



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 6, 2018

Ordinance 18670

Proposed No. 2018-0122.1

Sponsors Balducci, Kohl-Welles and Lambert

1 AN ORDINANCE clarifying Title 7, Title 10, Title 12,
2 Title 15, Title 26, Title 28 and Title 46 of the King County
3 Code, establishing a gender neutral code and making
4 technical corrections; and amending Ordinance 6798,
5 Section 42, and K.C.C. 7.12.420, Ordinance 6798, Section
6 55, as amended, and K.C.C. 7.12.550, Ordinance 14259,
7 Section 2, and K.C.C. 7.16.020, Ordinance 8891, Section 3,
8 as amended, and K.C.C. 10.04.020, Ordinance 7737,
9 Section 3, as amended, and K.C.C. 10.24.030, Ordinance
10 1069, Section 1, as amended, and K.C.C. 12.08.010,
11 Ordinance 1069, Section 3, and K.C.C. 12.08.030,
12 Ordinance 13981, Section 7, as amended, and K.C.C.
13 12.16.010, Ordinance 13981, Section 7, as amended, and
14 K.C.C. 12.17.060, Ordinance 7430, Section 3, as amended,
15 and K.C.C. 12.18.030, Ordinance 7430, Section 7, as
16 amended, and K.C.C. 12.18.070, Ordinance 5280, Section
17 2, as amended, and K.C.C. 12.20.020, Ordinance 5280,
18 Section 3(A), as amended, and K.C.C. 12.20.040,
19 Ordinance 5280, Section 3(B), as amended, and K.C.C.

20 12.20.050, Ordinance 5280, Section 3(C), as amended, and
21 K.C.C. 12.20.060, Ordinance 5280, Section 5, as amended,
22 and K.C.C. 12.20.080, Ordinance 5280, Section 7, as
23 amended, and K.C.C. 12.20.100, Ordinance 5280, Section
24 10, as amended, and K.C.C. 12.20.130, Ordinance 8625,
25 Section 2, as amended, and K.C.C. 12.22.020, Ordinance
26 8625, Section 3, as amended, and K.C.C. 12.22.030,
27 Ordinance 8625, Section 7, as amended, and K.C.C.
28 12.22.070, Resolution 28232, Section 2, as amended, and
29 K.C.C. 12.44.020, Resolution 28232, Section 4, as
30 amended, and K.C.C. 12.44.040, Resolution 28232, Section
31 8, and K.C.C. 12.44.110, Resolution 28232, Section 9, and
32 K.C.C. 12.44.120, Resolution 28232, Section 10, as
33 amended, and K.C.C. 12.44.130, Resolution 28232, Section
34 12, and K.C.C. 12.44.150, Resolution 28232, Section 13,
35 and K.C.C. 12.44.160, Resolution 28232, Section 14, and
36 K.C.C. 12.44.170, Resolution 28232, Section 19, and
37 K.C.C. 12.44.220, Resolution 28232, Section 22, and
38 K.C.C. 12.44.350, Resolution 28232, Section 27, and
39 K.C.C. 12.44.410, Resolution 28232, Section 33, and
40 K.C.C. 12.44.470, Resolution 28232, Section 34, and
41 K.C.C. 12.44.480, Resolution 28232, Section 40, and
42 K.C.C. 12.44.540, Resolution 28232, Section 42, as

43 amended, and K.C.C. 12.44.550, Ordinance 4257, Section
44 2, as amended, and K.C.C. 12.46.020, Ordinance 4257,
45 Section 6, as amended, and K.C.C. 12.46.050, Ordinance
46 4257, Section 8, as amended, and K.C.C. 12.46.080,
47 Ordinance 4257, Section 10, and K.C.C. 12.46.100,
48 Ordinance 4257, Section 14, and K.C.C. 12.46.140,
49 Ordinance 4257, Section 15, and K.C.C. 12.46.150,
50 Ordinance 4257, Section 16, and K.C.C. 12.46.160,
51 Resolution 35592, Section 1, and K.C.C. 12.48.010,
52 Resolution 35592, Section 2, and K.C.C. 12.48.020,
53 Resolution 35592, Section 3, and K.C.C. 12.48.030,
54 Ordinance 7884, Section 3, as amended, and K.C.C.
55 12.50.030, Ordinance 2041, Section 6, and K.C.C.
56 12.54.060, Ordinance 2041, Section 8, and K.C.C.
57 12.54.080, Ordinance 1248, Section 1, as amended, and
58 K.C.C. 12.63.010, Resolution 35042, Section 1, and K.C.C.
59 12.64.010, Resolution 35042, Section 2, and K.C.C.
60 12.64.020, Resolution 35042, Section 3, and K.C.C.
61 12.64.030, Ordinance 4691, Section 1, and K.C.C.
62 12.68.030, Ordinance 1937, Section 1, and K.C.C.
63 12.68.630, Resolution 1439, Section 1, and K.C.C.
64 12.78.010, Resolution 14349, Section 4, and K.C.C.
65 12.78.040, Resolution 13839, Section 1, and K.C.C.

66 12.80.010, Resolution 13839, Section 2, and K.C.C.
67 12.80.020, Ordinance 4785, Section 1(a), and K.C.C.
68 12.81.010, Ordinance 4785, Section 1(b), and K.C.C.
69 12.81.020, Ordinance 4785, Section 1(c), and K.C.C.
70 12.81.030, Resolution 35704, Section 3, and K.C.C.
71 12.84.010, Resolution 35704, Section 3, and K.C.C.
72 12.84.030, Resolution 17335, Section 1, and K.C.C.
73 12.130.010, Resolution 17335, Section 2, and K.C.C.
74 12.130.020, Resolution 17335, Section 3, and K.C.C.
75 12.130.030, Ordinance 8890, Section 2, and K.C.C.
76 12.150.020, Ordinance 1159, Article II, Section 13, and
77 K.C.C. 15.08.130, Ordinance 1159, Article III, Section 12,
78 as amended, and K.C.C. 15.12.120, Ordinance 1159,
79 Article IV, Section 7, as amended, and K.C.C. 15.16.070,
80 Ordinance 1159, Article XIII, Section 4, and K.C.C.
81 15.52.040, Ordinance 1159, Article XXI, Section 1, and
82 K.C.C. 15.80.010, Ordinance 7444, Section 3, and K.C.C.
83 15.90.030, Ordinance 7444, Section 8, as amended, and
84 K.C.C. 15.90.080, Ordinance 7444, Section 13, and K.C.C.
85 15.90.130, Ordinance 4341, Section 6, and K.C.C.
86 26.04.050, Ordinance 9430, Section 3, and K.C.C.
87 26.12.050, Ordinance 11034, Section 3(part), and K.C.C.
88 28.82.270, Ordinance 11034, Section 3 (part), and K.C.C.

89 28.82.390, Ordinance 11034, Section 3 (part) and K.C.C.
90 28.82.410, Ordinance 11034, Section 3(part), and K.C.C.
91 28.82.600, Ordinance 11034, Section 3(part), and K.C.C.
92 28.82.960, Ordinance 11034, Section 5, as amended, and
93 K.C.C. 28.84.050, Ordinance 11034, Section 6, as
94 amended, and K.C.C. 28.84.060, Ordinance 13680, Section
95 1, as amended, and K.C.C. 28.86.010, Ordinance 11033,
96 Section 15, and K.C.C. 28.94.100, Ordinance 11950,
97 Section 14, as amended, and K.C.C. 28.96.010, Ordinance
98 11950, Section 15(part), and K.C.C. 28.96.060, Ordinance
99 11950, Section 18(part), and K.C.C. 28.96.430, Ordinance
100 5846, Section 4, as amended, and K.C.C. 46.08.040,
101 Ordinance 10278, Section 9, as amended, and K.C.C.
102 46.08.080, Ordinance 10278, Section 12, as amended, and
103 K.C.C. 46.08.130, Ordinance 9078, Section 3, and K.C.C.
104 46.10.030 and Ordinance 9078, Section 4, as amended, and
105 K.C.C. 46.10.040.

106 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

107 SECTION 1. Ordinance 6798, Section 42, and K.C.C. 7.12.420 are each hereby
108 amended to read as follows:

109 No person shall allow ((~~his or her~~)) that person's own dog or other pet or domestic
110 animal to bite or in any way molest or annoy park visitors. No person shall permit ((~~his~~
111 ~~or her~~)) that person's own dog or other pet or domestic animal to bark continuously or

112 otherwise disturb the peace and tranquility of the park.

113 SECTION 2. Ordinance 6798, Section 55, as amended, and K.C.C. 7.12.550 are

114 each hereby amended to read as follows:

115 A. It is unlawful for any person except a duly authorized department employee in
116 the performance of ~~((his or her))~~ the employee's duties, or other person duly authorized
117 pursuant to law, to remove, destroy, mutilate or damage any structure, lawn, monument,
118 statue, vase, fountain, wall, fence railing, vehicle, bench, shrub, tree, geological
119 formation, plant, flower lighting system, sprinkling system, gate, barricade or lock or
120 other property lawfully in any park, or to remove sand, soil, or sod in any park. No
121 person shall cut down, destroy, or in any way injure any vegetation, living or dead, in any
122 King County park area unless authorized to do so by the department. No person shall
123 deface, damage or destroy any property, material or equipment which is under the
124 jurisdiction of the division.

125 ~~((Damage to wildlife.))~~ B. Except for fishing and shellfishing in authorized areas
126 and subject to rules promulgated by the Washington ~~((State))~~ Fish and Wildlife
127 Commission, it is unlawful in any park in any manner to attempt to capture, tease, annoy,
128 disturb, or strike any animal, with any stick, weapon or other device or throw or
129 otherwise propel any missile or other object at or in the vicinity of any such animal.

130 SECTION 3. Ordinance 14259, Section 2, and K.C.C. 7.16.020 are each hereby
131 amended to read as follows:

132 It is the policy of King County to accept the voluntary grant of trail easements for
133 preservation or replacement of rural community equestrian trails that meet the
134 specifications for such trails set out in K.C.C. chapter 21A.14. Such grants may be

135 accepted in conjunction with a development proposal or as a separate transaction when
136 offered by the property owner. The offerings of such grants shall be strictly voluntary.
137 No county employee shall ever state or suggest to an applicant or (~~his or her~~) the
138 applicant's representative that the development proposal is or may be contingent on the
139 voluntary offering of the grant.

140 SECTION 4. Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020 are
141 each hereby amended to read as follows:

142 The definitions in this section apply throughout this title unless the context clearly
143 requires otherwise:

144 A. "Adjunct transfer station" means a privately owned and operated transfer
145 facility authorized by the county to receive, consolidate and deposit municipal solid
146 waste into larger transfer vehicles for transport to and disposal at county-authorized solid
147 waste facilities.

148 B. "Asbestos-containing waste material" means any waste that contains or is
149 contaminated with asbestos-containing material. "Asbestos-containing waste material"
150 includes asbestos waste from control equipment, materials used to enclose the work area
151 during an asbestos project, asbestos-containing material collected for disposal, asbestos-
152 contaminated waste, waste, containers, bags, protective clothing or HEPA filters.
153 Asbestos-containing waste material does not include samples of asbestos-containing
154 material taken for testing or enforcement purposes.

155 C. "Ashes" means the residue including any air pollution control equipment flue
156 dusts from combustion or incineration of material including solid wastes.

157 D. "Biomedical waste" means and is limited to the following types of waste

158 defined as "biomedical waste" in RCW 70.95K.010, as now or as hereafter amended:
159 animal waste, biosafety level 4 disease waste, cultures and stocks, human blood and
160 blood products, pathological waste, sharps waste and any other waste determined to be
161 infectious by the generator's infection control staff or committee.

162 E. "C&D" means construction and demolition waste.

163 F. "C&D receiving facility" means any properly licensed or permitted facility
164 that is designated by the county as the facility to which C&D waste, including residual
165 C&D waste, is required to be delivered under this Code. A C&D receiving facility may
166 be either a material recovery facility or a transfer facility, or both.

167 G. "C&D recycling facility" means any properly licensed or permitted facility at
168 which recyclable C&D waste is removed from mixed C&D waste for reuse or
169 remanufacture into a usable product.

170 H. "Certificated hauler" means any person engaged in the business of solid waste
171 handling having a certificate of convenience and necessity granted by the Washington
172 Utilities and Transportation Commission for that purpose.

173 I. "Charitable organization" means any organization that meets the following
174 criteria: must be defined by the Internal Revenue Service as a 501(c)3 charitable
175 organization; must be engaged as a primary form of business in the processing of
176 abandoned goods for resale or reuse; and must have an account with the solid waste
177 division.

178 J. "Clean mud and dirt" means mud and dirt that meet the definition of "natural
179 background" in this title, as currently enacted and as hereafter amended.

180 K. "Clean wood" means stumps and branches over four inches in diameter and

181 construction lumber free of paint, preservatives, metals, concrete and other nonwood
182 additives or attachments.

183 L. "Clean wood collection area" means an area used by county residents,
184 businesses and institutions to deposit source-separated clean wood.

185 M. "Closure" means those actions taken by the owner or operator of a solid waste
186 facility to cease disposal operations or other solid waste handling activities, and to ensure
187 that all such facilities are closed in conformance with applicable rules at the time of the
188 closure and to prepare the site for the post-closure period.

189 N. "Commercial hauler" means any person, including, but not limited to,
190 certificated haulers, contract haulers and others collecting or transporting solid waste for
191 hire or consideration.

192 O. "Compacted waste" means any solid waste whose volume is less than in the
193 loose condition as a result of compression.

194 P. "Composted material means organic solid waste that has undergone biological
195 degradation and transformation under controlled conditions designed to promote aerobic
196 decomposition at a solid waste facility in compliance with the requirements of this title;
197 Natural decay of organic solid waste under uncontrolled conditions does not result in
198 composted material.

199 Q. "Composting" means the biological degradation and transformation of organic
200 solid waste under controlled conditions designed to promote aerobic decomposition.
201 Natural decay of organic solid waste under uncontrolled conditions is not composting.

202 R. "Comprehensive solid waste management plan" means the King County plan
203 prepared in accordance with chapter 70.95 RCW, as enacted or hereafter amended.

204 S.1. "Construction and demolition (C&D) waste" means any nonputrescible
205 recyclable or nonrecyclable waste that results from construction, remodeling, repair or
206 demolition of buildings, roads or other structures and requires removal from the site of
207 construction or demolition. Except where otherwise expressly provided, " C&D waste"
208 means C&D waste generated in the county jurisdiction.

209 2. "C&D waste" does not include land clearing materials such as soil, rock,
210 vegetation or contaminated soil, friable asbestos-containing waste material as defined
211 under Regulation III, Article 4 of the Puget Sound Clean Air Agency, unacceptable
212 waste, garbage, sewerage, animal carcasses or any other solid waste that does not meet
213 the definition of C&D waste.

214 T. "Container" means a portable device used for the collection, storage and/or
215 transportation of solid waste including, but not limited to, reusable containers, disposable
216 containers and detachable containers.

217 U. "Contaminated soil" means any soil that does not meet the definition of
218 "natural background" in the soil cleanup standards of the chapter 173-340 WAC, as
219 currently enacted and as hereafter amended.

220 V. "Contract hauler" means any person engaged in the business of solid waste
221 handling having a contract with a city or town for that purpose.

222 W. "County jurisdiction" means the geographic area for which King County
223 government has comprehensive planning authority for solid waste management either by
224 law, such as unincorporated areas, or by interlocal agreement, or both.

225 X. "County solid waste" means all solid waste generated, collected or disposed
226 within the county jurisdiction.

227 Y. "Curbside collection" means the pick-up of recyclable materials and solid
228 waste from a household. This pick-up may be at a curb, end of driveway or alleyway
229 from either a single family or multifamily dwelling.

230 Z. "Dangerous wastes" means any solid waste designated as dangerous waste by
231 the Washington state Department of Ecology under chapter 173-303 WAC, Dangerous
232 waste regulations.

233 AA. "Department" means any executive department and administrative office as
234 defined by King County ordinance or other applicable law and includes, but is not limited
235 to, all county agencies not associated with a department, such as the prosecuting attorney,
236 the assessor, the sheriff and the council.

237 BB. "Director" means the director of the department of natural resources and
238 parks or the director's designee.

239 CC. "Disposal" means the discharge, deposit, injection, dumping, leaking or
240 placing of any solid waste into or on any land or water.

241 DD. "Disposal facility" means a facility or facilities where any final treatment,
242 utilization, processing or disposal of solid waste occurs.

243 EE. "Disposal system" means the system of solid waste facilities, rules and
244 procedures established in accordance with this title.

245 FF. "Diversion rate" means a measure of the amount of waste materials being
246 diverted for recycling compared with the total amount that would otherwise be thrown
247 away.

248 GG. "Division" means the solid waste division of the King County department of
249 natural resources and parks.

250 HH. "Division director" means the manager of the solid waste division of the
251 department of natural resources and parks of King County, or the division manager's
252 designee.

253 II. "Drop box facility" means a facility used for the placement of a detachable
254 solid waste container, such as a drop box, including the area adjacent for necessary
255 entrance and exit roads, unloading and turnaround areas. A drop box facility normally
256 serves self-haulers with loose loads and receives waste from off-site. A drop box facility
257 may also include containers for separated recyclable materials.

258 JJ. "Environmentally preferable products" means products that have fewer or
259 reduced negative impacts on human health or the environment compared to competing
260 products that serve the same purpose. This comparison may consider raw materials
261 acquisition, production, manufacturing, packaging, distribution, operation, maintenance,
262 reuse and disposal of the product.

263 KK. "Facility" means all contiguous land and structures, other appurtenances,
264 and improvements on the land used for the management of solid waste.

265 LL. "Federal guidance" means guidelines provided by the United States
266 Environmental Protection Agency, the Offices of the Federal Environmental Executive,
267 federal executive orders or other guidelines offered by federal agencies.

268 MM. "Franchise area" means a certificated hauler's territorial collection area,
269 which is delineated in the certificate of convenience and necessity issued by the
270 Washington Utilities and Transportation Commission.

271 NN. "Garbage" means all putrescible wastes, except the following:

272 1. Organics that have been source separated for the purpose of recycling,

273 2. Sewage; and

274 3. Sewage sludge.

275 OO. "Hazardous waste" includes, but is not limited to, explosives, medical
276 wastes, radioactive wastes, pesticides and chemicals that are potentially harmful to the
277 public health or the environment. Unless otherwise defined by the health department,
278 "hazardous waste" has the same meaning as defined by the Washington state Department
279 of Ecology in the Washington Administrative Code.

280 PP. "Hazardous waste management plan" means a plan for managing moderate
281 risk wastes, under RCW 70.105.220.

282 QQ. "Health department" means the Seattle-King County department of public
283 health.

284 RR. "Health officer" means the health department director or ~~((his or her~~
285 ~~designated representative))~~ designee.

286 SS. "Host city" means a city that has a county transfer facility within its
287 incorporated boundaries.

288 TT. "Household hazardous waste" means any waste that exhibits any of the
289 properties of dangerous wastes that is exempt from regulation under chapter 70.105
290 RCW, Hazardous waste management, solely because the waste is generated by
291 households. Household hazardous waste can also include other solid waste identified in
292 the local hazardous waste management plan.

293 UU. "Illegal dumping" means disposing of solid waste in any manner other than
294 in a receptacle specifically provided for that purpose, in any public place, public road,
295 public park or private property or in the waters of King County, except as authorized by

296 King County or at the official solid waste disposal facility provided by the county.

297 VV. "Industrial solid wastes" means solid waste generated from manufacturing
298 operations, food processing, or other industrial processes.

299 WW. "Interlocal forum" means representatives of the metropolitan King County
300 council and representatives of incorporated cities and towns within King County
301 designated by the Suburban Cities Associated and by interlocal agreement to discuss
302 solid waste issues and facilitate regional cooperation in solid waste management. The
303 regional policy committee of the council is designated by interlocal agreements between
304 suburban cities and the county as the solid waste interlocal forum.

305 XX. "Intermediate solid waste handling facility" means any intermediate use or
306 processing site engaged in solid waste handling that is not the final site of disposal. This
307 includes material recover facilities, transfer stations, drop boxes, baling and compaction
308 sites.

309 YY. "Intermodal facility" means any facility operated for the purpose of
310 transporting closed containers of waste from one mode of transportation to another and
311 the containers are not opened for further treatment, processing or consolidation of the
312 waste.

313 ZZ. "King County solid waste advisory committee" means the committee formed
314 in accordance with K.C.C. chapter 10.28 and chapter 70.95 RCW to advise the county on
315 solid waste management planning, assist in the development of programs and policies
316 concerning solid waste management and review and comment on the comprehensive
317 solid waste management plan and other proposed solid waste management rules, policies
318 or ordinances before adoption.

319 AAA. "Landfill" means a disposal facility or part of a facility at which solid
320 waste is permanently placed in or on land including facilities that use solid waste as a
321 component of fill.

322 BBB. "Landfill gas" means gas produced by the microbial decomposition of
323 municipal solid waste in a landfill.

324 CCC. "Level of service" means the level and degree of service provided at
325 facilities, including hours of operation, classes of customers served and recyclable
326 materials collection available.

327 DDD. "Liquid waste" means any solid waste that is deemed to contain free
328 liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for
329 Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.31.

330 EEE. "Littering" means to accumulate, or place, throw, deposit, put into or in any
331 land or water or otherwise dispose of solid waste including rubbish, ashes, garbage, dead
332 animals, industrial solid waste and all other waste material of every kind and description
333 in any manner except as authorized by this chapter.

334 FFF. "Material recovery facility" or "MRF" means any facility that processes for
335 transport mixed C&D waste or source separated solid waste for the purpose of recycling.

336 GGG. "Mixed C&D waste" means C&D waste containing both recyclable and
337 nonrecyclable C&D waste material that has not been separated.

