

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

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

..body

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

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

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

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

**15.02.042 Definitions A through C**

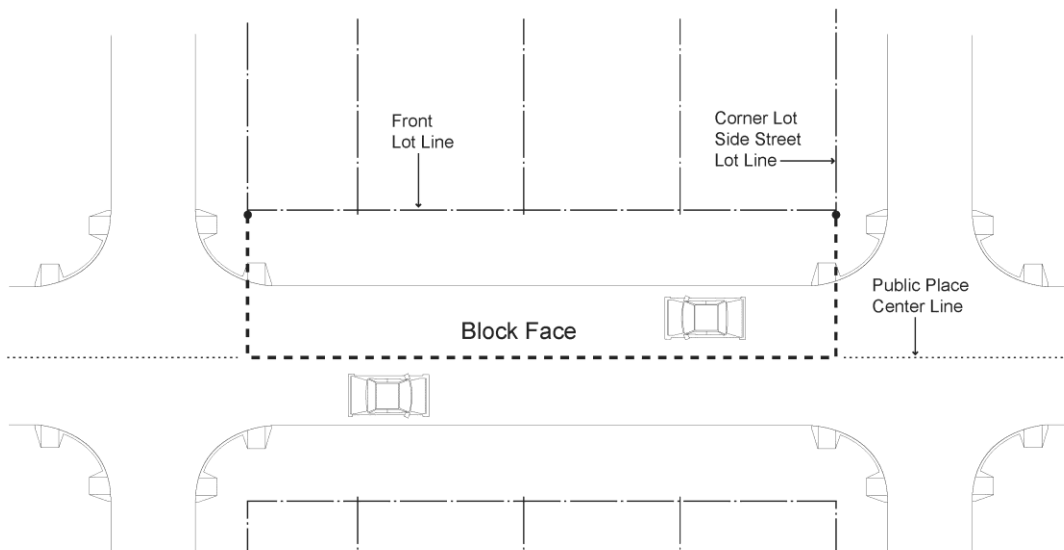
\* \* \*

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

1 H. “Best management practice” (BMP) means “best management practice” (BMP) as  
2 defined in Section 22.801.030.

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

Exhibit A for 15.02.042: Block Face



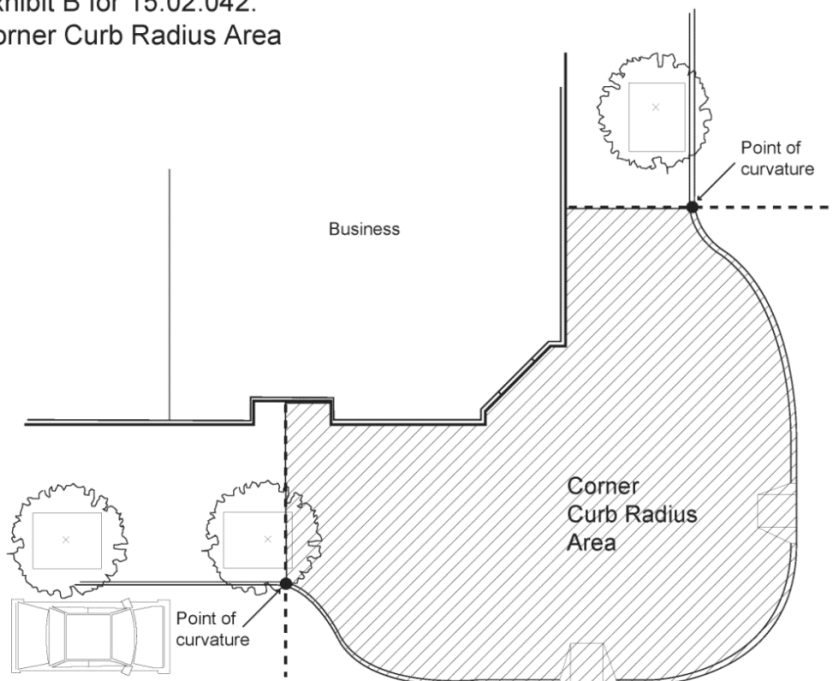
7  
8 ((H))J. “Communication cabinet” means all structures, cabinets, electric meters, and any  
9 other appurtenances installed in the public place, except utility poles and attachments to poles;  
10 by any publicly- or privately-owned entity for the purposes of providing any communications  
11 transmission, emission, or reception of signals, writings, pictures, images, and sounds or  
12 intelligence of any nature; by wire, cable, radio, optical, or other electromagnetic systems.

