate violation.~~

21 ~~B. Civil Penalty.~~

22  
23           ~~(1) In addition to any other sanction or remedial procedure that may be available,~~  
24           ~~any person who violates or fails to comply with any provision of this chapter, or any~~  
25           ~~rule, regulation, notice, or order of the Director of Health, the Director of Seattle~~  
26



1           ~~Public Utilities, or the Director of the Department of Planning and Development~~  
2           ~~issued pursuant to this chapter shall be subject to a civil penalty in the amount of~~  
3           ~~\$500 per day for each day of each violation.~~

4           ~~(2) The Director of Health, of Seattle Public Utilities or of the Department of~~  
5           ~~Planning and Development shall notify the City Attorney in writing of the name of~~  
6           ~~any person subject to a civil penalty for violations of this chapter. The City Attorney~~  
7           ~~shall, with the assistance of the Director, take appropriate action to collect the~~  
8           ~~penalty. In any civil action for a penalty, the City has the burden of proving by a~~  
9           ~~preponderance of the evidence that a violation exists or existed.~~

10  
11           ~~C. Alternative Criminal Penalty. Any person who violates or fails to comply with any~~  
12           ~~provision of this chapter or any rule, regulation, notice, or order of the Director of Health,~~  
13           ~~the Director of Seattle Public Utilities, or the Director of the Department of Planning and~~  
14           ~~Development issued pursuant to this chapter is guilty of a misdemeanor subject to the~~  
15           ~~provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that~~  
16           ~~absolute liability shall be imposed for such a violation or failure to comply and none of~~  
17           ~~the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be~~  
18           ~~provided. The Director may request the City Attorney to prosecute such violations~~  
19           ~~eriminally as an alternative to the civil penalty provided in Section 21.16.380 B.))~~

20  
21  
22           Section 48. Seattle Municipal Code Section 21.24.005, is hereby added as follows:

23           **21.24.005 Chapter Title**

24           This chapter 21.24 shall be known as the “Fees and Connection Charges” and may be  
25           cited as such.  
26

1 Section 49. Seattle Municipal Code Section 21.24.010, last amended by Ordinance  
2 118396, is hereby repealed and relocated to 21.16.070 under Section 9 of this ordinance.

3 **21.24.010 Reserved (~~Permit and fee -- Required for connection and repairs.~~)**

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

11 Section 50. Seattle Municipal Code Section 21.24.021 is hereby repealed and relocated  
12 to 21.16.071 under Section 10 of this ordinance.

13 **21.24.021 Reserved (~~Permit application and fee. )~~)**

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

22 **A. Side Sewers:**

23 **1. Installation, Connection, Relocation, or Alteration -- All Structures**

24 **First connection.....\$375**

25 **Each pump installation (single, duplex, etc.).....\$75**



1 Each additional connection.....\$280

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

3 2. Additional Connections to Existing Side Sewers — All Structures

4 Each additional connection.....\$375

5 Each pump installation (single, duplex, etc.).....\$75

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

7 3. Additional Direct Connections to Main Sewer — All Structures

8 Each additional connection.....\$375

9 Each pump installation (single, duplex, etc.).....\$75

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

11 4. Reconnection to Main Sewer — All Structures

12 Each reconnection.....\$375

13 Each pump installation (single, duplex, etc.).....\$75

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

15 5. Temporary Services for Side Sewers — All Structures

16 Each temporary service.....\$225

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

18 B. Repairs to Side Sewers — All Structures

19 Each repair.....\$280

20 Each pump repair (single, duplex, etc.).....\$75

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

22 C. Capping Existing Side Sewers — All Structures



Each line capped.....\$375

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

**D. Service Drains and Ancillary Facilities:**

~~1. Installation, Connection, Relocation or Alteration to Main Storm Drain,  
Combined Main Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving  
Waters — All Structures:~~

~~Each connection.....\$375~~

~~Each pump installation (single, duplex, etc.).....\$75~~

~~Each additional connection .....\$280~~

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

~~2. Additional Connections to Existing Service Drains — All Structures~~

~~Each additional connection.....\$375~~

~~Each additional pump installation (single, duplex, etc.).....\$75~~

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

~~3. Additional Direct Connections to Main Storm Drain, Combined Main Sewer,  
Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters:~~

~~Each additional connection.....\$375~~

~~Each additional pump installation (single, duplex, etc.).....\$75~~

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

~~4. Reconnection to Main Storm Drain, Combined Main Sewer, Curb Discharge,  
On-site Infiltration or Direct Discharge to Receiving Waters:~~

~~Each reconnection.....\$375~~



Each pump reconnection (single, duplex, etc.).....\$75

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

5. Temporary Services for Service Drains — All Structures

Each temporary service.....\$225

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

6. Repairs to Service Drains — All Structures

Each repair.....\$375

Each pump installation repair (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour 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 judgment of the Director of 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....\$50~~

~~G. Inspection Fee.~~

~~For the purpose of this section inspection time in excess of the base fee will be charged per hour at \$150 or the current hourly fee as established by the applicable Department of Planning and Development Director's Rule.~~



1 In all cases of disputes regarding fees, permits or other matters relating to this  
2 chapter, the decision of the Director of Seattle Public Utilities shall be final and conclusive. ))

3 Section 51. Seattle Municipal Code Section 21.24.030, last amended by Ordinance  
4 118396, is hereby amended to read as follows:

5 **21.24.030 Special connection charge – Imposed.**

6 A. In addition to sewer connection permit fees required by Section 21.16.070  
7 ~~((ordinance))~~, there is imposed upon, and the owners of properties which have not been assessed  
8 or charged or borne an equitable share of the cost of the City's sewerage system shall pay prior to  
9 connection to a City sewer, a special connection charge in an amount to be computed under  
10 Section 21.24.040.  
11

12 B. The special connection charge shall be paid in cash or under installment contract with  
13 interest thereon at a rate commensurate with the annual one ~~((1))~~ year rate for U.S. Treasury  
14 notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or  
15 otherwise available from the Federal Reserve Bank, for the year connection is made with the  
16 City sewer, computed annually on unpaid balances. Such contract shall provide for a down  
17 payment of ~~((five percent (5%)))~~ 5 percent of the total connection charge, payable upon  
18 execution of such contract and for payment of the balance in ~~((forty (40)))~~ 40 quarterly  
19 installments payable on each January 1st, April 1st, July 1st, and October 1st. Such installment  
20 contract shall provide that any unpaid balance may be paid in full in any year at the time the first  
21 quarterly payment of such year is due and payable, shall describe the property served by the  
22 sewer, shall be acknowledged by the property owner and shall be recorded by the Director of  
23 Seattle Public Utilities in the office of the King County Records and Elections Division at the  
24  
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26



1 expense of the property owner. Delinquent payments under such installment contract shall be a  
2 lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with  
3 RCW 35.67.220 through 35.67.280; and as an additional and concurrent method of enforcing the  
4 lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until  
5 the delinquent installments are paid. Upon full payment of the contract, the Director of Seattle  
6 Public Utilities on behalf of the City shall execute and deliver to the property owner a release of  
7 such lien.  
8

9 Section 52. Seattle Municipal Code Section 21.24.040, last amended by Ordinance  
10 118396, is hereby amended to read as follows:

11 **21.24.040 Special connection charge – Computation.**  
12

13  
14 A. The special connection charge imposed by Section 21.24.030 shall be paid into the  
15 drainage and Wastewater Fund and, in order that property owners bear their equitable share of  
16 the cost of the sewer system, shall be computed as follows:

17 1. For Lateral Sewers. The number of units of property frontage to be served by  
18 the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for  
19 determining "assessable units of frontage" or by such other method or combination of methods of  
20 computing assessments which may be deemed to more fairly reflect the special benefits to the  
21 property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average  
22 local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in  
23 which the sewer to which the property is to be connected was constructed and accepted as  
24 completed, provided that, for all sewers that are connected more than one (~~(1)~~) year after the  
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26  
27  
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1 City sewer was constructed, interest shall be added thereto at a rate commensurate with the  
2 annual one (~~((+))~~) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities,  
3 as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve  
4 Bank, for the year the City sewer was or is completed and available for connection until the  
5 connection is made, but excluding both the year of completion of construction and the year  
6 connection is made; except that for connection to sewers constructed prior to 1953, interest shall  
7 be added thereto at the one (~~((+))~~) year rate for U.S. Treasury notes and bonds, adjusted for  
8 constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not  
9 exceed (~~(ten)~~) 10 percent (~~((+0%))~~) per year and shall not exceed ten (~~((+0))~~) years.

11           2. For Trunk Sewers. The number of square feet of property area to be served by  
12 the sewer shall be multiplied by the average local improvement assessment per square foot for  
13 trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving  
14 the property are connected was constructed and accepted, provided that, for all sewers that are  
15 connected more than one (~~((+))~~) year after the City sewer was constructed, interest shall be added  
16 thereto at a rate commensurate with the annual one (~~((+))~~) year rate for U.S. Treasury notes and  
17 bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise  
18 available from the Federal Reserve Bank, for the year the City sewer was or is completed and  
19 available for connection until the connection is made, but excluding both the year of completion  
20 of construction and the year connection is made, except that, for connection to sewers  
21 constructed prior to 1953, interest shall be added thereto at the one (~~((+))~~) year rate for U.S.  
22 Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged



1 pursuant to this paragraph shall not exceed ~~((ten))~~ 10 percent ~~((10%))~~ per year and shall not  
2 exceed ~~((10))~~ years.

3 B. The Director of Seattle Public Utilities is authorized to annually compute and establish  
4 the average local improvement assessment paid by property owners for lateral and trunk sewers  
5 completed and accepted by the City during the previous calendar year which average assessment  
6 shall be used by him or her in computing the special connection charge imposed in Section  
7 21.24.030 as to sewer improvements completed in 1965 and thereafter. A copy of such  
8 computation shall be delivered to the City Clerk not later than February 1st of each such year to  
9 be filed by him in C.F. 253991.  
10

11 C. The Director shall file with the City Clerk in C.F. 253991 the annual one ~~((1))~~ year  
12 rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the  
13 Federal Reserve Bulletin, or otherwise available from the Federal Reserve Bank for each  
14 calendar year commencing with 1953. Such information shall be delivered to the City Clerk not  
15 later than April 1st for each preceding year.  
16

17 D. The collection of the special connection charge to serve a residence may be deferred at  
18 the request of a person responsible for its payment who is economically disadvantaged, as  
19 defined in Section 20.12.020\_B of the Seattle Municipal Code and both owns and occupies the  
20 residence which will be connected to the City system. Interest on deferred charges shall be  
21 computed at the same rate as provided in subsection A of Section 21.24.030 as if payment were  
22 being made in a timely manner under an installment contract. A request for deferral must be  
23 made ~~((thirty))~~ ~~(( ))~~ 30 ~~(( ))~~ days prior to levy of the special connection charge. All charges,  
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1 including interest, so deferred, shall become due and payable in full at the time of sale or transfer  
2 of the property.

3 E. Such special connection charge for property abutting on a street in which a sewer can  
4 be constructed or extended to serve such property, shall be computed as if the sewer were so  
5 constructed or extended; and the special connection charge for property located back from the  
6 margin of the street in which the sewer exists and outside of the assessment district created  
7 therefor shall be made giving consideration to the distance of the property from the street margin.  
8

9 In no case shall credit be allowed for the cost of extra length of side sewer required for  
10 connection to the City's sewerage system; provided, that in cases where application of the  
11 foregoing formula to a particular property results in a charge which because of unusual  
12 conditions is in excess of charges to similar properties, the Director of Seattle Public Utilities is  
13 authorized to reduce the special connection charge to the amount charged to properties similarly  
14 situated.  
15

16 F. For connection to side sewers constructed by the City, the property owner for whose  
17 benefit connection is made shall pay the cost of the side sewer. The cost shall be computed as  
18 follows: The actual cost to the City of the side sewer, plus ~~((fifteen-))~~ 15 ~~(( ))~~ percent for City  
19 design and administrative costs, plus interest at a rate commensurate with the annual one ~~((+))~~  
20 year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the  
21 Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the  
22 City sewer was or is completed and available for connection and applied until the connection is  
23 made, but excluding both the year of completion of construction and the year connection is  
24 made.  
25  
26



1 Section 53. Seattle Municipal Code Section 21.24.080 is hereby amended to read as  
2 follows:

3 **21.24.080 Violation of Sections 21.24.~~((010))030~~ through 21.24.070.**

4 Any violation of or failure to comply with the provisions of Sections 21.24.~~((010))030~~  
5 through 21.24.070 shall be punishable by a fine not exceeding ~~((Three Hundred Dollars-))~~ \$300  
6 ~~(( ))~~ or by imprisonment for a period not exceeding ~~((ninety-))~~ 90 ~~(( ))~~ days, or both.  
7  
8

9 Section 54. Seattle Municipal Code Section 21.24.090 is hereby repealed and relocated  
10 to SMC 21.16.077 under Section 11 of this ordinance:

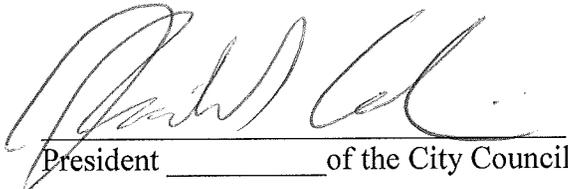
11 **21.24.090 Reserved. ~~((Refund of sewer permit fees.))~~**

12 ~~((Whenever a sewer permit has been issued and a fee paid therefor and either no rights  
13 are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for  
14 any reason and application is made for refund, the Director of Seattle Public Utilities shall certify  
15 the facts justifying such refund, the amount thereof, and his or her approval of such refund, and  
16 upon presentation of such certificate, the City Director of Executive Administration is authorized  
17 to draw and to pay a warrant on the General Fund in the amount of such refund and the necessary  
18 appropriations are hereby made from any surplus in the fund. If the applicable fund is solvent at  
19 the time payment is ordered, the Director of Executive Administration may elect to make  
20 payment by check.))~~  
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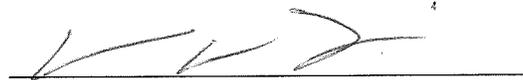


1 Section 55. This ordinance shall take effect and be in force 30 days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 13<sup>th</sup> day of December, 2010, and  
5 signed by me in open session in authentication of its passage this  
6 13<sup>th</sup> day of December, 2010.