338 HHH. "Mixed waste processing" means sorting of solid waste after collection
339 from the point of generation to remove recyclable materials from the solid waste to be
340 disposed.

341 III. "Moderate risk waste" means solid waste that is limited to conditionally

342 exempt small quantity generator (CESQG) waste and household hazardous waste (HHW)
343 as defined in chapter 173-350 WAC.

344 JJJ. "Municipal solid waste" or "MSW" means a subset of solid waste that
345 includes unsegregated garbage, rubbish and similar solid waste material discarded from
346 residential, commercial, institutional and industrial sources and community activities,
347 including residue after recyclable materials have been separated. Solid waste that has
348 been segregated by source and characteristic may qualify for management as a non-MSW
349 solid waste, at a facility designed and operated to address the waste's characteristics and
350 potential environmental impacts. "MSW" does not include:

351 1. Dangerous wastes other than wastes excluded from the requirements of
352 ~~((WAC))~~ chapter 173-303 WAC in WAC 173-303-071, such as household hazardous
353 wastes;

354 2. Any solid waste, including contaminated soil and debris, resulting from
355 response action taken under section 104 or 106 of the Comprehensive Environmental
356 Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D
357 RCW, ~~((WAC))~~ chapter 173-340 WAC or a remedial action taken under those rules; or

358 3. Mixed or segregated recyclable material that has been source-separated from
359 garbage, rubbish and similar solid waste. The residual from source separated recyclable
360 materials is MSW.

361 KKK. "Natural background" means the concentration of a hazardous substance
362 consistently present in the environment that has not been influenced by localized human
363 activities.

364 LLL. "Noncommercial user" means any person who uses King County solid

365 waste facilities but is not engaged in the business of solid waste handling.

366 MMM. "Nonrecyclable C&D waste" means any C&D waste that is not
367 recyclable C&D waste. C&D waste used as alternative daily cover for landfills or as a
368 waste stabilizer is considered nonrecyclable C&D waste.

369 NNN. "Oil" means engine lubricating, gear, hydraulic, fuel and other types of oil.

370 OOO. "Operating hours" means those times during which solid waste facilities
371 are normally open and available for the delivery of solid waste.

372 PPP. "Organics" means yard waste, food waste and soiled paper products
373 determined by the division director to be acceptable for composting.

374 QQQ. "Person" means any individual, association, business, firm, corporation,
375 limited liability corporation, copartnership, marital community, political subdivision,
376 municipality, government agency, industry, public or private corporation or any other
377 entity whatever.

378 RRR. "Post-closure" means the requirements placed upon disposal facilities after
379 closure to ensure their environmental safety for at least a thirty-year period or until the
380 site becomes stabilized, which means there is little or no settlement, gas production or
381 leachate generation.

382 SSS. "Postconsumer material" means material has been previously used by
383 consumers that is diverted from the solid waste stream.

384 TTT. "Practicable" means satisfactory in performance and available at a fair and
385 reasonable price.

386 UUU. "Primary recyclable materials" means recyclable materials that are
387 commonly collected and are included under the minimum service levels for recycling

388 collection programs. These include paper, cardboard, glass, tin and aluminum beverage
389 containers, high density polyethylene (HDPE) and polyethylene terephthalate (PET)
390 bottles and yard waste less than four inches in diameter, four feet long, or both.

391 VVV. "Product stewardship" means taking measures to minimize the impacts of
392 a product on the environment during its life cycle. The principle of product stewardship
393 applies to designers, suppliers, manufacturers, distributors, retailers, consumers, recyclers
394 and disposers.

395 WWW. "Putrescible waste" means solid waste that contains material capable of
396 being readily decomposed by microorganisms and which is likely to produce offensive
397 odors.

398 XXX. "Reclamation site" means a location used for the processing or the storage
399 of recycled waste.

400 YYY. "Recovered material" means waste material that has been recovered from
401 the solid waste stream, but does not include material generated from and commonly
402 reused on site in an original manufacturing process.

403 ZZZ. "Recyclable C&D waste" means C&D waste material that can be kept out
404 of or recovered from C&D waste and reused or transformed into a usable product.
405 Recyclable C&D waste may consist of a single type of recyclable material or a mixture of
406 two or more types of recyclable material. Material used to produce hog fuel is recyclable
407 C&D waste.

408 AAAA. "Recyclable materials" means those solid wastes that are separated for
409 reuse, recycling or composting, including, but not limited to, papers, cardboard, metals,
410 glass, plastic bottles and containers, plastic bags, yard waste, food waste, wood waste,

411 chemicals, oil, textiles, white goods and other materials that are identified as recyclable
412 material under the King County comprehensive solid waste management plan.

413 BBBB. "Recycled paper" means paper meeting recycled content standards in
414 federal guidance.

415 CCCC. "Recycled product" means a product manufactured with the maximum
416 practicable amount of recovered material, especially postconsumer material.

417 DDDD. "Recycling" means transforming or remanufacturing waste materials into
418 usable or marketable materials for use other than landfill disposal or incineration.

419 "Recycling" does not include collection, compacting, repackaging, and/or sorting for the
420 purpose of transport. "Recycling" does not include combustion of solid waste or
421 preparation of a fuel from solid waste.

422 EEEE. "Region" means the area encompassing those cities with solid waste
423 signed interlocal agreements and unincorporated areas of King County that are included
424 in the comprehensive solid waste management plan. "Region" includes all of King
425 County except the cities of Seattle and Milton.

426 FFFF. "Regional direct" means any solid waste generated and collected in King
427 County and transported to Cedar Hills regional landfill by conventional long haul transfer
428 vehicles from privately owned solid waste transfer stations or intermediate handling
429 facilities permitted by the health department as provided for in King County board of
430 health regulations.

431 GGGG. "Regulated refrigerant" means a class I or class II substance as listed in
432 Title VI of the Federal Clean Air Act Amendments of 1990.

433 HHHH. "Residual C&D waste" means the nonrecyclable waste remaining after

434 recycling processes have removed recyclable waste.

435 IIII. "Reuse" means the return of a commodity into the economic stream for use.

436 JJJJ. "Rubbish" means all nonputrescible wastes, except materials that have been
437 source separated for the purpose of recycling.

438 KKKK. "Rural transfer facilities" means the Vashon and Enumclaw transfer
439 stations, the Cedar Falls and Skykomish drop box facilities and other facilities the
440 division director designates as rural transfer facilities.

441 LLLL. "Salvaging" or "scavenging" means the removal of materials from a solid
442 waste facility without the authorization of the division director and the health officer.

443 MMMM. "Secondary recyclable materials" means those recyclable materials that
444 have not been designated as being included in the county's minimum service levels for
445 recyclable materials collection. "Secondary recyclable" are those with generally limited
446 markets, a lack of collection systems or a limited number of generators of the material.

447 NNNN. "Secured load" means a load of solid waste that has been securely
448 fastened, covered, or both in a manner that will prevent the covering or any part of the
449 load from becoming loose, detached or leaving the vehicle while the vehicle is moving
450 except sand may be dropped for the purpose of securing traction.

451 OOOO. "Self-hauler" means county residents, business and institutions who
452 choose to bring their municipal solid waste and recyclable materials to the transfer
453 facilities themselves.

454 PPPP. "Shall" and "will" in a policy mean that it is mandatory to carry out the
455 policy. "Should" in a policy provides noncompulsory guidance and establishes some
456 discretion in making decisions. "May" in a policy means that it is in the interest of the

457 county or other named entity to carry out the policy but there is a total discretion in
458 making decisions.

459 QQQQ. "Solid waste" or "wastes" means all putrescible and nonputrescible solid
460 and semisolid wastes, except wastes identified in WAC 173-350-020, including, but not
461 limited to, garbage, rubbish, ashes, industrial wastes, commercial waste, sewage sludge,
462 demolition and construction wastes, abandoned vehicles or parts thereof, contaminated
463 soils and contaminated dredged material, discarded commodities and recyclable
464 materials.

465 RRRR. "Solid waste collection entity" means every person owning, controlling,
466 operating or managing vehicles used in the business of transporting solid waste for
467 collection or disposal, or both, for compensation including all certificated haulers, any
468 city using its own employees or any person operating under a contract with or franchise
469 from a city or town performing solid waste collection services within the jurisdiction.

470 SSSS. "Solid waste facility" means a disposal facility or intermediate solid waste
471 handling facility. "Solid waste facility" includes, but is not limited to, transfer stations,
472 intermodal facilities, landfills, incinerators, composting plants and facilities for the
473 recycling or recovery of resources from solid waste or the conversion of the energy from
474 solid waste to more useful forms or combinations thereof. "Solid waste facility" includes
475 all contiguous land, including buffers and setbacks, and structures, other appurtenances
476 and improvements on the land used for solid waste handling.

477 TTTT. "Solid waste interlocal agreement" means an agreement between a city
478 and the county for use of the King County solid waste system for disposal of solid waste
479 generated or collected within the city.

480 UUUU. "Solid waste management" means the systematic administration of
481 activities that provide for the reduction in generated volume, source separation,
482 collection, storage, transportation, transfer, recycling, processing, treatment and disposal
483 of solid waste. "Solid waste management" includes public education and marketing
484 activities.

485 VVVV. "Solid waste system" means King County's system of solid waste
486 facilities as authorized under RCW 36.58.040 as here enacted or otherwise amended and
487 as established in accordance with the approved King County comprehensive solid waste
488 management plan.

489 WWWW. "Source separation" means the separation of recyclable materials from
490 other solid waste at the place where the waste originates.

491 XXXX. "Special waste" means all nonhazardous wastes that have special
492 handling needs or have specific waste properties that require waste clearance by either
493 the division or the health department, or both. These wastes are specified in the waste
494 acceptance rule (P.U.T. 7-1-5 (PR) or future amendments of that rule), and include
495 contaminated soil, asbestos-containing materials, wastewater treatment plant grit,
496 industrial wastes and other wastes.

497 YYYYY. "Suspect waste" means any waste the division director suspects may be
498 unauthorized waste.

499 ZZZZ. "Sustainable building principles" means the use of energy- and resource-
500 efficient site and building design, construction, operations and management.

501 AAAAA. "Transfer facility" means a permanent fixed, supplemental collection
502 and transportation facility used by either persons or route collection vehicles, or both to

503 deposit collected solid waste from off-site into a larger transfer vehicle for transport to a
504 solid waste handling facility. "Transfer facility" may also include recycling operations.

505 BBBBB. "Unacceptable waste" means any material for which the transportation
506 or disposal would constitute a violation of any governmental requirement pertaining to
507 health, safety or the environment. The material may include, but is not limited to,
508 hazardous, extremely hazardous or dangerous waste as designated under Washington
509 state or federal law, including, but not limited to, regulations contained in the Washington
510 Administrative Code, now in effect or as may be hereafter amended, or in the Code of
511 Federal regulations, now in effect or as may be hereafter amended.

512 CCCCC. "Unauthorized waste" means waste that is not acceptable for disposal at
513 any or a specific solid waste facility according to applicable rules or a determination of
514 the division director.

515 DDDDD. "Uncompacted waste" means any solid waste in an uncompressed or
516 loose condition.

517 EEEEEE. "Unincorporated service area" means the geographical area of
518 unincorporated King County designated to receive the solid waste, recyclable material
519 and organics collection services defined in this chapter. The unincorporated service area
520 does not include:

- 521 1. Vashon Island (served under Certificate No. G-87, Tariff No. 7);
522 2. Snoqualmie pass (served under Certificate No. G-237, Tariff No. 10); and
523 3. Areas where residential garbage collection service is not provided by a
524 certificated hauler.

525 FFFFF. "Unsecured load" means a load of solid waste that has not been securely

526 fastened, covered, or both to prevent the covering or any part of the load from becoming
527 loose, detached or leaving the vehicle while the vehicle is moving.

528 GGGGG. "Urban transfer facilities" means the county's Algona, Bow Lake,
529 Factoria, Houghton, Shoreline, and Renton transfer facilities and other transfer facilities
530 the division director designates as urban transfer facilities.

531 HHHHH. "Washington Utilities and Transportation Commission" means the state
532 commission created under chapter 80.01 RCW, as now enacted or hereafter amended.

533 IIIII. "Waste export" means the act of sending waste to a disposal facility out of
534 the region.

535 JJJJJ. "Waste reduction" means reducing the amount or type of waste generated.

536 KKKKK. "Waste stream" means the total flow of solid waste from homes,
537 businesses, institutions and manufacturing plants that must be recycled or disposed in
538 landfills, or any segment thereof, such as the "residential waste stream" or the "recyclable
539 waste stream."

540 LLLLL. "White goods" means major appliances, including refrigerators, freezers,
541 heat pumps, air conditioners, stoves, ranges, dishwashers, washers, dryers, trash
542 compactors, dehumidifiers and other appliances specified by the division director.

543 MMMMM. "White goods collection area" means an area used by county
544 residents to deposit source separated white goods.

545 NNNNN. "Wood waste" means solid waste consisting of wood pieces or
546 particles generated as a byproduct resulting from the handling and processing of wood,
547 including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of
548 wood, stumps, limbs and any other material composed largely of wood that has no

549 significant commercial value, but does not include slash developed from logging
550 operations unless disposed of on a different site, and does not include wood pieces or
551 particles containing chemical preservatives such as creosote, pentachlorophenol or
552 copper-chrome-arsenate.

553 OOOOO. "Woody debris" means natural vegetation greater than four inches in
554 diameter, four feet in length, or both, such as stumps, fallen tree branches or limbs,
555 resulting from land clearing activity, storms or natural disasters.

556 PTTTT. "Yard waste" means a compostable organic material generated in yards
557 or gardens, including but not limited to, leaves, grass, branches, prunings and clippings of
558 woody and fleshy plants and unflocked holiday trees, but does not include rocks, dirt or
559 sod, concrete, asphalt, bricks, land-clearing wastes, demolition wastes, wood waste or
560 food waste.

561 QQQQQ. "Yard waste collection area" means an area used by county residents,
562 businesses and institutions to deposit source-separated yard waste.

563 RRRRR. "Zero waste of resources" is a planning principle and framework
564 designated to eliminate the disposal of materials with economic value through reuse,
565 recycling, or both.

566 SECTION 5. Ordinance 7737, Section 3, as amended, and K.C.C. 10.24.030 are
567 each hereby amended to read as follows:

568 The plan shall include the following:

569 A. Goals for solid waste management in King County, including a goal to
570 achieve maximum feasible reduction of solid waste going to landfills and other
571 processing facilities, conservation of energy and natural resources, and environmental

572 protection. The plan shall include measurable objectives for achieving this goal,
573 including but not limited to the following:

574 1. Annual tonnage projections;

575 2. Five-, ten- and twenty-year plans for waste reduction through recycling and
576 waste reduction incentives, packaging changes, source separation and waste processing
577 alternatives, and other methods deemed effective by the division; and

578 3. Analysis of alternative waste reduction and disposal methods showing the
579 impact of each on landfill capacity, energy consumption, natural resource consumption
580 and environmental quality;

581 B. A detailed inventory and description of all existing solid waste handling
582 facilities including an inventory of any deficiencies, including operating efficiencies and
583 public service needs, in meeting current solid waste handling needs;

584 C. The estimated long-range needs for solid waste handling facilities projected
585 twenty years into the future;

586 D. A program for the orderly development of solid waste handling facilities in a
587 manner consistent with the plans for the entire county, which shall:

588 1. Meet the solid waste handling standards and municipal solid waste landfill
589 criteria adopted by the Washington state Department of Ecology and all laws and rules
590 relating to air and water pollution, fire prevention, flood control and protection of public
591 health;

592 2. Take into account the comprehensive land use plan of each jurisdiction;

593 3. Contain a six-year construction and capital acquisition program for solid
594 waste handling facilities; and

595 4. Contain a plan for financing both capital costs and operational expenditures
596 of the proposed solid waste management system;

597 E. A program for surveillance and control;

598 F. A current inventory and description of solid waste collection needs and
599 operations within each respective jurisdiction, which shall include:

600 1. Any franchise for solid waste collection granted by the utilities and
601 transportation commission in the respective jurisdictions including the franchise holder's
602 name ~~((of the holder of the franchise and))~~, the business address ~~((of his))~~ for the
603 franchise ~~((place of business))~~, the area covered by ~~((his operation))~~ the franchise and the
604 rates charged in comparison to disposal costs;

605 2. Any city solid waste operational plan, including boundaries and identification
606 of responsibilities;

607 3. The population density of each area serviced by a city operation or by a
608 franchised operation within the respective jurisdictions;

609 4. The projected solid waste collection needs for the respective jurisdictions for
610 the next six years;

611 5. Analysis of operating economics, travel distances and economically optimal
612 locations of solid waste facilities;

613 G. A review of potential areas that meet the siting criteria as outlined in RCW
614 70.95.165;

615 H. Any other requirements prescribed by the state of Washington; and

616 I. Any other analysis that will be useful to fulfilling the goals set forth in the plan.

617 SECTION 6. Ordinance 1069, Section 1, as amended, and K.C.C. 12.08.010 are

618 each hereby amended to read as follows:

619 It is unlawful for anyone:

620 A. To falsely represent (~~((himself falsely))~~) to be a member of the department of
621 public safety, hereinafter referred to as "the department" or a special member appointed
622 pursuant to RCW 36.28.020;

623 B. To wear without authority of the King County sheriff, uniforms or a
624 distinctive part thereof, or any badge or insignia of the department of public safety, or
625 any facsimile of the aforementioned uniform, badge or insignia;

626 C. (~~((To wear or carry upon his person or display upon a vehicle without the
627 authority of the King County sheriff,))~~) Without the authority of King County sheriff, to
628 display upon a vehicle or wear or carry, any object, device or lettering containing the
629 words "King County Police Officer", "King County Deputy Sheriff", "King County
630 Detective", "King County Patrol", "King County Police" or any such words of a similar
631 nature reasonably designed to create the impression such person is in any manner
632 connected with the department.

633 SECTION 7. Ordinance 1069, Section 3, and K.C.C. 12.08.030 are each hereby
634 amended to read as follows:

635 It is unlawful for any person, except a member of the department or such member
636 appointed pursuant to RCW 36.28.020, to have in (~~((his))~~) the person's possession any
637 police badge issued or authorized by the department or any facsimile thereof, with intent
638 (~~((falsely))~~) to falsely represent (~~((himself))~~) to be a member or special member of the
639 department.

640 SECTION 8. Ordinance 13981, Section 7, as amended, and K.C.C. 12.16.010 are

641 each hereby amended to read as follows:

642 The definitions in this section apply throughout this chapter unless the context
643 clearly requires otherwise.

644 A. "Administrator" means the director of the finance and business operations
645 division in the department of executive services.

646 B. "Contract awarding authority" means any person with the power to enter into a
647 contractual arrangement binding the county and also means the particular office, agency
648 or division on whose behalf the contract is executed. In addition, "contract awarding
649 authority" includes, but is not limited to, the county executive, heads of county
650 departments or offices and, as delegated, division directors.

651 C. "Contractor" means any person, firm, business, organization, company,
652 partnership, corporation or other legal entity, excluding real property lessors and lessees
653 and government agencies, contracting to do business with the county including, but not
654 limited to, public work contractors, consultant contractors, providers of professional
655 services, service agencies, vendors((s)) and suppliers selling or furnishing materials,
656 equipment or goods or services.

657 D. "Disability" means the presence of a sensory, mental or physical impairment
658 that is medically cognizable or diagnosable; or exists as a record or history; or is
659 perceived to exist whether or not it exists in fact. A disability exists whether it is
660 temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or
661 not it limits the ability to work generally or work at a particular job or whether or not it
662 limits any other activity within the scope of this chapter.

663 E. "Disability access laws" means all laws requiring that county services,

664 programs and activities be accessible by people with disabilities including Title II of the
665 Americans with Disabilities Act, Title II of the Telecommunications Act of 1934, as
666 amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

667 F. "Discriminate" means an action, other than an action taken in accordance with
668 lawful equal employment opportunity efforts, or failure to act, whether by itself or as part
669 of a practice, the effect of which is to adversely affect or differentiate between or among
670 individuals or groups of individuals, by reasons of sex, race, color, marital status, national
671 origin, religious affiliation, disability, sexual orientation, gender identity or expression or
672 age except by minimum age and retirement provisions, unless based upon a bona fide
673 occupational qualification.

674 G. "Discrimination" means differential treatment of or pursuit of policies or
675 practices that have a disproportionate impact upon persons due to their sex, race, color,
676 marital status, national origin, religious affiliation, disability, sexual orientation, gender
677 identity or expression or age except by minimum age and retirement provisions, unless
678 based upon a bona fide occupational qualification.

679 H. "Employment" means any and all terms and conditions and policies and
680 practices of employment including, but not limited to, hiring, firing, upgrading,
681 demotion, recruiting, transfer, lay-off, termination, pay rates and advertisement, hours
682 and conditions of work.

683 I. "Equal employment opportunity" means the availability of employment and
684 advancement of all people based on merit, capability, and potential, and without regard to
685 an individual's sex, race, color, marital status, national origin, religious affiliation,
686 disability, sexual orientation, gender identity or expression or age except by minimum

687 age and retirement provisions, unless based upon a bona fide occupational qualification.
688 "Equal employment opportunity" includes the following components: recruitment,
689 application processing, hiring, job placement, compensation, promotion, transfer,
690 termination and work assignment.

691 J. "Equal employment opportunity efforts" means active efforts to ensure equal
692 opportunity in employment that is free from all forms of discrimination.

693 K. "Equal opportunity" means a system of practices under which individuals are
694 not excluded from any opportunity or benefits because of their sex, race, color, marital
695 status, national origin, religious affiliation, disability, sexual orientation, gender identity
696 or expression or age except by minimum age and retirement provisions, unless based
697 upon a bona fide occupational qualification.

