
Council Bill Number: 114752

Ordinance Number: 121334

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule to adopt an amended schedule of fees for permits for the use of public places such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal Code; and authorizing the Director of Transportation to collect such fees in accordance with Seattle Municipal Code Chapter 15.04.

Status: Passed

Note: Parking Pay Stations

Vote: 9-0

Date filed with the City Clerk: 2003/12/05

Date of Mayor's signature: 2003/11/25 ([about the signature date](#))

Date introduced/referred to committee: 2003/11/03

Committee: Budget

Sponsor: 114752

Committee Recommendation: Pass

Index Terms: STREET-USE-PERMITS, FEES, STREETS, SHORELANDS, ADMINISTRATIVE-PROCEDURES

Fiscal Note: [Fiscal Note to Council Bill No. 114752](#)

Electronic Copy: [PDF scan of Ordinance No. 121334](#)

Reference: Related: Res 28986, 30585

Text:

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule to adopt an amended schedule of fees for permits for the use of public places such as streets and sidewalks; amending Section 15.04.074 of the Seattle Municipal Code; and authorizing the Director of Transportation to collect such fees in accordance with Seattle Municipal Code Chapter 15.04.

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Director of Transportation to prepare and recommend to the City Council, for adoption by ordinance, a schedule of fees applicable to all street and/or sidewalk use permits (hereinafter referred to as the Street Use Permit Fee Schedule), commensurate with the cost of administration, review, inspection, and policing involved in the issuance and continuance of such permits and the use thereby granted; and

WHEREAS, it is appropriate that those wishing to use the public right of way should bear the costs associated with obtaining the appropriate Street Use Permits, as opposed to having the General Fund subsidize project costs; and

WHEREAS, permitting processes, technology, and inspection systems have not kept pace with the dynamically changing business environment; and

WHEREAS, it is important for Seattle Transportation to obtain the tools it needs to plan strategically and perform proactively to meet its customers' growing demands; and

WHEREAS, Ordinance 120993, as last amended by Ordinance 121242, adopted a Street Use Permit Fee Schedule; and

WHEREAS, Seattle Transportation desires to amend the Street Use Permit Fee Schedule to adjust the hourly review, investigation, and inspection rate to be commensurate with the costs incurred by the department in providing such services; and

WHEREAS, Seattle Transportation desires to discourage encroachments inconsistent with the right of the public to freely use the public right of way for travel purposes, by escalating the fees for prolonged use or occupation of the public right of way; and

WHEREAS, Seattle Transportation wishes to re-categorize the existing permit types by similar use and impacts; and

WHEREAS, the Director of Transportation has prepared and recommended a replacement fee schedule; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City's Street Use Permit Fee Schedule, which was last amended by Ordinance 121242, is replaced by that attached as Exhibit A, which is hereby adopted effective January 1, 2004.

Section 2. The Director of Transportation is authorized to collect such fees in accordance with Chapter 15.04 of the Seattle Municipal Code.

Section 3. Effective January 1, 2004, Subsections A and E of 15.04.074 are amended as follows:

15.04.074 Permit -- Fees.

A. From time to time the Director of Transportation shall prepare and recommend for adoption by the City Council a schedule of fees applicable to all such permits for public places under the jurisdiction of Seattle Transportation. The Director of the Office of Economic Development shall prepare and recommend for adoption by the City Council a schedule of fees applicable to master filming permits. The Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public places under the jurisdiction of the Department of Parks and Recreation, and the Director of Planning and Development ~~Design, Construction and Land Use~~ shall recommend a schedule of fees applicable to permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of such permits and with the use and occupation thereby granted. Fees for use of ~~shoreline street ends~~ the public right of way may take into consideration the undesirability of the use or occupation relative to the rights of the public, such as the City policy of discouraging encroachments inconsistent with the public right of access to the shorelines or right-of-way and may be included in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation. Fees for use of park drives and boulevards may take into consideration City policy of discouraging encroachments inconsistent with their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks and Recreation.