7  
8  
9   
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 20<sup>th</sup> day of December, 2010.

12  
13  
14   
15 Michael McGinn, Mayor

16 Filed by me this 20<sup>th</sup> day of December, 2010.

17  
18   
19 City Clerk

20 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Jeff Smith/4-4615 (SPU) Sherell Ehlers/5-0040 (DPD)	Karen Grove (4-5805)

**Legislation Title:** AN ORDINANCE relating to Seattle Public Utilities, amending Seattle Municipal Code Chapters 21.16 and 21.24, to clarify existing requirements, consolidate fee language, clarify authority, update definitions, modify enforcement process and provisions, modify build-over requirements, clarify side sewer reuse requirements, and clarify grease pretreatment requirements.

• **Summary of the Legislation:**

This legislation would revise Seattle’s Side Sewer Code, Chapter 21.16 SMC, and the Permit Fee Code, Chapter 21.24 SMC, along with associated joint SPU/DPD director’s rules, to clarify existing requirements, address past stakeholder comments and concerns, and improve City regulatory decisions and policies. These revisions include: clarifying SPU’s and DPD’s roles in implementing the code; improving enforcement practices; clarifying side sewer ownership; changing the registered side sewer contractor program; adding definitions and wastewater quality testing references; clarifying the indemnification and agreements section for shared side sewers; clarifying grease pretreatment requirements; revising side sewer reuse provisions; adding language addressing the construction of private structures over public sewer and drainage infrastructure (build-overs); clarifying side sewer as-built document requirements; and transferring permit fee language from SMC 21.24 to the Side Sewer Code.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The City’s side sewer code and the associated rules are being revised to more accurately reflect current practices, update side sewer construction and permitting requirements, and make the code consistent with the City’s stormwater code revisions. The proposed changes to the Side Sewer code fall into the following categories:

**Code Authority** – The existing code has conflicting references to SPU’s and DPD’s authority to administer the code with regard to issuing permits, collecting fees, and evaluating applications. Prior to 2006, the last time the code was modified, the code gave SPU the authority over side sewer issues. The 2006 code revision gave DPD the responsibility for side sewer permitting and inspection, creating confusion instead of clarifying the roles of the two departments. This code revision would return the permitting role to SPU. However, DPD will continue to collect permit fees, review permit application materials, and issue permits, and inspect permitted side sewer work through an interdepartmental agreement with SPU.

**Enforcement** – Depending on the violation, different groups at SPU and DPD enforce code violations. Construction violations are enforced by DPD’s Site Development Team, broken side sewers are enforced by SPU’s Side Sewer Repair Program, and illicit and prohibited discharges



are enforced by SPU's Fats, Oils, and Grease (FOG) inspection program. To improve enforcement and make enforcement more consistent across City departments, the revised code incorporates enforcement language similar to the City's recently revised Stormwater Code.

***Side Sewer Ownership*** – The code states side sewers are owned by the private parties served by them. It has been common practice and knowledge, however, that the tee — the connection fitting that attaches the side sewer to the main — is owned by SPU and is not included in the definition of a side sewer, which is privately owned. This detail would be clarified in the side sewer definition.

***Definitions*** – New definitions would be added to the code to support changes discussed below, including enforcement, side sewer contractor registration, and FOG requirements.

Water and Wastewater Testing References. The code currently references a standard publication for testing and analytical methods for wastewater and sewer discharges. New reference documents would be added for more recent and specific test methods not covered by this publication.

Indemnifications and Agreements. Current code language states that no more than one building may connect to a side sewer, unless authorized by SPU. Furthermore, current code requires all affected property owners indemnify the City when a shared side sewer connection is proposed by one or several parties. The code language would be clarified to require indemnification of the City only by the party applying for the shared side sewer connection. For reconnections to existing shared side sewers, agreements would be required only for increasing the number of units using the existing side sewer.

Grease Pretreatment Requirements. SPU has an interest in keeping grease out of its sewer system because once grease enters the system it solidifies and accumulates, contributing to blockages, backups, and excessive maintenance. The code revision would further define existing language that requires grease pretreatment devices be maintained at all times by specifying that accumulated grease, solids, or food waste must not displace more than 25 percent of the effective grease interceptor volume. This creates an objective measure for identifying and enforcing violations.

Side Sewer Reuse. Development projects that are planned to connect to an existing unused side sewer stub or an existing side sewer are not required to have the existing portions of the side sewer meet today's standards for water tight joints, adequate slope and other technical standards. This may impact existing sewer customers when multiple properties share a side sewer and one user proposes to increase the load on the existing system by increasing the total number of units. To assure future owners that the side sewer meets standards and to assure that connections to the public utility are in acceptable condition, project proponents seeking to reconnect or make a new connection to an existing side sewer system would be required to certify that the existing system meets current performance standards. Side sewers that cannot be certified to meet these requirements would either need to be rehabilitated or a new connection to the main would be required.

Build-over Requirements. When property owners propose to build structures over existing public sewer or storm drains, SPU must protect access to these systems so that they can be cleaned, repaired, and otherwise maintained. The code protects SPU's need for access by requiring property owners sign an agreement with SPU before their structure is permitted.

This agreement must be recorded against the property with King County Department of Records and added to the project plans. A side sewer permit would be issued to assure coordinated and thorough inspection between various departments and to assure that record drawings of the work are submitted before the project construction is approved.

As-built Requirements. Construction as-builts (record drawings) have always been required for City records when side sewers are constructed. The specific as-built drawing requirements, including format and appropriate details, have previously been explained in the side sewer rule and Client Assistance Memos. The authority for requiring as-builts has not, however, been explicit in the code, and proposed language has been added to clarify this issue.

Side Sewer Permit Fees. References in the Permit Fee Code, SMC 21.24, are in conflict with SMC 21.16. Because permit fees are so closely related to side sewer construction, enforcing side sewer fee-payment violations should be similar to enforcing other side sewer violations. To improve clarity, all portions of the Fee Code that relate to side sewer permitting are proposed to be moved into 21.16, and the subsection related to fee payment is proposed to be modified to exclude the specifics on what department money is paid to and what City fund refunds are paid from. Existing provisions for the Special Connection Charges for the public sewer system will still reside in SMC 21.24. None of these proposed changes will, however, change how side sewer permitting and inspection fees are collected or how SPU and DPD administer side sewer permitting.

Refunds for side sewer permit fees are still allowed, less administrative fees incurred by the City. However, a proposed paragraph is also added disallowing refunds for side sewer repair permits.

A more concise summary of the code changes enacted by this ordinance is contained in Attachment A to this fiscal note.

*Please check one of the following:*

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

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

**Notes:**

Although no new appropriations are required, there would be minor financial impacts on SPU and DPD. The proposed amendments to the legislation would require more detailed DPD review of development proposals involving side sewer reuse. DPD review of "small" projects, defined as having less than 5,000 square feet of new plus replaced impervious surface, would increase from one-half hour per project at \$165 per hour to approximately three-quarter hour per project at \$165 per hour. Review time associated with "large" projects, defined as having 5,000 square feet or more new plus replaced impervious surface, would not change. This work would be performed by existing staff and no new positions are required.



Many of the provisions of this legislation would help maintain or improve the condition of the sewer system, for example by reducing the amount of fats, oils and greases entering the system. These code revisions therefore help minimize SPU's operations and maintenance costs. In addition, the proposed build-over requirements would reduce SPU costs by protecting the utility's ability to access its infrastructure and prevent operations and maintenance costs from escalating as they would if buildings were constructed over sewer and storm drains and no access agreements were in place.

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

Without this legislation, SPU will see increased operations and maintenance costs due to fats, oils, and grease or other illicit discharges to the sewer system. Over time, increased pipe cleaning decreases the pipe life, so that increased cleaning costs also lead to increased capital expenses to rehabilitate or replace sewer pipe sooner than would be needed with less frequent cleaning.

This legislation strengthens the foundation of a strong fats, oils, and grease program, which is required by the EPA Administrative Order regarding the Combined Sewer Overflow NPDES Permit. Not implementing this legislation puts the City at risk of noncompliance with that Administrative Order, potentially leading to penalties and costs of EPA-ordered program requirements.

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc.), and indicate which staff members in the other department(s) are aware of this Bill.*

SPU and DPD, the joint originating departments, are solely responsible for the implementation of these legislative changes. Other departments, such as Parks, Fleets and Facilities, Seattle Center, and Transportation that manage facilities with side sewers would be impacted in the same ways that any other side sewer customer of the City would be affected by this legislation.

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

There are no other alternatives to the legislation that will achieve the same or similar objectives.

- **Is the legislation subject to public hearing requirements?** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

This legislation is not subject to public hearing requirements. SPU has conducted numerous meetings with external stakeholders in 2007 and 2008 and in January and May 2010. A summary listing of stakeholder outreach meetings is contained in Attachment A to this fiscal note.

- **Other Issues** (*including long-term implications of the legislation*):
- **List attachments to the fiscal note below:** (*Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A)*)

Attachment A: Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010

**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**Chapter 21.16  
 SIDE SEWERS**

**21.16.030 Definitions**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added approximately 5 new definitions Changes to ≈ 15 others	Necessary to clarify certain provisions. Necessary to implement changes to FOG program

Key New or Significantly Revised Definitions (new definitions indicated by underline)		
	<u>Authorized Agent</u> <u>Certified Individual</u> <u>Food Waste</u> <u>Grease Interceptor</u> <u>Responsible Party</u> Public Sewer System Registered Side Sewer Contractor Side Sewer Standard Plans and Specifications Watercourse	



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal**

Current Code (2006)	Proposed Code (2010)	Remarks
Requires Registered Side Sewer Contractors (RSSCs) to submit a roster of individuals who have completed the RSSC test (defined as Certified Individuals).	Revised to require a roster of Certified Individuals and employees authorized to apply for permits on behalf of the RSSC (defined as Authorized Agents).	Allows City to track which employees are authorized by each RSSC to do work in the public place or apply for permits on their behalf.
Requires contractors to complete an oral examination to become RSSCs.	Removes requirements for Oral Exam; no longer used by City as requirement.	Updating Code to reflect current practices.

**21.16.065 Suspension of registration**

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to suspend RSSC registration for non-payment of invoices for work performed by the City on the RSSC's behalf.	Added language that this suspension would occur after invoice for services is unpaid for 90 days.	Clarifying timeframes and responsibilities for suspension of registration.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.070 Permit and fee required for connection and repairs**

Current Code (2006)	Proposed Code (2010)	Remarks
Four paragraphs addressing permit requirements for side sewer work. The first paragraph basically states that a side sewer permit is required for all side sewer construction, repairs, additions, alterations, capping, etc	Deleted existing first paragraph and inserted existing language from Section 21.24.010 of the SMC as a replacement.	More clearly states that a permit is required for this same work and that it is unlawful to do any of this work without a permit.

**21.16.071 Permit application and fees**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No fee schedule is shown in current Code.	Cut and pasted entire Section of SMC 21.24.021 relating to fees charged for side sewer permitting and inspection work.	Allows side sewer construction requirements and permitting and inspection fee requirements for this work to be in one code. Also allows enforcement provisions to be clearly applicable to fee violations as well as construction violations. No change in fees or practices.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.077 Refund of sewer permit fees**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No refund provisions are shown in the current code.	Cut entire section from SMC 21.24.090 and pasted portions into this new section of 21.16. Simplified existing refund language, and eliminated specific fund and department references. Added new subsection disallowing refunds for repair permits.	As above, this places side sewer permit requirements and fee provisions in the same code. References to specific departments and funds for fees and refunds were deleted as unnecessary.

**21.16.080 Permit--Application--Authority of the Director of the Seattle Public Utilities**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added new subsection regarding SPU's authority to not issue side sewer permits to applicants for not paying City invoices or for not complying with enforcement notices issued by SPU.	Replicates similar existing language that applies to Registered Side Sewer Contractors



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.190 Ownership of side sewers**

Current Code (2006)	Proposed Code (2010)	Remarks
Establishes side sewers as being owned by the properties that they serve.	Clarifies that side sewer ownership does not include the tee or connection at the public main.	This is the common understanding in Seattle, but has not been clear in the Code previously. This section formalizes the authority for what is already common practice.

**21.16.200 Use of existing sewer for new building; PROPOSED AS RESERVED**

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to regulate and approve the use of existing side sewers.	Renumbered as Section 240, see below.	Part of reorganization of the Construction and Agreements sections of this Code. See Section 240 for changes to regulations for use of existing side sewers.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.230 Reserved; PROPOSED AS Connections to new or converted buildings**

Current Code (2006)	Proposed Code (2010)	Remarks
<p>Current language for side sewer connections in Subsection 270C of this Code. States policy of one building per side sewer connection. Discretion for City to allow multiple connections is reserved but is limited.</p>	<p>Moved language from Subsection 270C to this section. Added language disallowing shared side sewers between non-residential properties or buildings with other properties or buildings. Discretion for City to allow multiple connections is still reserved, but less limited.</p>	<p>Part of reorganization of the Construction and Agreements sections of this Code. Clarified intent of existing language regarding overall City policy of "one building, one side sewer". Side Sewer Code Director's Rule has examples of when more than one building or property may share a side sewer.</p>

**21.16.240 Reserved; PROPOSED AS Use of existing side sewer**

Current Code (2006)	Proposed Code (2010)	Remarks
<p>Current language for reuse of existing side sewers in Section 200 of this Code (see above). Current language establishes City authority to regulate use of existing side sewers, but does not have specific requirements.</p>	<p>New code language clarifies requirements for existing side sewers to "conform to all requirements of this chapter" if reused. Includes evaluation by licensed engineer, certification of capacity, and rehabilitation requirements if side sewer is non-conforming. Applies to new developments and to developments that increase density/dwelling units.</p>	<p>Part of reorganization of the Construction and Agreements sections of this Code. This new section allows reuse of existing side sewers while still assuring the City and existing side sewer users that the pipe system is up to standards (doesn't leak, has proper slope, etc). Some relief from these requirements is outlined in the Side Sewer Code Director's Rule.</p>



## Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010

### 21.16.250 Easements and agreements

Current Code (2006)	Proposed Code (2010)	Remarks
Requires all affected property owners (including existing users) to indemnify the City for shared side sewer connections.	Requires only indemnification of the City by the permit applicant requesting a shared side sewer connection.	Based on input from DPD, SPU, and City Attorney's Office, the City cannot require an existing side sewer owner to indemnify the City for a new applicant's connection permit.
No current language regarding shared side sewer connection agreements for connections to existing side sewers.	Requires property owners served by new side sewer to sign a joint-use and maintenance agreement. Agreements are not required for reconnections if the proposed development does not increase units (i.e. does not propose increased density) that could adversely affect existing side sewer function.	Indemnification and connection agreement requirements were not clear in previous code.
No current language regarding private construction over public sewers or drains (buildovers).	New subsection establishes authority to prohibit construction work over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.
No current language regarding minimum requirements for allowing private construction over public sewers or drains (buildovers).	Establishes minimum requirements when the City may allow a variance to construct over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.260 Installation when compliance impractical; PROPOSED AS Construction requirements and specifications**

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for side sewer construction requirements in Section 270 of this Code. Current language establishes City authority to require extensions when the public main does not abut the site.	Some previous text removed that was obsolete or irrelevant. Section number changed.	There is more detail about utility extensions in the Side Sewer Code Director's Rules.