698 L. "Minority" or "~~(M)~~minorities" means a person who is a citizen of the United
699 States and who is a member of one or more of the following historically disadvantaged
700 racial groups:

701 1. Black or African American: Having origins in any of the Black racial groups
702 of Africa;

703 2. Hispanic: Mexican, Puerto Rican, Cuban, Central American, South
704 American or of other Spanish or Portuguese culture or origin, regardless of race;

705 3. Asian American: Having origins in any of the original peoples of the Far
706 East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

707 4. American Indian or Alaskan Native: Having origins in any of the original
708 peoples of North America.

709 M. "Permanent workforce" means those persons employed by a bidder, proposer

710 or contractor for at least six continuous months immediately prior to the bid or proposal
711 opening or the award of a contract by the county, and who are currently employed by the
712 bidder, proposer or contractor.

713 N. "Reasonable accommodation" means steps taken to modify facilities used by
714 employees or to modify a particular job component which enables an otherwise qualified
715 person with a disability to perform the essential functions of the job.

716 O. "Sexual orientation" means (~~(male or female)~~) heterosexuality, bisexuality(~~(s)~~)
717 or homosexuality, and includes a person's attitudes, preferences, beliefs and practices
718 pertaining to sex.

719 P. "Underrepresentation" means presence in a contractor's work force of
720 minorities, women(~~(s)~~) and persons with disabilities, in a particular job category in
721 proportionate numbers less than their representation in the county's labor market area.

722 SECTION 9. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are
723 each hereby amended to read as follows:

724 A. A party aggrieved by an order of the office of civil rights may appeal in
725 accordance with K.C.C. 20.22.080.

726 B. If the order of the office of civil rights is appealed, the office of the hearing
727 examiner shall conduct a hearing for the purpose of affirming, denying or modifying the
728 order. There shall be a verbatim record kept of the hearing and the hearing examiner
729 shall have such rule-making and other power necessary for the conduct of the hearing as
730 are specified by K.C.C. chapter 20.22. The order of the office of civil rights shall not be
731 presumed correct. The hearing examiner's decision shall be based upon a preponderance
732 of the evidence. The hearing shall be conducted within a reasonable time after receipt of

733 the request for appeal. Written notice of the time and place of the hearing shall be given
734 at least ten days before the date of the hearing to each affected party and to the office of
735 civil rights.

736 C. Each party has the following rights, among others:

737 1. To call and examine witnesses on any matter relevant to the issues of the
738 complaint;

739 2. To introduce documentary and physical evidence;

740 3. To cross-examine opposing witnesses on any matter relevant to the issues of
741 the complaint;

742 4. To impeach any witness regardless of which party first called the witness to
743 testify;

744 5. To rebut evidence against the party; and

745 6. To self-represent (~~((himself or herself))~~) or to be represented by anyone of the
746 party's choice who is lawfully permitted to do so.

747 D. Following review of the evidence submitted, the hearing examiner presiding at
748 the hearing shall enter written findings and conclusions and shall affirm or modify the
749 order previously issued if the hearing examiner finds that a violation has occurred. The
750 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
751 not occur. The hearing examiner may grant any relief that the office of civil rights could
752 grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be
753 delivered to all affected parties. The order of the hearing examiner is final unless
754 reviewed by a court under K.C.C. 20.22.270.B.

755 SECTION 10. Ordinance 7430, Section 3, as amended, and K.C.C. 12.18.030 are

756 each hereby amended to read as follows:

757 It is an unfair employment practice and unlawful for any:

758 A. Employer or labor organization to discriminate against any person with
759 respect to referral, hiring, tenure, promotion, terms, conditions, wages or other privileges
760 of employment;

761 B. Employment agency or labor organization to discriminate against any person
762 with respect to membership rights and privileges, admission to or participation in any
763 guidance program, apprenticeship training program or other occupational training
764 program;

765 C. Employer, employment agency or labor organization to print, circulate or
766 cause to be printed, published or circulated, any statement, advertisement or publication
767 relating to employment or membership, or to use any form of application therefor, that
768 indicates any discrimination unless based upon a bona fide occupational qualification;

769 D. Employment agency to discriminate against any person with respect to any
770 reference for employment or assignment to a particular job classification;

771 E. Employer, employment agency or a labor organization to retaliate by taking
772 action against any person because that person:

773 1. Opposed any practice forbidden by this chapter;

774 2. Compiled or proposed to comply with this chapter or any order issued under
775 this chapter; or

776 3. Filed a complaint, testified or assisted in any manner in any investigation,
777 proceeding or hearing initiated under this chapter;

778 F. Publisher, firm, corporation, organization or association printing, publishing or

779 circulating any newspaper, magazine or other written publication to print or cause to be
780 printed or circulated any advertisement with knowledge that the action is in violation of
781 K.C.C. 12.18.030.C, or to segregate and separately designate advertisements as applying
782 only to ~~((men or women))~~ a single gender unless the discrimination is based upon a bona
783 fide occupational qualification reasonably necessary to the normal operation of the
784 particular business, enterprise or employment; and

785 G. Employer to prohibit any person from speaking in a language other than
786 English in the workplace unless:

787 1. The employer can show that requiring employees speak only English at
788 certain times is justified by business necessity; and

789 2. The employer informs employees of the requirement and the consequences of
790 violating the requirement.

791 SECTION 11. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are
792 each hereby amended to read as follows:

793 A. Any respondent or charging party, after by an order of the office of civil rights
794 is made in accordance with K.C.C. 12.18.060.B., may appeal that order in accordance
795 with K.C.C. 20.22.080.

796 B. If the order of the office of civil rights is appealed, the hearing examiner shall
797 conduct a hearing for the purpose of affirming, denying or modifying the order. There
798 shall be a verbatim record kept of the hearing. The hearing examiner has such rule-
799 making and other powers necessary for the conduct of the hearing as are specified by
800 K.C.C. chapter 20.22. The order of the office of civil rights shall not be presumed
801 correct. The hearing examiner's decision shall be based upon a preponderance of the

802 evidence. The hearing shall be conducted within a reasonable time after receipt of the
803 request for appeal. Written notice of the time and place of the hearing shall be given at
804 least ten days before the date of the hearing to each affected party and to the office of
805 civil rights.

806 C. Each party may, among exercising other rights:

807 1. Call and examine witnesses on any matter relevant to the issues of the
808 complaint;

809 2. Introduce documentary and physical evidence;

810 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
811 complaint;

812 4. Impeach any witness regardless of which party first called the witness to
813 testify;

814 5. Rebut evidence against ~~((him or her))~~ the party; and

815 6. Self-((R))represent ~~((himself or herself))~~ or be represented by anyone of ~~((his~~
816 ~~or her))~~ the party's choice who is lawfully permitted to do so.

817 D. Following review of the evidence submitted, the hearing examiner presiding at
818 the hearing shall enter written findings and conclusions and shall affirm or modify the
819 order previously issued if the hearing examiner finds that a violation occurred. The
820 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
821 not occur. The hearing examiner may grant as relief any relief that the office of civil
822 rights could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision
823 shall be delivered to all affected parties. The order of the hearing examiner is final unless
824 reviewed by a court under K.C.C. 20.22.270.B.

825 SECTION 12. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are
826 each hereby amended to read as follows:

827 The definitions in this section apply throughout this chapter unless the context
828 clearly requires otherwise.

829 A. "Aggrieved person" includes a person who:

- 830 1. Claims to have been injured by an unfair housing practice; or
831 2. Believes that ((he or she)) the person will be injured by an unfair housing
832 practice that is about to occur.

833 B. "Charging party" means any person alleging an unfair housing practice under
834 this chapter by filing a complaint with the office of civil rights.

835 C.1. "Disability" means:

- 836 a. a physical or mental impairment that substantially limits one or more of a
837 person's major life activities, either temporarily or permanently;
838 b. a person has a record of having such an impairment;
839 c. a person is regarded as having such an impairment; or
840 d. a person has any other condition that is a disability under the Washington
841 state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and
842 housing.

843 2. "Disability" does not include current, illegal use of a controlled substance, as
844 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

845 D. "Discriminate" means any action or failure to act, whether by single act or as
846 part of a practice, the effect of which is to adversely affect or differentiate between or
847 among individuals or groups of individuals, because of race, color, religion, national

848 origin, ancestry, age, gender, marital status, parental status, participation in the Section 8
849 program, sexual orientation, disability, or use of a service or assistive animal by an
850 individual with a disability.

851 E. "Dwelling" or "dwelling unit" mean any building, structure or portion of a
852 building or structure that is occupied as, or designed or intended for occupancy as, a
853 residence by one or more families or individuals, and any vacant land that is offered for
854 sale or lease for the construction or location thereon of any such a building, structure or
855 portion of a building or structure.

856 F. "Housing accommodations" means any dwelling or dwelling unit, rooming
857 unit, rooming house, lot or parcel of land in unincorporated King County that is used,
858 intended to be used or arranged or designed to be used as, or improved with, a residential
859 structure for one or more human beings.

860 G. "Marital status" means the presence or absence of a marital relationship and
861 includes the status of married, separated, divorced, engaged, widowed, single or
862 cohabiting.

863 H.1. "Parental status" means one or more individuals, who have not attained the
864 age of eighteen years, being domiciled with:

865 a. a parent or another person having legal custody of the individual or
866 individuals; or

867 b. the designee of such a parent or other person having the custody, with the
868 written permission of the parent or other person.

869 2. The protections afforded against discrimination on the basis of familial status
870 apply to a person who is pregnant or is in the process of securing legal custody of an

871 individual who has not attained the age of eighteen years.

872 I. "Participation in the Section 8 program" means participating in a federal, state
873 or local government program in which a tenant's rent is paid partially by the government,
874 through a direct contract between the government program and the owner or lessor of the
875 real property, and partially by the tenant.

876 J. "Party" includes the person charging or making a complaint or upon whose
877 behalf a complaint is made alleging an unfair practice, the person alleged or found to
878 have committed an unfair practice and the office of civil rights.

879 K. "Person" means one or more individuals, partnerships, associations,
880 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
881 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
882 employee whether one or more natural persons. "Person" also includes any political or
883 civil subdivisions of the state and any agency or instrumentality of the state or of any
884 political or civil subdivision of the state.

885 L. "Real estate transaction" includes, but is not limited to, the sale, conveyance,
886 exchange, purchase, rental, lease or sublease of real property.

887 M. "Real estate-related transaction" means any of the following:

888 1. The making or purchasing of loans or providing other financial assistance:

889 a. for purchasing, constructing, improving, repairing or maintaining real
890 property; or

891 b. secured by real property; or

892 2. The selling, brokering or appraising of real property.

893 N. "Real property" includes, but is not limited to, buildings, structures, real

894 estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,
895 and hereditaments, corporeal and incorporeal, or any interest therein.

896 O. "Respondent" means any person who is alleged or found to have committed
897 an unfair practice prohibited by this chapter.

898 P. "Senior citizens" means persons who are sixty-two years of age or older.

899 Q. "Service or assistive animal" means a dog guide, signal or hearing dog,
900 seizure response dog, therapeutic companion animal or other animal that does work,
901 performs tasks or provides medically necessary support for the benefit of an individual
902 with a disability.

903 R. "Settlement discussions" and "conference, conciliation and persuasion" mean
904 the attempted resolution of issues raised by a complaint, or by the investigation of a
905 complaint, through informal negotiations involving the charging party, the respondent
906 and the office of civil rights.

907 S. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and
908 gender identity. As used in this definition, "gender identity" means having or being
909 perceived as having a gender identity different from that traditionally associated with the
910 sex assigned to that person at birth. Protection associated with "gender identity" includes
911 self-image, appearance, behavior or expression.

912 SECTION 13. Ordinance 5280, Section 3(A), as amended, and K.C.C. 12.20.040
913 are each hereby amended to read as follows:

914 A. It is a discriminatory practice and unlawful for any person, whether acting
915 ~~((for himself or herself))~~ on the person's own behalf or another, because of race, color,
916 religion, national origin, ancestry, age, gender, marital status, parental status,

917 participation in the Section 8 program, sexual orientation, disability or use of a service or
918 assistive animal by an individual with a disability:

919 1. To refuse to engage in a real estate transaction with a person or to otherwise
920 make unavailable or deny a dwelling to any person;

921 2. To discriminate against a person in the terms, conditions or privileges of a
922 real estate transaction, including financial terms and conditions such as the setting of
923 rents or damage deposits, or in the furnishing of facilities or services in connection with
924 any real estate transaction; however, rents and damage deposits may be adjusted to
925 recognize the number of persons utilizing the property except insofar as such adjustment
926 might discriminate based on race, color, religion, national origin, ancestry, age, gender,
927 marital status, parental status, participation in the Section 8 program, sexual orientation,
928 disability or use of a service or assistive animal by an individual with a disability;

929 3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real
930 estate transaction from a person;

931 4. To refuse to negotiate for a real estate transaction with a person;

932 5. To represent to a person that real property is not available for inspection, sale,
933 rental or lease when in fact it is so available, to fail to bring a property listing to the
934 person's attention or to refuse to permit the person to inspect real property;

935 6. To make, print, circulate, publish, post or mail or cause to be made, printed,
936 circulated, published, posted or mailed a statement, notice, advertisement or sign,
937 pertaining to a real estate transaction or a real estate related transaction that indicates,
938 directly or indirectly, an intent to make a limitation, preference or discrimination with
939 respect to the transaction;

940 7. To use a form of application or to make a record of inquiry regarding a real
941 estate transaction or a real estate related transaction that indicates, directly or indirectly,
942 an intent to make a limitation, preference or discrimination with respect to the
943 transaction;

944 8. To offer, solicit, accept, use or retain a listing of real property with the
945 understanding that a person might be discriminated against in a real estate transaction or
946 in the furnishing of facilities or services in connection with the transaction;

947 9. To expel a person from occupancy of real property;

948 10. To discriminate against in the course of negotiating or executing a real
949 estate transaction whether by mortgage, deed of trust, contract or other instrument
950 imposing a lien or other security in real property or in negotiating or executing any item
951 or service related thereto including issuance of title insurance, mortgage insurance, loan
952 guarantee or other aspect of the transaction; or

953 11. To deny any person access to or membership or participation in any
954 multiple-listing service, real estate brokers' organization, or other service, organization,
955 or facility relating to the business of selling or renting dwellings, or to discriminate
956 against any person in the terms or conditions of such access, membership or participation.

957 B. It is a discriminatory practice and unlawful for any person, whether acting
958 ~~((for himself or herself))~~ on the person's own behalf or for another, to coerce, intimidate,
959 threaten or interfere with any other person in the exercise or enjoyment of, on account of
960 the other person having exercised or enjoyed, or on account of the other person having
961 aided or encouraged any person in the exercise or enjoyment of, any right granted or
962 protected by this chapter.

963 C. It is a discriminatory practice and unlawful for any person, whether acting
964 (~~for himself or herself~~) on the person's own behalf or for another, to discriminate
965 against in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to
966 any buyer or renter because of a disability of any one or more of:

- 967 1. That buyer or renter;
- 968 2. A person residing in or intending to reside in that dwelling after it is so sold,
969 rented or made available; or
- 970 3. Any person associated with that buyer or renter.

971 D. It is a discriminatory practice and unlawful for any person, whether acting
972 (~~for himself or herself~~) on the person's own behalf or another, to discriminate against
973 any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the
974 provision of services or facilities in connection with a dwelling, because of a disability of
975 any one or more of:

- 976 1. That person;
- 977 2. A person residing in or intending to reside in that dwelling after it is so sold,
978 rented or made available; or
- 979 3. Any person associated with that person.

980 E. For the purposes of this chapter, discriminatory practices based either on
981 disability or use of a service or assistive animal by an individual with a disability are
982 unlawful and include:

- 983 1. Refusal to permit, at the expense of an individual with a disability, reasonable
984 modifications of existing premises occupied or to be occupied by the person if the
985 modifications might be necessary to afford the person full enjoyment of the premises.

986 However, for a rental, the landlord may, if it is reasonable to do so, condition permission
987 for a modification on the renter agreeing to restore the interior of the premises to the
988 condition that existed before the modification, reasonable wear and tear excepted;

989 2. Refusal to make reasonable accommodations in rules, policies, practices or
990 services, if the accommodations might be necessary to afford an individual or individuals
991 with disabilities equal opportunity to use and enjoy a dwelling; or

992 3. Failure to design, construct and alter dwellings in conformance with 42
993 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations
994 (chapter 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations
995 adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other
996 applicable laws pertaining to access to individuals with disabilities. If the requirements
997 of applicable laws differ, the requirements that require greater accessibility to individuals
998 with disabilities govern.

999 F. It is discriminatory practice and unlawful for any person, whether acting on
1000 ~~((his or her))~~ the person's own behalf or for another, to retaliate by taking action against
1001 another person because the other person:

1002 1. Opposed any practice forbidden by this chapter;

1003 2. Complied or proposed to comply with this chapter or any order issued under
1004 this chapter; or

1005 3. Filed a complaint, testified or assisted in any manner in any investigation,
1006 proceeding or hearing initiated under this chapter.

1007 SECTION 14. Ordinance 5280, Section 3(B), as amended, and K.C.C. 12.20.050
1008 are each hereby amended to read as follows:

1009 It is a discriminatory practice and unlawful for any person acting for monetary
1010 gain, whether acting (~~for himself or herself~~) on the person's own behalf or another in
1011 connection with any real estate-related transaction, whose business includes engaging in
1012 real estate-related transactions to discriminate against any person in making available
1013 such a transaction, or in the terms or conditions of such a transaction, because of race,
1014 color, religion, national origin, ancestry, age, gender, marital status, parental status,
1015 participation in Section 8 program, sexual orientation, disability or use of a service or
1016 assistive animal by an individual with a disability.

1017 SECTION 15. Ordinance 5280, Section 3(C), as amended, and K.C.C. 12.20.060
1018 are each hereby amended to read as follows:

1019 It is a discriminatory practice and unlawful for any person acting for monetary
1020 gain, whether acting (~~for himself or herself~~) on the person's own behalf or others,
1021 directly or indirectly, to engage in the practices of blockbusting or steering, including the
1022 commission of any one or more of the following acts:

1023 A. Inducing or attempting to induce any person to sell or rent any real property
1024 by representation regarding the entry or prospective entry into the neighborhood or area
1025 of a person or persons of a particular race, color, religion, national origin, ancestry, age,
1026 gender, marital status, participation in the Section 8 program, sexual orientation, parental
1027 status, disability or use of a service or assistive animal by an individual with a disability;
1028 or

1029 B. Showing or otherwise taking any action, the intention or effect of which is to
1030 steer a person or persons to any section of the county or to particular real property in a
1031 manner tending to segregate or maintain segregation on the basis of race, color, religion,

1032 national origin, ancestry, age, gender, marital status, sexual orientation, parental status,
1033 participation in Section 8 program, disability or use of a service or assistive animal by a
1034 an individual with a disability.

1035 SECTION 16. Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080 are
1036 each hereby amended to read as follows:

1037 A. After the filing of a complaint, the office of civil rights shall cause to be
1038 served on or mailed to the respondent, by certified mail, return receipt requested, a copy
1039 of the complaint, along with a notice advising of procedural rights and obligations of
1040 respondents under this chapter promptly and in no case longer than twenty days after the
1041 filing the complaint. Each respondent may file an answer to the complaint, not later than
1042 ten days after receipt of notice from the office of civil rights. If the respondent is unable
1043 to file a response within ten days, (~~he or she~~) the respondent may request an extension
1044 of time from the office of civil rights, not to exceed five days. The office of civil rights
1045 may grant the extension if good cause is shown.

1046 B. The investigation shall be commenced promptly and in no event later than
1047 thirty days after receipt of the complaint. It shall be directed to ascertain the facts
1048 concerning the unfair practice alleged in the complaint and shall be conducted in an
1049 objective and impartial manner. The investigation shall be completed within one hundred
1050 days after the filing of the complaint, unless it is impracticable to do so. If the office of
1051 civil rights is unable to complete the investigation within the one hundred days, the office
1052 of civil rights shall notify the charging party and respondent, in writing, of the reasons for
1053 not doing so. The office of civil rights shall make final administrative disposition of a
1054 complaint within one year of the date of receipt of the complaint, unless it is

1055 impracticable to do so. If the office of civil rights is unable to do so, the office of civil
1056 rights shall notify the charging party and respondent, in writing, of the reasons for not
1057 doing so.

1058 C. During the investigation, the office of civil rights shall consider any statement
1059 of position or evidence with respect to the allegations of the complaint that the charging
1060 party or the respondent wishes to submit.

1061 D. A person who is not named as a respondent in a complaint, but who is
1062 identified as a respondent in the course of investigation, may be joined as an additional or
1063 substitute respondent upon written notice, under subsection A. of this section, to the
1064 person from the office of civil rights. The notice, in addition to meeting the requirements
1065 of subsection A. of this section, shall explain the basis for the belief of the office of civil
1066 rights that the person to whom the notice is addressed is properly joined as a respondent.

1067 E. During the period beginning with the filing of the complaint and ending with
1068 the issuance of the findings of fact, the office of civil rights shall, to the extent feasible,
1069 engage in settlement discussions with respect to the complaint. Nothing said or done in
1070 the course of the settlement discussions may be made public or used as evidence in a
1071 subsequent proceeding under this chapter without the written consent of the persons
1072 concerned. A prefinding settlement agreement arising out of the settlement discussions
1073 shall be an agreement between the respondent and the charging party, and is subject to
1074 approval by the office of civil rights. Each prefinding settlement agreement is a public
1075 record. Failure to comply with the prefinding settlement agreement may be enforced
1076 under K.C.C. 12.20.120.