E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be deposited ~~to the credit of~~ in the Park and Recreation Fund; ~~beginning January 1, 2001, all other fees under the jurisdiction of Seattle Transportation for the use of shoreline street ends and vending permit fees shall be deposited to the credit of in the Transportation Operating Fund ; all other fees shall be deposited to the credit of the General Fund.~~

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2003, and signed by me in open session in authentication of its passage this ____ day of _____, 2003 _____ President _____ of the City Council

Approved by me this ____ day of _____, 2003 _____ Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003 _____ City Clerk

Exhibit A: Street Use Permit Fee Schedule, Effective January 1, 2004 October 20, 2003 version #11

2004 - 2005 Rate Structure

ROW Category	Permit types	Issuance Map	Square Square Foot	Hourly Fee Requirement	Base Fee	Surcharge	Foot Use Fee	Occupation Fee
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Activities 23 - cornices, architectural \$135 \$30 None None Issuance base Minimum \$450 that use the features fee includes 1 deposit required public ROW hr for issuance that involve & inspection: ~little to no \$150/hr for mobility services in blockage excess of first hour

25 - driveways

28 - water service lines 2" diameter

29 - fences and non-structural walls

34 - grade and gravel (temporary)

35 - clear and grub street and alley

37 - new sidewalk with existing curb

38 - planting strip

43 - tree removal when blocking street

47 - cross curb & walk with equipment

54A - misc private temporary uses

Activities in 3AL - street barricading \$135 \$30 None mo 1=no fee, Issuance base Minimum \$450 non-arterial (temporary private use) on access mo2&3=\$.10/sf/10d fee includes 1 deposit required areas that streets (eg: special events, mo4&5=\$.20/sf/10d hr for issuance use the rallies): mo6&7=\$.40/sf/10d & inspection public ROW mo8&9=\$.80/sf/10d \$150/hr for and that mo10+=\$1.20/sf/10d services in block in mo 10+ up to excess of first mobility \$.02/day credit hour for mobility mitigation

13L - temporary placement of materials on access streets

15L - installation of public art None on access streets

22L - shoring installation and Minimum \$450 removal on access streets deposit required; +22B if applicable

22AL - excavation on access Minimum \$450 streets deposit required

31L - construction use on access streets

31BL - single family residential construction/debris dumpster on access streets

31CL - low income housing on any None street

40L - roadway paving on access \$750 hr deposit streets required

41L - bus shelter installation on None access streets

44L - mobile crane, manlift, boom Minimum \$450 truck, etc on access streets deposit required; daily rate; apply surcharge only to 1st permit at site

45L - street improvement [public Minimum \$450 improvements by private deposit required; development] on access streets bond required

46L - waterproofing or similar Minimum \$450 surfacing of concrete walks on deposit required access streets

49L - street opening for miscellaneous purposes on access streets

50L - scaffold, swing, staging on access streets

51L - utility system construction on access streets

Activities on 13H - temporary placement of \$135 \$30 None mo1=\$.10/sf/10d Issuance base Minimum \$450 arterials materials on arterials mo2=\$.20/sf/10d fee includes 1 deposit required that use the mo3=\$.40/sf/10d hr for issuance public ROW mo4=\$.80/sf/10d & inspection:~~and that mo5=\$1.20/2f/10d \$150/hr for block in mo5+ up to services in mobility \$.02/d credit excess of first for mobility hour mitigation

15H - installation of public art None on arterials

22H - shoring installation and Minimum \$450 removal on arterials deposit required; +22B if applicable

22AH - excavation on arterials Minimum \$450 deposit required

31AH - construction use on arterials

40H - roadway paving on arterials \$750 hr deposit required

41H - bus shelter installation on None arterials

44H - mobile crane, manlift, boom Minimum \$450 truck, etc on arterials deposit required

45H - street improvement [public Deposit required improvements by private based on estimate; development] on arterials bond required

46H - waterproofing or similar Minimum \$450 surface of concrete walks on deposit required arterials

49H - street opening for miscellaneous purposes on arterials

50H - scaffold, swing, staging on arterials

51H - utility system construction on arterials

Activities 1 - beautification None None None None Issuance base Minimum \$450 that have fee includes 1 deposit value to hr for issuance general & inspection:~~citizenry \$150/hr for services in excess of first hour

1A - tree pruning None

5A - clocks on public Historic Landmark places

54 - miscellaneous uses for use of public per SMC 15.04.100

55 - sidewalk repair <50 sq ft = no deposit; 51-100 sq ft = \$150 deposit; 101-500 sq ft= \$450 deposit; if in high density area or 501+sq ft = \$900 deposit