**21.16.275 Side sewer construction as-builts (new)**

Current Code (2006)	Proposed Code (2010)	Remarks
No current language regarding side sewer as-built requirements.	New paragraph added establishing authority for City to require as-builts from side sewer work.	This is already accepted as a requirement with the City and contractors. This section formalizes the authority for what is already common practice.

**21.16.310 Pretreatment facilities**

Current Code (2006)	Proposed Code (2010)	Remarks
Requires pretreatment facilities for grease and oil to be maintained in continuously efficient operation at all times	New paragraph added to define "continuously efficient operation". Also prohibits additives in pretreatment devices.	Terms not clear in current code. Additives can be damaging to public utility infrastructure.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.330 Standards for measurements and analysis**

Current Code (2006)	Proposed Code (2010)	Remarks
References a common, technical text for waste and water quality sampling, testing, and analysis.	Added new references for recent and localized testing methods not referenced in this text.	Provide some clarity for new methods that may be referenced in side sewer work.

**21.16.360, 370, 380 Authority to post notices, Unlawful destruction of notices, and Violation-Penalty**

Current Code (2006)	Proposed Code (2010)	Remarks
These three sections comprised the portions of the side sewer code regarding notices of violations and penalties.	These sections have been removed and amended. New language added directly from the City's draft Revised Stormwater Code for enforcement, as shown below. Replaces existing language in current code under these sections.	Provides more consistent enforcement processes and actions across related City regulatory responsibilities.

**21.16.352 Violations**

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining violations. Section 21.16.370 states it is unlawful to tamper with notices posted pursuant to this chapter.	Clearly defines both civil and criminal violations, including non-compliance with standards and directives, vandalizing side sewers, tampering with notices, and aiding and abetting violation of this code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.354 Liability and defenses of responsible parties**

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining liability and defenses of parties.	Provides definitions of defenses for violations and compliance requirements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.356 Right of entry for enforcement**

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for entry to enforce provisions of code.	Provides authority language for entry to enforce provisions of code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.358 Enforcement actions**

Current Code (2006)	Proposed Code (2010)	Remarks
Current code establishes City's authority to post notices for violations under Section 21.16.360.	Expands and clarifies authority and requirements to investigate violations, issue stop work orders, and post notices of violations. Also explains review and appeals process for the Director and the City Attorney.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.360 Voluntary compliance agreement**

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for negotiating voluntary compliance agreements.	Provides authority language and definitions for entering into voluntary compliance agreements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.362 Penalties and damages**

Current Code (2006)	Proposed Code (2010)	Remarks
Current code establishes maximum penalty for violations of \$300 or 90 days imprisonment, each day's violation constituting a separate violation.	Penalties assessed using matrix-based approach that more closely aligns nature of violation with size of penalty. Maximum penalty \$5,000 per each NOV issuance.	This is a matrix-based approach modeled after Washington State Department of Ecology's enforcement procedures. It provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.364 Collection of costs and penalties**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the collection of costs and penalties.	Establishes details and requirements for collecting invoices for violations and investigative and corrective costs accrued by the City, invoice requirements, collection following judicial review.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.366 Public nuisance**

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining public nuisance.	Defines public nuisance, abatement of public nuisances by the City, and collection of costs associated with abatement.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.368 Additional relief**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding additional relief or other enforcement actions by the City.	Establishes authority for the City to pursue other legal means of enforcement or relief to abate violations of the code.	Provides clear authority and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.370 Suspension or revocation**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the suspension or revocation of permits and approvals.	Establishes authority to suspend or revoke permits or approvals that were granted on the basis of inaccurate or misleading information.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.372 Financial assurance and covenants**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding financial assurance and covenants.	Establishes authority and conditions for the city to require financial assurance or covenants.	Supports enforcement proceedings, and provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.374 Severability**

Current Code (2006)	Proposed Code (2010)	Remarks
Severability is captured in small paragraph under the table of contents.	A formal section was allocated for this authority.	It is standard to have severability language in its own section. This will also be consistent with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**Chapter 21.16  
 SIDE SEWERS**

**21.16.030 Definitions**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added approximately 5 new definitions Changes to ≈ 15 others	Necessary to clarify certain provisions. Necessary to implement changes to FOG program

Key New or Significantly Revised Definitions (new definitions indicated by underline)	
	<u>Authorized Agent</u> <u>Certified Individual</u> <u>Food Waste</u> <u>Grease Interceptor</u> <u>Responsible Party</u> Public Sewer System Registered Side Sewer Contractor Side Sewer Standard Plans and Specifications Watercourse



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal**

Current Code (2006)	Proposed Code (2010)	Remarks
Requires Registered Side Sewer Contractors (RSSCs) to submit a roster of individuals who have completed the RSSC test (defined as Certified Individuals).	Revised to require a roster of Certified Individuals and employees authorized to apply for permits on behalf of the RSSC (defined as Authorized Agents).	Allows City to track which employees are authorized by each RSSC to do work in the public place or apply for permits on their behalf.
Requires contractors to complete an oral examination to become RSSCs.	Removes requirements for Oral Exam; no longer used by City as requirement.	Updating Code to reflect current practices.

**21.16.065 Suspension of registration**

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to suspend RSSC registration for non-payment of invoices for work performed by the City on the RSSC's behalf.	Added language that this suspension would occur after invoice for services is unpaid for 90 days.	Clarifying timeframes and responsibilities for suspension of registration.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.070 Permit and fee required for connection and repairs**

Current Code (2006)	Proposed Code (2010)	Remarks
Four paragraphs addressing permit requirements for side sewer work. The first paragraph basically states that a side sewer permit is required for all side sewer construction, repairs, additions, alterations, capping, etc	Deleted existing first paragraph and inserted existing language from Section 21.24.010 of the SMC as a replacement.	More clearly states that a permit is required for this same work and that it is unlawful to do any of this work without a permit.

**21.16.071 Permit application and fees**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No fee schedule is shown in current Code.	Cut and pasted entire Section of SMC 21.24.021 relating to fees charged for side sewer permitting and inspection work.	Allows side sewer construction requirements and permitting and inspection fee requirements for this work to be in one code. Also allows enforcement provisions to be clearly applicable to fee violations as well as construction violations. No change in fees or practices.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.077 Refund of sewer permit fees**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No refund provisions are shown in the current code.	Cut entire section from SMC 21.24.090 and pasted portions into this new section of 21.16. Simplified existing refund language, and eliminated specific fund and department references. Added new subsection disallowing refunds for repair permits.	As above, this places side sewer permit requirements and fee provisions in the same code. References to specific departments and funds for fees and refunds were deleted as unnecessary.

**21.16.080 Permit--Application--Authority of the Director of the Seattle Public Utilities**

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added new subsection regarding SPU's authority to not issue side sewer permits to applicants for not paying City invoices or for not complying with enforcement notices issued by SPU.	Replicates similar existing language that applies to Registered Side Sewer Contractors



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.190 Ownership of side sewers**

Current Code (2006)	Proposed Code (2010)	Remarks
Establishes side sewers as being owned by the properties that they serve.	Clarifies that side sewer ownership does not include the tee or connection at the public main.	This is the common understanding in Seattle, but has not been clear in the Code previously. This section formalizes the authority for what is already common practice.

**21.16.200 Use of existing sewer for new building; PROPOSED AS RESERVED**

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to regulate and approve the use of existing side sewers.	Renumbered as Section 240, see below.	Part of reorganization of the Construction and Agreements sections of this Code. See Section 240 for changes to regulations for use of existing side sewers.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.230 Reserved; PROPOSED AS Connections to new or converted buildings**

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for side sewer connections in Subsection 270C of this Code. States policy of one building per side sewer connection. Discretion for City to allow multiple connections is reserved but is limited.	Moved language from Subsection 270C to this section. Added language disallowing shared side sewers between non-residential properties or buildings with other properties or buildings. Discretion for City to allow multiple connections is still reserved, but less limited.	Part of reorganization of the Construction and Agreements sections of this Code. Clarified intent of existing language regarding overall City policy of "one building, one side sewer". Side Sewer Code Director's Rule has examples of when more than one building or property may share a side sewer.

**21.16.240 Reserved; PROPOSED AS Use of existing side sewer**

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for reuse of existing side sewers in Section 200 of this Code (see above). Current language establishes City authority to regulate use of existing side sewers, but does not have specific requirements.	New code language clarifies requirements for existing side sewers to "conform to all requirements of this chapter" if reused. Includes evaluation by licensed engineer, certification of capacity, and rehabilitation requirements if side sewer is non-conforming. Applies to new developments and to developments that increase density/dwelling units.	Part of reorganization of the Construction and Agreements sections of this Code. This new section allows reuse of existing side sewers while still assuring the City and existing side sewer users that the pipe system is up to standards (doesn't leak, has proper slope, etc). Some relief from these requirements is outlined in the Side Sewer Code Director's Rule.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.250 Easements and agreements**

Current Code (2006)	Proposed Code (2010)	Remarks
Requires all affected property owners (including existing users) to indemnify the City for shared side sewer connections.	Requires only indemnification of the City by the permit applicant requesting a shared side sewer connection.	Based on input from DPD, SPU, and City Attorney's Office, the City cannot require an existing side sewer owner to indemnify the City for a new applicant's connection permit.
No current language regarding shared side sewer connection agreements for connections to existing side sewers.	Requires property owners served by new side sewer to sign a joint-use and maintenance agreement. Agreements are not required for reconnections if the proposed development does not increase units (i.e. does not propose increased density) that could adversely affect existing side sewer function.	Indemnification and connection agreement requirements were not clear in previous code.
No current language regarding private construction over public sewers or drains (buildovers).	New subsection establishes authority to prohibit construction work over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.
No current language regarding minimum requirements for allowing private construction over public sewers or drains (buildovers).	Establishes minimum requirements when the City may allow a variance to construct over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.260 Installation when compliance impractical; PROPOSED AS Construction requirements and specifications**

Current Code (2006)	Proposed Code (2010)	Remarks
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**21.16.275 Side sewer construction as-builts (new)**

Current Code (2006)	Proposed Code (2010)	Remarks
No current language regarding side sewer as-built requirements.	New paragraph added establishing authority for City to require as-builts from side sewer work.	This is already accepted as a requirement with the City and contractors. This section formalizes the authority for what is already common practice.

**21.16.310 Pretreatment facilities**

Current Code (2006)	Proposed Code (2010)	Remarks
Requires pretreatment facilities for grease and oil to be maintained in continuously efficient operation at all times	New paragraph added to define "continuously efficient operation". Also prohibits additives in pretreatment devices.	Terms not clear in current code. Additives can be damaging to public utility infrastructure.



## Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010

### 21.16.330 Standards for measurements and analysis

Current Code (2006)	Proposed Code (2010)	Remarks
References a common, technical text for waste and water quality sampling, testing, and analysis.	Added new references for recent and localized testing methods not referenced in this text.	Provide some clarity for new methods that may be referenced in side sewer work.

### 21.16.360, 370, 380 Authority to post notices, Unlawful destruction of notices, and Violation-Penalty

Current Code (2006)	Proposed Code (2010)	Remarks
These three sections comprised the portions of the side sewer code regarding notices of violations and penalties.	These sections have been removed and amended. New language added directly from the City's draft Revised Stormwater Code for enforcement, as shown below. Replaces existing language in current code under these sections.	Provides more consistent enforcement processes and actions across related City regulatory responsibilities.

### 21.16.352 Violations

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining violations. Section 21.16.370 states it is unlawful to tamper with notices posted pursuant to this chapter.	Clearly defines both civil and criminal violations, including non-compliance with standards and directives, vandalizing side sewers, tampering with notices, and aiding and abetting violation of this code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.354 Liability and defenses of responsible parties**

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining liability and defenses of parties.	Provides definitions of defenses for violations and compliance requirements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.356 Right of entry for enforcement**

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for entry to enforce provisions of code.	Provides authority language for entry to enforce provisions of code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.358 Enforcement actions**

Current Code (2006)	Proposed Code (2010)	Remarks
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**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.360 Voluntary compliance agreement**

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for negotiating voluntary compliance agreements.	Provides authority language and definitions for entering into voluntary compliance agreements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.362 Penalties and damages**

Current Code (2006)	Proposed Code (2010)	Remarks
Current code establishes maximum penalty for violations of \$300 or 90 days imprisonment, each day's violation constituting a separate violation.	Penalties assessed using matrix-based approach that more closely aligns nature of violation with size of penalty. Maximum penalty \$5,000 per each NOV issuance.	This is a matrix-based approach modeled after Washington State Department of Ecology's enforcement procedures. It provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.364 Collection of costs and penalties**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the collection of costs and penalties.	Establishes details and requirements for collecting invoices for violations and investigative and corrective costs accrued by the City, invoice requirements, collection following judicial review.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.366 Public nuisance**

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining public nuisance.	Defines public nuisance, abatement of public nuisances by the City, and collection of costs associated with abatement.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.368 Additional relief**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding additional relief or other enforcement actions by the City.	Establishes authority for the City to pursue other legal means of enforcement or relief to abate violations of the code.	Provides clear authority and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.370 Suspension or revocation**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the suspension or revocation of permits and approvals.	Establishes authority to suspend or revoke permits or approvals that were granted on the basis of inaccurate or misleading information.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.



**Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010**

**21.16.372 Financial assurance and covenants**

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding financial assurance and covenants.	Establishes authority and conditions for the city to require financial assurance or covenants.	Supports enforcement proceedings, and provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

**21.16.374 Severability**

Current Code (2006)	Proposed Code (2010)	Remarks
Severability is captured in small paragraph under the table of contents.	A formal section was allocated for this authority.	It is standard to have severability language in its own section. This will also be consistent with the City's Stormwater Code.



[Clerk's Note: Because of its size, the accompanying, not-adopted version is presented separately for display and downloading. The linked file is a PDF document requiring Adobe Reader or equivalent program to view.]

[Version 9d](#), Council Bill 116982 (not adopted) (8.77 MB)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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264922  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

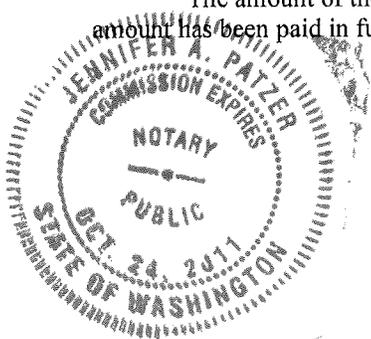
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123494 ORDINANCE

was published on

12/27/10

The amount of the fee charged for the foregoing publication is the sum of \$44,307.00, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
12/27/10  
*[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 123494

AN ORDINANCE relating to Seattle Public Utilities, amending Seattle Municipal Code Chapters 21.16 and 21.24, to clarify existing requirements, consolidate fee language, clarify authority, update definitions, modify enforcement process and provisions, modify build-over requirements, clarify side sewer reuse requirements, and clarify grease pretreatment requirements.

WHEREAS, the purpose of the City of Seattle's Side Sewer Code (SMC 21.16) is to promote the public health, safety, and welfare in relation to side sewers and general sewer discharges to the public utility; and

WHEREAS, the Side Sewer Code has not been substantively revised since 1988; and

WHEREAS, the existing Side Sewer Code requires updating to reflect current permitting and construction practices, NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 21.16.010, last amended by Ordinance 97016, is hereby amended to read as follows:

#### 21.16.010 Chapter title and purpose.

This chapter 21.16 shall be known as the "Side Sewer Code" and may be cited as such. This chapter is declared to be an exercise of the police power of the state and of the City to promote the public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose. This chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms.

Section 2. Seattle Municipal Code Section 21.16.020, last amended by Ordinance 114298, is hereby amended to read as follows:

#### 21.16.020 Chapter provisions as minimum standards.

The requirements of this chapter are declared to be minimum standards and shall not be construed to prevent the enforcement of more stringent standards imposed by other ordinances, or by or under the authority of state law. Unless specifically stated to the contrary, all provisions herein apply to both service drains and to side sewers located within areas served by the City's sewer and drainage infrastructure (The City of Seattle's sewer service area).

Section 3. Seattle Municipal Code Section 21.16.030, last amended by Ordinance 122036, is hereby amended to read as follows:

#### 21.16.030 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. "Authorized Agent" means someone who is employed by a registered side sewer contractor, but has not passed the registered side sewer contractor exam.

2. "Building" is as defined in Chapter 22.204 of the Seattle Municipal Code.

3. "Certified Individual" means someone who has successfully passed the registered side sewer contractor exam.

((4))4. "City" means The City of Seattle.

((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 Seattle Public Utilities at the time the plan was proposed.)

((3))5. "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.

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

((4))7. "Director of Health" means the Director of Public Health, his or her designee, or employees of the Seattle-King County Department of Public Health.

((5))8. "Director of the Department of Planning and Development" means the Director (or employees) of The City of Seattle Department of Planning and Development, his or her designee, or employees of the Department of Planning and Development.

((6))9. "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities, (or) his or her designee, or employees of Seattle Public Utilities.

((7))10. "Downspout" means a pipe which conveys (conducts) water from a roof of a building.

11. "Drainage water" is as defined in Chapter 22.801 of the Seattle Municipal Code.

12. "Drainage system" is as defined in Chapter 22.801 of the Seattle Municipal Code.

13. "Food Waste" means putrescible solid waste not properly shredded, and liquid waste from the preparation, cooking, and dispensing of food that is capable of settling and restricting or blocking flows in the public sewer system, at a sewage treatment plant, or at a pumping station.

((8))14. "Footing drain" means an open joint or perforated pipe located near the foundation of a building or other structure, intended to intercept and (carry) convey groundwater.

((9))15. "Garbage" means putrescible waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

((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.)

16. "Grease Interceptor" means a plumbing appurtenance or appliance that is installed in a wastewater system to intercept non-petroleum fats, oil, and grease (FOG) and food waste from a wastewater discharge.

((11))17. "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 water.

((12))18. "Main sewer" means a pipe which is part of the public sewer system and to which a side sewer is connected.

((13))"Metro" means King County.)

((14))19. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.

((15))20. "Owner, operator, or occupant" means the owner of real or personal property, or the (agent or) lessee, permittee, licensee, or agent of the owner.

((16))21. "Permit face (card)" means a document (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.

((17))22. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

((18))23. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.

((19))24. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure which (carries) conveys the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to (carry) convey stormwater or unpolluted drainage water.

((20))25. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which conveys (carries) stormwater or unpolluted drainage water.

((21))26. "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 Seattle Public Utilities.

27. "Properly shredded" means shredded to such a degree that the waste has no particle larger than 3/8 inch in any dimension and that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers.

((22))28. "Public place (:)") means all public areas pursuant to Chapter 15.02 of the Seattle Municipal Code. ("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))29. "Public sewer system" means the sewer or (storm) drainage facilities owned and maintained by the City or other agencies having jurisdiction (e.g. (Rainer Vista Sewer District) Valley View Sewer District, Southwest Suburban Sewer District, King County) (or Metro), or any sewer (age) or drainage facilities acquired (:) or constructed (or maintained) by such agencies.

((23))30. "Registered Side Sewer Contractor" means a company approved and registered by the Director of Seattle Public Utilities to construct or repair side sewers in the public place.

31. "Responsible party" means all of the following persons:

1. Owners, operators, and occupants of property; and

2. Any person causing or contributing to a violation of the provisions of this chapter.

((25))32. "Service drain" means a privately owned and maintained drainage system which (carries) conveys only stormwater runoff, surface water, (foundation) subsurface drainage, and/or other unpolluted drainage water (s and which discharges at an approved outlet as defined by the Director of Seattle Public Utilities). Service drains include, but are not limited to, conveyance pipes, catch basin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet.

Service drains do not include ((groundwater) subsurface drainage collection systems ((upstream from the point of connection to a service drain)).

((26))33. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

((27))34. "Sewage treatment plant" means an arrangement of devices, structures, and equipment for treating wastewater.

((28))35. "Sewer, combined" means a publicly owned and maintained sewerage system which (carries) conveys surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and (water from foundation drains) subsurface drainage.

((29))36. "Sewer, sanitary" means a publicly owned and maintained sewerage system which (carries) conveys wastewater, and is not designed to convey stormwater or unpolluted convey drainage water.

((30))37. "Side sewer" means a privately owned and maintained pipe system which is designed to convey wastewater (carry sewage) and/or drainage water (stormwater runoff, surface water, foundation drainage) to the public sewer system or approved outlet. This includes the pipe system up to, but not including, the tee, wye, or connection to the public main.

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

((32))38. "Standard Plans and Specifications" means the City of Seattle Standard Plans and Specifications for Road, Bridge, and Municipal Construction in effect on the date of permit application. (standard plans and specifications in effect on the date of issuance of the permit.)

((33))39. "Storm drain" is as defined in Chapter 22.801 of the Seattle Municipal Code. (means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.)

40. Stormwater" is as defined in Chapter 22.801 of the Seattle Municipal Code.

41. "Structure" is as defined in Chapter 22.204 of the Seattle Municipal Code.

((34))42. "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.

((35))43. "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 Seattle Public Utilities has the authority to determine which waters are unpolluted waters.

((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.)

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

((38))45. "Watercourse" is as defined in Chapter 22.801 of the Seattle Municipal Code. (means a channel in which a natural flow of stormwater and/or groundwater occurs either continuously or intermittently.)

Section 4. Seattle Municipal Code Section 21.16.040, last amended by Ordinance 121276, is hereby amended to read as follows:

**21.16.040 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))300 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 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 the Department of Planning and Development, ~~in((after))~~ consult~~((ing))~~ation with the Director of Seattle Public Utilities, shall communicate the decision to the owner or occupant based on the determination of the Director of Seattle Public Utilities~~((make such determination))~~.

B. Service Drain Connections. Connections of service drains to combined sewers or public storm drains shall meet the requirements~~((be as))~~ specified in Chapters 22.800 through~~((and))~~ 22.80((2))8 of the Seattle Municipal Code.

C. Exemptions from Connection. In conjunction with activity requiring a development permit, the Director of the Department of Planning and Development, after consulting with the Director of 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 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))~~Seattle Public Utilities has waived the requirement as provided in subsection A of this section that properties within ~~((three hundred))300 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 subsection C1, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.))~~

~~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 subsection C1 of this section, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.~~

Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall secure a permit from the Director of Seattle Public Utilities to cap the side sewer.

Section 5. Seattle Municipal Code Section 21.16.055, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.055 Work in a public place--Registered contractor, supervision and permit required.**

No work may be performed in a public place to construct or repair side sewers except by a registered side sewer contractor under~~((pursuant to))~~ a permit issued in accordance with~~((pursuant to))~~ Section 21.16.080. Direct onsite supervision ~~((shall be provided))~~ of all work to be performed in a public place

shall be provided by a ~~((or on behalf of the))~~ registered side sewer contractor. The onsite supervision must be by a person who: 1) ~~((who))~~ has successfully completed the examination provided for in ~~sub((S))~~section 21.16.060A2, and 2) ~~((who))~~ is listed on the roster required by Section 21.16.068 as the registered side sewer contractor ~~((or as a current employee of the registered side sewer contractor))~~.

Section 6. Seattle Municipal Code Section 21.16.060, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal.**

A. To register as a registered side sewer contractor~~((RSSE))~~, each applicant must:

1. Pay a registration fee of \$200 to the Director of ~~Seattle Public Utilities((the Department of Planning and Development))~~;

2. Successfully complete a ~~((an oral and))~~ written examination administered by the Director of ~~((the Department of Planning and Development))~~Seattle Public Utilities, or employ an individual who has successfully completed the examination. Each applicant to the ~~((oral and))~~ written exam must pay to the Director of the Department of Planning and Development~~((Seattle Public Utilities))~~ an examination fee of \$100 to take the examination required by this subsection;

3. Provide to the Director of the Department of Planning and Development~~((Seattle Public Utilities))~~ a roster of all certified individuals and authorized agents employed by the ~~((applicant who have passed the examination provided for in subsection A2 of this Section))~~ side sewer contractor registration applicant who are allowed to obtain side sewer permits on behalf of the side sewer contractor registration applicant for work in the public place;

4. Provide evidence to the ~~((Department of Planning and Development))~~Director of Seattle Public Utilities that the applicant possesses a current Washington State Contractor's license;

5. Provide evidence to the ~~((Department of Planning and Development))~~Director of Seattle Public Utilities that the applicant possesses a current City Business license issued pursuant to Section 5.55.030 of the Seattle Municipal Code;

6. File with the Risk Management Division of the Department of Finance and Administrative Services~~((Executive Administration))~~ a certificate of insurance that meets the standards of subsection B of this section, and maintain the insurance as required by subsection B of this section;

7. Post with the City Clerk and maintain in full force and effect a bond as required by subsection C of this section;

8. Agree in writing, to defend, indemnify and ~~((hold))~~save harmless the City from all claims, actions, or damages of every kind and description, including reasonable attorney fees and necessary litigation expenses incurred by the City, that may accrue to or be suffered by any person arising out of any opening in any street, alley, avenue, or other public place made by the registered contractor or those in the registered contractor's employ, in making any connection with any public or private sewer, or for any other purpose or object associated with side sewer construction and related activities, except for such losses that directly result from the sole negligence of the City; and

9. Agree in writing to provide direct onsite supervision in compliance with Section 21.16.055 of all work located in a public place that is to be performed by or on behalf of the registered side sewer contractor, including without limitation all work relating to installation, alteration, extension, connection to or repair of the side sewer.

B. Insurance. Each applicant for side sewer contractor registration shall file with the Risk Management Division of the Department of Finance and Administrative Services~~((Executive Administration))~~ certification of insurance, and each registered side sewer contractor shall maintain in full force and effect insurance from insurers acceptable to the Risk Management Division of the Department of Finance and Administrative Services~~((Executive Administration))~~. The certification shall state that the applicant/contractor carries comprehensive general liability insurance with limits of not less than \$1,000,000~~((+00))~~ for each occurrence combined single limit bodily injury and

property damage. Such policy shall contain an endorsement or policy wording naming the City as an additional insured or, in lieu of naming the City as an additional insured, insuring the obligation described in subsection A8 above to indemnify the City, and providing for not less than 30 days prior written notice to the City of any change, cancellation or expiration of such policy.

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 \$30,000~~((+00))~~ conditioned that the contractor shall replace and restore such street, alley, avenue or other public place as required by ~~((SMC))~~Section 21.16.280. If a claim is made on the bond, the registered side sewer contractor shall immediately post with the City Clerk a new bond with the same terms and conditions.

D. Expiration of Registration. All registrations issued under this chapter automatically expire on January 31 of each year and must be renewed pursuant to the provisions of subsection E of this section.

E. Renewal of Registration. In order to renew a registration, the contractor shall:

1. Submit a completed Registration Renewal Form.

~~((2))~~2. Pay a renewal fee of \$150~~((+00))~~.

~~((2))~~3. Provide proof of compliance with the requirements of subsections 21.16.060A(2) through (9).

~~((3))~~4. Provide a current roster as specified in subsection 21.16.060A(3)~~((the name(s) of the person or persons who have successfully passed the oral and written examination required by Subsection A(2) and who are currently employed by the side sewer contractor applying for renewal))~~.

F. Failure to Renew. A contractor seeking to renew a side sewer contractor registration more than one year after its expiration must provide proof of compliance with all of the initial registration requirements of Subsection A of this section.