1077 F. The office of civil rights shall seek the voluntary cooperation of all persons to:

1078 obtain access to premises, records, documents, individuals and other possible sources of
1079 information; examine, record and copy necessary materials; and take and record
1080 testimony or statements of persons reasonably necessary for the furtherance of the
1081 investigation. The office of civil rights may conduct discovery in aid of the investigation
1082 by the following methods or others: deposition upon oral examination or written
1083 questions; written interrogatories; requests for the production of documents or evidence,
1084 for inspection and other purposes; physical and mental examinations; and requests for
1085 admissions. The office of civil rights may sign and issue subpoenas requiring the
1086 attendance and testimony of witnesses, the production of evidence including books,
1087 records, correspondence, e-mail or documents in the possession or under the control of
1088 the person subpoenaed and access to evidence for the purpose of examination and
1089 copying as are necessary for the investigation. The office of civil rights shall consult
1090 with the prosecuting attorney before issuing any subpoena under this section.

1091 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1092 testify when requested concerning any matter under investigation, the office of civil
1093 rights may invoke the aid of the prosecuting attorney, who shall petition to the superior
1094 court for an order or other appropriate action necessary to secure enforcement of the
1095 subpoena. The petition shall:

- 1096 1. Be accompanied by a copy of the subpoena and proof of service;
- 1097 2. Set forth in what specific manner the subpoena has not been complied with;
- 1098 and
- 1099 3. Ask for an order of the court to compel the witness to appear and testify or
1100 cooperate in the investigation of the unfair housing practice.

1101 H. If the office of civil rights concludes at any time after the filing of a complaint
1102 that prompt judicial action is necessary to carry out the purposes of this chapter, the
1103 office of civil rights may invoke the aid of the prosecuting attorney, who shall file a civil
1104 action for appropriate temporary, injunctive or preliminary relief pending final
1105 disposition of the case.

1106 I. The office of civil rights shall reduce the results of the investigation to written
1107 findings of fact and make a finding that there either is or is not reasonable cause for
1108 believing that an unfair housing practice has been or is being committed.

1109 J. If a finding is made that there is no reasonable cause, the finding shall be
1110 served on the charging party and respondent. Within thirty days after service of such a
1111 negative finding, the charging party may file a written request with the office of civil
1112 rights asking for reconsideration of the finding. The office of civil rights shall furnish the
1113 charging party with information regarding how to request reconsideration. The office of
1114 civil rights shall respond in writing within a reasonable time by granting or denying the
1115 request.

1116 SECTION 17. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are
1117 each hereby amended to read as follows:

1118 A.1. Any charging party, respondent or aggrieved person on whose behalf the
1119 finding was made, after an order of the office of civil rights is made in accordance with
1120 K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which
1121 reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a
1122 hearing before the hearing examiner. The office of civil rights shall provide the charging
1123 party, respondent and aggrieved person on whose behalf the finding was made with

1124 information regarding how to make the election. This election must be made not later
1125 than thirty days after the receipt by the electing person of service of the order. The
1126 person making the election shall give notice of the election stating which forum is elected
1127 to the office of civil rights and to all other charging parties and respondents to whom the
1128 complaint relates. The notice of election should identify clearly and specifically:

- 1129 a. the errors that the appellant believes were made in the action or decision that
1130 is being appealed, or the procedural irregularities associated with that action or decision;
1131 b. specific reasons by the county's action should be reversed or modified; and
1132 c. the desired outcome of the appeal.

1133 2. Any order issued by the office of civil rights under K.C.C. 12.20.090.B.
1134 becomes final thirty days after service of the order unless a written notice of election is
1135 filed with the office of civil rights within the thirty-day period. If the order becomes
1136 final, parties violating the order are subject to the enforcement provisions of K.C.C.
1137 12.20.120.

1138 B. If no election of civil action is made, and an election for hearing is made, the
1139 complaint, any and all findings made and either affirmative action measures or civil
1140 penalties, or both, required shall be certified by the office of civil rights to the office of
1141 the hearing examiner for hearing.

1142 C. A hearing shall be conducted by the office of the hearing examiner for the
1143 purpose of affirming, denying or modifying the order. There shall be a verbatim record
1144 kept of the hearing. The hearing examiner shall have such rule-making and other powers
1145 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The office
1146 of civil rights shall maintain the action and the order of the office of civil rights shall not

1147 be presumed correct. The hearing examiner's decision shall be based upon a
1148 preponderance of the evidence. The hearing shall be conducted within a reasonable time
1149 after receipt of the certification. Written notice of the time and place of the hearing shall
1150 be given at least ten days before the date of the hearing to each affected party and to the
1151 office of civil rights.

1152 D. Each party may, among exercising other rights:

- 1153 1. Call and examine witnesses on any matter relevant to the issues of the
1154 complaint;
- 1155 2. Introduce documentary and physical evidence;
- 1156 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1157 complaint;
- 1158 4. Impeach any witness regardless of which party first called ~~((him or her))~~ the
1159 witness to testify;
- 1160 5. Rebut evidence against ~~((him or her))~~ the party; and
- 1161 6. Self-((R))represent ~~((himself or herself))~~ or ~~((to))~~ be represented by anyone of
1162 ~~((his or her))~~ the party's choice who is lawfully permitted to do so.

1163 E. Following review of the evidence submitted, the hearing examiner presiding at
1164 the hearing shall enter written findings and conclusions and shall affirm or modify the
1165 order previously issued if the hearing examiner finds that a violation is about to occur or
1166 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that
1167 a violation is not about to occur or did not occur. The hearing examiner may grant as
1168 relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A
1169 copy of the hearing examiner's findings, conclusions and decision shall be served on all

1170 affected parties. The order of the hearing examiner is final unless reviewed by a court
1171 under K.C.C. 20.22.270.B.

1172 SECTION 18. Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130
1173 are each hereby amended to read as follows:

1174 A. Nothing in this chapter:

1175 1. Prohibits treating any person or persons meeting the definition of parental
1176 status or any individual with a disability or individuals with disabilities more favorably
1177 than others if the favorable treatment does not discriminate against persons on the basis
1178 of race, color, religion, national origin, ancestry, age, gender, marital status, parental
1179 status, participation in the Section 8 program, sexual orientation, disability or use of a
1180 service or assistive animal by an individual with a disability;

1181 2. Prohibits a religious organization, association or society, or any nonprofit
1182 institution or organization operated, supervised or controlled by or in conjunction with a
1183 religious organization, association or society, from limiting the sale, rental or occupancy
1184 of dwellings that it owns or operates for other than a commercial purpose, to persons of
1185 the same religion, or from giving preference to persons of the same religion, but only if:

1186 a. membership in the religion is not restricted on account of race, color,
1187 ancestry or national origin; and

1188 b. the limitation or preference is reasonably in the furtherance of a religious
1189 purpose or activity;

1190 3. Prohibits any person from limiting the rental or occupancy of housing
1191 accommodations in any ((~~sorority, fraternity~~)) collegiate Greek system residence, school
1192 dormitory or similar residential facility to persons of one gender if considerations of

1193 personal privacy exist;

1194 4. Prohibits any person from limiting, on the basis of age or parental status, the
1195 sale, rental or occupancy of housing accommodations that fully qualify as housing for
1196 older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16,
1197 2006;

1198 5. Prohibits any person from limiting the sale, rental or occupancy of housing
1199 accommodations to:

1200 a. individuals with disabilities in any housing facility operated for individuals
1201 with disabilities;

1202 b. senior citizens in any housing facility operated exclusively for senior
1203 citizens; or

1204 c. elderly persons in any housing provided under any state or federal program
1205 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16,
1206 2006;

1207 6. Requires any person to rent or lease a housing accommodation to a minor;

1208 7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

1209 8. May be interpreted to prohibit any person from making a choice among
1210 prospective purchasers or tenants of real property on the basis of factors other than race,
1211 color, religion, ancestry, national origin, age, gender, marital status, parental status,
1212 sexual orientation, participation in the Section 8 program, disability or use of a service or
1213 assistive animal by an individual with a disability; or

1214 9. Prohibits any person from placing limitations on the maximum number of
1215 tenants permitted per unit on account of reasonable space limitations or requirements of

1216 law.

1217 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6, 12.20.040.A.7,
1218 12.20.040.A.8, 12.20.040.B and 12.20.050, applies to the renting, subrenting, leasing or
1219 subleasing of a single-family or duplex dwelling unit in which the owner normally
1220 maintains a permanent residence, home or abode.

1221 C. Nothing in this chapter prohibits any party to a real estate transaction or real
1222 estate-related transaction from considering the capacity to pay and credit history of any
1223 individual applicant.

1224 D. Nothing in this chapter prohibits any party to a real estate transaction or real
1225 estate related transaction from considering or taking reasonable action based on the
1226 application of the community property law to the individual case.

1227 SECTION 19. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are
1228 each hereby amended to read as follows:

1229 The definitions in this section apply throughout this chapter unless the context
1230 clearly requires otherwise.

1231 A. "Aggrieved person" includes any person who claims to have been injured by
1232 an act of discrimination in a place of public accommodation;

1233 B. "Charging party" means any person alleging an act of discrimination in a place
1234 of public accommodation under this chapter by filing a complaint with the office of civil
1235 rights.

1236 C.1. "Disability" means:

1237 a. a physical or mental impairment that substantially limits one or more of a
1238 person's major life activities, either temporarily or permanently;

1239 b. a person has a record of having such an impairment;
1240 c. a person is regarded as having such an impairment; or
1241 d. a person has any other condition that is a disability under the Washington
1242 state Law Against Discrimination, chapter 49.60 RCW, as it pertains to public
1243 accommodations.

1244 2. "Disability" does not include current, illegal use of a controlled substance, as
1245 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1246 D. "Discrimination" or "discriminatory practice or act" means any action or
1247 failure to act, whether by a single act or part of a practice, the effect of which is to
1248 adversely affect or differentiate between or among individuals, because of race, color,
1249 religion, national origin, ancestry, age, gender, marital status, parental status, sexual
1250 orientation, disability or use of a service or assistive animal by an individual with a
1251 disability.

1252 E. "Marital status" means the presence or absence of a marital relationship and
1253 includes the status of married, separated, divorced, engaged, widowed, single or
1254 cohabiting.

1255 F. "Owner" includes a person who owns, leases, subleases, rents, operates,
1256 manages, has charge of, controls or has the right of ownership, possession, management,
1257 charge or control of real property on ~~((his or her))~~ the person's own behalf or on behalf of
1258 another.

1259 G. "Parental status" means being a parent, step-parent, adoptive parent, guardian,
1260 foster parent or custodian of a minor child or children.

1261 H. "Party" includes a person making a complaint or upon whose behalf a

1262 complaint is made alleging an unfair public accommodations practice, a person alleged or
1263 found to have committed an unfair public accommodations practice and the office of civil
1264 rights.

1265 I. "Person" means one or more individuals, partnerships, associations,
1266 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
1267 bankruptcy, receivers or any group of persons, and includes King County but no
1268 governmental body other than King County. "Person" also includes any owner, lessee,
1269 proprietor, manager, agent or employee whether one or more natural persons.

1270 J. "Place of public accommodation" means any place, store or other
1271 establishment, either licensed or unlicensed, that supplies goods or services to the general
1272 public. "Place of public accommodation" includes, but is not limited to, the following
1273 types of services or facilities: hotels, or other establishments provide lodging to transient
1274 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other
1275 facilities principally engaged in selling or offering for sale food for consumption upon the
1276 premises; motion picture houses, theatres, concert halls, convention halls, sport arenas,
1277 stadiums or other places of exhibition or entertainment; bowling alleys and amusement
1278 parks; retail establishments; transportation carriers; barber shop; beauty shops; bars or
1279 taverns or other facilities engaged in selling or offering for sale alcoholic beverages for
1280 consumption upon the premises; food banks, senior citizens centers and other social
1281 service organizations and establishments; places of public accommodation operated by
1282 King County; and public burial facilities if the facilities are owned and operated by any
1283 cemetery corporation or burial association.

1284 K. "Respondent" means a person who is alleged or found to have discriminated

1285 in a place of public accommodation.

1286 L. "Senior citizen" means an individual as old or older than an age set for a senior
1287 category. The minimum age for the senior category is fifty-five years.

1288 M. "Service or assistive animal" means a dog guide, signal or hearing dog,
1289 seizure response dog, therapeutic companion animal or other animal that does work,
1290 performs tasks or provides medically necessary support for the benefit of an individual
1291 with a disability.

1292 N. "Settlement discussions" or "conference, conciliation and persuasion" means
1293 the attempted resolution of issues raised by a complaint, or by the investigation of a
1294 complaint, through informal negotiations involving the charging party, the respondent
1295 and the office of civil rights.

1296 O. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and
1297 gender identity. As used in this definition, "gender identity" means having or being
1298 perceived as having a gender identity different from that traditionally associated with the
1299 sex assigned to that person at birth. Protection associated with "gender identity" includes
1300 self-image, appearance, behavior or expression.

1301 SECTION 20. Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030 are
1302 each hereby amended to read as follows:

1303 It is unlawful for any person to engage in, or cause or allow another to engage in,
1304 any of the acts listed in this section, which are hereby designated as discrimination, in
1305 places of public accommodation located in unincorporated King County or operated by
1306 King County wherever located.

1307 A. It is a discriminatory practice for any person, whether acting (~~for himself or~~

1308 ~~herself~~) on the person's own behalf or another, because of race, color, religion, national
1309 origin, ancestry, age, gender, marital status, parental status, sexual orientation, disability
1310 or use of a service or assistive animal by an individual with a disability:

1311 1. As owner, custodial agent or employee of a place of public accommodation,
1312 to discriminate in denying, refusing, rejecting or granting any privilege, service, goods,
1313 merchandise, commodity or accommodation;

1314 2. As owner, custodial agent or employee of a place of public accommodation,
1315 to discriminate by segregating or requiring the placing of any person in any separate
1316 section or area of the premises or facilities of the place of public accommodation; or

1317 3. To place, post, maintain or display any written or printed advertisement,
1318 notice or sign to the effect that any of the accommodations, advantages, facilities,
1319 privileges, goods or merchandise of any place of public accommodation, will or might be
1320 refused, withheld from or denied to any person.

1321 B. It is a discriminatory practice and unlawful for any person, whether acting on
1322 ~~((her or her))~~ the person's own behalf or for another, to retaliate by taking action against
1323 another person because the other person:

1324 1. Opposed any practice forbidden by this chapter;

1325 2. Complied or proposed to comply with this chapter or any order issued under
1326 this chapter; or

1327 3. Filed a complaint, testified or assisted in any manner in any investigation,
1328 proceeding or hearing initiated under this chapter.

1329 C. Nothing in this section:

1330 1. Applies to any non-commercial facility operated or maintained by a bona fide

1331 religious institution;

1332 2. May be construed to prohibit treating individuals with disabilities more
1333 favorably than individuals without disabilities or to prohibit treating senior citizens more
1334 favorably than nonsenior citizens; or

1335 3. May be construed to prohibit offering discounts, special prices or other
1336 special arrangements to children or families or imposing age limits for individuals up to
1337 twenty-one years old.

1338 SECTION 21. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are
1339 each hereby amended to read as follows:

1340 A.1. Any respondent or charging party, after an order of the office of civil rights
1341 is made in accordance with K.C.C. 12.22.060.B., may request an appeal hearing before
1342 the hearing examiner by filing a written request for hearing within thirty days of the
1343 service of the order. The request for hearing shall be filed with the office of civil rights.
1344 The request for hearing must identify clearly and specifically:

- 1345 a. the errors that the appellant believes were made in the action or decision that
1346 is being appealed, or the procedural irregularities associated with that action or decision;
- 1347 b. specific reasons why the county's action should be reversed or modified; and
- 1348 c. the desired outcome of the appeal.

1349 2. Unless the hearing examiner authorizes an amendment to the statement of
1350 appeal, the identification of errors and the statement of reasons for reversal or
1351 modification defines and limits the issues that the examiner may consider.

1352 B. Any order issued by the office of civil rights in accordance with procedures in
1353 this chapter becomes final thirty days after service of the order unless a written request

1354 for hearing is filed with the office of civil rights within the thirty-day period.

1355 C. If the order of the office of civil rights is appealed, the hearing examiner shall
1356 conduct a hearing for the purpose of affirming, denying or modifying the order. There
1357 shall be a verbatim record kept of the hearing. The hearing examiner has such rule-
1358 making and other powers necessary for the conduct of the hearing as are specified by
1359 K.C.C. chapter 20.22. The order of the office of civil rights shall not be presumed
1360 correct. The hearing examiner's decision shall be based upon a preponderance of the
1361 evidence. The hearing shall be conducted within a reasonable time after receipt of the
1362 request for appeal. Written notice of the time and place of the hearing shall be given at
1363 least ten days before the date of the hearing to each affected party and to the office of
1364 civil rights.

1365 D. Each party may, among exercising other rights:

- 1366 1. Call and examine witnesses on any matter relevant to the issues of the
1367 complaint;
- 1368 2. Introduce documentary and physical evidence;
- 1369 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1370 complaint;
- 1371 4. Impeach any witness regardless of which party first called the witness to
1372 testify;
- 1373 5. Rebut evidence against ~~((him or her))~~ the party; and
- 1374 6. Self-((R))represent ~~((himself or herself))~~ or be represented by anyone of ~~((his~~
1375 ~~or her))~~ the party's choice who is lawfully permitted to do so.

1376 E. Following review of the evidence submitted, the hearing examiner presiding at

1377 the hearing shall enter written findings and conclusions and shall affirm or modify the
1378 order previously issued if the hearing examiner finds that a violation occurred. The
1379 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
1380 not occur. The hearing examiner may grant as relief any relief that the office of civil
1381 rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision
1382 shall be delivered to all affected parties. The order of the hearing examiner is final unless
1383 reviewed by a court under K.C.C. 20.22.270.B.

1384 SECTION 22. Resolution 28232, Section 2, as amended, and K.C.C. 12.44.020
1385 are each hereby amended to read as follows:

1386 For the purpose of this chapter, the following terms shall have the meaning
1387 ascribed in this section:

1388 A. "Anchorage" means a designated position where vessels or watercraft may
1389 anchor or moor.

1390 B. "Aquatic event" means any organized water event of limited duration which is
1391 duly sanctioned at least seven days in advance by duly constituted authority and which is
1392 conducted according to a prearranged schedule and in which general public interest is
1393 manifested.

1394 C. "Authorized emergency vessel" means any authorized vessel or watercraft of
1395 the King County public safety department, municipal police departments, municipal fire
1396 departments, the United States government, and state of Washington authorized patrol
1397 vessels or watercraft.

1398 D. "Boat dealer" means any person engaged in the business of buying, selling,
1399 exchanging, offering, brokering, leasing with an option to purchase, auctioning,

1400 soliciting, or advertising the sale of new or used vessels. The term "boat dealer" shall not
1401 include:

1402 ~~((A.))~~ 1. Receivers, trustees, administrator, executors, guardians, or other
1403 persons appointed by, or acting under a judgment or order of any court;

1404 ~~((B.))~~ 2. Employees of dealers who are engaged in the specific performance of
1405 their duties as such employees; and

1406 ~~((C.))~~ 3. Any person engaged in an isolated sale of a vessel of which ~~((he))~~ the
1407 person is the owner.

1408 E. "Captain" means skipper, pilot or any person having charge of any vessel or
1409 watercraft.

1410 F. "County" means the county of King.

1411 G. "Diver's flag" means a red flag five units of measurement on the hoist by six
1412 units of measurement on the fly with a white stripe of one unit crossing the red diagonally
1413 (the flag to have a stiffener to make it stand out from the pole or mast). This flag shall
1414 only pertain to skin and SCUBA (self-contained underwater breathing apparatus) diving
1415 and shall supplement any nationally recognized diver's flag or marking. Unit of
1416 measurement shall not be less than two inches.

1417 H. "Issuing authority" means a state that has a numbering system approved by the
1418 U.S. Coast Guard or the U.S. Coast Guard where a numbering system has not been
1419 approved.

1420 ~~((("Master" means the captain, skipper, pilot or any person having charge of any~~
1421 ~~vessel or watercraft.))~~

1422 I. "Obstruction" means any vessel or watercraft or any matter which may in any

1423 way blockade, interfere with or endanger any vessel or watercraft or impede navigation,
1424 or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic
1425 and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

1426 J. "Oil" means any oil or liquid, whether of animal, vegetable or mineral origin,
1427 or a mixture, compound or distillation thereof.

1428 K. "Operator" means a person who is in control or in charge of a vessel or
1429 watercraft while it is in use.

1430 L. "Owner" means the person who has lawful possession of a vessel or watercraft
1431 or obstruction by virtue of legal title or equitable interest therein (~~which~~) that entitles
1432 (~~him~~) the person to (~~such~~) the possession.

1433 M. "Person," when necessary, means and includes natural persons, associations,
1434 copartnerships and corporations, whether acting by themselves or by a servant, agent or
1435 employee; the singular number, when necessary, means the plural, and (~~the masculine~~
1436 ~~pronoun includes the feminine~~) words referring to a specific gender may be extended to
1437 any other gender.

1438 N. "Pier" means any pier, wharf, dock, float, gridiron or other structure to
1439 promote the convenient loading or unloading or other discharge of vessels or watercraft,
1440 or the repair thereof.

1441 O. "Reporting authority" means the same as "~~(I)~~issuing authority."

1442 P. "Restricted area" means an area that has been marked in accordance with and
1443 as authorized by the law or regulations of the county to be used for, or closed to, certain
1444 designated purposes such as swimming, (~~skindiving~~) skin diving, ferry landings and
1445 aquatic events, the method of marking and designation of which shall have been made by

1446 the Department of Public Safety in accordance with the provisions of this chapter.

1447 Q. "Skin diving" means either or both any free-swimming person (~~(and/)~~) or any
1448 person who uses an artificial or mechanical means to replace (~~(his)~~) the person's air,
1449 including self-contained underwater breathing apparatus, snorkel tube equipment and free
1450 diving gear, but shall not mean swimmers using patrolled public beaches designated as
1451 swimming areas.

