Subtitle II.

Sewers

Chapter 21.16

SIDE SEWERS

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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.
(Ord. 97016 § 1, 1968.)

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.
(Ord. 114298 § 1, 1988: Ord. 97016 § 40, 1968.)

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. "City" means the City of Seattle.

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 a particular action, and the Director's designee, who may be employees of that department or another City department.

7. "Director of Health" means the Director of Public Health, his or her designee, or employees of

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the Seattle-King County Department of Public Health.

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

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

10. "Downspout" means a vertical pipe which conveys water from a roof of a building.

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

12. "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.

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

14. "Garbage" means putrescible waste from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

16. "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 drainage water.

17. "Main sewer" means a pipe which is part of the public sewer system and to which a side sewer is connected.

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

19. "Owner, operator, or occupant" means the owner of real or personal property, or the lessee, permittee, licensee, or agent of the owner.

20. "Permit face" means a document issued in conjunction with a permit (or a copy of the permit) which shall be posted on the premises of the work being accomplished.

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

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22. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.

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

24. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which conveys stormwater or unpolluted drainage water.

25. "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.

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

27. "Public place" means all public areas pursuant to Chapter 15.02 of the Seattle Municipal Code.

28. "Public sewer system" means the sewer or drainage facilities owned and maintained by the City, or other agencies having jurisdiction (e.g. Valley View Sewer District, Southwest Suburban Sewer District, King County), or any sewer or drainage facilities acquired or constructed by such agencies.

29. "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.

30. "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.

31. "Service drain" means a privately owned and maintained drainage system which conveys only stormwater runoff, surface water, subsurface drainage, and/or other unpolluted drainage water 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 subsurface drainage collection systems upstream from the point of connection to a service drain.

32. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

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

34. "Sewer, combined" means a publicly owned and maintained sewerage system which conveys

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surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and subsurface drainage.

35. "Sewer, sanitary" means a publicly owned and maintained sewage system which conveys wastewater, and is not designed to convey drainage water.

36. "Side sewer" means a privately owned and maintained pipe system which is designed to convey wastewater, and/or drainage water 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.

37. "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..

38. "Storm drain" is as defined in Chapter 22.801 of the Seattle Municipal Code.

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

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

41. "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.

42. "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.

43. "Wastewater" is a comprehensive term including industrial waste, sewage, and other polluted waters, as determined by the Director of Health or Director of Seattle Public Utilities.

44. "Watercourse" is as defined in Chapter 22.801 of the Seattle Municipal Code.

(Ord. 122036 § 1, 2006; Ord. 121276 §§ 17, 37, 2003; Ord. 118396 § 87, 1996; Ord. 117432 § 2, 1994; Ord. 114298 § 2, 1988; Ord. 111650 § 1, 1984; Ord. 97016 § 2, 1968.)

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 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 consultation with the Director of

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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. Connections of service drains to combined sewers or public storm drains shall meet the requirements specified in Chapters 22.800 through 22.808 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 has waived the requirement as provided in subsection A of this section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health. The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to in 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.

D. 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.
(Ord. 121276 § 37, 2003; Ord. 118396 § 88, 1996: Ord. 117432 § 3, 1994: Ord. 114298 § 3, 1988: Ord. 111442 §§ 1, 2, 1983; Ord. 97016 § 3, 1968.)

21.16.050 Connection--Notice to owner or occupant.

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

B. If such owner or occupant shall fail or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director of Health shall notify the Director of Seattle Public Utilities, whereupon the Director of Seattle Public Utilities may make such connection and the connection cost plus fifteen percent (15%) thereof, for engineering design and administrative costs, shall be charged to the owner or occupant, and a bill showing the amount thereof shall be

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mailed or delivered to the owner or occupant, or posted upon the premises, whereupon the amount shall immediately be paid to the City Director of Executive Administration. 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.
(Ord. 120794 § 271, 2002; Ord. 118396 § 89, 1996: Ord. 116368 § 277, 1992; Ord. 114298 § 4, 1988: Ord. 106158 § 3, 1977: Ord. 97016 § 4, 1968.)

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 a permit issued in accordance with Section 21.16.080. Direct onsite supervision of all work to be performed in a public place shall be provided by a registered side sewer contractor. The onsite supervision must be by a person who: 1) has successfully completed the examination provided for in subsection 21.16.060A2, and 2) is listed on the roster required by Section 21.16.068 as the registered side sewer contractor.
(Ord. 122036 § 2, 2006.)