Section 7. Seattle Municipal Code Section 21.16.065, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.065 Suspension of registration.**

A. In addition to other penalties provided by law, the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ may suspend the registration of a registered side sewer contractor 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 insurance or bond required by Section 21.16.060;

3. Failure to comply with the provisions of this chapter of the Seattle Municipal Code or any rules and regulations issued by the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ under this chapter;

4. Fraud or misrepresentation in registering as a side sewer contractor; or

5. Nonpayment in excess of 90 days from the date of invoice for work performed by the City for which the side sewer contractor is liable.

B. Upon information and belief that a registered side sewer contractor's registration should be suspended for any of the causes enumerated in subsection A of this section, the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ shall send notice to the contractor in the form of a Director's Order or Notice of Violation pursuant to Section 21.16.320 that the contractor's registration may be suspended in not less than ~~((10))~~ten days from the date of the ~~((notice))~~order. The ~~((notice))~~order shall contain a statement of the basis for the suspension.

C. If the registered side sewer contractor wishes to appeal the suspension, the suspension shall be stayed during the appeal until a final order is entered. Appeals shall follow the procedure required by subsection 21.16.320 D. ~~((Review by Director))~~. ~~((contractor must file with the Hearing Examiner within 10 days of the date of service or mailing of the notice required by subsection B, whichever is earlier, a request for a hearing detailing the reasons why the proposed suspension should not be imposed, with a copy to the Director of the Department of Planning and~~

Development. The registered side sewer contractor shall submit the Hearing Examiner's filing fee with the request as well as a copy of the notice of suspension).

~~((D. If a timely request for a hearing is filed by the contractor, a hearing shall be scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner.))~~

~~((E. When a hearing has been requested regarding a suspension of a registration, the registration shall remain in effect pending the determination made as a result of such hearing; provided, that in cases involving a substantial and immediate threat to the public health, safety or welfare, the registration may be summarily suspended by the Director. Any notice of a summary suspension must state that it is a summary suspension and state the facts surrounding the substantial and immediate threat to the public health, safety or welfare.))~~

~~((F. If a timely appeal is not filed, the notice of the Director of the Department of Planning and Development suspending the registration shall be final.))~~

~~((G. The Director of the Department of Planning and Development's decision 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, which shall be conducted according to the Hearing Examiner's rules for contested cases.))~~

~~((I. The Hearing Examiner shall issue a written decision within 15 days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the decision of the Director of the Department of Planning and Development to suspend the registration. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director of the Department of Planning and Development 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 on the day the decision is issued to the parties of record and to all those requesting notice.))~~

~~((K. 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.))~~

~~((D.))~~ Whenever a registration is suspended, no new applications for registration or renewal of that contract may be made during the period of suspension.

~~((M))~~E. The period of suspension may be for any period up to ~~((1))~~one year, commencing on the date the period of suspension provided for in the Director's notice~~((the Hearing Examiner's decision))~~ or order to suspend actually begins.

~~((N))~~E. After the period of suspension, the registered contractor must apply for and obtain a license renewal pursuant to ~~((S))~~subsection 21.16.060E in order to be reinstated as a registered side sewer contractor.

Section 8. Seattle Municipal Code Section 21.16.068, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.068 Registered contractor roster required.**

Each registered side sewer ~~((sub))~~contractor shall provide to the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ a current roster as described in subsection 21.16.060A(3)~~((of current employees who have passed the examination described in SMC 21.16.060A2))~~. Each registered side sewer contractor shall notify the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ within ~~((10))~~ten days of any changes to ~~((in the employment status of any employees who are or should be on this))~~ roster.

Section 9. Seattle Municipal Code Section 21.16.070, last amended by Ordinance 122036, and repealed from 21.24.010 (Section 49 in this ordinance), is hereby amended to read as follows:

**21.16.070 Permit and fee required for connection and repairs.**

A. ~~((A side sewer permit issued by the Director of Seattle Public Utilities require for any work on a side sewer including, but~~

not limited to, construction, alteration, repair, removal, and capping)It is unlawful to connect any property or premises to a sanitary or combined sewer, or storm drain, as defined in Section 21.16.030, or to construct or to make repairs, alterations, additions to, or to abandon, remove, or cap any side sewer or service drain connecting to the sanitary or combined sewer, or storm drain, without first applying for and securing a permit for such work from the Director of Seattle Public Utilities and without first paying the fee as prescribed in Section 21.16.071. This requirement shall apply to all property, including that of the United States of America, the State of Washington, and any political subdivisions thereof.

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 Seattle Public Utilities((the Department of Planning and Development)), a side sewer permit must be obtained from the Director of Seattle Public Utilities((the Department of Planning and Development)) before any work may be started on a side sewer located within areas served by the City's sewer and drainage infrastructure((the City's sewer service area)), either on private property or within a public place.

D. No work shall be performed on a side sewer other than that work provided for in the permit or any revised permit issued by the Director of Seattle Public Utilities((Department of Planning and Development)). If additional work is necessary, the Director ((of the Department of Planning and Development)) may require a permit revision, an additional permit, and/or additional fees.

Section 10. Seattle Municipal Code Section 21.16.071, repealed from 21.24.021 (Section 50 in this ordinance), is hereby added as follows:

**21.16.071 Permit application and fees.**

Fees for side sewer permits shall be:

**A. Side Sewers.**

**1. Installation, Connection, Relocation, or Alteration -- All Structures**

First connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Each additional connection....\$280

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

**2. Additional Connections to Existing Side Sewers -- All Structures**

Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

**3. Additional Direct Connections to Public Sewer -- All Structures**

Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

**4. Reconnection to Public Sewer -- All Structures**

Each reconnection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

**5. Temporary Services for Side Sewers -- All Structures**

Each temporary service....\$225

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

**B. Repairs to Side Sewers -- All Structures**

Each repair....\$280

Each pump repair (single, duplex, etc.)....\$75

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

**C. Capping Existing Side Sewers -- All Structures**

Each line capped....\$375

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

**D. Service Drains and Ancillary Facilities.**

**1. Installation, Connection, Relocation or Alteration to Storm Drain, Combined Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving Waters -- All Structures.**

Each connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Each additional connection....\$280

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

**2. Additional Connections to Existing Service Drains -- All Structures**

Each additional connection....\$375

Each additional pump installation (single, duplex, etc.)....\$75

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

**3. Additional Direct Connections to Storm Drain, Combined Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters.**

Each additional connection....\$375

Each additional pump installation (single, duplex, etc.)....\$75

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

**4. Reconnection to Storm Drain, Combined Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters.**

Each reconnection....\$375

Each pump reconnection (single, duplex, etc.)....\$75

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

**5. Temporary Services for Service Drains -- All Structures**

Each temporary service....\$225

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

**6. Repairs to Service Drains -- All Structures**

Each repair....\$375

Each pump installation repair (single, duplex, etc.)....\$75

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

**E. Legal Document Fee.**

For each document prepared by the City....\$50

**F. Inspection Fee.**

For the purpose of this section inspection time in excess of the base fee will be charged per hour at \$160 or the current hourly fee as established by the applicable Department of Planning and Development Director's Rule.

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

Section 11. Seattle Municipal Code Section 21.16.077, repealed from 21.24.090 (Section 54 in this ordinance), is hereby added as follows:

**21.16.077 Refund of sewer permit fees.**

A. Applicants may request a refund of fees, less any administrative costs incurred by Seattle Public Utilities or the Department of Planning and Development up to the date of the refund request, at any time prior to any work or inspections occurring. Starting work signifies a use of the rights granted by the permit and thus the loss of a right to request a refund.

B. Notwithstanding the conditions of subsection A of this section, side sewer repair permits are not eligible for refunds.

Section 12. Seattle Municipal Code Section 21.16.080, last amended by

Ordinance 122036, is hereby amended to read as follows:

**21.16.080 Permit--Application-- Authority of the Director of Seattle Public Utilities((the Department of Planning and Development)).**

A. For side sewer work in a public place, a permit shall only be issued to a registered side sewer contractor, unless authorized by the Director of Seattle Public Utilities((an individual who has successfully completed the examination required by Section 21.16.060 of the Seattle Municipal Code and who is a registered side sewer contractor or an employee of a registered side sewer contractor)).

B. For side sewer work in other than a public place, a permit may be issued to the owner or occupant of the property or agent thereof.

C. Application for the permit required by this section((chapter))shall be filed with the Director of Seattle Public Utilities((the Department of Planning and Development)) 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 a))Address of the 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 utilities, including 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 ((provided to the Director of Department of Planning and Development for))recorded((mg)) with the King County Department of Records and Elections;

8. Proof of payment of all permit fees and other charges required by Section 21.16.070((Chapter 21.24 of the Seattle Municipal Code)).

D. The Director of Seattle Public Utilities((the Department of Planning and Development)) 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 Seattle Public Utilities((the Department of Planning and Development)) may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in The State of Washington. ((The Director of the Department of Planning and Development shall keep such records as the Director deems necessary of all side sewer permits and inspection reports.))

E. Notwithstanding any other provisions of this chapter, the Director of Seattle Public Utilities((the Department of Planning and Development)) may refuse, until the condition is corrected, to issue a permit for work in a public place to a registered side sewer contractor for any of the following conditions:

1. Failure to pay within 60 days any bill for work performed by the City ((and))for which the owner or contractor is liable;

2. Failure to maintain the insurance or the bond required by Section 21.16.060((of the Seattle Municipal Code));

3. Failure to comply with a notice posted pursuant to Section 21.16.358((360 of the Seattle Municipal Code));

4. Failure to have a current business license issued under Section 5.55.030 of the Seattle Municipal Code; or

5. Failure to have a current Washington State Contractor's license.

F. Notwithstanding any other provisions of this chapter, the Director of Seattle Public Utilities may refuse, until the condition is corrected, to issue a permit for work in any place other than a public place as provided for in subsection E of this section to an applicant for any of the following conditions:

1. Failure to comply with a notice posted pursuant to Section 21.16.358;

2. Failure to pay within 60 days any bill for work performed by the City for which the owner or contractor is liable.

Section 13. Seattle Municipal Code Section 21.16.090, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.090 Permits--Period of validity--Restrictions--Posting.**

A. Unless authorized by the Director of 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 Seattle Public Utilities.

B. Side sewer permits are not transferable.

C. All side sewer permits shall expire 18 months after issuance unless extended by the Director of Seattle Public Utilities((the Department of Planning and Development)) prior to the date of expiration. Expired permits are not subject to refunds pursuant to Section 21.16.077((21.24.090 of the Seattle Municipal Code)).

D. One ((+))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 Seattle Public Utilities.

Section 14. Seattle Municipal Code Section 21.16.100, last amended by Ordinance 118396, is hereby amended to read as follows:

**21.16.100 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 Seattle Public Utilities.

Section 15. Seattle Municipal Code Section 21.16.130, last amended by Ordinance 114298, is hereby repealed and replaced by Section 21.16.071 (Section 10 of this ordinance):

**21.16.130 Reserved((Permit fees)).**

((Fees for side sewer permits shall be as prescribed by Chapter 21.24 of the Seattle Municipal Code.))

Section 16. Seattle Municipal Code Section 21.16.140, last amended by Ordinance 118396, is hereby amended to read as follows:

**21.16.140 Inspections.**

A. Any person performing work pursuant to the provisions of this chapter shall notify the Director of 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 Seattle Public Utilities shall schedule inspection times. On any call for inspection, ((forty-eight))48((h)) notice plus Saturday, Sunday, and holidays may be required by the Director of Seattle Public Utilities.

C. If the Director of 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))the Director shall notify the person doing the work and/or the owner or occupant of the premises by posting a notice on or near the permit face or near said work((and)). 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 Seattle Public Utilities to determine that the side sewer is of tight construction and does not allow infiltration or exhalation 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 17. Seattle Municipal Code Section 21.16.150, last amended by Ordinance

118396, is hereby amended to read as follows:

#### 21.16.150 Trenches and excavations.

A. Trenches and excavations shall be subject to the requirements established by the Director of 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 Seattle Public Utilities.))~~

B. No ~~((trench shall be filled nor any sewer or drain))~~ new, repaired, or altered side sewer shall be covered until the work ~~has~~ ~~((shall have))~~ been inspected and approved by the Director of Seattle Public Utilities, with said approval ~~((noted on the card))~~ posted ~~((on))~~ at the job site.

C. All trenches or excavations within ~~((four))~~ 4 feet ~~((ft))~~ 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))~~ 4 feet ~~((ft))~~ 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, Title 15 of the Seattle Municipal Code, SDOT Street & Sidewalk Pavement Opening and Restoration Rules, and the City Standard Plans and Specifications as applicable.

Section 18. Seattle Municipal Code Section 21.16.160, last amended by Ordinance 120794, is hereby amended to read as follows:

#### SMC 21.16.160 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 ~~a~~ ~~((the limits of any))~~ public place ~~(area)~~ shall be performed ~~((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 Seattle Public Utilities may cause the same to be backfilled and the public place ~~(area)~~ restored forthwith. Cost incurred by the City ~~((Director of Seattle Public Utilities))~~ in such work plus ~~((fifteen))~~ 15 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))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.

Section 19. Seattle Municipal Code Section 21.16.170, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.16.170 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 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 ~~property~~ or premises where the work is being done, and the Director of 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 ~~((thereof))~~ plus ~~((fifteen))~~ 15 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 Seattle Public Utilities giving written notice of the amount to the owner or contractor ~~((thereof))~~ or posting a notice ~~((thereof))~~ on the ~~property~~ or premises where the work is being done. 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 20. Seattle Municipal Code Section 21.16.180, last amended by Ordinance 120794, is hereby amended to read as follows:

#### 21.16.180 Repair of inoperative or inadequate side sewer or ~~((drain))~~ drainage system.

Where it is determined by the Director of Health or the Director of Seattle Public Utilities that a side sewer ~~((drain, ditch))~~ or drainage system ~~((natural watercourse))~~ is obstructed, broken, inoperative, or inadequate and is a menace to health, or is likely ~~((harmful))~~ to cause damage to public or private property, the ~~((Director of Health and/or the))~~ Director of Seattle Public Utilities may give notice to the owner of the side sewer or drainage system and, if different than the owner of the side sewer or drainage system, to the owner or occupant of the property or premises in or on which such condition exists and may order that the condition be corrected. 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 Seattle Public Utilities may perform such work as may be necessary to comply with this chapter. The cost of such work performed ~~((done))~~ by the City ~~((Director of Seattle Public Utilities))~~, plus ~~((fifteen))~~ 15 percent ~~((15%))~~ for administrative costs, shall be charged to the property owner or occupant and shall become immediately payable to the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services 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 21. Seattle Municipal Code Section 21.16.190, last amended by Ordinance 114298, is hereby amended to read as follows:

#### 21.16.190 Ownership of side sewers.

Side sewers, whether located in a public or private place, shall be owned, installed, operated, and maintained by the owner or occupant of the property or premises served. This includes the pipe system up to, but not including, the tee, wye, or connection to the public main.

