

CITY OF SEATTLE
ORDINANCE 127294
COUNCIL BILL 121037

AN ORDINANCE relating to Seattle Public Utilities; updating side sewer regulations to conform to current standards, clarify existing requirements, allow side sewer fees to be created by Director's Rule, and update definitions; renumbering existing subsections 21.16.240.B and 21.16.240.C of the Seattle Municipal Code as Section 21.16.241 and further amending the section; amending Sections 21.16.030, 21.16.040, 21.16.070, 21.16.077, 21.16.140, 21.16.240, and 21.16.270 of the Seattle Municipal Code; renumbering existing and repealing Sections 21.16.071 and 21.16.350 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, the purpose of The City of Seattle's Side Sewer Code is to promote the 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 2010; 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. Section 21.16.030 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

21.16.030 Definitions((-))

~~((Words and phrases))~~ As used in this Chapter 21.16, unless ~~((the same shall be))~~ contrary to or inconsistent with the context~~((, shall mean as follows))~~ :

* * *

~~((“Director of the Seattle Department of Construction and Inspections” means the Director of the Seattle Department of Construction and Inspections or the Director’s designee.))~~

* * *

“Director of Seattle Public Utilities” (~~means the Director of Seattle Public Utilities, the Director’s designee, or employees of Seattle Public Utilities.~~) means the General Manager and Chief Executive Officer of Seattle Public Utilities of the City of Seattle or the designee of the General Manager and Chief Executive Officer of Seattle Public Utilities, who may be employees of that department or another City department.

“Director of the Seattle Department of Construction and Inspections” means the Director of the Seattle Department of Construction and Inspections or the Director’s designee.

* * *

“Registered side sewer contractor” means a person approved and registered by the Director of (~~the Seattle Department of Construction and Inspections~~) Seattle Public Utilities to construct or repair side sewers.

“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 21.16.

* * *

Section 2. Section 21.16.040 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

21.16.040 Connection or abandonment of side sewers(~~(-)~~)

A. Wastewater (~~Side Sewer Connections~~) 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 21.16.040.C, with the nearest accessible sanitary sewer or combined sewer, whenever such sewer is located within 300 feet 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))~~ 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 Seattle Department of Construction and Inspections, in consultation 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.))~~

B. Service ~~((Drain Connections))~~ drain connections. Connections of service drains to combined sewers or public storm drains shall meet the requirements specified in Chapters 22.800 through 22.808.

C. Exemptions from ~~((Connection))~~ connection. In conjunction with activity requiring a development permit, the Director of the Seattle Department of Construction and Inspections, 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))~~ if:

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 Seattle Public Utilities has waived the requirement as provided in subsection 21.16.040.A that properties within 300 feet 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 21.16.040.C.1, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection 21.16.040.A.

D. Abandonment of ~~((Side Sewers))~~ 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 3. Section 21.16.070 of the Seattle Municipal Code, last amended by Ordinance 123494, is amended as follows:

21.16.070 Permit and fee required for connection and repairs~~((:))~~

A. 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))~~ by Director's Rule. 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, a side sewer permit must be obtained from the Director of Seattle Public Utilities before any work may be started on a side sewer located within areas served by the City's sewer and drainage infrastructure, 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. If additional work is necessary, the Director may require a permit revision, an additional permit, and/or additional fees.

Section 4. Section 21.16.071 of the Seattle Municipal Code, last amended by Ordinance 124919, is repealed:

~~((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 21.16.071 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 Seattle Department of Construction and Inspections Director's Rule.~~

~~In all cases of dispute regarding fees, permits, or other matters relating to this Section 21.16.071, the decision of the Director of Seattle Public Utilities shall be final and conclusive.))~~

Section 5. Section 21.16.077 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended 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 Seattle Department of Construction and Inspections)) 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))~~ Notwithstanding the conditions of subsection 21.16.077.A, side sewer repair permits are not eligible for refunds.

Section 6. Section 21.16.140 of the Seattle Municipal Code, last amended by Ordinance 123494, is amended as follows:

21.16.140 Inspections~~((:))~~

* * *

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 exfiltration of water. Specifications for such a test shall be included in ~~((the rules and regulations referred to in Section 21.16.350))~~ a Director's Rule.