1452 R. "State" means a state of the United States, the Commonwealth of Puerto Rico,
1453 the Virgin Islands, Guam, American Samoa(~~(;)~~) and the District of Columbia.

1454 S. "State of principal use" means the state on whose water a vessel is used or to
1455 be used a majority of a calendar year.

1456 T. "Testing course" means a course or area on waters subject to the jurisdiction of
1457 King County, designated in accordance with this chapter or pursuant to other applicable
1458 laws and regulations, for use in industrial development and testing of experimental and
1459 production watercraft and vessels.

1460 U. "Towboat" means any vessel or watercraft engaged in towing or pushing
1461 another vessel or watercraft or anything other than a vessel or watercraft.

1462 V. "Undocumented watercraft" means a boat which does not have a valid marine
1463 document as a vessel of the United States.

1464 W. "Vessel" means any contrivance one hundred ten feet or more in length
1465 overall, used or capable of being used as a means of transportation on water.

1466 X. "Watercraft" means every description of watercraft twelve feet or greater but
1467 less than one hundred ten feet in length or equipped with motor propulsion machinery of
1468 more than five horsepower, other than a seaplane, used or capable of being used as a

1469 means of transportation on water, or required to be registered by the Boat Safety Act of
1470 1971. ((PROVIDED, that)) However, this definition does not include vessels under four
1471 feet in beam which have no propulsion machinery of any type. ((PROVIDED
1472 FURTHER, that)) Also, this definition shall not include vessels used exclusively for
1473 commercial purposes. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs
1474 and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but
1475 shall be included within the term "obstruction" when they shall be floating loose and not
1476 under control or when under control and obstructing any navigable channel.

1477 Y. "Water ski" means all forms, manners, means or contrivances of person or
1478 persons being towed behind a motor boat.

1479 SECTION 23. Resolution 28232, Section 4, as amended, and K.C.C. 12.44.040
1480 are each hereby amended to read as follows:

1481 Any person who shall negligently operate any watercraft in a manner so as to
1482 endanger or be likely to endanger any person or property or at a rate of speed greater than
1483 will permit ((him)) the person in the exercise of reasonable care to bring the watercraft to
1484 a stop within the assured clear distance ahead, shall be guilty of negligent operation,
1485 which shall be classified as a misdemeanor.

1486 SECTION 24. Resolution 28232, Section 8, and K.C.C. 12.44.110 are each
1487 hereby amended to read as follows:

1488 When any vessel or watercraft or obstruction has been sunk or grounded, or has
1489 been delayed in such manner as to stop or seriously interfere with or endanger navigation,
1490 the sheriff may order the same immediately removed and if the owner, or other person in
1491 charge thereof, after being so ordered, does not proceed immediately with such removal,

1492 the sheriff may take immediate possession thereof and remove the same, using such
1493 methods as in ~~((his))~~ the sheriff's judgment will prevent unnecessary damage to such
1494 vessel or watercraft or obstruction, and the expense incurred by the sheriff in such
1495 removal shall be paid by such vessel or watercraft or obstruction, or the owner or other
1496 person in charge thereof; and in case of failure to pay the same, the county may maintain
1497 an action for the recovery thereof.

1498 SECTION 25. Resolution 28232, Section 9, and K.C.C. 12.44.120 are each
1499 hereby amended to read as follows:

1500 All vessels, watercraft, logs, piling, building material, scows, houseboats or any
1501 other article of value found adrift in county waters, may be taken in charge by the sheriff
1502 and shall be subject to reclamation by the owner thereof, on payment by ~~((him))~~ the
1503 owner to the county of any expenses incurred by the county and in case of failure to
1504 reclaim may be sold or disposed of according to law.

1505 SECTION 26. Resolution 28232, Section 10, as amended, and K.C.C. 12.44.130
1506 are each hereby amended to read as follows:

1507 A. It is unlawful for any person who is under the influence of intoxicating liquor
1508 or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel
1509 or watercraft. A person is considered under the influence of intoxicating liquor or any
1510 drug if ~~((he or she))~~ the person is under the influence, affected, under the combined
1511 influence or has alcohol either by weight or by breath as specified in RCW 88.12.025, as
1512 it currently reads or is subsequently amended.

1513 B. It is unlawful for the owner of any vessel or watercraft or any person having
1514 such in charge or in control to authorize or knowingly permit the same to be operated by

1515 any person who is under the influence of intoxicating liquor, narcotic or habit-forming
1516 drugs.

1517 C. Whenever it appears reasonably certain to any police officer that any person
1518 under the influence of, or affected by the use of, intoxicating liquor or of any narcotic
1519 drug is about to operate a watercraft or vessel in violation of ~~((subdivision))~~ subsection
1520 A. of this section, said officer may take reasonable measures to prevent any such person
1521 from so doing.

1522 D. Any violation of or failure to comply with the provisions of this section shall
1523 constitute a misdemeanor.

1524 SECTION 27. Resolution 28232, Section 12, and K.C.C. 12.44.150 are each
1525 hereby amended to read as follows:

1526 The operator of any watercraft involved in an accident resulting in injury or death
1527 to any person or in damage to property shall immediately stop such watercraft at the
1528 scene of such accident and shall give ~~((his))~~ the operator's name, address, and the name
1529 and/or number of ~~((his))~~ the watercraft, and the name and address of the owner, to the
1530 person struck or the operator or occupants of the vessel or watercraft collided with or
1531 property damaged, and shall render to any person injured in such accident reasonable
1532 assistance.

1533 SECTION 28. Resolution 28232, Section 13, and K.C.C. 12.44.160 are each
1534 hereby amended to read as follows:

1535 The ~~((master))~~ captain, owner or operator of any watercraft shall file a written
1536 report within forty-eight hours with the sheriff's department or Washington State Patrol
1537 of any accident involving death or personal injury requiring medical treatment or

1538 property damage in excess of two hundred dollars in which such watercraft shall have
1539 been involved on waters of King County.

1540 SECTION 29. Resolution 28232, Section 14, and K.C.C. 12.44.170 are each
1541 hereby amended to read as follows:

1542 All required accident reports and supplemental reports and copies thereof shall be
1543 without prejudice to the individual so reporting and shall be for the confidential use of the
1544 sheriff's department, prosecuting attorney, or other peace and enforcement officer as
1545 provided herein, except that any such officer may disclose the identity of a person
1546 reported as involved in an accident when such identity is not otherwise known or when
1547 such person denies ((his)) the person's presence at such accident. No such accident report
1548 or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an
1549 accident, except that any officer above named for receiving accident reports shall furnish,
1550 upon demand of any person who has, or who claims to have, made such a report, or, upon
1551 demand of any court, a certificate showing that a specified accident report has or has not
1552 been made to the sheriff, solely to prove a compliance or a failure to comply with the
1553 requirement that such a report be made in the manner required by law.

1554 SECTION 30. Resolution 28232, Section 19, and K.C.C. 12.44.220 are each
1555 hereby amended to read as follows:

1556 ((Skin diving)) Skin diving shall be prohibited in the waters of King County:

1557 A. ((w))Within three hundred feet of any ferry slip, public boat ramp, patrolled
1558 public beach designated as a swimming area, except pursuant to permit therefor issued by
1559 the sheriff and except for commercial diving((;)) or

1560 B. ((i))In any other area unless the diver shall be accompanied by a watercraft or

1561 the area in which ((he)) the diver is diving shall be marked by an adequately displayed
1562 diver's flag.

1563 SECTION 31. Resolution 28232, Section 22, and K.C.C. 12.44.350 are each
1564 hereby amended to read as follows:

1565 It is unlawful for the ((master)) captain, owner or any other person in charge of
1566 any watercraft or vessel, while lying at any pier or while navigating in the waters of King
1567 County, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any
1568 person flash the rays of a searchlight or other blinding light onto the bridge or into the
1569 pilothouse of any vessel or watercraft under way for any purpose other than those
1570 authorized by law.

1571 SECTION 32. Resolution 28232, Section 27, and K.C.C. 12.44.410 are each
1572 hereby amended to read as follows:

1573 No ((master)) captain, owner or other person in charge of any vessel or watercraft
1574 shall, while the same is lying in any slip or at any pier, either cause or allow the propeller
1575 or wheel of such vessel or watercraft to be worked in such a manner as to endanger any
1576 other vessel, watercraft or structure.

1577 SECTION 33. Resolution 28232, Section 33, and K.C.C. 12.44.470 are each
1578 hereby amended to read as follows:

1579 No owner, ((master)) captain or other person in charge of any vessel or watercraft,
1580 and no engineer, or other person in charge of any engine room or machinery of any vessel
1581 or watercraft, and no owner, lessee, agent, employee((s)) or other person in charge of or
1582 employed in or about any pier, or other structure, and no person along or upon the shore
1583 of the waters of King County, shall spill, throw, pump or otherwise cause oil of any

1584 description to be or float upon the waters of King County. Any person causing oil to be
1585 upon the waters of King County as aforesaid shall remove the same and upon ~~((his))~~ the
1586 person's failure so to do, the same may be removed by the sheriff and the expense thereof
1587 shall be paid by and recoverable from the person causing said oil to be upon the water.
1588 The payment of such sum or the maintenance of an action therefor, shall not be deemed
1589 to exempt such person from prosecution for causing such oil spillage.

1590 SECTION 34. Resolution 28232, Section 34, and K.C.C. 12.44.480 are each
1591 hereby amended to read as follows:

1592 Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any
1593 structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof,
1594 timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind
1595 floating uncontrolled on the water, and all other substances or articles of a similar nature,
1596 are hereby declared to be public nuisances and it is unlawful for any person to throw or
1597 place in, or cause or permit to be thrown or placed, any of the above-named articles or
1598 substances in the waters of King County, or upon the shores thereof or in such position
1599 that same may or can be washed into said waters of King County, either by high tides,
1600 storms, floods or otherwise. Any person causing or permitting said nuisances to be
1601 placed as aforesaid shall remove the same and upon ~~((his))~~ the person's failure so to do,
1602 the same may be removed by the sheriff or county engineer and the expense thereof shall
1603 be paid by and recoverable from the person creating said nuisance. In all cases such
1604 nuisances may be abated in the manner provided by law. The abatement of any such
1605 public nuisances shall not excuse the person responsible therefor from prosecution
1606 hereunder.

1607 SECTION 35. Resolution 28232, Section 40, and K.C.C. 12.44.540 are each
1608 hereby amended to read as follows:

1609 The sheriff and ((his)) the sheriff's deputies are hereby authorized to direct all
1610 waterborne traffic either in person or by means of visible or audible signal in
1611 conformance with the provisions of this chapter; provided, that where necessary to
1612 expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons
1613 or property, such officers and other authorized officers of appropriate governmental
1614 agencies or authorities, may direct waterborne traffic as conditions may require,
1615 notwithstanding the provisions of this chapter.

1616 SECTION 36. Resolution 28232, Section 42, as amended, and K.C.C. 12.44.550
1617 are each hereby amended to read as follows:

1618 A. There is hereby established a boating advisory commission composed of such
1619 members as may be selected by the county executive and approved by the county council.

1620 B. The boating advisory commission shall recommend to the county council
1621 ways and means for improving boating conditions. The commission shall meet upon the
1622 call of the ((chairman)) chair.

1623 C. The members shall select the chair of the commission from their membership.
1624 The sheriff shall furnish from ((his)) the sheriff's regular staff the necessary secretarial
1625 and support services and materials required by the commission.

1626 SECTION 37. Ordinance 4257, Section 2, as amended, and K.C.C. 12.46.020 are
1627 each hereby amended to read as follows:

1628 As used in this chapter, the following words and terms shall have the meanings
1629 set forth herein:

1630 A. "Anchorage" means a designated position where vessels or watercraft may
1631 anchor or moor.

1632 B. "Anchor" means the act of making a vessel, watercraft or obstruction secure to
1633 the bed of any body of water through use of a direct connection between the vessel,
1634 watercraft or obstruction and the bed.

1635 C. "Boat" means any contrivance up to sixty-five feet in length overall, used or
1636 capable of being used as a means of transportation on water.

1637 D. "Captain" means the skipper, pilot or any other person having charge of any
1638 vessel or watercraft and shall include any agent or employee of such person.

1639 E. "Director" means the sheriff of the King County department of public safety or
1640 ((his)) designee.

1641 ~~((E. "Master" means the captain, skipper, pilot or any other person having charge~~
1642 ~~of any vessel or watercraft and shall include any agent or employee of such person.))~~

1643 F. "Moor" means the act of securing a vessel, watercraft or obstruction either to a
1644 lawfully installed pier or to a lawfully installed anchored buoy or float.

1645 G. "Obstruction" means any vessel or watercraft or any matter which may in any
1646 way blockade, interfere with or endanger any vessel or watercraft or impede navigation,
1647 or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic
1648 and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

1649 H. "Owner" means the person who has lawful possession of a vessel or watercraft
1650 or obstruction by virtue of legal title or equitable interest therein which entitles ((him))
1651 the owner to such possession, and includes any agent or employee of such person.

1652 I. "Person" means and includes natural persons, associations, copartnerships and

1653 corporations, whether acting by themselves or by a servant, agent or employee; the
1654 singular number, when necessary, means the plural, and ~~((the masculine pronoun includes~~
1655 ~~the feminine))~~ words referring to a specific gender may be extended to any other gender.

1656 J. "Pier" means any pier, dock, wharf or other structure built in or over or floating
1657 upon the water, extending from the shoreline, which may be used as a landing place to
1658 promote the loading or unloading of vessels or watercraft for recreational or commercial
1659 purposes.

1660 K. "Vessel" means any contrivance one hundred ten feet or more in length
1661 overall, used or capable of being used as a means of transportation on water.

1662 L. "Watercraft" means any contrivance less than one hundred ten feet in length
1663 overall and at least sixty-five feet in length overall, used or capable of being used as a
1664 means of transportation on water. Aircraft, cribs or piles, shinglebolts, booms of logs,
1665 rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or
1666 "vessel", but shall be included within the term "obstruction" when they are anchored or
1667 moored and obstructing any navigable channel.

1668 SECTION 38. Ordinance 4257, Section 6, as amended, and K.C.C. 12.46.050 are
1669 each hereby amended to read as follows:

1670 Any owner or ~~((master))~~ captain who desires to anchor or moor ~~((his))~~ the owner's
1671 or captain's vessel, watercraft or obstruction and who is not temporarily at anchor or
1672 moored in compliance with K.C.C. 12.46.060, shall apply for and obtain from the
1673 director a conditional permit prior to anchoring or mooring such craft. Issuance of such
1674 permit shall be subject to compliance with the following conditions, as determined by the
1675 director:

1676 A. (~~LESS THAN THIRTY DAYS DURATION:~~) Less than thirty days

1677 duration:

1678 1. The moorage or anchorage shall be compatible with the general public use of
1679 the requested area and with the existing land use and land use planning in the vicinity;

1680 2. The moorage or anchorage shall not deprive or materially interfere with the
1681 reasonable water access of properties adjacent to or in the vicinity of the requested water
1682 area, nor shall the moorage or anchorage encroach on or over privately owned property
1683 without the consent of the property owner;

1684 3. No public food sales or retail sales of any other kind, charged or donated
1685 admission, holding of animals or fowl, or storage of toxic chemicals or petroleum
1686 products (~~(())~~), except for propulsion of the craft(~~(())~~), shall be permitted without first
1687 having obtained all legally required inspections and permits, approvals or licenses from
1688 the public agencies with jurisdiction, including, but not limited to, the Seattle-King
1689 County department of public health(~~(;)~~), the King County departments of public safety,
1690 natural resources and parks, (~~((development))~~) permitting and environmental (~~((services))~~)
1691 review and executive services, and the appropriate fire district;

1692 4. Moorage or anchorage for purpose of residential use shall not be permitted;

1693 5. The applicant shall provide to the director and maintain during the period of
1694 the permit a bond, cash deposit or sight irrevocable letter of credit from a reputable
1695 lending institution approved by the director in an amount specified by the director, but
1696 not to exceed five hundred thousand dollars, sufficient to cover the potential cost of
1697 removal of the watercraft, vessel or obstruction in the event of sinking; and in the event
1698 of adjacent publicly owned structures, the cost of repair thereof in event of collision;

1699 6. The applicant shall provide to the director written proof from the auditor or
1700 comptroller of the vessel's or watercraft's home port or principal place of business or use
1701 showing that all current taxes and assessments are paid; and

1702 7. The applicant shall execute and deliver to the director upon a form supplied
1703 by the director an agreement in writing and acknowledged by the applicant to hold and
1704 save harmless the County of King from any and all claims, actions or damages of every
1705 kind and description which may accrue to, or be suffered by, any persons by reason of or
1706 related to the use and occupation of the waters by the permit holder((-));

1707 B. (~~THIRTY DAYS OR GREATER DURATION.~~) Thirty days or greater
1708 duration:

1709 1. All conditions necessary for a permit of less than thirty days' duration must
1710 be met, except that the bond, cash deposit or sight irrevocable letter of credit from a
1711 reputable lending institution approved by the director shall not exceed one million
1712 dollars;

1713 2. The applicant shall provide to the director a certificate of seaworthiness from
1714 a marine surveyor who is certified by the National Association of Marine Surveyors or
1715 from a person certified by a similar professional organization acceptable to the director,
1716 except this condition shall not apply to obstructions; and

1717 3. Maximum duration shall be three hundred sixty-five days, subject to renewal
1718 in accordance with K.C.C. 12.46.090((-)); and

1719 C. (~~DISCRETIONARY CONDITIONS.~~) Discretionary conditions: In addition
1720 to the mandatory conditions specified above, the director may, within ((his)) the director's
1721 reasonable discretion, require that any one or combination of the following conditions be

1722 met:

1723 1. That the applicant, prior to issuance of the permit, provide and maintain in
1724 full force and effect while the permit is in force, public liability insurance in an amount
1725 specified by the director sufficient to cover potential claims for bodily injury, death or
1726 disability and for property damage, which may arise from or be related to the applicant's
1727 use of the waters, naming the County of King as an additional insured;

1728 2. That the vessel, watercraft or obstruction connect its plumbing system to the
1729 nearest available county sanitary sewers;

1730 3. That the vessel, watercraft or obstruction permit the moorage of vessels or
1731 watercraft alongside and access thereto;

1732 4. That the vessel, watercraft or obstruction be removed as soon as privately
1733 owned or controlled moorage space becomes available; or

1734 5. Any other condition reasonably related to protecting the public safety, health
1735 or welfare.

1736 SECTION 39. Ordinance 4257, Section 8, as amended, and K.C.C. 12.46.080 are
1737 each hereby amended to read as follows:

1738 A. Any person may apply for an anchoring and mooring permit by submitting to
1739 the director a written application stating the owner's and (~~master's~~) captain's name,
1740 address and telephone number; the type, description and size of the vessel, watercraft or
1741 obstruction; the reason for the application; the area of proposed anchorage or moorage,
1742 readily identifiable on a current chart or map; a description of the means by which the
1743 vessel, watercraft or obstruction will be anchored or moored; and the length of time,
1744 including inclusive dates, for which the permit is desired.

1745 B. The director may process the application in conjunction with review of an
1746 application for a United States Army Corps of Engineers permit, if such a permit is
1747 required.

1748 C. The application shall be referred to the department of permitting and
1749 environmental review for comment and recommendation thereon.

1750 D. In the event that the director determines that granting the permit might deprive
1751 or materially interfere with reasonable water access of privately or publicly owned
1752 properties, the director shall notify ~~((such))~~ the property owners ~~((and/))~~ or public
1753 agencies, or both, in writing and give them a reasonable time to comment on the
1754 application.

1755 E. The director is authorized to impose on the applicant reasonable fees designed
1756 to reimburse the county for processing of the application and administration of the permit
1757 system, including any notice or publication required under this chapter. Fees shall be set
1758 by a schedule promulgated by the director through appropriate rules and regulations.
1759 Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime
1760 Schooling Vessels~~((s))~~ or scientific research, ~~((such))~~ the fees may be reduced or waived
1761 for a period ~~((of time))~~ not to exceed six months.

1762 SECTION 40. Ordinance 4257, Section 10, and K.C.C. 12.46.100 are each
1763 hereby amended to read as follows:

1764 The director may upon written notice suspend or revoke permanently any permit
1765 previously granted under this chapter for any one or more of the following causes:

1766 A. Failure of the holder to comply with any requirement of this chapter or rule or
1767 regulation adopted thereunder, or with any term or condition of the permit, or with any

1768 written notice from the director ordering corrective measures;

1769 B. Failure of the holder to comply with any federal, state or local law, ordinance,
1770 rule or regulation pertaining to the subject craft or its use;

1771 C. Discovery by the director that the permit was issued by mistake or on incorrect
1772 information or by the fraud of the applicant; or

1773 D. Interference by the applicant, owner, (~~master~~) captain or any agent or
1774 employee thereof, with the director or any other county official or employee in the
1775 performance of (~~his~~) the director or any other county official or employee's legal duties.

1776 SECTION 41. Ordinance 4257, Section 14, and K.C.C. 12.46.140 are each
1777 hereby amended to read as follows:

1778 Whenever necessary to make an inspection to enforce or determine compliance
1779 with the provisions of this chapter, or whenever the director or (~~his~~) the director's duly
1780 authorized inspector has cause to believe that a violation of this chapter has been or is
1781 being committed, the inspector may board and enter any vessel, watercraft or obstruction
1782 at reasonable times to inspect the same, subject to the following conditions:

1783 A. If such craft is occupied, the inspector shall present identification credentials,
1784 state the reason for the inspection, and demand entry;

1785 B. If such craft is unoccupied, the inspector shall first make a reasonable effort to
1786 locate the owner, (~~master~~) captain or other persons having charge or control of the craft
1787 and demand entry. If the inspector is unable to locate the owner, (~~master~~) captain or
1788 such other persons, and (~~he~~) the inspector has reason to believe that conditions therein
1789 create an immediate and irreparable safety or health hazard, (~~he~~) the inspector shall
1790 make entry;

1791 C. It is unlawful for any owner, ~~((master))~~ captain or any other person having
1792 charge, care or control of such craft to fail or neglect after proper demand has been given
1793 to permit prompt entry thereon where the inspector has reason to believe that conditions
1794 therein create an immediate and irreparable safety or health hazard;

1795 D. Unless entry is consented to by the owner, ~~((master))~~ captain or person in
1796 control of the craft or conditions are believed to exist which create an immediate and
1797 irreparable safety or health hazard, the inspector, ~~((prior to))~~ before entry, shall obtain a
1798 search warrant as authorized by the laws of the state of Washington.