Section 22. Seattle Municipal Code Section 21.16.200, last amended by Ordinance 121276, is hereby repealed:

#### 21.16.200 Reserved ~~((Use of existing sewer for new building)).~~

~~((Where a new or converted building or new installation replaces an old one, the use of an existing side sewer will be permitted when approved by the Director of the Department of Planning and Development as conforming to all requirements of this chapter.))~~

Section 23. Seattle Municipal Code Section 21.16.210, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.16.210 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 Seattle Public Utilities to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer via gravity flow.

B. Whenever a situation exists involving danger of backups of sewage or drainage from the public sewer system, the Director of 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 Seattle Public Utilities, or if approved by the Director of 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 21.16.27 ~~((6))~~ 0 ~~((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 24. Seattle Municipal Code Section 21.16.220, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.16.220 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 Seattle Public Utilities and as required by Chapters 22.800 through ~~((and))~~ 22.80 ~~((2))~~ 8 of the Seattle Municipal Code. Such stormwater ~~((drainage))~~ shall not be ~~((connected))~~ conveyed to or enter a sanitary sewer.

Section 25. Seattle Municipal Code Section 21.16.230, last amended by Ordinance 114298, is hereby amended to read as follows:

#### 21.16.230 ~~((Reserved))~~ Connections to new or converted buildings.

~~A. Only one residential-use building shall be connected to a side sewer unless otherwise approved by the Director of Seattle Public Utilities.~~

~~B. Only one commercial, industrial, institutional, or mixed-use property or building shall be connected to a side sewer.~~

Section 26. Seattle Municipal Code Section 21.16.240, last amended by Ordinance 114298, is hereby amended to read as follows:

#### 21.16.240 ~~((Reserved))~~ Use of existing side sewer.

~~A. The Director of Seattle Public Utilities may approve the use of an existing side sewer for a new or converted building or dwelling unit provided the permit application meets all requirements of this chapter and the permit applicant:~~

1. Submits to the Director of Seattle Public Utilities an evaluation prepared and certified by a licensed professional engineer that the existing side sewer from the public sewer main to the new or converted buildings or dwelling units:

a) has passed a pressure test per City standards; and

b) is in a condition and has the capacity to serve the existing and proposed connections.

Other existing side sewer lines connected to the evaluated and certified line are not subject to this evaluation and certification requirement; or

2. Rehabilitates or replaces the existing side sewer from the public sewer main to the new or converted buildings or dwelling units requiring a side sewer connection. The permit applicant shall submit to the Director of Seattle Public Utilities a plan for such rehabilitation or replacement. A licensed professional engineer shall certify to the Director of Seattle Public Utilities that:

a) The existing side sewer pipe has passed a pressure test or has been rehabilitated so that pipe joints are water-tight;

b) The side sewer rehabilitation complies with accepted industry practices; and

c) The rehabilitated side sewer is in a condition and has the capacity to serve the existing and proposed connections.

Other existing side sewer lines connected to the rehabilitated or replaced line are not subject to rehabilitation or replacement or certification.

B. If the number of buildings or dwelling units using an existing side sewer does not increase, in lieu of meeting the requirements of Section 21.16.240A, the permit applicant may instead elect to comply with the requirements of Section 21.16.250B.

C. If the number of buildings or dwelling units using an existing side sewer increases, the permit applicant shall:

1. At least 30 days prior to the permit application date, the permit applicant shall notify all other owners of properties served by the existing side sewer that a side sewer permit to connect to the existing side sewer is being sought. Notification shall be by certified mail, return receipt requested, on a form approved by the Director of Seattle Public Utilities, to the street address of all properties served by the existing side sewer and mailing address of taxpayers of the same properties as recorded with the office of the King County Department of Records and Elections; and

2. Attest on a form approved by the Director of Seattle Public Utilities that notice was mailed. The permit applicant shall submit the signed attest form with a copy of

the notice to the Director of Seattle Public Utilities before a permit is issued.

Section 27. Seattle Municipal Code Section 21.16.250, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.16.250 Easements and agreements.

A. Before a new side sewer may be located on property ~~((a building site))~~ other than the property ~~((site))~~ being served by the new side sewer, and before the Director of Seattle Public Utilities shall issue a side sewer permit, the owner of the new 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 with ~~((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 Seattle Public Utilities))~~ permit applicant shall provide a copy of the recorded easement to the Director of Seattle Public Utilities before a permit is issued.

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 Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the affected properties.))~~ Notwithstanding the requirements in Section 21.16.230, before the Director of Seattle Public Utilities may issue a side sewer permit authorizing a connection to an existing or new side sewer used by another building or dwelling unit, an instrument which identifies all properties served by the shared side sewer and that saves harmless and indemnifies the City from any damage or injury resulting from the installation, operation, and maintenance of the shared side sewer must be executed by the property owners of the new or converted buildings or dwelling units. The Director of Seattle Public Utilities shall approve the form of the instrument. The instrument shall be recorded with the King County Department of Records and Elections against all properties identified on the permit application. The permit applicant shall provide a copy of the recorded instrument to the Director of Seattle Public Utilities before a permit is issued.

C. Before the Director of Seattle Public Utilities may issue a side sewer permit authorizing a side sewer line to serve more than one new building or dwelling unit, a joint use and maintenance agreement shall be executed by owners of all properties that will be subject to the approved side sewer permit. The instrument shall be recorded with the King County Department of Records and Elections against all properties identified in the permit application. The permit applicant shall provide a copy of the recorded instrument to the Director of Seattle Public Utilities before a permit is issued.

D. No property owner may construct a new or modify an existing structure over a public sewer or storm drain.

E. Notwithstanding the prohibition in subsection D of this section, the Director of Seattle Public Utilities may grant a variance to permit construction over a public sewer or storm drain, provided that the property owner:

1. Demonstrates to the satisfaction of the Director that there is no other feasible alternative;

2. Enters into a build-over agreement with the Director that must include those terms and conditions the Director determines are reasonably necessary or advisable to protect and maintain the sewer and storm drains and to preserve public health and safety;

3. Provides the City with an easement to allow Seattle Public Utilities to perform necessary maintenance and repair of the sewer and storm drains and to preserve the public's health and safety; and

4. Properly files and records the build-over agreement and easement with the King County Department of Records and Elections.

Section 28. Seattle Municipal Code Section 21.16.260, relocated in this Chapter

under Section 30 of this ordinance, is hereby repealed:

~~(21.16.260 Installation when compliance is impractical-Conditional permit.~~

~~If, in the opinion of the Director of the Department of Planning and Development, after consulting with the Director of Seattle Public Utilities, physical conditions make compliance with the provisions of this chapter impracticable, the Director of 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 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 Seattle Public Utilities. This section is not intended to be used to allow storm drainage connections to a sanitary sewer.)~~

Section 29. Seattle Municipal Code Section 21.16.270, last amended by Ordinance 119688, is hereby amended to read as follows:

**21.16.260(270) 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 this chapter, the City's (Standard Plans and Specifications (of the City)), (and) Chapters 22,800 (and) through 22,800(2) of the Seattle Municipal Code, all associated rules issued by the Director, and as designated by the Director of Seattle Public Utilities. If any requirements or standards conflict, or if special circumstances exist, the Director of Seattle Public Utilities will determine which requirements or standards will be applicable.

B. Unless authorized by the Director of 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 place (area, or if the building, habitable structure, plumbing outlet or source of polluted water is more than two hundred (200) feet from the public sewer. In the case of certain housing development or redevelopment projects for households with aggregate annual incomes no higher than fifty (50) percent of median income, the Director shall, prior to December 31, 2003, in accordance with SMC Section 21.04.280, fund a portion of the costs of construction of a main sewer line extension).

C. Unless authorized by the Director of Seattle Public Utilities, no more than one ((#)) building shall be connected to a side sewer. If more than one building is allowed to connect to one side sewer in addition to requirements in Section 21.16.250, (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 Seattle Public Utilities) the pipe downstream of (below) the point of shared (dual) connection shall be not less than (six (6)) 6 inches in diameter.

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

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

F. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall have not less than (sixty (60)) (3) inches of cover at the curbline or in a public alley, ((thirty (30)) (3) inches of cover at the property line, and ((eighteen (18)) (3) inches of cover on private property.

G. Unless authorized by the Director of Seattle Public Utilities, a (A) side sewers serving one ((#)) dwelling unit shall have minimum pipe size of ((four (4)) (4) inches in

private property and ((six (6)) (6) inches in the public (areas) place.

H. Ductile or cast iron pipe shall be used for all side sewers crossing over water mains for a distance of at least ((five (5)) (5) feet measured perpendicular from the center of the water main. Side sewer lines must be laid at least ((six (6)) (6) inches below and ((one (1)) (1) foot 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 30. Seattle Municipal Code Section 21.16.270, repealed and relocated in this Chapter from Section 28 of this ordinance, is hereby added as follows:

**21.16.270 Installation when compliance is impractical-Conditional permit.**

If, in the opinion of the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development, after consulting with the Director of Seattle Public Utilities, physical conditions make compliance with the provisions of this chapter impracticable, the Director of 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 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 in a form approved by the Director. This section is not intended to be used to allow drainage connections to a sanitary sewer.

Section 31. Seattle Municipal Code Section 21.16.275 is hereby added as follows:

**21.16.275 Side sewer construction as-built (record drawings).**

As-built (or record) drawings are required for all side sewer work that requires a side sewer permit. As-built drawings shall be prepared by the permit holder using the standards and requirements as established by the Director of Seattle Public Utilities. Drawings that do not meet these requirements, as determined by the Director, shall be returned to the permit holder for revision and resubmittal as part of the side sewer permit work requirements.

Section 32. Seattle Municipal Code Section 21.16.280, last amended by Ordinance 122036, is hereby amended to read as follows:

**21.16.280 Restoration of streets and other public areas.**

Streets, sidewalks, planting strips, and other public areas, except as mentioned in Section 21.16.260(270), disturbed or altered in the course of any side sewer or drainage work, shall be restored to the standards and in the manner required by the Seattle Department of Transportation.

Section 33. Seattle Municipal Code Section 21.16.300, last amended by Ordinance 119192, is hereby amended to read as follows:

**21.16.300 Prohibited discharge of certain substances.**

A. Unless approved in writing by the Director of Seattle Public Utilities, it shall be a violation of this chapter for any person to discharge, (or to) cause to be discharged, or allow to be discharged any of the following substances in the public sewer system or any storm drain (-ditch) or natural outlet:

1. Liquid or vapor having temperature higher than ((one hundred fifty (150)) (1) degrees Fahrenheit;

2. Wastewater which contains more than ((one hundred (100)) (1) parts per million by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;

3. 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;

4. Food Waste ((Garbage that has not been properly shredded));

5. Ashes, cinders, sand, cat litter, mud, straw, hair, shavings, metal, glass, utensils, 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;

6. Wastewater having a pH lower than ((five and five-tenths (5.5)) (5) or higher than 12, or having the capacity to cause damage to structures or equipment, or which is hazardous to personnel of the public sewer system;

7. Wastewater containing a hazardous, toxic, or poisonous substance including but not limited to 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;

8. 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; or

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

B. Every owner, occupant, or operator of any property or premises served by a side sewer shall be in violation of this chapter if there exists in such side sewer a visually evident accumulation of fat, oil, or grease of animal, vegetable, or mineral petroleum origin (originating from the owner's or operator's property) and which either alone or in combination with other wastes is reasonably likely to be capable of obstructing flow or interfering with the operations or performance of any part of the sewer system.

Section 34. Seattle Municipal Code Section 21.16.310, last amended by Ordinance 119192, is hereby amended to read as follows:

**21.16.310 Pretreatment facilities.**

A. Grease, oil, sand, and 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 sufficient to meet the requirements of this chapter 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 Seattle Public Utilities has the option to determine whether such equipment shall be allowed or required to be installed, and whether the effluent produced is satisfactory, and has the option to issue an order regarding the installation and/or maintenance of any such facility)) Pretreatment facilities, including but not limited to all grease interceptors, shall be maintained by the owner, occupant, or operator at his or her expense in continuously efficient operation at all times. The Director of Seattle Public Utilities has the option to determine whether such facility, equipment, or device shall be allowed or required to be installed, and whether the effluent produced is satisfactory, and has the option to issue an order upon any owner, occupant, or operator regarding the installation and/or maintenance of any such facility, equipment, or device.

C. For purposes of this subsection, a grease interceptor is not in continuously efficient operation and is in violation of this chapter if the total volume of grease, solids, or food waste at any time displaces more than twenty-five percent of the effective volume of any chamber of the grease interceptor. However, if a manufacturer's written specification provides that a grease interceptor may be operated at continuous efficiency at a standard other than twenty-five percent of total volume of grease, solids or food waste in any chamber of the grease interceptor, then a grease interceptor shall be in violation of this chapter only if the standards for efficient operation specified by the manufacturer are exceeded.

D. Removal of grease, solids, or food waste from a grease interceptor shall be done through manual or mechanical means only. At no time shall an emulsifying agent, enzyme, bio-additive, or similar chemical be introduced into a grease interceptor or any chamber of a grease interceptor.

((E)) E. The Director of Seattle Public Utilities has the option to issue an order that plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities be submitted for approval of the Director of Seattle Public Utilities; and has the option to issue an order that construction of such facilities shall not begin until such approval is noted on the plan.

((D)) D. In determining appropriate action under subsections B through E ((or C)) of this ((S)) section ((21.16.310)) with respect to a location, the Director of Seattle Public Utilities will consider the existing or planned uses which discharge or will discharge to the public sewer system, any current pretreatment capacity, and, if applicable, the history of noncompliance, sewer blockage or backup, and attempts to comply.