* * *

Section 7. Section 21.16.240 of the Seattle Municipal Code, last amended by Ordinance 123494, is amended as follows:

21.16.240 Use of existing side sewer~~((:))~~ – Permission

~~((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))~~ if the permit application meets all requirements of this ~~((chapter))~~ Chapter 21.16 and the permit applicant:

~~((1.))~~ A. 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))~~ 1. Has passed a pressure test per City standards; and

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

~~((b))~~ 2. The side sewer rehabilitation complies with accepted industry practices; and

~~((e))~~ 3. 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.

21.16.241 Use of existing side sewer – Number of buildings or dwelling units

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

~~((C.))~~ B. If the number of buildings or dwelling units using an existing side sewer increases, the permit applicant shall:

1 1. At least 30 days prior to the permit application date, ~~((the permit applicant~~
2 ~~shall))~~ notify all other owners of properties served by the existing side sewer that a side sewer
3 permit to connect to the existing side sewer is being sought. Notification shall be by certified
4 mail, return-receipt requested, on a form approved by the Director of Seattle Public Utilities, to
5 the street address of all properties served by the existing side sewer and mailing address of
6 taxpayers of the same properties as recorded with the office of the King County ~~((Department of~~
7 ~~Records and Elections))~~ Recorder's Office; and

8 2. Attest on a form approved by the Director of Seattle Public Utilities that notice
9 was mailed. The permit applicant shall submit the signed attest form with a copy of the notice to
10 the Director of Seattle Public Utilities before a permit is issued.

11 Section 8. Section 21.16.250 of the Seattle Municipal Code, last amended by Ordinance
12 123494, is amended as follows:

13 **21.16.250 Easements and agreements~~((;))~~**

14 A. Before a new side sewer may be located on property other than the property being
15 served by the new side sewer, and before the Director of Seattle Public Utilities ~~((shall))~~ issues a
16 side sewer permit, the owner of the new side sewer ~~((shall))~~ must secure a written easement from
17 the owner of the property to be crossed. The easement shall be acknowledged~~((;))~~ and ~~((shall))~~
18 grant the right to occupy the property for side sewer or utility purposes. The easement shall be
19 recorded with the ~~((office of the))~~ King County ~~((Department of Records and Elections))~~
20 Recorder's Office, and the permit applicant shall provide a copy of the recorded easement to the
21 Director of Seattle Public Utilities before a permit is issued.

22 B. Notwithstanding the requirements in Section 21.16.230, before the Director of Seattle
23 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))~~ that 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))~~ Recorder's Office against all properties identified on the permit application. The permit applicant ~~((shall))~~ must 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))~~ property, a joint use and maintenance agreement ~~((shall))~~ must 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))~~ Recorder's Office against all properties identified in the permit application. The permit applicant ~~((shall))~~ must 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 21.16.250.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))~~ if the property owner:

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

2. Enters into a ~~((build-over))~~ consent agreement with the Director ~~((that must include those))~~ including 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))~~ consent agreement ~~((and easement))~~ with the King County ~~((Department of Records and Elections))~~ Recorder's Office.

Section 9. Section 21.16.270 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended 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 Seattle Department of Construction and Inspections, after consulting with the Director of Seattle Public Utilities,))~~ physical conditions make compliance with the provisions of this Chapter 21.16 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))~~ issuable only upon the condition that the property owner shall record with the King County ~~((Department of Records and Elections))~~ Recorder's Office 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. This Section 21.16.270 is not intended to ~~((be used to))~~ allow drainage connections to a sanitary sewer.

Section 10. Section 21.16.350 of the Seattle Municipal Code, last amended by Ordinance 124919, is repealed:

~~((21.16.350 Authority to make rules and regulations.~~

~~The Director of Seattle Public Utilities and the Director of the Seattle Department of Construction and Inspections may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this Chapter 21.16, as either or both shall deem necessary and convenient to carry out the provisions of this Chapter 21.16.))~~

Section 11. Pursuant to Seattle Municipal Code Section 21.28.230, the Director of Seattle Public Utilities shall promulgate standard and administrative charges for the side sewer permit functions established by this ordinance.

Section 12. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 13. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 16th day of September, 2025,
and signed by me in open session in authentication of its passage this 16th day of
September, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 18th day of September, 2025.



Bruce A. Harrell, Mayor

Filed by me this 18th day of September, 2025.



Scheereen Dedman, City Clerk

(Seal)