Activities 2 - small directional signs \$135 \$30 None None Issuance base None that will (1st yr) fee includes 1 occur over hr for issuance more than one & inspection:~~year \$150/hr for services in excess of first hour

Activities in 3AL - street barricading \$135 \$30 None mo 1=no fee, Issuance base Minimum \$450

2 - small directional signs \$97 \$0 None None (renewal)

3 - street barricading for \$135 \$30 None None private use (1st yr)

3 - street barricading for \$97 \$0 None None private use (renewal)

5 - clocks (1st yr) \$135 \$30 None None

5 - clocks (renewal) \$97 \$0 None None

6 - signs, flags, etc extend \$135 \$30 None None over ROW (1st yr)

6 - signs, flags, etc extend \$97 \$0 None None over ROW (renewal)

7B - ramp primary access over \$135 \$30 None None underwater street (1st yr)

7B - ramp primary access \$97 \$0 None None underwater street (renewal)

8 - ventilating ducts (1st yr) \$135 \$30 None None

8 - ventilating ducts \$97 \$0 None None (renewals)

9 - underground vaults (1st \$135 \$30 None None yr)

9 - underground vaults \$97 \$0 None None (renewals)

14 - misc renewable uses (1st \$135 \$30 None Insurance required (yr)

14 - misc renewable uses \$97 \$0 None Insurance required (renewals)

14A - vending carts (1st yr) \$135 \$30 None Insurance required

14A - vending carts (renewal) \$97 \$0 None Insurance required

14B - tables & chairs [max 4] \$135 \$30 None Insurance required (1st yr)

14B - tables & chairs [max 4] \$97 \$0 None Insurance required (renewal)

16A - inactive areaways prior \$135 \$30 None Insurance required 1/1/95 (1st yr)

16A - inactive areaways prior \$97 \$0 None Insurance required 1/1/95 (renewals)

17 - sidewalks, elevators, \$135 \$30 None Insurance required doors (1st yr)

17 - sidewalks, elevators, \$97 \$0 None Insurance required doors (renewals)

21A - non public utilities (1st \$135 \$30 None None yr)

21A - non public utilities \$97 \$0 None None (renewal)

21B - underground storage tanks \$135 \$30 None None (1st yr)

21B - underground storage tanks \$97 \$0 None None (renewal)

27A - stanchions (1st yr) \$135 \$30 None Indemnity agreement

27A - stanchions (renewal) \$97 \$0 None Indemnity agreement

29A - structural retaining \$135 \$30 None Indemnity walls/rockeries (1st yr) agreement; \$450 deposit required

29A - structural retaining \$97 \$0 None Indemnity walls/rockeries (renewal) agreement; \$450 deposit required

33 - contractor's trucks/equip \$135 \$30 None Insurance required per vehicle (1st yr)

33 - contractor's trucks/equip \$97 \$0 None Insurance required per vehicle (renewal)

48 - building maintenance over \$135 \$30 None None ROW [per bldg] (1st yr)

48 - building maintenance over \$97 \$0 None None ROW [per bldg] (renewal)

52 - street decorations (1st \$135 \$30 None Insurance required yr)

52 - street decorations \$97 \$0 None Insurance required (renewals)

Occupation of 2A - ground signs (1st yr) \$135 \$30 \$590/yr None Issuance base None ROW street fee includes 1 hr for issuance & inspection: \$150/hr for services in excess of first hour

2A - ground signs (renewals) \$97 \$0 \$590/yr None

7 - structures & overhangs \$135 \$30 \$.51/sq/yr Indemnity agreement (1st yr)

7 - structures & overhangs \$97 \$0 \$.51/sq/yr Indemnity agreement (renewal)

12 - material storage (1st yr) \$135 \$30 \$.51/sq/yr None

12 - material storage (renewals) \$97 \$0 \$.51/sq/yr None 16 - areaways exist prior to \$135 \$30 \$.51/sq/yr Insurance reqd; 1/1/95 (1st yr) structural inspection at \$300 max

16 - areaways exist prior \$97 \$0 \$.51/sq/yr 1/1/95 (renewal)

18 - sidewalk cafes (1st yr) \$135 \$30 \$1.56/sf/yr Insurance required

18 - sidewalk cafes (renewals) \$97 \$0 \$1.56/sf/yr Insurance required

18A - merchandise on sidewalks \$135 \$30 \$1.56/sf/yr Insurance required (1st yr)