1799 SECTION 42. Ordinance 4257, Section 15, and K.C.C. 12.46.150 are each
1800 hereby amended to read as follows:

1801 A. ~~((GROUNDS.))~~ The director may take immediate possession of and impound
1802 any vessel, watercraft or obstruction under the following conditions:

1803 1. The vessel, watercraft or obstruction is moored or anchored after expiration,
1804 suspension, revocation or violation of an anchoring and mooring permit or appears after
1805 reasonable investigation to be abandoned; ~~((or))~~

1806 2. The vessel, watercraft or obstruction is in violation of this chapter and
1807 remains at anchor or moored seventy-two hours after service on the owner or ~~((master))~~
1808 captain, either personally or by registered or certified mail, of an order from the director
1809 to remove the same; or

1810 3. The vessel, watercraft or obstruction appears after reasonable investigation to
1811 be unsafe or incapable of water transportation.

1812 B. ~~((REMOVAL.))~~ The director may either remove any vessel, watercraft or
1813 obstruction using such methods as in ~~((his))~~ the director's judgment will prevent

1814 unnecessary damage to such vessel, watercraft or obstruction (~~(and/)~~) or assign the
1815 removal and impounding of such vessel, watercraft or obstruction to a private
1816 corporation.

1817 C. (~~(EXPENSES.)~~) In the event possession is taken of any vessel, watercraft or
1818 obstruction the expenses incurred by the county in the removal, towing, impounding and
1819 moorage of the same shall be paid by such craft or the owner, (~~(master)~~) captain or other
1820 person in charge thereof. When a vessel, watercraft or obstruction is moored or
1821 impounded at a county facility, the director shall assess a reasonable moorage charge
1822 therefor, which shall be paid by such craft or the owner, (~~(master)~~) captain or other
1823 person in charge thereof. The director may decline to release possession of any vessel,
1824 watercraft or obstruction until all charges are paid.

1825 D. (~~(SALE AT AUCTION.)~~) In the event a vessel, watercraft or obstruction
1826 shall remain impounded for ninety days and the charges of towing and impounding
1827 remain unpaid, the director may sell the same at public auction. The county may
1828 maintain an action against the owner, (~~(master)~~) captain or person in charge of the vessel,
1829 watercraft or obstruction for the recovery of the expenses of towing and impounding, or
1830 the remaining balance thereof, in the event of sale of the same.

1831 E. (~~(LIABILITY.)~~) The director shall not be held personally responsible for
1832 damages incurred as a result of impound of a vessel, watercraft or obstruction so long as
1833 reasonable practices are employed in such operation.

1834 SECTION 43. Ordinance 4257, Section 16, and K.C.C. 12.46.160 are each
1835 hereby amended to read as follows:

1836 When taking possession of a vessel, watercraft or obstruction as authorized by

1837 ((Section)) K.C.C. 12.46.150, the director may impound the vessel, watercraft or
1838 obstruction in place by posting the same with one or more signs or notices in conspicuous
1839 places stating "POLICE IMPOUND - KEEP OFF" and notifying the owner, ((master))
1840 captain or person in charge of the impounding. The director may in ((his)) the director's
1841 discretion appoint as custodian the owner or ((master)) captain, or the owner or operator
1842 of the facility or property where the vessel is moored or anchored. Upon the posting of
1843 such signs, it shall be unlawful for any person:

1844 A. To move, load or unload, rebuild, or enter upon such vessel, watercraft or
1845 obstruction without written permission from the director, other than for necessary
1846 maintenance and repair to prevent deterioration of the same or sinking;

1847 B. To remove, mutilate, destroy or conceal any notice or sign posted by the
1848 director or any other county official or employee under authority of law.

1849 SECTION 44. Resolution 35592, Section 1, and K.C.C. 12.48.010 are each
1850 hereby amended to read as follows:

1851 The following words and phrases used herein shall be construed as follows:

1852 A. "Pistol" means any firearm or other weapon for the purpose of discharging a
1853 projectile by means of compressed air, chemical combustion or otherwise and having a
1854 barrel less than twelve inches in length, but shall not include antique pistols or revolvers
1855 manufactured prior to 1898 and held as collector's items.

1856 B. "Crime of violence" means any of the following crimes or an attempt to
1857 commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault,
1858 robbery, burglary and kidnapping.

1859 C. "Fugitive from justice" means a person who, having committed a crime, flees

1860 from the jurisdiction where it was committed to evade arrest.

1861 D. "Law enforcement officer" means any person who by virtue of ~~((his))~~ the
1862 person's office or public employment is vested by law with a duty to maintain public
1863 order or to make arrests for offenses.

1864 SECTION 45. Resolution 35592, Section 2, and K.C.C. 12.48.020 are each
1865 hereby amended to read as follows:

1866 It is unlawful for any merchant or secondhand dealer, or any clerk, agent or
1867 employee of any merchant or secondhand dealer, to sell, give away or dispose of any
1868 pistol to any person at retail, unless ~~((such))~~ the person is personally known to the seller
1869 or shall present clear evidence of ~~((his))~~ the person's identity, nor without completing a
1870 true record in triplicate of every pistol sold or disposed of. ~~((Such))~~ The record shall be
1871 personally signed by the purchaser and by the person affecting the sale, each in the
1872 presence of the other, and shall contain the date of sale, the caliber, make, model and
1873 manufacturer's number of the weapon, the name, address, occupation, and place of birth
1874 of the purchaser, and a statement signed by the purchaser that ~~((he))~~ the purchaser is not a
1875 fugitive from justice and that ~~((he))~~ the purchaser has never been convicted in this state or
1876 elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has
1877 never been confined to a mental institution. One copy shall within six hours be sent by
1878 registered mail to the sheriff of King County who shall, within seventy-two hours,
1879 exclusive of Sundays and holidays, investigate the information contained in said record
1880 and report ~~((his))~~ the sheriff's findings to the merchant or secondhand dealer.

1881 SECTION 46. Resolution 35592, Section 3, and K.C.C. 12.48.030 are each
1882 hereby amended to read as follows:

1883 It is unlawful for any merchant or secondhand dealer or any clerk, agent or
1884 employee of any merchant or secondhand dealer to deliver any pistol to any purchaser
1885 until the merchant or secondhand dealer has received a report from the sheriff that the
1886 purchaser is not a fugitive from justice and that the purchaser has never been convicted in
1887 this state or elsewhere of a crime of violence, or of drug addiction or of habitual
1888 drunkenness and has never been confined to a mental institution; provided, that if such
1889 merchant or secondhand dealer does not receive such report from the sheriff within
1890 seventy-two hours, exclusive of Sundays and holidays, after ~~((he))~~ the merchant has
1891 mailed a copy of the record to the sheriff as required by ~~((Section))~~ K.C.C. 12.48.020,
1892 then such merchant or secondhand dealer may deliver the pistol to the purchaser;
1893 provided further, that this section shall not apply to sales at wholesale, or to sales to
1894 persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW
1895 9.41.070, or to sales to law enforcement officers.

1896 SECTION 47. Ordinance 7884, Section 3, as amended, and K.C.C. 12.50.030 are
1897 each hereby amended to read as follows:

1898 A. Smoking is prohibited in all county enclosed work and common areas,
1899 whether in enclosed individual or shared office spaces, and shall include all county
1900 vehicles, and shall apply to all persons who visit enclosed work and common areas,
1901 including all officers, employees, contractors, or visitors during all hours and all days of
1902 the year. ~~((This prohibition shall become effective on July 1, 1987.))~~

1903 ~~((A. Exemptions. The provisions of))~~ B. ~~((t))~~This section shall ~~((not))~~ neither
1904 apply to the King County correctional facility~~((s))~~ nor to the Cedar Hills Alcoholism
1905 Treatment Center, until a plan for implementation has been developed for those facilities

1906 by a committee designated by the county executive. ~~((The implementation plans shall be~~
1907 ~~completed by July 1, 1987. Implementation shall occur by January 4, 1988.))~~

1908 ~~((B-))~~ C. As part of the implementation plan, the county executive may issue and
1909 promulgate Executive Orders which will allow smoking in the county's correctional
1910 facility and the Cedar Hills Treatment Center in certain designated areas within these
1911 facilities.

1912 ~~((C. Other exceptions.~~

1913 ~~1. Smoking may be allowed in areas of the Kingdome that are leased to~~
1914 ~~Executive Suite tenants under separate agreements, provided that appropriate measures~~
1915 ~~are taken to ensure that smoke from the Executive Suites is not circulated into the general~~
1916 ~~seating areas.~~

1917 ~~2. Smoking may be permitted in certain designated areas, such as in the "Top of~~
1918 ~~the Dome" and in designated areas during events produced by tenants of the Kingdome.~~
1919 ~~The designated smoking areas shall be identified by the director of stadium~~
1920 ~~administration, or his designee, in consultation with the major tenants. The director of~~
1921 ~~stadium administration, or his designee, shall reserve the option not to allow smoking~~
1922 ~~anywhere in the Kingdome during certain events. Unless otherwise stipulated, smoking~~
1923 ~~is allowed only on the exterior rampways of the Kingdome. Smoking shall not be~~
1924 ~~allowed on the Kingdome arena floor, nor in the general seating areas.))~~

1925 D. ~~((Further Exceptions:))~~ 1. Should members of a collective bargaining unit
1926 determine that the smoking policy creates a situation with impacts peculiar to their
1927 particular bargaining unit, and impacts can be strictly limited to only members of their
1928 bargaining unit, an exception request may be submitted to the county's personnel

1929 manager, who will bargain in good faith with the collective bargaining representative
1930 regarding application of the county smoking policy. Provided that no exceptions will be
1931 authorized that result in exposing employees to unwelcome tobacco smoke in common or
1932 enclosed work areas.

1933 2. Nonrepresented officers and employees who determine that the smoking
1934 policy creates a unique situation with an adverse impact on the employee while in
1935 ~~((his/her))~~ the employee's place of work and the impacts can be strictly limited to that
1936 individual, may submit an exception request to ~~((his/her))~~ the employee's department
1937 director, who shall submit the request, along with the director's recommendation, to the
1938 county's personnel manager. The personnel manager shall determine the feasibility of
1939 allowing an exception to the policy. ~~((Provided that))~~ However, no exceptions will be
1940 authorized that result in exposing employees to unwelcome tobacco smoke in common or
1941 enclosed work areas.

1942 SECTION 48. Ordinance 2041, Section 6, and K.C.C. 12.54.060 are each hereby
1943 amended to read as follows:

1944 The director of ~~((office of))~~ the finance and business operations division or ~~((his))~~
1945 the director of the finance and business operations division's authorized representative
1946 shall:

1947 A. Adopt, publish and enforce such rules and regulations not inconsistent with
1948 this chapter as are necessary to enable the collection of the tax imposed by this chapter in
1949 the unincorporated areas of King County;

1950 B. Prescribe and issue the appropriate forms for determination and declaration of
1951 the amount of tax to be paid;

1952 C. Have the power to enter into contracts with municipalities for the collection of
1953 the tax imposed on gambling activities conducted within such municipalities.

1954 SECTION 49. Ordinance 2041, Section 8, and K.C.C. 12.54.080 are each hereby
1955 amended to read as follows:

1956 It shall be the responsibility of all officers, directors and managers of any
1957 organization conducting gambling activities to provide access to such financial records as
1958 the ~~((Comptroller))~~ director of the finance and business operations division, the
1959 ~~((D))~~ director of Public Safety, ~~((his))~~ the director of the finance and business operations
1960 division or director of public safety's authorized representative~~((;))~~ or law enforcement
1961 representatives of local municipalities may require in order to determine compliance with
1962 this chapter.

1963 SECTION 50. Ordinance 1248, Section 1, as amended, and K.C.C. 12.63.010 are
1964 each hereby amended to read as follows:

1965 It is unlawful for anyone:

1966 A. To commit or offer or agree to commit an act of prostitution; ~~((or))~~

1967 B. To secure or offer to secure another for the purpose of committing an act of
1968 prostitution; ~~((or))~~

1969 C. To knowingly transport a person into or within the county with purpose to
1970 promote that person's engaging in prostitution, or procuring or paying for transportation
1971 with that purpose; ~~((or))~~

1972 D. To knowingly receive, offer or agree to receive another into any place or
1973 building for the purpose of performing an act of prostitution, or to knowingly permit
1974 another to remain there for any such purpose; ~~((or))~~

1975 E. To direct another to any place for the purpose of committing an act of
1976 prostitution; ~~((e))~~

1977 F. To knowingly in any way aid, abet or participate in an act of prostitution; or

1978 G. To remain in or near any street, sidewalk, alleyway or other place open to the
1979 public with the intent of committing, or inducing, enticing, soliciting or procuring another
1980 to commit, an act of prostitution. Among the circumstances which may be considered in
1981 determining whether the actor intends such prohibited conduct are:

1982 1. ~~((t))~~ That the actor is a known prostitute or panderer; ~~((e))~~

1983 2. ~~((t))~~ The actor repeatedly beckons to, stops or attempts to stop, or engages
1984 passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators
1985 by hailing, waving of arms or any other bodily gesture; ~~((e))~~

1986 3. ~~((t))~~ The actor circles an area in a motor vehicle and repeatedly beckons to,
1987 contacts, or attempts to stop pedestrians; or

1988 4. ~~((t))~~ The actor inquires whether a potential patron, procurer or prostitute is a
1989 police officer, searches for articles that would identify a police officer, or requests the
1990 touching or exposing of genitals or ~~((female))~~ breasts to prove that the person is not a
1991 police officer.

1992 SECTION 51. Resolution 35042, Section 1, and K.C.C. 12.64.010 are each
1993 hereby amended to read as follows:

1994 It is unlawful for any person to loiter or prowl in a place, at a time, or in a manner,
1995 and under circumstances that manifest an unlawful purpose or warrant alarm for the
1996 safety of persons or property in the vicinity. Circumstances which may be considered in
1997 determining whether such unlawful purpose is manifested or such alarm is warranted

1998 include, but are not limited to, the following: flight by the ~~((actor))~~ person upon
1999 appearance of a law enforcement officer~~((s))~~; refusal ~~((to identify himself,))~~ by the person
2000 to respond to law enforcement's request for identification; or the person manifestly
2001 endeavoring to ~~((conceal))~~ hide ((himself)) the person's self or to conceal any object.

2002 SECTION 52. Resolution 35042, Section 2, and K.C.C. 12.64.020 are each
2003 hereby amended to read as follows:

2004 No arrest shall be made under this chapter nor shall any person be convicted of
2005 violating this chapter unless such person is first afforded, if practical under the
2006 circumstances, an opportunity to dispel any alarm or suspicion of unlawful purpose
2007 which would otherwise be warranted, by ~~((identifying himself))~~ providing proof of
2008 identity and explaining ~~((his))~~ the person's presence and conduct.

2009 SECTION 53. Resolution 35042, Section 3, and K.C.C. 12.64.030 are each
2010 hereby amended to read as follows:

2011 No person shall be convicted of violating this chapter if it appears at trial that the
2012 explanation given by ~~((him))~~ the person of ~~((his))~~ the person's presence and conduct was
2013 true and, if believed by the arresting officer at the time, would have dispelled the alarm or
2014 suspicion of unlawful purpose. Any violation of this chapter constitutes a misdemeanor.

2015 SECTION 54. Ordinance 4691, Section 1, and K.C.C. 12.68.030 are each hereby
2016 amended to read as follows:

2017 In all areas of King County not designated by ordinance as "no shooting" areas,
2018 except when a person is on ~~((his))~~ the person's own property or has written permission
2019 from the owner, and the discharge of such weapons and the trajectory of any projectile is
2020 restricted to said property, it is unlawful to discharge a firearm within five hundred feet of

2021 any building capable of being occupied by people or domestic animals or used for storage
2022 of flammable or combustible materials or trails used for hiking, biking, or horseback
2023 riding, and designated as such in the county comprehensive plan; provided, that the
2024 above-referenced distance shall not be less than two hundred fifty feet when the firearm
2025 being discharged is a shotgun.

2026 SECTION 55. Ordinance 1937, Section 1, and K.C.C. 12.68.630 are each hereby
2027 amended to read as follows:

2028 The shooting of firearms is prohibited, except by licensed ~~((sportsmen))~~ hunters
2029 during regular hunting season, in parts of Cherry Garden Division No. 2 described as;
2030 Lots 65 through 66 and Lots 80 through 86, Section 9, Township 26 North, Range 7 East,
2031 W.M.

2032 SECTION 56. Resolution 1439, Section 1, and K.C.C. 12.78.010 are each hereby
2033 amended to read as follows:

2034 "Person" wherever used in this chapter means and includes natural persons~~((s))~~ of
2035 ~~((either))~~ any sex, firms, copartnerships and corporations, whether acting by themselves,
2036 by servant, agent or employee. The singular number includes the plural and ~~((the~~
2037 ~~maseuline pronoun includes the feminine))~~ words referring to a specific gender may be
2038 extended to any other gender.

2039 SECTION 57. Resolution 14349, Section 4, and K.C.C. 12.78.040 are each
2040 hereby amended to read as follows:

2041 Any person required by ~~((the provisions of Section))~~ K.C.C. 12.78.030 ~~((hereof))~~
2042 to secure the written consent or permission therein required, shall keep the writing
2043 evidencing the consent or permission in ~~((his))~~ the person's possession for a period of one

2044 year. ~~((His-f))~~ Failure or refusal within that time to permit any peace officer, upon
2045 demand to inspect said writing shall be prima facie evidence of ~~((his))~~ the person's
2046 violation of the provisions of ~~((said-Section))~~ K.C.C. 12.78.030.

2047 SECTION 58. Resolution 13839, Section 1, and K.C.C. 12.80.010 are each
2048 hereby amended to read as follows:

2049 It is unlawful for any person under the age of twenty-one years to acquire in any
2050 manner, consume, or have in ~~((his))~~ the person's possession any intoxicating liquor as
2051 defined by RCW 66.04.200; provided, that the foregoing shall not apply in the case of
2052 liquor given or permitted to be given to a person under the age of twenty-one years by
2053 ~~((his))~~ the person's parent or guardian for medicinal purposes, or administered to ~~((him))~~
2054 the person by ~~((his))~~ the person's physician or dentist for medicinal purposes.

2055 SECTION 59. Resolution 13839, Section 2, and K.C.C. 12.80.020 are each
2056 hereby amended to read as follows:

2057 It is unlawful for any person to give, or otherwise supply, intoxicating liquor to
2058 any person under the age of twenty-one years or permit any person under that age to
2059 consume intoxicating liquor on ~~((his))~~ the person's premises or on any premises under
2060 ~~((his))~~ the person's control, except as provided in ~~((Section))~~ K.C.C. 12.80.010.

2061 SECTION 60. Ordinance 4785, Section 1(a), and K.C.C. 12.81.010 are each
2062 hereby amended to read as follows:

2063 With respect to any owners, manager, proprietor, or other person in charge of any
2064 room or enclosure in any place of business selling, or displaying for the purpose of sale,
2065 any device, contrivance, instrument or paraphernalia for the smoking, ingestion,
2066 injection, or consumption of marijuana, hashish, PCP, or any controlled substance, as

2067 defined in ((€))chapter 69.50 RCW (the Uniform Controlled Substances Act), other than
2068 prescription drugs and devices to ingest or inject prescription drugs, as well as roach
2069 clips, and cigarette papers and rollers designed or commonly used for the smoking of the
2070 foregoing, no such person, under circumstances evincing ((his or her)) the person's intent
2071 that any such an item or items so sold or displayed be used or employed by another in the
2072 commission of a criminal violation of ((€))chapter 69.50 RCW, shall allow or permit any
2073 person under the age of eighteen years to be, remain in, enter, or visit such room or
2074 enclosure unless such minor person is accompanied by one of ((his or her)) the person's
2075 parents, or by ((his or her)) the person's legal guardian.

2076 SECTION 61. Ordinance 4785, Section 1(b), and K.C.C. 12.81.020 are each
2077 hereby amended to read as follows:

2078 No person under the age of eighteen years shall be, remain in, enter or visit any
2079 room or enclosure in any place used for the sale, or displaying for sale, of any device,
2080 contrivance, instrument or paraphernalia for the smoking, ingestion, injection, or
2081 consumption of marijuana, hashish, PCP, or any controlled substance, as defined in
2082 ((€))chapter 69.50 RCW (the Uniform Controlled Substances Act), other than
2083 prescription drugs and devices to ingest or inject prescription drugs, as well as roach
2084 clips, and cigarette papers and rollers designed or commonly used for smoking the
2085 foregoing, under circumstances evincing the intent of the person in charge of such room
2086 or enclosure that any such item or items so sold or displayed be used or employed by
2087 another in the commission of a criminal violation of ((€))chapter 69.50 RCW, unless
2088 such person under the age of eighteen years is accompanied by one of ((his or her)) the
2089 person's parents, or by ((his or her)) the person's legal guardian.