13 K. “Compaction” means “compaction” as defined in Section 22.801.040.

1            L. “Contaminate” means “contaminate” as defined in Section 22.801.040.

2            ~~(F)~~M. “Corner-curb-radius area” means the area that includes the intersection of two  
3            sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for  
4            15.02.042: Corner-curb-radius area). If the start of the point of curvature for the curb bulb or  
5            curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of  
6            curvature for the curb bulb or curb radius.

Exhibit B for 15.02.042:  
Corner Curb Radius Area



7  
8  
9            Section 2. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance  
10            124166, is amended as follows:

11            **15.02.044 Definitions D through M**

12            A. “Damages” means “damages” as defined in Section 22.801.050.

1           B. “Director of the Department of Planning and Development” means the Director of the  
2 Department of Planning and Development or authorized representatives.

3           ~~((B))~~C. “Director of Transportation” means the Director of the Seattle Department of  
4 Transportation or authorized representatives.

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

9           ~~((D))~~E. “Food service business” means:

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

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

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

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

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

18 or

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

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

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

3 b. Wholesale food distributors or food-processing plants;

4 c. Food vehicles or vending carts; or

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

7 F. “Green stormwater infrastructure” means “green stormwater infrastructure” as defined  
8 in Section 22.801.080.

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

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

15 I. “Impervious surface” means “impervious surface” as defined in Section 22.801.100.

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

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

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

1 Section 3. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance  
2 124166, is amended as follows:

3 **15.02.046 Definitions N through Z**

4 \* \* \*

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

6 G. “Pervious surface” means “pervious surface” as defined in Section 22.801.170.

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

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

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

16 ~~((J))~~K. “RCW” is an abbreviation for Revised Code of Washington.

17 L. “Runoff” means “runoff” as defined in Section 22.801.190.

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

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

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

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

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

9 ((O))Q. “SMC” is an abbreviation for Seattle Municipal Code.

10 ((P))R. “Street tree” means any tree planted or growing within a public place.

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

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

17 U. “Stormwater” means “stormwater” as defined in Section 22.801.200.

18 ((S))V. “Superintendent” or “Superintendent of Parks and Recreation” means the City  
19 Superintendent of Parks and Recreation or authorized representatives.

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

1 to assume the terminal role, or are less than ((1/2)) one-half of the diameter of the limb or branch  
2 that is cut.

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

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

9 ((W))Z. “Vending cart” means a movable cart that is used to serve, vend, or provide food,  
10 nonalcoholic beverages, or flowers.

11 Section 4. Section 15.04.010 of the Seattle Municipal Code, last amended by Ordinance  
12 123830, is amended as follows:

13 **15.04.010 Permit—Required**

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

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



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

3 Section 5. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance  
4 123830, is amended as follows:

5 **15.04.035 Approval; considerations**

6 \* \* \*

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

- 11 1. The paramount purpose of streets for travel and transportation;
- 12 2. Utilities; authorized secondary street uses; and any use being made by the  
13 public of the site;
- 14 3. Fire access and public safety;
- 15 4. Uses under permit; street trees; and other proposed or past uses of the site;
- 16 5. ~~((Reserved.))~~
- 17 ~~6.))~~ Rights of light, air, and access and lateral support of abutting properties and  
18 on access or easements of properties dependent upon the public place for access;
- 19 ~~((7))~~6. The environment, including but not limited to efforts to minimize  
20 impervious surface, loss of native vegetation, and stormwater runoff;
- 21 ~~((8))~~7. Drainage, surface and underground; springs and watercourses; and the  
22 stability of soils; and

1 ((9))8. Where applicable, City land use, transportation, open space, shoreline, and  
2 beautification policies and approved neighborhood land use plans.