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

A. To register as a registered side sewer contractor each applicant must:

1. Pay a registration fee of $200 to the Director of Seattle Public Utilities;

2. Successfully complete a written examination administered by the Director of Seattle Public Utilities, or employ an individual who has successfully completed the examination. Each applicant for the written exam must pay to the Director of Seattle Public Utilities an examination fee of $100 to take the examination required by this subsection;

3. Provide to the Director of Seattle Public Utilities a roster of all certified individuals and authorized agents employed by the registered side sewer contractor who are allowed to obtain side sewer permits on behalf of the registered side sewer contractor for work in the public place;

4. Provide evidence to the Director of Seattle Public Utilities that the applicant possesses a current Washington State Contractor's license;

5. Provide evidence to the 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 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 save harmless the City from all claims, actions, or

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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 on-site 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 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 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 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. Pay a renewal fee of $150.00.

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

4. Provide a current roster as specified in subsection 21.16.060A(3).

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.

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(Ord. 122036 § 3, 2006; Ord. 120794 § 272, 2002; Ord. 118396 § 90, 1996: Ord. 116368 § 278, 1992; Ord. 114298 § 5, 1988: Ord. 111650 § 2, 1984: Ord. 110318 § 1, 1981: Ord. 97016 § 5, 1968.)

21.16.065 Suspension of registration.

A. In addition to other penalties provided by law, the Director of Seattle Public Utilities 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 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 shall send notice to the contractor that the contractor's registration may be suspended in not less than 10 days from the date of the notice. The notice 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.

D. Whenever a registration is suspended, no new application for registration or renewal of that contractor may be made during the period of suspension.

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

F. After the period of suspension, the registered contractor must apply for and obtain a license renewal pursuant to subsection 21.16.060E in order to be reinstated as a registered side sewer contractor.
(Ord. 122036 § 4, 2006; Ord. 118396 § 91, 1996: Ord. 114298 § 6, 1988: Ord. 111650 § 7, 1984.)

21.16.068 Registered contractor roster required.

Each registered side sewer contractor shall provide to the Director of Seattle Public Utilities a current roster as described in subsection 21.16.060A(3). Each registered side sewer contractor shall notify the Director of Seattle Public Utilities within 10 days of any changes to the roster.
(Ord. 122036 § 5, 2006.)

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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. 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 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 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 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.
(Ord. 122036 § 6, 2006; Ord. 118396 § 92, 1996: Ord. 117432 § 4, 1994: Ord. 114298 § 7, 1988: Ord. 111650 § 3, 1984: Ord. 97016 § 6, 1968.)

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 (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 Public 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 Public Sewer -- All Structures
   Each reconnection....$375

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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 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 (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 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 (1) 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 (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.

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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. 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 chapter, the decision of the Director of Seattle Public Utilities shall be final and conclusive.

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. Not withstanding the conditions of subsection A of this section, side sewer repair permits are not eligible for refunds.

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

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.

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 shall be filed with the Director of Seattle Public Utilities with the following:

1. The name, address and telephone number of the applicant;

2. Name, mailing address, and telephone number of the property owner;

3. 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;

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

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

7. Proof that all necessary easements, releases, and/or permissions to connect have been obtained and recorded with the King County Department of Records and Elections;

8. Proof of payment of all permit fees and other charges required by Section 21.16.070.

D. The Director of Seattle Public Utilities may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer, and determine whether or not a permit shall be granted. The Director of Seattle Public Utilities may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in The State of Washington.

E. 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 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 for which the owner or contractor is liable;

2. Failure to maintain the insurance or the bond required by Section 21.16.060;

3. Failure to comply with a notice posted pursuant to Section 21.16.358;

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.

(Ord. 122036 § 7, 2006; Ord. 118396 § 93, 1996: Ord. 114298 § 8, 1988: Ord. 97016 § 7, 1968.)

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

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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 prior to the date of expiration. Expired permits are not subject to refunds pursuant to Section 21.16.077.

D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily and safely accessible to the Director of Seattle Public Utilities.
(Ord. 122036 § 8, 2006; Ord. 118396 § 94, 1996: Ord. 114298 § 9, 1988: Ord. 97016 § 8, 1968.)

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 and if not to immediately report the fact to the Director of Seattle Public Utilities.
(Ord. 118396 § 95, 1996: Ord. 114298 § 10, 1988: Ord. 97016 § 9, 1968.)

21.16.110 Permit for temporary connection.

The Director of Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City Director of Executive Administration following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. The Director of Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of Seattle Public Utilities the recording number of said instrument.
(Ord. 120794 § 273, 2002: Ord. 118396 § 96, 1996: Ord. 116368 § 279, 1992: Ord. 114298 § 11, 1988: Ord. 97016 § 10, 1968.)

21.16.120 Reserved.
(Ord. 114298 § 12, 1988.)

21.16.130 Reserved.
(Ord. 114298 § 13, 1988: Ord. 97016 § 12, 1968.)

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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) hours 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, 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. 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 exfiltration of water. Specifications for such a test shall be included in the rules and regulations referred to in Section 21.16.350.