18A - merchandise on sidewalks \$97 \$0 \$1.56/sf/yr Insurance required (renewal)

21 - underground storage in \$135 \$30 \$590/yr None street (1st yr)

21 - underground storage in \$97 \$0 \$590/yr None street (renewals)

22BH - shoring unremoved (must \$135 \$30 \$1011/pile \$1000/piling left be removed to a point 4 ft in ROW if >21" from below finished grade) property line

27 - awnings, marquees & \$135 \$30 \$.51/sq/yr \$1616 maximum canopies (1st yr) [plus 27A if stanchions]

27 - awnings, marquees & \$97 \$0 \$.51/sq/yr \$1616 maximum canopies (renewal) [plus 27A if stanchions]

Activities 23 - cornices, architectural \$135 \$30 None None Issuance base Minimum \$450

Occup- ation of 7A - structures & overhangs \$135 \$30 \$.14/sf/mo None Issuance base Insurance required underwater streets (1st yr) fee includes 1 street hr for issuance & inspection: \$150/hr for services in excess of first hour

7A - structures & overhangs \$97 \$0 \$.14/sf/mo Insurance required underwater streets (renewals)

12A - moorage not covered \$135 \$30 \$.14/sf/mo None elsewhere (1st yr)

12A - moorage not covered \$97 \$0 \$.14/sf/mo None elsewhere (renewals)

WW100 - installations & overhangs \$135 \$30 \$.14/sf/mo None state waterways (1st yr)

WW100 - installations & overhangs \$97 \$0 \$.14/sf/mo None state waterway (renew)

WW150 - non-profit org water \$135 \$30 None None safety for youth (1st yr)

WW150 - non-profit org water \$97 \$0 None None safety for youth (renewal)

WW200 - moorage in state waterways \$135 \$30 \$.14/sf/mo None (1st yr)

WW200 - moorage in state waterways \$97 \$0 \$.14/sf/mo None (renewal)

WW250 - temporary moorage or other \$135 \$30 \$.14/sf/mo None uses of State waterways

Per ordinance 11 - shoreline street ends fees Issuance base Indemnity agreement or council [land portion] determin fee includes 1 action ed by hr for issuance ordinance & inspection; @ sq ft \$150/hr for of use service in demand excess of first factor - 1 hour factor*1 and value per sq ft*annua lized rate (10%)

14C - 1st amendment vending \$40 None \$35/mo None None Insurance required

14D - stadium and Exhibition None None \$121.50/mo Insurance required Center vending [Apr - Sept]

14E - stadium and Exhibition None None \$18/mo Insurance required Center vending [Oct - Mar]

16B - areaways built after 1/1/95 based Authorized by upon ordinance appraisal

58 - sign removal \$78 per sign Authorized by or poster ordinance

56 - legal document preparation None None None \$150/hr None

57 - impound fee City Minimum \$97 cost plus 15%

Title 15 of the Seattle Municipal Code also authorizes the Director of the Seattle Department of Transportation and/or the Director of the Department of Planning and Development (DPD) to require a surety bond or deposit for various permits when deemed to be in the public interest.

Payment is due within 30 days of the date of any invoice. Any invoice more than 90 days past due will be forwarded to a collection agency or the City Attorney's office for collection. All past due amounts will accrue interest at twelve percent (12%) per annum. In the event suit is commenced to collect on unpaid invoices, the prevailing party will be entitled to collect reasonable attorney's fees and costs of litigation.

Glossary of Terms

arterial area activity in business districts or along arterials as defined by SDOT's traffic classification; H denotes heavy traffic area infrastructure permanent structures and materials that physically occupy the ROW space (surface, sub-surface or super-surface) [e.g.: streets, sidewalks, fill, utilities, walls]

non-arterial activity in residential neighborhoods on access streets area and outside of arterials as defined by SDOT's traffic classifications; L denotes light traffic area

mobility activities that improve mobility mitigation through construction corridors [e.g.: work outside peak traffic areas]

occupation a per square foot fee for annual fee uses that discourages ROW burdens inconsistent with the public right of access (see Seattle Municipal Code 15.04.074)

ROW right-of-way; the land that encompasses the streets, including the above and below ground infrastructure, that runs from private property line to private property line

use fee a per square foot fee for temporary ROW blockage that discourages ROW burdens inconsistent with the public right of access (see Seattle Municipal Code 15.04.074)