((E)) E. The Director of Seattle Public Utilities shall serve an order pursuant to this Section 21.16.310 on the owner and/or other person responsible for the condition. The order shall identify the condition to be corrected and the Director's requirements for corrective action and shall specify a time for compliance. The time for compliance shall be determined by the Director who shall consider: the type of violations or conditions found; the past history of attempts to comply; the complexities of compliance; and other relevant factors known to the Director. The order shall be served upon the person responsible for the condition by personal service, or certified mail with return receipt requested, at the person's last known address. Service by certified mail shall be effective on the date of mailing. If the whereabouts of the person responsible is unknown and cannot be ascertained in the exercise of reasonable diligence, and the 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. If the order is directed to a person responsible for the condition other than the owner, a copy shall be sent via first class mail to the owner. If no request for informal review is made pursuant to Section 21.16.310, the order shall immediately become final.)

((F)) F. Any failure to comply with a final order of the Director shall be a violation of this Code.)

((G)) G. Any party affected by an order of the Director of Seattle Public Utilities pursuant to this Section 21.16.310 may obtain an informal review of the order by requesting such review in writing to the Director within ten (10) days after service of the order. When the last day of the period is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. The director shall notify the person requesting review, all persons served with the order, and all other persons who have requested notice of review, of the date, time and place of the informal review. The review will consist of an informal review meeting held at Seattle Public Utilities. A representative of the Director who is familiar with the case and the applicable ordinances will attend. The Director's representative shall explain the reasons for the issuance of the notice of violation and will consider any information presented by the persons attending. At or within a reasonable time after the review, the Director shall issue a decision in writing that sustains or withdraws the order, amends the order, or continues the review to a future date to allow further consideration. The decision shall be served in the manner provided in this Section 21.16.310 for service of an order. Upon service of a decision sustaining an order, the order shall immediately become final. Upon service of a decision amending an order, the order shall immediately become final as amended by the decision.)

Section 35. Seattle Municipal Code Section 21.16.330, last amended by Ordinance 118396, is hereby amended to read as follows:

**21.16.330 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 the most recent edition of "Standard Methods for the Examination of Water and (Sewage) Wastewater" (edited by Lenore S. Clesceri et alia, published by American Waterworks Association et alia) ((filed in the City Clerk's office under Clerk's File No. 2609956)). Other standards, such as Washington State Department of Ecology's Analytical Methods for Petroleum Hydrocarbons and other USEPA test methods may also apply, depending on analyses and appropriate parameters, as determined by

the Director of Seattle Public Utilities. In or on any property served by a side sewer carrying industrial wastes, the owner, (or) occupant, or operator shall install a manhole in the side sewer to facilitate observation, sampling, and measurement of the wastes, when required by the Director of 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 Seattle Public Utilities. Such manhole shall be installed on the owner's property and shall be installed and maintained by the owner, (or) occupant, or operator at his or her expense.

Section 36. Seattle Municipal Code Section 21.16.352 is hereby added as follows:

#### **21.16.352 Violations.**

##### **A. Civil Violations.**

1. The following are civil violations of this chapter, subject to a maximum civil penalty of up to \$5,000 per day for each violation:

a. **General.** It is a violation to not comply with any requirement of, or to act in a manner prohibited by, this chapter, or a permit, approval, rule, manual, order, or Notice of Violation issued pursuant to this chapter:

b. **Aiding and Abetting.** It is a violation to aid, abet, counsel, encourage, commend, incite, induce, hire, or otherwise procure another person to violate this chapter:

c. **Dangerous Condition.** It is a violation to allow to exist, or cause or contribute to, a condition of a side sewer that is likely to endanger the public health, safety or welfare, the environment, or public or private property:

d. **Interference.** It is a violation for any person to interfere with or impede the correction of any violation, or compliance with any Notice of Violation, emergency order, stop work order, or the abatement of any nuisance:

e. **Altering a Posted Order.** It is violation for any person to remove, obscure, or mutilate any posted order of the Director, including a stop work or emergency order; and

f. **Continuing Work.** It is a violation for any work to be done after service or posting of a stop work order, except work necessary to perform the required corrective action, until authorization is given by the Director.

##### **B. Criminal Violations.**

1. The following are criminal violations, punishable upon conviction by a fine of not more than \$5,000 per day of each violation or imprisonment for each violation for not more than 360 days, or both such fine and imprisonment:

a. **Failing to comply with a Notice of Violation or Director's order issued pursuant to this chapter;**

b. **Failing to comply with a court order;**

c. **Tampering with or vandalizing any part of a public sewer system, private side sewer, or notice posted pursuant to this chapter; and**

d. **Anyone violating this chapter who has had a judgment, final Director's order, or Director's review decision against them for a prior violation of this chapter in the preceding five years.**

Section 37. Seattle Municipal Code Section 21.16.354 is hereby added as follows:

#### **21.16.354 Liability and defenses of responsible parties.**

A. **Who Must Comply.** It is the specific intent of this chapter to place the obligation of complying with its requirements upon the responsible parties, as defined in Section 21.16.030. The City and its agencies are intended to have the same obligation for compliance when the City is a responsible party. No provision of this chapter is intended to impose any other duty upon the City or any of its officers or employees.

1. **Joint and Several Liability.** Each responsible party is jointly and severally liable for a violation of this chapter. The Director may take enforcement action, in whole or in part, against any responsible party. All applicable civil penalties may be imposed against each responsible party.

2. **Allocation of Damages.** In the event enforcement action is taken against more than one responsible party, recoverable damages, costs, and expenses may be allocated among the responsible parties by the court based upon the extent to which each respon-

sible party's acts or omissions caused the violation. If this factor cannot be determined the court may consider:

a. **Awareness of the violation;**

b. **Ability to correct the violation;**

c. **Ability to pay the damages, costs, and expenses;**

d. **Cooperation with government agencies;**

e. **Degree to which any impact or threatened impact on water or sediment quality, human health, the environment, or public or private property is related to acts or omissions by each responsible party;**

f. **Degree to which the responsible parties made good-faith efforts to avoid a violation or to mitigate its consequences; and**

g. **Other equitable factors.**

B. **Defenses.** A responsible party shall not be liable for civil violations under this chapter when the responsible party proves, by a preponderance of the evidence, one of the following:

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; or**

4. **The responsible party implemented and maintained all appropriate side sewer structures, equipment, treatment facilities, and pretreatment facilities identified in rules promulgated by the Director or as otherwise identified and required of the responsible party by the Director in writing.**

Section 38. Seattle Municipal Code Section 21.16.356 is hereby added as follows:

#### **21.16.356 Right of entry for enforcement.**

With the consent of the owner or occupant of a building, premises, or property, or pursuant to a lawfully issued warrant, the Director may enter a building, premises, or property at any reasonable time to perform the duties imposed by this chapter.

Section 39. Seattle Municipal Code Section 21.16.358 is hereby added as follows:

#### **21.16.358 Enforcement actions.**

A. **Investigation.** The Director of Seattle Public Utilities may investigate any site where there is reason to believe that there may be a failure to comply with the requirements of this chapter.

##### **B. Notice of Violation.**

1. **Issuance.** The Director of Seattle Public Utilities is authorized to issue a Notice of Violation to a responsible party, whenever the Director determines that a violation of this chapter has occurred or is occurring. 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, add citations of authority, or modify required corrective action.**

3. **Service.** The Director of Seattle Public Utilities shall serve the Notice of Violation upon a responsible party either by personal service, by first class mail, or by certified mail return receipt requested, to the party's last known address. If the address of the responsible party cannot be found after a reasonable search, the notice may be served

by posting a copy of the notice at a conspicuous place on the property. Alternatively, if the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two consecutive weeks in the City official newspaper.

4. **Nothing in this chapter shall be deemed to obligate or require the Director to issue a Notice of Violation or order prior to the initiation of enforcement action by the City Attorney's Office pursuant to Subsection 21.16.358E.**

##### **C. Stop Work and Emergency Orders.**

1. **Stop Work Order.** The Director of Seattle Public Utilities may order work on a site stopped when the Director determines it is necessary to do so in order to obtain compliance with or to correct a violation of any provision of this chapter or rules promulgated hereunder or to correct a violation of a permit or approval granted under this chapter.

a. **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 the Director.**

b. **The stop work order shall be personally served on the responsible party or posted conspicuously on the premises.**

##### **2. Emergency Order.**

a. **The Director of Seattle Public Utilities may order a responsible party to take emergency corrective action and set a schedule for compliance and or may require immediate compliance with an emergency order to correct when the Director determines that it is necessary to do so in order to obtain immediate compliance with or to correct a violation of any provision of this chapter, or to correct a violation of a permit or approval granted under this chapter.**

b. **An emergency order shall be personally served on the responsible party or posted conspicuously on the premises.**

c. **The Director of Seattle Public Utilities is authorized to enter any property to investigate and correct a condition associated with a side sewer when it reasonably appears that the condition creates a substantial and present or imminent danger to the public health, safety or welfare, the environment, or public or private property. The Director 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. The cost of such emergency corrective action shall be collected as set forth in Section 21.16.364.**

3. **Director's Review of Stop Work Order and Emergency Order.** A stop work order or emergency order shall be final and not subject to a Director's review.

##### **D. Review by Director.**

1. **A Notice of Violation, Director's order, or invoice issued pursuant to this chapter shall be final and not subject to further appeal unless an aggrieved party requests in writing a review by the Director within ten days after service of the Notice of Violation, order, or invoice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5:00 p.m. on the next business day.**

2. **Following receipt of a request for review, the Director shall notify the requesting party, any persons served the Notice of Violation, order or invoice, and any person who has requested notice of the review, that the request for review has been received by the Director. Additional information for consideration as part of the review shall be submitted to the Director no later than 15 days after the written request for a review is mailed.**

3. **The Director will review the basis for issuance of the Notice of Violation, order, or invoice and all information received by the deadline for submission of additional information for consideration as part of the review. The Director may request clarification of information received and a site visit. After the review is completed, the Director may:**

a. **Sustain the Notice of Violation, order, or invoice;**

b. **Withdraw the Notice of Violation, order, or invoice;**

c. **Continue the review to a date certain for receipt of additional information; or**

d. **Modify or amend the Notice of Violation, order, or invoice.**

4. **The Director's decision shall become final and is not subject to further administrative appeal.**

E. **Referral to City Attorney for Enforcement.** If a responsible party fails to correct a violation or pay a penalty as required by a Notice of Violation, or fails to comply with a Director's order, the Director shall refer the matter to the City Attorney's Office for civil or criminal enforcement action. Civil actions to enforce a violation of this chapter shall be brought exclusively in Municipal Court.

F. **Appeal to Superior Court.** Because civil actions to enforce this chapter are brought exclusively in Municipal Court, notices of violation, orders, and all other actions made under this chapter are not subject to judicial review under chapter 36.70C RCW. Instead, final decisions of the Municipal Court on enforcement actions authorized by this chapter may be appealed under the Rules for Appeals of Decisions of Courts of Limited Jurisdiction.

G. **Filing of Notice or Order.** A Notice of Violation, voluntary compliance agreement, or an order issued by the Director or court may be filed with the King County Department of Records and Elections.

H. **Change of Ownership.** When a Notice of Violation, voluntary compliance agreement or an order issued by the Director or court 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 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 40. Seattle Municipal Code Section 21.16.360, last amended by Ordinance 118396, is hereby amended to read as follows:

#### **21.16.360 ((Authority to post notices)) Voluntary compliance agreement.**

((The Director of Health or the Director of 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.))

A. **Initiation.** Either a responsible party or the Director may initiate negotiations for a voluntary compliance agreement at any time. Neither has any obligation to enter into a voluntary compliance agreement.

B. **Contents.** A voluntary compliance agreement shall identify actions to be taken by the responsible party that will correct past or existing violations of this chapter. The agreement may also identify actions to mitigate the impacts of violations. The agreement shall contain a schedule for completion of the corrective actions and any mitigating actions. The agreement shall contain a provision allowing the Director to inspect the premises to determine compliance with the agreement. The agreement 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 21.16.364.

##### **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. By entering into a voluntary compliance agreement, a responsible party waives the right to a Director's Review of the Notice of Violation or order.**

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, or as otherwise provided for in a Notice of Violation or Director's order.

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

Section 41. Seattle Municipal Code Section 21.16.362 is hereby added as follows:

#### **21.16.362 Penalties and damages.**

A. Assessment of Penalties by the Director. The Director, after considering all available information, may assess a penalty for each violation of this chapter based upon the Schedule of Civil Penalties.

B. Schedule of Civil Penalties. The Director shall determine penalties as follows:

##### **1. Basic Penalty.**

a. Maximum Penalty. A violation of this chapter is subject to a maximum civil penalty of up to \$5,000. Each day or portion thereof during which a violation of this chapter exists is a separate violation of this chapter.

b. Commencement Date. The penalty shall commence on the date of the violation, unless otherwise provided for in a Notice of Violation or Director's order.

c. Assessment Matrix. The penalty shall be assessed using a matrix of criteria and scored as defined in rules promulgated by the Director. The total score will equate with a penalty up to a maximum of \$5,000 for each violation. The penalty shall be rated for severity by using the criteria listed below and by answering "No," "Possibly," "Probably," or "Definitely":

- i. Does the violation pose a public health risk;
- ii. Does the violation cause environmental damage or adversely impact infrastructure;
- iii. Was the responsible party willful or knowing of the violation;
- iv. Was the responsible party unresponsive in correcting the violation;
- v. Was there improper operation or maintenance;
- vi. Was there a failure to obtain necessary permits or approval;
- vii. Does the violation provide economic benefit for non-compliance; and
- viii. Was the violation a repeat violation.

C. Penalty for Significant Violation. For violations causing significant harm to public health, safety, welfare, the environment, or private or public property, the Director may, as an alternative to the Basic Penalty, refer the matter to the City Attorney's Office for enforcement and request the City Attorney seek a penalty equivalent to the economic benefit the responsible party derived from the violation. "Significant harm" is damage or injury which cannot be fully corrected or mitigated by the responsible party, and which cannot be adequately compensated for by assessment of the Basic Penalty and costs, expenses, or damages under this chapter. Economic benefit may be determined by savings in costs realized by the responsible party, value received by the responsible party, increased income to the responsible party, increase in market value of property, or any other method reasonable under the circumstances.

D. Damages. Whoever violates any of the provisions of this chapter shall, in addition to any penalties provided for such violation, be liable for any: investigation cost, cost to correct, or other cost; expense; loss; or damage incurred by the City, plus a charge of 15 percent for administrative costs. This chapter does not establish a cause of action that may be asserted by any party other than the City. Penalties, damages, costs and expenses may be recovered only by the City.