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.
(Ord. 118396 § 97, 1996: Ord. 114298 § 14, 1988: Ord. 111650 § 4, 1984; Ord. 97016 § 13, 1968.)

21.16.150 Trenches and excavations.

A. Trenches and excavations shall be subject to the requirements established by the Director of Seattle Public Utilities.

B. No new, repaired, or altered side sewer shall be covered until the work has been inspected and approved by the Director of Seattle Public Utilities, with said approval posted at the job site.

C. All trenches or excavations within four feet (4') of any public place and all obstructions or encroachments upon a public place shall be barricaded as required by the Street Use Ordinance (Title 15 of the Seattle Municipal Code). The lateral support of any public place shall be maintained while constructing, altering or repairing any side sewer. All trenches or excavations within four feet (4') of any public place shall be safely covered during hours of inactivity of work on the side sewer.

D. All work in public places shall conform to the requirements of the current edition of The City of Seattle Traffic Control Manual for In-street Work, Title 15 of the Seattle Municipal Code, SDOT Street & Sidewalk Pavement Opening and Restoration Rules, and the City Standard Plans and Specifications as applicable.
(Ord. 118396 § 98, 1996: Ord. 117432 § 5, 1994; Ord. 114298 § 15, 1988: Ord. 97016 § 14, 1968.)

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21.16.160 Filling of excavations.

Work within a public place shall be performed 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 restored forthwith. Cost incurred by the City in such work plus fifteen percent (15%) for administrative costs shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the City Director of Executive Administration by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.
(Ord. 120794 § 274, 2002: Ord. 118396 § 99, 1996: Ord. 116368 § 280, 1992; Ord. 114298 § 16, 1988: Ord. 97016 § 15, 1968.)

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 plus fifteen percent (15%) for administrative costs shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the Director of Seattle Public Utilities giving written notice of the amount to the owner or contractor or posting a notice on the property or premises where the work is being done. The amount of said costs or any portion 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.
(Ord. 118396 § 100, 1996: Ord. 114298 § 17, 1988: Ord. 97016 § 16, 1968.)

21.16.180 Repair of inoperative or inadequate side sewer or drainage system.

Where it is determined by the Director of Health or the Director of Seattle Public Utilities that a side sewer or drainage system is obstructed, broken, inoperative, or inadequate and is a menace to health, or is likely to cause damage to public or private property, the Director of Seattle Public Utilities may give notice to the owner of the side sewer and, if different than the owner of the side sewer, to the owner or occupant of the property 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 by the City, plus fifteen 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 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.
(Ord. 120794 § 275, 2002: Ord. 118396 § 101, 1996: Ord. 116368 § 281, 1992: Ord. 114298 § 18, 1988: Ord. 97016 § 17, 1968.)

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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.
(Ord. 114298 § 19, 1988: Ord. 97016 § 18, 1968.)

21.16.200 Reserved.
(Ord. 121276 § 37, 2003; Ord. 117432 § 6, 1994: Ord. 114298 § 20, 1988: Ord. 97016 § 19, 1968.)

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. This discharge shall not be under pressure when discharging to a public sewer or the public place.

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 21.16.270. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the side sewer.
(Ord. 118396 § 102, 1996: Ord. 114298 § 21, 1988: Ord. 97016 § 20, 1968.)

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 22.808 of the Seattle Municipal Code. Such stormwater shall not be connected to or enter a sanitary sewer.
(Ord. 118396 § 103, 1996: Ord. 114298 § 22, 1988: Ord. 97016 § 21, 1968.)

21.16.230 Connections to new or converted buildings.

A. Only one (1) residential-use building shall be connected to a side sewer unless otherwise approved by the Director of Seattle Public Utilities.

B. Only one (1) commercial, industrial, institutional, or mixed-use property or building shall be connected to a side sewer.
(Ord. 114298 § 23, 1988.)

21.16.240 Use of existing side sewer

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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 has the capacity and is in a condition to serve all existing and proposed connections. The certification shall be on a form approved by the Director of Seattle Public Utilities. Other 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. Other side sewer lines connected to the rehabilitated or replaced line are not subject to rehabilitation or replacement. 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 rehabilitation complies with accepted industry practices and the rehabilitated side sewer has the capacity and is in a condition to serve all existing and proposed connections. The certification shall be on a form approved by the Director of Seattle Public Utilities.

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 SMC 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 thirty (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

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.

(Ord. 114298 § 24, 1988.)

21.16.250 Easements and agreements.

A. Before a new side sewer may be located on property other than the property 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 acknowledged, and shall grant the right to occupy the property for side sewer or utility purposes. The

easement shall be recorded with the office of the King County Department of Records and Elections, and the permit applicant shall provide a copy of the recorded easement to the Director of Seattle Public Utilities before a permit is issued.