2090 SECTION 62. Ordinance 4785, Section 1(c), and K.C.C. 12.81.030 are each
2091 hereby amended to read as follows:

2092 No person shall maintain in any place of business to which the public is invited
2093 the display for sale, or the offering to sell, of any device, contrivance, instrument or
2094 paraphernalia for the smoking, ingestion, injection, or consumption of marijuana,
2095 hashish, PCP, or any controlled substance, as defined in ~~((€))~~chapter 69.50 RCW (the
2096 Uniform Controlled Substances Act), other than prescription drugs and devices to ingest
2097 or inject prescription drugs, as well as roach clips, and cigarette papers and rollers
2098 designed or commonly used for smoking the foregoing, under circumstances evincing
2099 ~~((his or her))~~ the person's intent that any such item or items so sold or displayed be used
2100 or employed by another in the commission of criminal violation of ~~((€))~~chapter 69.50
2101 RCW, unless within a separate room or enclosure to which minors not accompanied by a
2102 parent or legal guardian are excluded. At each entrance to such a room or enclosure shall
2103 be a sign posted in reasonably visible and legible words to the effect that minors unless
2104 accompanied by a parent or legal guardian are excluded.

2105 SECTION 63. Resolution 35704, Section 3, and K.C.C. 12.84.010 are each
2106 hereby amended to read as follows:

2107 As used ~~((herein))~~ in this chapter, the following definitions shall apply:

2108 A. "Harmful to minors" means that quality of any description or representation, in
2109 whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse,
2110 when it:

2111 1. Predominantly appeals to the prurient, shameful or morbid interest of minors;

2112 ~~((and))~~

2113 2. Is patently offensive to prevailing standards in the adult community as a
2114 whole with respect to what is suitable material for minors; and

2115 3. Is utterly without redeeming social importance for minors.

2116 B. "Minor" means any person less than eighteen years of age.

2117 C. "Nudity" means the showing of the human (~~male or female~~) genitals, pubic
2118 area or buttocks with less than a full opaque covering, or the showing of the female breast
2119 with less than a fully opaque covering of any portion thereof below the top of the nipple,
2120 or the depiction of covered (~~male~~) genitals in a discernible turgid state.

2121 D. "Sexual conduct" means acts of masturbation, homosexuality, sexual
2122 intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area,
2123 buttocks or, if such person be a female, breast.

2124 E. "Sexual excitement" means the condition of human (~~male or female~~) genitals
2125 in a state of sexual stimulation or arousal.

2126 F. "Sadomasochistic abuse" means flagellation or torture by or upon a person
2127 clad in undergarments, a mask or bizarre costume, or the condition of being fettered
2128 bound or otherwise physically restrained on the part of one so clothed.

2129 SECTION 64. Resolution 35704, Section 3, and K.C.C. 12.84.030 are each
2130 hereby amended to read as follows:

2131 Any person shall be deemed disseminating indecent material to a minor if (~~he~~)
2132 the person:

2133 A. With knowledge of its character and content, sells or loans to a minor for
2134 monetary consideration:

2135 1. Any picture, photograph, drawing, sculpture, motion picture film, or similar

2136 visual representation or image of a person or portion of the human body which depicts
2137 nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

2138 2. Any book, pamphlet, magazine, printed matter however reproduced, or sound
2139 recording which contains any matter enumerated in ~~((paragraph))~~ subsection A. ~~((hereof))~~
2140 of this section, or explicit and detailed verbal descriptions or narrative accounts of sexual
2141 excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is
2142 harmful to minors; or

2143 B. Knowing the character and content of a motion picture, show or other
2144 presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic
2145 abuse, and which is harmful to minors:

2146 1. Exhibits such motion picture, show or other presentation to a minor for a
2147 monetary consideration; ~~((or))~~

2148 2. Sells to a minor an admission ticket or pass to premises whereon there is
2149 exhibited or to be exhibited such motion picture, show or other presentation; or

2150 3. Admits a minor for a monetary consideration to premises whereon there is
2151 exhibited or to be exhibited such motion picture, show or other presentation.

2152 SECTION 65. Resolution 17335, Section 1, and K.C.C. 12.130.010 are each
2153 hereby amended to read as follows:

2154 Anyone convicted of a felony, or of any crime constituting a felony under the
2155 laws of this state, who shall be within the limits of King County or in transit, temporarily
2156 or otherwise, must within forty-eight hours after arrival therein, report to and furnish the
2157 sheriff with a written statement signed by ~~((him))~~ the felon, containing ~~((his))~~ the felon's
2158 true name and each other name or alias by which ~~((he))~~ the felon is or has been known, a

2159 full and complete personal description, the name of each crime above enumerated of
2160 which ~~((he))~~ the felon has been convicted, the place where committed, the name under
2161 which ~~((he))~~ the felon was convicted, the date of each such conviction, and the name and
2162 location of each prison, reformatory or other penal institution, if any, in which ~~((he))~~ the
2163 felon was confined as punishment therefor, the location or address of each of ~~((his))~~ the
2164 felon's actual or intended residence, stopping place or living quarters in the county of
2165 King, together with a description of each such place, whether hotel, apartment house,
2166 dwelling house or otherwise, giving the street number thereof, if any, or such description
2167 of the location as will identify the same, and the length of time ~~((which he))~~ the felon
2168 expects or intends to reside within the county. At the time of furnishing such a statement
2169 ~~((said))~~, the person shall be photographed and fingerprinted by the sheriff.

2170 SECTION 66. Resolution 17335, Section 2, and K.C.C. 12.130.020 are each
2171 hereby amended to read as follows:

2172 Any ~~((such))~~ person required to comply with K.C.C. 12.130.010 changing ~~((his))~~
2173 the person's place of residence, stopping place or living quarters, shall within forty-eight
2174 hours thereafter notify said sheriff in a written and signed statement of such change of
2175 address and shall furnish in the statement such new address.

2176 SECTION 67. Resolution 17335, Section 3, and K.C.C. 12.130.030 are each
2177 hereby amended to read as follows:

2178 All reports, records, photographs and fingerprints taken pursuant to this chapter
2179 shall be private records of the sheriff, open to the inspection only by deputies or police
2180 officers or persons having official duties to perform in connection therewith~~((; and))~~.
2181 ~~((i))~~It shall be unlawful for anyone having access to such records to disclose to anyone

2182 else, other than in the regular discharge of ((his)) the person's duties, any information
2183 contained therein.

2184 SECTION 68. Ordinance 8890, Section 2, and K.C.C. 12.150.020 are each
2185 hereby amended to read as follows:

2186 Whenever a police officer shall have probable cause to believe that a probationer,
2187 prior to the termination of the period of ((his/her)) the probationer's probation, is, in such
2188 officer's presence, violating or failing to comply with any requirement or restriction
2189 imposed by the court as a condition of such probation, such officer may cause the
2190 probationer to be brought before the court wherein sentence was deferred or suspended,
2191 and for such purpose such police officer may arrest such probationer without warrant or
2192 other process.

2193 SECTION 69. Ordinance 1159, Article II, Section 13, and K.C.C. 15.08.130 are
2194 each hereby amended to read as follows:

2195 "Operator" means ((one)) a person who operates aircraft for ((his)) that person's
2196 own pleasure, passenger service, freight service, hire, charter, flight instructions,
2197 business((s)) or test purposes, or who operates an aircraft as a bailee while performing
2198 service on aircraft.

2199 SECTION 70. Ordinance 1159, Article III, Section 12, as amended, and K.C.C.
2200 15.12.120 are each hereby amended to read as follows:

2201 A. A flying club must be organized as a nonprofit corporation under the laws of
2202 the state of Washington or of the United States for the purpose of fostering flying for
2203 pleasure, developing skills in aviation, and developing an awareness and appreciation of
2204 aviation requirements and techniques to the general public.

2205 B. Each club must furnish to the airport manager a current and correct copy of
2206 the bylaws, articles of incorporation, operating rules and membership agreements.

2207 C. A current certified roster of officers and directors and their addresses must be
2208 filed annually with the airport manager.

2209 D. The commercial use of B.F.I. by flying clubs is prohibited.

2210 E. The flying club shall maintain a membership record containing the full names,
2211 addresses and pilot license number and rating of all active members, together with the
2212 date when their membership commenced. These records shall be certified by an officer
2213 of the flying club and made available for inspection at any reasonable time upon request
2214 of and by the airport manager or designee.

2215 F. All flying clubs will submit to the airport manager upon ~~((his))~~ the airport
2216 manager's request a certified list of all instructors who are or have been instructing
2217 members of the club and the names of each of the members who received said instruction
2218 and the dates and time duration of such instruction within the six months preceding the
2219 request.

2220 G. All flying clubs must obtain public liability and property damage insurance
2221 with a hold harmless agreement in favor of B.F.I. and King County, its officers and
2222 employees. King County's office of risk management shall assess the insurance
2223 requirements and provide a determination of liability and amount of insurance needed.
2224 Certificates of insurance will be kept on file at all times with the airport manager. Thirty
2225 days' prior notice of cancellation shall also be filed with the airport manager.

2226 H. All aircraft owned, leased or used by the club must first be registered with the
2227 airport manager. Club aircraft shall not be used for business or commercial activities.

2228 SECTION 71. Ordinance 1159, Article IV, Section 7, as amended, and K.C.C.
2229 15.16.070 are each hereby amended to read as follows:

2230 ~~((Neither a))~~ A. The following persons shall not be under the influence of any
2231 intoxicating substance that renders the person incapable of safely performing the persons'
2232 duties:

2233 1. A pilot ~~((nor))~~ or other member of the crew of an aircraft in operation on the
2234 airport or indicating intent to do so ~~((nor any)); and~~

2235 2. A person directly attending or assisting in the operation on the airport ~~((shall~~
2236 ~~be under the influence of intoxicating liquor or any drug that renders him or her incapable~~
2237 ~~of safely performing his or her duties, nor shall any)).~~

2238 B. A person who is a passenger ~~((thereof))~~ of an aircraft in operation on the
2239 airport or intending to be a passenger shall not be under the influence of any intoxicating
2240 ~~((liquor or any drug))~~ substance to a degree that would endanger the safety of any persons
2241 using the airport.

2242 SECTION 72. Ordinance 1159, Article XIII, Section 4, and K.C.C. 15.52.040 are
2243 each hereby amended to read as follows:

2244 Any person determined to be delinquent in ~~((his))~~ the person's payment for the use
2245 of airport facilities may be promptly removed from the airport by or under the authority
2246 of the airport manager, and may be deprived of, or refused the further use of, the airport
2247 and its facilities.

2248 SECTION 73. Ordinance 1159, Article XXI, Section 1, and K.C.C. 15.80.010 are
2249 each hereby amended to read as follows:

2250 ~~((Persons violating rules or regulations may be deprived of use of the airport.))~~

2251 Any person ~~((operating or handling))~~, including any person who operates or handles any
2252 aircraft, ~~((operating))~~ operates any vehicle, equipment or apparatus, ~~((or any person
2253 refusing))~~ who fails to comply ~~((therewith))~~ with airport rules or regulations, or is
2254 determined to be delinquent in ~~((his))~~ the person's payment for the use of airport
2255 facilities, may be promptly removed from the airport by or under the authority of the
2256 airport manager; and may be deprived of, or refused the further use of, the airport, and its
2257 facilities for such length of time as may be determined by either the airport manager
2258 ~~((and/))~~ or the King County council, or both.

2259 SECTION 74. Ordinance 7444, Section 3, and K.C.C. 15.90.030 are each hereby
2260 amended to read as follows:

2261 ~~((As used herein, the term:))~~ The definitions in this section apply throughout this
2262 chapter unless the context clearly requires otherwise.

2263 A. "Board of directors" or "board" means the governing body vested with the
2264 management of the affairs of the public authority.

2265 B. ~~((("Director" means a member of the board.~~

2266 C.)) "Bylaws" means the rules adopted for the regulation or management of the
2267 affairs of the public authority adopted by this chapter and all subsequent amendments
2268 thereto.

2269 ~~((D.))~~ C. "Charter" means the articles of organization of the public authority
2270 adopted by this chapter and all subsequent amendments thereto.

2271 ~~((E. "County" means King County.~~

2272 F.)) D. "Council clerk" means the clerk of the King County council or a person
2273 authorized to act on ~~((his or her))~~ the council clerk's behalf; and in the event of

2274 reorganization of the office of council clerk, the successor official performing such duties
2275 or a person authorized to act on ~~((his or her))~~ the successor's behalf.

2276 ~~((G.))~~ E. "County" means King County.

2277 F. "County council" means the body established under Article 2 of the King
2278 County Charter.

2279 ~~((H.))~~ G. "County executive" means the county executive of King County, as
2280 established by Article 3 of the King County Charter.

2281 H. "Director" means a member of the board.

2282 I. "Public authority" or "authority" means the authority created under this
2283 ordinance.

2284 J. "Resolution" means an action of the board with the quorum required in
2285 ~~((Section))~~ K.C.C. 15.90.100.

2286 K. "State," ~~((t))~~when used as a noun(~~(- shall))~~, means the ((S))state of
2287 Washington.

2288 SECTION 75. Ordinance 7444, Section 8, as amended, and K.C.C. 15.90.080 are
2289 each hereby amended to read as follows:

2290 Upon issuance of the charter, the county executive or ~~((his or her))~~ designee shall
2291 call an organizational meeting of the initial board of directors within ten days, giving at
2292 least three days' advance written notice to each, unless waived in writing. At such
2293 meeting, the board shall organize itself, may appoint officers and select the place of
2294 business.

2295 SECTION 76. Ordinance 7444, Section 13, and K.C.C. 15.90.130 are each
2296 hereby amended to read as follows:

2297 The county executive is granted all such power and authority as reasonably
2298 necessary or convenient to enable (~~(him or her)~~) the county executive to administer this
2299 chapter efficiently and to perform the duties imposed in this chapter or the authority
2300 charter.

2301 SECTION 77. Ordinance 4341, Section 6, and K.C.C. 26.04.050 are each hereby
2302 amended to read as follows:

2303 A. A seven-member selection committee shall be appointed within ninety days
2304 following the approval of the bonds by the voters. The selection committee shall advise
2305 the council in the selection of eligible lands offered for acquisition by their owners.
2306 Members shall be appointed by the executive and confirmed by the council and shall
2307 comply with the King County code of ethics. No member may have an ownership
2308 interest in any of the lands eligible for purchase pursuant to this chapter.

2309 B. The selection committee shall consist of two members each of whom shall
2310 have at least five years' experience in the operation and management of commercial
2311 farms; two members, each of whom shall have five years of experience in the
2312 management of either a construction or land development or real estate business; and
2313 three members who shall be lay citizens from different geographic areas of the county.
2314 One of the lay members shall be appointed by the executive to serve as (~~(chairman)~~)
2315 chair. Committee recommendations shall be made by a majority of its members.

2316 C. Members shall serve three-year terms, except that the initial term of three
2317 members shall be two years and of four members shall be three years. Members may be
2318 removed by the executive only for good cause shown. Members shall not be
2319 compensated for their services but shall be reimbursed for expenses actually incurred in

2320 the performance of their duties. Members may be reappointed to successive terms but the
2321 selection committee shall be terminated when the proceeds of the bonds have been spent
2322 and in any event no later than eight years after the bond election.

2323 SECTION 78. Ordinance 9430, Section 3, and K.C.C. 26.12.050 are each hereby
2324 amended to read as follows:

2325 For the purposes as provided in state law, all conservation future funds collected
2326 by the county after the enactment of this section and prior to the commencement of the
2327 allocation process provided in ~~((K.C.C. 26.12, as amended herein,))~~ this chapter shall be
2328 available for the completion of projects as set forth in Ordinance 9071, according to the
2329 following procedure:

2330 A. A jurisdiction requiring open space funds to complete a project as described in
2331 Ordinance 9071 shall present a request to the citizen oversight committee established by
2332 Ordinance 9071~~((-))~~;

2333 B. Within ~~((30))~~ thirty days of a receipt of a request for conservation futures
2334 funding, the citizen oversight committee shall consider and make recommendations on
2335 such requests to the King County executive. The executive shall transmit to the King
2336 County council the committee's recommendation in conjunction with ~~((his))~~ the
2337 executive's recommendation on the request, and the appropriate legislation~~((-))~~;

2338 C. The committee shall develop its recommendations based on the open space
2339 criteria set forth in Ordinance 9071 and Motion 7886~~((-))~~;

2340 D. It shall be a goal of the council and the citizen oversight committee identified
2341 in K.C.C. 26.12.010_C. to achieve an equitable geographical allocation of funds from
2342 conservation futures through this process~~((-~~

2343 PROVIDED THAT:)); and

2344 E. The executive shall notify Seattle and suburban jurisdictions of the
2345 requirement to submit bond project financing plans before additional conservation futures
2346 revenues will be allocated. These financing plans should include: the basis for updated
2347 project cost estimates((;)); the level of bond proceeds and other revenues available for
2348 these projects((;)); and the conservation futures revenue necessary to complete a project.

2349 SECTION 79. Ordinance 11034, Section 3(part), and K.C.C. 28.82.270 are each
2350 hereby amended to read as follows:

2351 Engineer shall mean the engineer duly appointed by a local public agency or the
2352 owner of private sewers to supervise and direct the design and construction of local
2353 sewerage facilities, acting personally or through agents or assistants duly authorized by
2354 ((him/her)) the engineer, such agents or assistants acting within the scope of the particular
2355 duties assigned to them.

2356 SECTION 80. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.390 are each
2357 hereby amended to read as follows:

2358 Infiltration shall mean the water entering a sewer system, including sewer service
2359 connections, from the ground, through such means as, but not limited to, defective pipes,
2360 pipe joints, connections or ((manhole)) maintenance hole walls. Infiltration does not
2361 include, and is distinguished from, inflow.

2362 SECTION 81. Ordinance 11034, Section 3 (part) and K.C.C. 28.82.410 are each
2363 hereby amended to read as follows:

2364 Inflow shall mean the water discharged into a sewer system, including service
2365 connections from such sources as, but not limited to, roof leaders, cellar, yard, and area

2366 drains, cooling water discharges, foundation drains, cooling water discharges, drains from
2367 springs and swampy areas, ~~((manhole))~~ maintenance hole covers, cross connections from
2368 storm sewers and combined sewers, catch basins, storm water, surface runoff, street wash
2369 waters~~((;))~~ or drainage. Inflow does not include, and is distinguished~~((;))~~ from,
2370 infiltration.

2371 SECTION 82. Ordinance 11034, Section 3(part), and K.C.C. 28.82.600 are each
2372 hereby amended to read as follows:

2373 Person shall mean any individual, company, partnership, association, corporation,
2374 society, joint stock company, trust, estate, governmental entity or any other legal entity or
2375 group, or their legal representatives, agents or assigns. ~~((The masculine))~~ Any references
2376 to a specific gender shall ~~((include the feminine;))~~ be extended to any other gender, and
2377 the singular shall include the plural ~~((where indicated by the context and the singular term~~
2378 shall include the plural)).

2379 SECTION 83. Ordinance 11034, Section 3(part), and K.C.C. 28.82.960 are each
2380 hereby amended to read as follows:

2381 Watercourse shall mean an open channel, natural or ~~((man))~~ human-made, used to
2382 transport ~~((Storm Water))~~ stormwater.

2383 SECTION 84. Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050
2384 are each hereby amended to read as follows:

2385 A. The director shall administer and implement the following rules and
2386 regulations for the disposal of sewage into the metropolitan sewerage system. The rules
2387 and regulations in this section shall be applicable to water pollution abatement activities,
2388 including the disposal of sewage into the metropolitan sewer system, whether delivered

2389 from within or from without the county.

2390 B. The director is hereby authorized to develop and implement such procedures
2391 and to take any other actions as may be necessary to insure that local public sewers and
2392 private sewers discharging or proposing to discharge into the metropolitan sewer system
2393 are constructed and developed in accordance with applicable laws, regulations and plans
2394 and with the provisions of federal grant agreements that may be applicable thereto.

2395 C. The procedures for certification for extensions and connections shall be as
2396 follows:

2397 1. A request by a local public agency, person or state or federal agency for an
2398 extension to an existing department intercepter or trunk shall not be considered by the
2399 department for funding of planning, design or construction, and agreements therefor shall
2400 not be considered for approval by the council unless the director has received written
2401 certification from the legislative bodies of all cities and counties that have zoning
2402 jurisdiction over any portion of the area proposed by the requesting party to be served, or
2403 determined by the director as being capable of being served by such extension; and any
2404 other area in or through which the facility is proposed to be constructed. The certification
2405 shall state that such service and construction are consistent with the adopted land use
2406 plans and policies of such local governments. If a city or county cannot so certify, it shall
2407 issue a written statement to the director that the service or construction is not consistent
2408 with its adopted plans and policies, or that action on the application for certification must
2409 be deferred pending receipt by the city or county of such additional, specified information
2410 and data as may be reasonably required for the consideration of the application;

2411 2. Requests by a local public agency, person or state or federal agency for

2412 approval of a local public sewer facility connection to an existing interceptor or trunk
2413 shall be considered by the department only if the director has received a written
2414 certification as described in this section, but a connection involving service by a local
2415 public sewer facility that is located wholly within the boundaries of a city and has a
2416 potential service area contained wholly within those boundaries shall require only the
2417 written certification of that city;

2418 3. The certification may be made by either the legislative body of the city or
2419 county or by such department or division thereof as the legislative body may designate.
2420 The issuance of the certification may be preceded by a reasonable analysis and
2421 consideration, by a city or county having zoning authority, of alternatives to the proposed
2422 connection or extension.

2423 a. If the director has not received a certification or other statement from a city
2424 or county as described herein within ninety days of receipt by a city or county of a
2425 written application for certification, the city or county shall be deemed, for purposes of
2426 this section only, to have certified the proposal as consistent with adopted land use plans
2427 and policies(~~(; provided, that)~~). ((i))If the certification has not been received by the
2428 director within sixty days of receipt by a city or county of a written application for
2429 certification, the director shall notify the chief executive and chair of the legislative body
2430 of the city or county of the certification deadline.