3 \* \* \*

4 Section 6. Section 15.06.050 of the Seattle Municipal Code, last amended by Ordinance  
5 124159, is amended as follows:

6 **15.06.050 Curb setbacks**

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

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

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

17 C. Curb setbacks shall be able to provide for a minimum of a 12-foot driving lane and an  
18 8-foot parking lane in the public place adjacent to the new curb location.

19 Section 7. Section 15.20.070 of the Seattle Municipal Code, last amended by Ordinance  
20 117569, is amended as follows:

21 **15.20.070 Public protection((=))**

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

1 public and the public place from injury or damage. The general public and public place includes,  
2 but is not limited to, people who may also be using the public place in the vicinity; vehicles that  
3 may be traveling or parked on the roadway; ~~((and))~~ adjoining properties; abutting green  
4 stormwater infrastructure and other municipal drainage outlets; and trees and other vegetation.

5 Protective measures include, where applicable ~~((;))~~ ; controls on spraying; placement of tarpaulin  
6 or other coverings to intercept spillage or droppings; ~~((and))~~ screening devices; and other best  
7 management practices.

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

12 Section 8. Section 15.22.060 of the Seattle Municipal Code, last amended by Ordinance  
13 117569, is amended as follows:

14 **15.22.060 Removal of earth and debris~~((;))~~**

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

17 B. Materials that are dry and apt to produce dust when handled shall be kept sufficiently  
18 moist or covered to prevent the wind blowing them about. Building rubbish accumulating on  
19 upper floors and all rubbish, plaster, and other loose materials ~~((;))~~ ; produced while wrecking,  
20 altering, or repairing a building~~((,-must))~~ or development site shall be lowered by elevators in  
21 closed receptacles or by closed chutes connecting to vehicles removing the ~~((same))~~ debris.

22 When likely to produce dust, the chutes must be provided with means of wetting waste to  
23 prevent the wind from blowing it about. Best management practices shall be used to prevent

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

3 Section 9. Section 15.22.080 of the Seattle Municipal Code, last amended by Ordinance  
4 118409, is amended as follows:

5 **15.22.080 Repair of damage to public property((~~o~~))**

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

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

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

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

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

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

4 Section 10. Section 15.22.100 of the Seattle Municipal Code, last amended by Ordinance  
5 117569, is amended as follows:

6 **15.22.100 Permit to drive over sidewalk or curb~~((s))~~**

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

13 Section 11. Section 15.32.160 of the Seattle Municipal Code, last amended by Ordinance  
14 118751, is amended as follows:

15 **15.32.160 Street restoration requirements~~((s))~~**

16 A. Anyone issued a permit for construction or other activity under this ~~((chapter))~~ Chapter  
17 15.32 shall temporarily restore the street, alley, stormwater conveyance system, green  
18 stormwater infrastructure, or other public place in a manner approved by the Director of  
19 Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation,  
20 within ~~((twenty-four (24))~~ 24 hours after ~~((completion of))~~ completing the permitted work ~~((for~~  
21 ~~which the permit was issued))~~. This requirement of a temporary restoration shall be waived if a  
22 permanent restoration is completed in a manner approved by the Director of Transportation as  
23 described in subsections 15.32.160.C, 15.32.160.D, and 15.32.160.E ~~((of this section))~~ within

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

3 B. All permanent repairs of a temporary restoration shall be completed within one ~~((1))~~  
4 year after ~~((completion of))~~ completing the permitted work ~~((for which the permit was issued))~~.