B. 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.

(Ord. 118396 § 104, 1996: Ord. 114298 § 25, 1988: Ord. 97016 § 24, 1968.)

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.
(Ord. 121276 § 37, 2003; Ord. 118396 § 105, 1996: Ord. 117432 § 7, 1994: Ord. 114298 § 26, 1988: Ord. 97016 § 25, 1968.)

21.16.260 Construction requirements and specifications.

A. Materials and workmanship in connection with the installation of any side sewer shall be as required by this chapter, the City's Standard Plans and Specifications, Chapters 22.800 through 22.808 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 area.

C. Unless authorized by the Director of Seattle Public Utilities, no more than one (1) building shall be connected to a side sewer. If more than one (1) building is allowed to connect to one side sewer, in addition to requirements in Section 21.16.250, the pipe downstream of the point of shared connection shall be not less than six (6) inches in diameter.

D. All multiple-unit dwelling buildings, industrial buildings, and commercial buildings shall be connected with not less than six (6) 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) percent grade and not more than one hundred (100) percent grade.

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

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

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

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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.
(Ord. 119688 § 3, 1999; Ord. 118605 § 3, 1997; Ord. 118396 § 106, 1996: Ord. 114298 § 27, 1988: Ord. 97016 § 26, 1968.)

21.16.275 Side Sewer construction as-builts (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.

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, 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.
(Ord. 122036 § 9, 2006; Ord. 120794 § 276, 2002: Ord. 118396 § 107, 1996: Ord. 116368 § 282, 1992: Ord. 111650 § 5, 1984: Ord. 97016 § 27, 1968.)

21.16.290 Liability to City for expense, loss or damage.

A person who violates or fails to comply with any of the provisions of this chapter shall, in addition to or instead of any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the City. Liability pursuant to this section shall be joint and several.
(Ord. 119192 § 1, 1998: Ord. 97016 § 28, 1968.)

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, cause to be discharged, or allow to be discharged any of the following substances in the public sewer system or any storm drain or natural outlet. This is a partial list, provided for informational purposes only:

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

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

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;

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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) or higher than twelve (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 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.
(Ord. 119192 § 2, 1998: Ord. 118396 § 108, 1996: Ord. 114298 § 28, 1988: Ord. 97016 § 29, 1968.)

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. 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 regarding the installation and/or maintenance of any such facility, equipment, or device upon any owner, occupant or operator.

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 (25%) of the effective volume of any chamber of the grease interceptor.

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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. 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.

F. In determining appropriate action under subsections B through E of this section 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.

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(Ord. 119192 § 3, 1998: Ord. 118396 § 109, 1996: Ord. 114298 § 29, 1988: Ord. 97016 § 30, 1968.)

21.16.320 Reserved.
(Ord. 114298 § 30, 1988.)

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 Wastewater" (edited by Lenore S. Clesceri et alia, published by American Waterworks Association et alia). 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 analytes 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, 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, occupant, or operator at his or her expense.
(Ord. 118396 § 110, 1996: Ord. 117242 § 22, 1994: Ord. 114298 § 31, 1988: Ord. 97016 § 32, 1968.)

21.16.340 Right of entry for inspection.

The Director of Seattle Public Utilities or other City officials or employees of the City, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times, or during an emergency at any time, for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.
(Ord. 118396 § 111, 1996: Ord. 114298 § 32, 1988: Ord. 97016 § 34, 1968.)

21.16.350 Authority to make rules and regulations.

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The Director of Seattle Public Utilities and the Director of the Department of Planning and Development may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the provisions of this chapter. (Ord. 121276 § 37, 2003; Ord. 118396 § 112, 1996: Ord. 117432 § 8, 1994: Ord. 114298 § 33, 1988: Ord. 97016 § 35, 1968.)

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 five thousand dollars ($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 Five Thousand Dollars ($5,000) per violation, or imprisonment for each violation for not more than three hundred sixty (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;

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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 (5) years.

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 responsible 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.

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.

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.

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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 (10) 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 five (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 fifteen (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.

21.16.360 Voluntary compliance agreement.

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.

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 five thousand dollars ($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 five thousand dollars ($5000) 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

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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 fifteen percent (15%) 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.

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;

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

4. Notice that if the amount due is not paid within thirty (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 thirty (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 21.16.358 D. 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 thirty (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 thirty (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 thirty (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.

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 fifteen percent (15%) surcharge for administrative expenses as set forth in Subsection 21.16.362 D. 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.

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 practice or abate any condition that constitutes or will constitute a violation of this chapter or a public nuisance.

21.16.370 Suspension or revocation.

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.

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 (10) 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 thirty (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 submittal 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.

21.16.380 Reserved.

21.16.390 Liability for injury or damage.

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a side sewer to conform to the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized, issued or done or failure to act in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 114298 § 36, 1988.)

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