E. Effect of Payment of Penalties. The responsible party named in a Notice of Violation or order is not relieved of the duty to correct the violation by paying civil penalties.

Section 42. Seattle Municipal Code Section 21.16.364 is hereby added as follows:

#### **21.16.364 Collection of costs and penalties.**

A. Invoice and Demand for Payment of Investigation and Correction Costs. The Director may issue an invoice and demand for payment of the City's costs and expenses when the Director has investigated or corrected a violation of this chapter. The invoice shall include:

1. The amount of the City's investigation and correction costs, which include, but are not limited to:

a. Billed cost including labor, administration, overhead, overtime, profit, taxes, and other related costs for a hired contractor to investigate and/or perform the abatement work;

b. Labor, administration, overhead, overtime, and other related costs for the City staff and crews to investigate and/or perform the abatement work;

c. Administrative costs to set up contracts and coordinate work;

d. Time spent communicating with the responsible party, any other enforcing agencies, and the affected community;

e. Inspections for compliance with the Code, documentation of costs, and invoicing the responsible party;

f. Cost of equipment, materials, and supplies, including all related expenses for purchasing, renting, and leasing;

g. Laboratory costs and analytical expenses;

h. Cost of mobilization, disposal of materials, and cleanup; and

i. Any associated permit fees;

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. Notice that the responsible party may request a Director's review pursuant to Subsection 21.16.358D;

4. Notice that if the amount due is not paid within 30 days, the unpaid amount may be collected in any of the manners identified in subsection C of this section; and

5. Notice that interest shall accrue on the unpaid balance if not paid within 30 days after the invoice date.

B. Invoice and Demand for Payment of Civil Penalties. The Director may issue an invoice and demand for payment of civil penalties when the responsible party has failed to pay a penalty by the deadline in a Notice of Violation or order and has failed to request a Director's review within the required time periods established in Subsection 21.16.358D. The invoice shall include:

1. The amount of the penalty;

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. Notice that if the amount due is not paid within 30 days, the unpaid amount may be collected in any of the manners identified in subsection C of this section; and

4. Notice that interest shall accrue on the unpaid balance if not paid within 30 days after the invoice date.

C. Collection Following a Judicial Review. If a court has issued an order or judgment imposing penalties, costs, damages, or expenses for a violation of this chapter, and the court's order or judgment is not appealed within 30 days, the Director may:

1. Refer the matter to the City Attorney to initiate appropriate enforcement action; or

2. After consultation with the City Attorney, refer the matter to a collection agency; or

3. Add a surcharge in the amount owed under the order to the 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 Section 21.33.110 of the Seattle Municipal Code.

Section 43. Seattle Municipal Code Section 21.16.366 is hereby added as follows:

#### **21.16.366 Public nuisance.**

A. Dysfunctional Facility or Practice; Abatement Required. Any private side sewer not installed or maintained as required by this chapter, or otherwise found to be in a state of dysfunction creating a threat to the public health, safety or welfare, the environment, or public or private property is a public nuisance and is a violation of this chapter. A responsible party shall immediately abate a public nuisance upon becoming aware of its existence.

B. Abatement by the City. The Director is authorized, but not required, to investigate a condition that the Director suspects of being a public nuisance under this chapter, 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 may summarily and without prior notice abate the condition. The Director shall give notice of the abatement to the responsible party as soon as reasonably possible after the abatement.

C. Collection of Abatement Costs. The costs of abatement may be collected from the responsible party, including, a reasonable charge for attorney time, and a 15 percent surcharge for administrative expenses as set forth in Subsection 21.16.362D. 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, investigations and corrections of violations performed by the City. When the account is insufficient the Director may use other available funds.

Section 44. Seattle Municipal Code Section 21.16.368 is hereby added as follows:

#### **21.16.368 Additional relief.**

In addition to any remedy provided in this chapter, the Director may seek any other legal or equitable remedy to enjoin any acts or practices or abate any condition that constitutes or will constitute a violation of this chapter or a public nuisance.

Section 45. Seattle Municipal Code Section 21.16.370, last amended by Ordinance 118396, is hereby amended to read as follows:

#### **21.16.370 ((Unlawful destruction of notices))Suspension or revocation.**

((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 Seattle Public Utilities pursuant to the provisions of this chapter))

Approvals or permits granted on the basis of inaccurate or misleading information 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 may require the applicant to take corrective action to bring the project into compliance with this chapter by a deadline set by the Director, or may take other enforcement action.

Section 46. Seattle Municipal Code Section 21.16.372 is hereby added as follows:

#### **21.16.372 Financial assurance and covenants.**

As a condition precedent to issuance of any permit or approval provided for in this chapter, the Director may require an applicant for a permit or approval to submit financial assurances as provided in this section.

##### **A. Insurance.**

1. The Director may require the property owners or contractor to carry liability and property damage insurance naming the City as an additional insured. The amount, as determined by the Director, shall be commensurate with the risks.

2. The Director may also require the property owners to maintain a policy of general public liability insurance against personal injury, death, property damage and/or loss from activities conducted pursuant to the permit or approval, or conditions caused by such activities, and naming the City as an additional insured. The amount, as determined by the Director, shall be commensurate with the risks. It shall cover a period of not more than ten years from the date of issuance of a certificate of occupancy or finalization of the permit or approval. A certificate evidencing such insurance shall be filed

with the Director before issuing a certificate of occupancy or finalizing a permit for any single family dwelling or duplex.

3. The insurance policy shall provide that the City will be notified of cancellation of the policy at least 30 days prior to cancellation. The notice shall be sent to the Director who required the insurance and shall state the insured's name and the property address. If a property owner's insurance is canceled and not replaced, the permit or approval and any interrelated permit or approval may be revoked, including a certificate of occupancy or approval for occupancy.

##### **B. Bonds, Cash Deposits or Instruments of Credit.**

###### **1. Surety Bond.**

a. The Director may require that the property owners or contractor deliver to the Director for filing in the Office of the City Clerk a surety bond, cash deposit or an instrument of credit in such form and amounts deemed by the Director to be necessary to ensure that requirements of the permit or approval are met. A surety bond may be furnished only by a surety company licensed to do business in the State of Washington. The bond shall be conditioned that the work will be completed in accordance with the conditions of the permit or approval, or if the work is not completed, that the site will be left in a safe condition. The bond shall also be conditioned that the site and nearby, adjacent or surrounding areas will be restored if damaged or made unsafe by activities conducted pursuant to the permit or approval.

b. The bond will be exonerated one year after a determination by the Director that the requirements of the permit or approval have been met. For work under a building permit or side sewer permit, issuance of a certificate of occupancy or approval for occupancy following a final inspection shall be considered to be such a determination. For work under a separate side sewer permit, the Director's approval after completion of the final side sewer inspection and submission of all required documents shall be such a determination.

2. Assurance in Lieu of Surety Bond. In lieu of a surety bond, the owner may elect to file a cash deposit or instrument of credit with the Director in an amount equal to that which would be required in the surety bond and in a form approved by the Director. The cash deposit or instrument of credit shall comply with the same conditions as required for surety bonds.

###### **C. Covenants.**

1. The Director may require a covenant between the property owners and the City. The covenant shall be signed by the owners of the site and notarized prior to issuing any permit or approval in a potential landslide area, potentially hazardous location, flood prone zone, or other area of potentially hazardous soils or drainage or erosion conditions. The covenant shall not be required where the permit or approval is for work done by the City. The covenant shall include:

a. A legal description of the property;

b. A description of the property condition making this subsection applicable;

c. A statement that the owners of the property understand and accept the responsibility for the risks associated with development on the property given the described condition, and agree to inform future purchasers and other successors and assignees of the risks;

d. The application date, type, and number of the permit or approval for which the covenant is required; and

e. A statement waiving the right of the owners, and the owners' heirs, successors, and assigns, to assert any claim against the City by reason of or arising out of issuance of the permit or approval by the City for the development on the property, except only for such losses that may directly result from the sole negligence of the City.

2. The covenant shall be filed by the Director with the King County Department of Records and Elections, at the expense of the owners, so as to become part of the King County real property records.

Section 47. Seattle Municipal Code Section 21.16.380 is hereby repealed:

#### **21.16.380 ((Violation--Penalty)) Reserved.**

((A. Violation.

(1) A failure to comply with any provision of this chapter or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter is a violation of this chapter.

(2) Each day of violation or failure to comply constitutes a separate violation.

#### B. Civil Penalty.

(1) In addition to any other sanction or remedial procedure that may be available, any person who violates or fails to comply with any provision of this chapter, or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter shall be subject to a civil penalty in the amount of \$500 per day for each day of each violation.

(2) The Director of Health, of Seattle Public Utilities or of the Department of Planning and Development shall notify the City Attorney in writing of the name of any person subject to a civil penalty for violations of this chapter. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed.

C. Alternative Criminal Penalty. Any person who violates or fails to comply with any provision of this chapter or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be provided. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil penalty provided in Section 12.16.380 B.)

Section 48. Seattle Municipal Code Section 21.24.005, is hereby added as follows:

#### 21.24.005 Chapter Title

This chapter 21.24 shall be known as the "Fees and Connection Charges" and may be cited as such.

Section 49. Seattle Municipal Code Section 21.24.010, last amended by Ordinance 118396, is hereby repealed and relocated to 21.16.070 under Section 9 of this ordinance.

#### 21.24.010 Reserved (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 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 50. Seattle Municipal Code Section 21.24.021 is hereby repealed and relocated to 21.16.071 under Section 10 of this ordinance.

#### 21.24.021 Reserved ((Permit application and fee.))

((The permit application for a side sewer or service drain connection, repair, alteration or addition shall be made by the owner of such property or premises, or by a registered side sewer contractor, tenant, lessee, agent or contractor representing the owner, and the Director of 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. Side Sewers:

1. Installation, Connection, Relocation, or Alteration-- All Structures

First connection -- \$375

Each pump installation (single, duplex, etc.) -- \$75

Each additional connection -- \$280

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

2. Additional Connections to Existing Side Sewers-- All Structures

Each additional connection -- \$375

Each pump installation (single, duplex, etc.) -- \$75

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

3. Additional Direct Connections to Main Sewer -- All Structures

Each additional connection -- \$375

Each pump installation (single, duplex, etc.) -- \$75

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

4. Reconnection to Main Sewer -- All Structures

Each reconnection -- \$375

Each pump installation (single, duplex, etc.) -- \$75

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

5. Temporary Services for Side Sewers -- All Structures

Each temporary service -- \$225

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

B. Repairs to Side Sewers -- All Structures

Each repair -- \$280

Each pump repair (single, duplex, etc.) -- \$75

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

C. Capping Existing Side Sewers -- All Structures

Each line capped -- \$375

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

D. Service Drains and Ancillary Facilities:

1. Installation, Connection, Relocation or Alteration to Main Storm Drain, Combined Main Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving Waters -- All Structures:

Each connection -- \$375

Each pump installation (single, duplex, etc.) -- \$75

Each additional connection -- \$280

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

2. Additional Connections to Existing Service Drains -- All Structures

Each additional connection -- \$375

Each additional pump installation (single, duplex, etc.) -- \$75

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

3. Additional Direct Connections to Main Storm Drain, Combined Main Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters:

Each additional connection -- \$375

Each additional pump installation (single, duplex, etc.) -- \$75

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

4. Reconnection to Main Storm Drain, Combined Main Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters:

Each reconnection -- \$375

Each pump reconnection (single, duplex, etc.) -- \$75

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

5. Temporary Services for Service Drains -- All Structures

Each temporary service -- \$225

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

6. Repairs to Service Drains -- All Structures

Each repair -- \$375

Each pump installation repair (single, duplex, etc.) -- \$75

Inspection time in excess of one (1) hour 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 judgment of the Director of 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... \$50

#### G. Inspection Fee:

For the purpose of this section inspection time in excess of the base fee will be charged per hour at \$150 or the current hourly fee as established by the applicable Department of Planning and Development Director's Rule.

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

Section 51. Seattle Municipal Code Section 21.24.030, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.24.030 Special connection charge -- Imposed.

A. In addition to sewer connection permit fees required by Section 21.16.070 (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 ((H)) 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%))) 5 percent of the total connection charge, payable upon execution of such contract and for payment of the balance in ((forty (40))) 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 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 Seattle Public Utilities on behalf of the City shall execute and deliver to the property owner a release of such lien.

Section 52. Seattle Municipal Code Section 21.24.040, last amended by Ordinance 118396, is hereby amended to read as follows:

#### 21.24.040 Special connection charge -- Computation.

A. The special connection charge imposed by Section 21.24.030 shall be paid into the 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 ((H)) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one ((H)) 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 ((H)) 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 (10) percent ((+0%))) per year and shall not exceed ten ((+0)) 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 ((H)) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one ((H)) 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 ((H)) 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 (10) percent ((+0%))) per year and shall not exceed ten ((+0)) years.

B. The Director of 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 ((H)) 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)) ((f) 30 ((y)) 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 proper-

ty 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 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¢))~~ 15 ((3)) percent for City design and administrative costs, plus interest at a rate commensurate with the annual one ~~((4))~~ 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 53.** Seattle Municipal Code Section 21.24.080 is hereby amended to read as follows:

**21.24.080 Violation of Sections 21.24. ~~((010))030~~ through 21.24.070.**

Any violation of or failure to comply with the provisions of Sections 21.24. ~~((010))030~~ through 21.24.070 shall be punishable by a fine not exceeding ~~((Three Hundred Dollars))~~ \$300 ((3)) or by imprisonment for a period not exceeding ~~((ninety))~~ 90 ((3)) days, or both.

**Section 54.** Seattle Municipal Code Section 21.24.090 is hereby repealed and relocated to SMC 21.16.077 under Section 11 of this ordinance:

**21.24.090 Reserved. ~~((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 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 Director of Executive Administration 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. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.))~~

Section 55. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of December, 2010, and signed by me in open session in authentication of its passage this 13th day of December, 2010.

Richard Conlin  
President of the City Council

Approved by me this 20th day of December, 2010.

Michael McGinn, Mayor

Filed by me this 20th day of December, 2010.

(Seal) Monica Martinez-Simmons  
City Clerk

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 27, 2010.  
12/27(264922)