5 If the permittee fails to complete the permanent restoration within this time period and in a  
6 manner approved by the Director of Transportation as described in subsections 15.32.160.C,  
7 15.32.160.D, and 15.32.160.E ~~((of this section))~~, the Director of Transportation, or as to park  
8 drives and boulevards, the Superintendent of Parks and Recreation, may restore the street, alley,  
9 or other public place and bill the permittee for the repair as ~~((set forth))~~ provided in Section  
10 15.26.020. The permittee may, at the time the permit is issued, if the Director of Transportation  
11 agrees, contract with the Director of Transportation for ~~((completion of))~~ completing the  
12 permanent restoration.

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

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

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

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

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

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

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

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

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

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

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



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

5 Section 12. Section 15.22.110 of the Seattle Municipal Code, last amended by Ordinance  
6 117569, is amended as follows:

7 **15.22.110 Protection of sidewalk and pavement~~((:))~~**

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

19 Section 13. Section 15.36.010 of the Seattle Municipal Code, last amended by Ordinance  
20 118409, is amended as follows:

21 **15.36.010 Permits—Authority~~((:))~~**

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

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

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

16 Section 14. Section 15.44.030 of the Seattle Municipal Code, last amended by Ordinance  
17 117569, is amended as follows:

18 **15.44.030 Permit—Security(~~(\*)~~)**

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

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

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

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

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

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

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

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

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

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

1 Section 15. Section 15.46.020 of the Seattle Municipal Code, last amended by Ordinance  
2 118409, is amended as follows:

3 **15.46.020 Spilled loads((:))**

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

11 Section 16. Section 15.70.030 of the Seattle Municipal Code, last amended by Ordinance  
12 121420, is amended as follows:

13 **15.70.030 Notification to construct or reconstruct(~~((—When))~~) when work to be done by**  
14 **Seattle Department of Transportation((:))**

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

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

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

5 C. The notice shall specify:

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

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

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

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

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

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

9 F. If the property owner fails to complete the permanent restoration or improvement  
10 within the time period and in a manner approved by the Director of Transportation as described  
11 in this Section 15.70.030, the Director of Transportation, or as to park drives and boulevards the  
12 Superintendent of Parks and Recreation, may restore or improve the street, alley, or other public  
13 place and bill the property owner for the restoration or improvement as provided in Section  
14 15.26.020. The property owner may, when the notice is issued, and if the Director of  
15 Transportation agrees, contract with the Director of Transportation to complete permanent  
16 restoration or improvement.

17 Section 17. Section 15.72.010 of the Seattle Municipal Code, last amended by Ordinance  
18 118409, is amended as follows:

19 **15.72.010 Notice to clear or clean sidewalk((;))**

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

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

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

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

9 **15.91.016 Penalties**

10 \* \* \*

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

12 1. No Street Use permit obtained. If, within a five-year period after a first  
13 violation has been determined to exist, a person or entity is subsequently cited for violating  
14 subsection 15.91.002.A.1, except Street Use vending permits identified in subsection  
15 15.91.016.B.3.a, for not obtaining a Street Use permit~~((; within a five-year period after a first~~  
16 ~~violation has been determined to exist))~~, the person or entity shall be subject to a penalty of  
17 \$1,000 for that violation and each subsequent violation.

18 2. Violations of Title 15 or Street Use permit. If, within a five-year period after  
19 a person's or entity's first violation of subsections 15.91.002.A.2 through 15.91.002.A.25 has  
20 been determined to exist, ((Any subsequent time that)) a person or entity is subsequently cited  
21 for violating ((found to have violated the provisions in)) subsections 15.91.002.A.2 through  
22 15.91.002.A.25, except Street Use vending permits identified in subsection 15.91.016.B.3.b~~((; or~~  
23 ~~violated a condition of their Street Use permit; within a five-year period after a first violation of~~

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

3 \* \* \*

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



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

2           Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and

3 signed by me in open session in authentication of its passage this

4 \_\_\_\_ day of \_\_\_\_\_, 2015.

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President \_\_\_\_\_ of the City Council

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Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Edward B. Murray, Mayor

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Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Monica Martinez Simmons, City Clerk

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20 (Seal)

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