2431 b. The director is authorized to develop such additional rules, procedures and
2432 forms as may be required to implement this section, to notify local public agencies, cities,
2433 counties and interested persons of the certification process and to assist the local public
2434 agencies, cities, counties and persons in compliance with this section.

2435 c. Any questions concerning the applicability or scope of certification
2436 requirements shall be referred to the director for final resolution. Nothing contained in
2437 K.C.C. 28.84.050.C. precludes the department from providing staff assistance to a local
2438 public agency, city, county or state or federal agency concerning waterborne pollutant
2439 removal, water quality improvements or sewage disposal alternatives; and

2440 4. The certification provisions of this section shall not apply where an extension
2441 of or connection to an interceptor or trunk is required by formal order or directive of a
2442 state or federal agency with regulatory powers over the extension, connection or the
2443 metropolitan sewer system, or to the following interceptor extensions: that portion of the
2444 Phase 1 May Creek Interceptor System, as defined in the Environmental Protection
2445 Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which
2446 includes the Honeydew Interceptor and a section of the May Creek Interceptor between
2447 existing Metro ((Manhole)) Maintenance Hole B and the confluence of May and Honey
2448 creeks; SLW 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and
2449 GR 25 and GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to
2450 Main Street in the city of Auburn. Copies of any formal orders or directives as referred
2451 to in this subsection C.4. shall be immediately forwarded to every city, county and other
2452 local public agencies within the county.

2453 D. The following local public agency regulations and standards shall apply:

2454 1. Local public agency design and construction standards and standard
2455 specifications and local public agency ordinances and resolutions directly relating to the
2456 planning or construction of local public sewers or regulating the use of local public
2457 sewers or side sewers shall be consistent with this section;

2458 2. Two copies of any such documents that are in effect on the date of adoption
2459 of this section and that have not previously been submitted to the department shall be
2460 submitted to the director within six months following such date. Two copies of any of
2461 such documents adopted or placed in use after the date of this section, including any
2462 changes in or amendments of documents previously in effect, shall be submitted to the
2463 director within sixty days of their adoption; and

2464 3. The following provisions shall apply to review and approval of such
2465 submittal documents:

2466 a. The director shall review design and construction standards and standard
2467 specifications submitted by a local public agency and, within thirty days following
2468 receipt thereof, shall either approve them in writing or return one set of each disapproved
2469 document with written reasons for disapproval;

2470 b. The director shall review ordinances and resolutions submitted by a local
2471 public agency and, within thirty days following receipt thereof, shall notify the local
2472 public agency in writing of any inconsistencies with the department's rules and
2473 regulations; and

2474 c. Within sixty days following receipt from the director of a disapproval or a
2475 statement of inconsistencies with the department's rules and regulations, the local public
2476 agency shall take the action as may be necessary to correct such inconsistencies and shall
2477 resubmit the corrected or amended documents as provided for their original submittal.

2478 E. Local system plans shall be prepared and approved subject to the requirements
2479 defined in K.C.C. chapter 13.24 and the departmental policies and procedures that
2480 implement the code.

2481 F. Detailed construction plans and specifications for proposed local public sewers
2482 shall be subject to review and approval by the director only when the director deems such
2483 review to be necessary. Each local public agency shall notify the director in writing of its
2484 intention to prepare the construction plans and specifications delineating the boundaries
2485 of the areas to be sewerred by map or sketch, and the estimated date for bid advertisement.
2486 Within ten days following receipt of the notice, if determined necessary, the director shall
2487 make written request for the submission of construction plans and specifications. If
2488 required to do so, the local public agency shall submit two sets of plans and specifications
2489 and shall obtain approval of the plans and specifications before advertising for bids.
2490 Within fifteen days following receipt of such plans and specifications, the director shall
2491 review the plans and specifications and return one set thereof to the local public agency
2492 with approval, or with required changes indicated. If the plans and specifications are
2493 disapproved, the required changes shall be made by the local public agency, and all
2494 required revisions of plans and specifications resubmitted in the same manner as provided
2495 for the initial submittal. If no communication is received from the director by the local
2496 public agency within fifteen days of the date of receipt by the director of the plans and
2497 specifications, it shall be deemed that the director has approved the plans and
2498 specifications.

2499 G. The following provisions shall govern sewerage standards:

2500 1. New local public sewers or private sewers and extensions of existing sewers
2501 shall be designed as separate sewers and storm drains, except where the local public
2502 agency can demonstrate the necessity for a combined sewer extension; and

2503 2. The design of sewers by local agencies and persons and the method of

2504 construction and materials used and the operation and maintenance of sewers and side
2505 sewers owned by local public agencies and persons shall be such that flow other than
2506 sewage and industrial waste (wastewater) will not exceed three and six one-hundredths
2507 cubic feet per acre in any thirty-minute period. Flow volumes of other than wastewater
2508 for any thirty minute period that exceeds this amount will be called excess flow.

2509 H. The following provisions shall apply regarding inspection of new
2510 construction:

2511 1. Local public agencies shall be responsible for inspection of construction of
2512 local public sewers as required to insure compliance with this section and with local
2513 standards. The director, however, shall have the right to spot inspect local public sewer
2514 and side sewer construction and to notify the local public agencies when, in the opinion
2515 of the director, the construction work does not comply with this section. Each local
2516 public agency shall notify the director by letter or send a copy of the "Contractor's Notice
2517 to Proceed" letter to the director in advance of the start of any public sewer construction.

2518 a. The letter shall include the name of the organization responsible for contract
2519 administration and the name of the individual the director should contact during
2520 construction.

2521 b. Upon receipt of notification from the director that any local public sewer
2522 construction work is not being performed in compliance with the plans and specifications
2523 therefor, the local public agency shall immediately take such action as may be necessary
2524 to insure compliance.

2525 c. The construction of private sewers shall be subject to inspection by the
2526 director;

2527 2. A leakage test shall be made of every section of local public sewer after
2528 completion of backfill by an internal hydrostatic pressure or air test method; provided,
2529 that if the ground water table is so high as to preclude a proper exfiltration test, an
2530 infiltration test may be used. Other methods of testing must be specifically authorized by
2531 the director.

2532 a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per
2533 hour per inch of diameter per one hundred feet of sewer pipe with a minimum test
2534 pressure of six feet of water column above the crown at the upper end of the pipe. For
2535 each increase in pressure of two feet above a basic six feet of water column measured
2536 above the crown at the lower end of the test section, the allowable leakage shall be
2537 increased ten percent. Allowable infiltration leakage shall be no greater than four-tenths
2538 gallon per hour per inch of diameter per one hundred feet of sewer pipe, with no
2539 allowance for external hydrostatic head.

2540 b. Air testing shall be in conformance with the latest edition of "Standard
2541 Specifications for Municipal Public Works Construction" prepared by the Washington
2542 State Chapter, American Public Works Association.

2543 c. A record of leakage tests containing the location of the local public sewer
2544 tested, the date of test and the results thereof shall be submitted to the director prior to
2545 acceptance of each contract by the local public agency.

2546 d. Side sewers shall also be tested for their entire length from the public sewer
2547 in the street to the connection with the building plumbing. The method of testing side
2548 sewers shall be determined by the local public agency, but in no case shall it be less
2549 thorough than filling the pipe with water before backfill and visually inspecting the

2550 exterior for leakage; and

2551 3. Ground water or other water related to local public agency sewer
2552 construction, other than water used for leakage test, shall not be admitted into a public
2553 sewer without the written permission of the director.

2554 I. The following provisions shall govern connections to the metropolitan sewer
2555 system:

2556 1. No connection shall be made to the metropolitan sewer system without the
2557 prior approval of the director;

2558 2. Local public sewers shall be planned so as to require the minimum practical
2559 number of points of connection to the metropolitan sewerage system. At each point of
2560 connection to the metropolitan sewerage system, the department shall timely construct, at
2561 its expense, such special ((~~manholes~~)) maintenance holes or chambers as are required,
2562 including the intervening connection from the ((~~manhole~~)) maintenance hole or chamber
2563 to the department trunk.

2564 With the written approval of the director, the special ((~~manhole~~)) maintenance
2565 hole or chamber and intervening connection from the ((~~manhole~~)) maintenance hole or
2566 chamber to the department trunk may be designed and constructed by the local public
2567 agency at the expense of the department but subject to inspection and approval by the
2568 director. It shall be the responsibility of the local public agency to connect local public
2569 sewers to the ((~~manhole~~)) maintenance hole or chamber at its expense and in a manner
2570 approved by the director;

2571 3. Each local public sewer connection to a department special ((~~manhole~~))
2572 maintenance hole or chamber shall be hydraulically designed so as not to interfere with

2573 the measuring and sampling of flow;

2574 Upon its completion, each such a structure and connection shall be owned,
2575 operated and maintained by the department, ~~((provided that))~~ except that the local public
2576 agency may use the chamber for measuring and sampling flows at reasonable times with
2577 the concurrence of the director; and

2578 4. The director may require a metering ~~((manhole))~~ maintenance hole or
2579 chamber on extensions constructed after January 1, 1961, to local public sewers in
2580 existence on that date. The ~~((manhole))~~ maintenance hole or chamber shall be located on
2581 the extension near its connection with the local public sewer. The department shall
2582 construct and pay for any ~~((manhole))~~ maintenance hole or chamber required for
2583 extensions constructed prior to April 17, 1969. The local public agency shall construct
2584 any required ~~((manhole))~~ maintenance hole or chamber for any local public sewer
2585 extension constructed after the adoption of this section. The construction shall be
2586 performed in accordance with plans and specifications prepared or approved by the
2587 director and the department shall pay the additional cost of the ~~((manhole))~~ maintenance
2588 hole or chamber as follows:

2589 a. For pipe sizes eight inches in diameter through twenty-one inches in
2590 diameter, and with the measuring device placed in a department standard, four-foot
2591 diameter, ~~((manhole))~~ maintenance hole, the department shall pay one hundred fifty
2592 dollars per each such measuring ~~((manhole))~~ maintenance hole.

2593 b. For special chambers and pipe sizes larger than twenty-one inches in
2594 diameter, the department shall pay as per agreement for each specific case. Upon its
2595 completion, each such ~~((manhole))~~ maintenance hole or chamber shall be owned,

2596 operated and maintained by the local public agency, ~~((provided))~~ except that the
2597 department may use the chamber for measuring and sampling flows at reasonable times
2598 with the concurrence of the local public agency.

2599 J. The following provisions shall govern relating to private sewers:

2600 1. The department shall not directly accept wastewater from the facilities of any
2601 person that are located within the boundaries of, or discharge wastewater into the local
2602 sewerage facilities of, any local public agency without the prior written consent of the
2603 local public agency;

2604 2. Connection of private sewers may be made at the discretion of the director,
2605 either by the director or by others subject to inspection and approval by the director.

2606 Whenever a local public sewer becomes available, the private sewer shall be
2607 disconnected from the metropolitan sewerage system under the inspection of and in a
2608 manner approved by the director, and shall be connected to the available local public
2609 sewer in accordance with the requirements of the local public agency. All work of
2610 making connections, disconnections and reconnections of private sewers to the
2611 metropolitan sewerage system shall be at the expense of the owner or developer of the
2612 private sewers;

2613 3. Two sets of plans and specifications for proposed private sewers shall be
2614 submitted to the department for review and approval. Written approval must be obtained
2615 prior to advertising for bids or proceeding with the work if bids are not called; and

2616 4. The provisions of this section applying to local public sewers of local public
2617 agencies shall also apply to private sewers and to owners of private sewers.

2618 K. The following regulations shall apply to the use of local public sewers:

2619 1. The discharge into any sewer by direct or indirect means of any of the
2620 following is hereby prohibited: subsoil foundation, footing, window-well, yard or
2621 unroofed basement floor drains; overflows from clean water storage facilities; clear water
2622 from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment
2623 installed hereafter, except for the periodic draining and cleaning of the systems; roof
2624 drains or downspouts from areas exposed to rainfall or other precipitation; and surface or
2625 underground waters from any source;

2626 2. Where ((manholes)) maintenance holes in sewers have open, perforated or
2627 grating covers resulting in surface waters entering the ((manhole)) maintenance hole, the
2628 director may require the local public agency to adjust or modify the ((manholes))
2629 maintenance holes, at the expense of the local public agency so that the entry of surface
2630 water is reduced to a minimum. Openings in ((manholes)) maintenance holes for new
2631 construction shall be limited to not more than three one-inch diameter holes; and

2632 3. An additional charge will be made for quantities of water other than sewage
2633 and industrial waste hereafter entering those sewers constructed after January 1, 1961, in
2634 excess of the volume established for design purposes in this section. Any charge made in
2635 addition to the regular charge shall be based on metered records of flow taken and
2636 compiled by the department. If the director, elects to meter and record flow from such
2637 sewers, the local public agency will be given at least five days' notice in advance of such
2638 metering. Metering periods shall continue until excessive flow conditions are corrected.

2639 a. The allowable volume of flow for any thirty-minute period shall be
2640 determined by taking the sum of the following items, subsection K.3.a. (1) to (3) of this
2641 section, inclusive:

2642 (1) maximum dry-weather wastewater flow as measured in the preceding
2643 August-September period. The flow shall be determined as follows:

2644 (a) meter and record all flow for the period;

2645 (b) discard all flow records for each day containing measurable
2646 rainfall and discard the flow records of the succeeding days;

2647 (c) determine the maximum flow volume occurring in a thirty minute period
2648 for each day's metering; and

2649 (d) average all of the maximum flow volumes to arrive at a maximum dry-
2650 weather wastewater flow;

2651 (2) additional dry-weather flow resulting from new customers or equivalents
2652 added after the measured August-September period. The flow shall be determined as
2653 follows:

2654 (a) determine the number of added residential customers and equivalents;

2655 (b) multiply each such customer and equivalent by the departmental
2656 allowance of seven hundred fifty cubic feet per month; and

2657 (c) reduce (b) from a monthly to a thirty-minute allowance by the formula:
2658 cubic feet per month divided by $[30 \text{ days} \times 24 \text{ hrs.} \times 2] =$ additional dry
2659 weather flow; and

2660 (3) flow allowance for ground water infiltration and storm water inflow on
2661 which the metropolitan sewerage system was designed. The flow shall be determined as
2662 follows:

2663 (a) determine the sewered area being metered in acres; and

2664 (b) flow allowance = 3.06 cubic feet per acre x sewered area in acres.

2665 b. Flow volumes for any thirty-minute period that exceed the allowable
2666 volume of flow, as determined in subsection K.3.a of this section, will be considered to
2667 be excess flow.

2668 c. ~~((Since))~~ Because excess flow is based upon a thirty-minute period, the
2669 volume so measured will be small. In order that the surcharge for excess flow will more
2670 nearly approach the cost of providing additional capacity in the metropolitan sewerage
2671 system, excess flow will be adjusted as though it were occurring for a twenty-four hour
2672 period. The flow will be called adjusted excess flow. Adjusted excess flow = Excess
2673 flow x 24 x 2.

2674 d. Daily surcharges for adjusted excess flow will be the department current rate
2675 for each seven hundred fifty cubic feet of the adjusted excess flow. The daily surcharges
2676 shall remain in effect for ten days. If excess flow occurs again during the ten day period,
2677 and the new excess flow exceeds the former, the more recent excess flow will be used in
2678 lieu of the former and continue for ten days from date of its measurement.

2679 e. If the new excess flow does not exceed the former excess flow, the former
2680 will be used for ten days from time of its measurement, at which time the new excess
2681 flow will be used for as many days as will complete ten days from the time of
2682 measurement of the new excess flow.

2683 f. Amounts due the department as monthly surcharges for excess flows shall be
2684 shown as a separate item on the department's normal monthly billing to the local public
2685 agency, accompanied by appropriate records and calculations, and shall include only the
2686 surcharges for the previous month.

2687 g. The surcharges for excess flows shall be paid to the department by local

2688 public agencies in the same manner and at the same times as regular sewer service
2689 charges; provided that a local public agency may offset against the surcharges amounts
2690 actually expended on local sewerage facility improvements or modifications that have
2691 been constructed by the local public agency for the purpose of reducing the excess flows
2692 and the plans for which shall have been approved by the director. If the local public
2693 agency elects to construct the improvements, it shall so signify in writing to the director
2694 within thirty days of receipt of the department's first billing of each specific excess flow
2695 surcharge. Upon receipt of the notice, the department will allow the local public agency
2696 one year to prepare approved plans and specifications and let a contract for the corrective
2697 work. Failure to meet the one-year deadline shall result in the original surcharge, as well
2698 as any intervening surcharges, becoming immediately due and payable.

2699 h. Metering and metered records may be checked at reasonable time intervals
2700 by local public agency personnel accompanied by department personnel upon at least one
2701 day's notice to the department.

2702 i. In the event of excessive infiltration/inflow under applicable regulations of
2703 the Environmental Protection Agency, such that the department will be denied federal
2704 grants in the absence of correction, the director may elect to do the corrective work
2705 utilizing therefor solely surcharges collected from the local public agency.

2706 L. The following provisions shall apply to disposal of materials from septic tanks
2707 and chemical toilets:

2708 1. The discharge of materials from cesspools, septic tanks and privies into local
2709 sewer systems is prohibited;

2710 2. Chemical toilet waste may be discharged into the local public sewer or

2711 private sewer system through a side sewer connection at the place of business.

2712 a. The means of disposal shall be approved by the director, the local public
2713 agency and the Seattle-King County health department.

2714 b. If the conditions in subsection L.2.a. of this section cannot be met, chemical
2715 toilet wastes may be discharged directly into the metropolitan sewer system in
2716 accordance with the provisions of this section;

2717 3. No person engaged in the collection and disposal of materials from cesspools,
2718 septic tanks, chemical toilets, portable toilets and privies, as a business or commercial
2719 enterprise, may discharge into the metropolitan sewer system any of the materials so
2720 collected without having first obtained from the director a written permit to do so. This
2721 permit shall be in addition to all other permits and licenses required by law and shall be
2722 issued only to the holder of a proper registration and inspection certificate issued by the
2723 Seattle-King County health department to carry on or engage in the business of cleaning
2724 septic tanks and cesspools;

2725 4. Any person required to obtain such a permit shall submit to the director an
2726 application for the permit on forms approved by the director.

2727 a. A separate permit shall be obtained for each vehicle so used, which permit
2728 shall thereafter be carried in the vehicle at all times. No permit may be transferred from
2729 one vehicle to another except in the event of loss, destruction or replacement of the
2730 original vehicle, and then only with the approval of the director.

2731 b. The name of the person and the permit number shall be prominently
2732 displayed in numbers and letters at least three inches high, in contrasting color on both
2733 sides of the vehicle;

2734 5. The annual fee for a permit to discharge materials from cesspools, septic
2735 tanks, chemical toilets and privies into the metropolitan sewerage system, unless
2736 exempted in this section, is hereby fixed and determined to be the sum of two hundred
2737 dollars for each vehicle employed or used by the permit holder for the hauling and
2738 discharge of such materials. At the time of issuance of each discharge permit, there will
2739 also be issued an entrance control identification card for each truck under permit. No
2740 person may discharge into the metropolitan sewer system any materials collected from
2741 cesspools, septic tanks, chemical toilets and privies without first paying the permit fee,
2742 and registering with the proper entrance control identification card at the point of
2743 discharge into the metropolitan sewer system for each load dumped.

2744 Annual fees shall be payable in advance and permit holders shall renew their
2745 permits on or before the annual expiration date of the permits. Fees for permits issued for
2746 less than a full year shall be prorated to the nearest full month. No refund of any permit
2747 fee shall be granted for cessation of operations prior to the expiration of the permit;

2748 6. In addition to the permit fee, each permit holder shall pay to the department a
2749 gallonage fee. The gallonage fee shall be determined by the director and shall be
2750 adjusted at such times as the director may deem to be in the best interest of the
2751 department.

2752 a. The director may waive the gallonage fee to permit holders dumping septic
2753 tank sludge from residences and businesses paying the department sewerage charges to
2754 local agencies. Claims for exemption of gallonage fees shall be made on forms provided
2755 by the department and shall be accomplished in the manner described thereon. The
2756 department shall bill each permit holder for the accumulated gallonage fee monthly. This

2757 billing shall provide for the subtraction of all volumes declared on valid gallonage fee
2758 exemption claims. Payment of gallonage fees shall be made within thirty days from the
2759 date of invoice by the department.

2760 b. A late charge of twelve percent per year shall be assessed upon and added to
2761 any charge or portion thereof that remains unpaid after thirty days from the date of
2762 invoice. Failure to pay all charges due within sixty days from the date of invoice shall be
2763 considered a breach of the terms of the permit and shall result in revocation of the permit;

2764 7. Wastes discharged into the metropolitan sewer system in accordance with this
2765 section shall be discharged only at such points as are designated by the director and in a
2766 clean, inoffensive manner satisfactory to the director. Equipment and methods used by
2767 the permittee to discharge shall be subject to inspection by and approval of the director as
2768 a condition of granting the permit;

2769 8. The discharge of industrial waste, or any waste other than domestic septage
2770 and chemical toilet waste, into a designated septage disposal site is prohibited unless
2771 specifically approved by the director;

2772 9. A permittee hereunder shall be liable for the costs of any damages to property
2773 or personal injury caused by reason of ~~((his))~~ the permittee's operations. In addition,
2774 failure to pay the costs upon demand shall be cause for revocation of the permit;

2775 10. A permit may be revoked or suspended by the department for failure to
2776 discharge at designated points, for any discharge that is in violation of the provisions of
2777 this section, or for the reasons set forth in this section;

2778 11. Each permittee shall be required to obtain liability insurance in such amount
2779 and in such form as shall be determined by the director. The insurance shall afford

2780 bodily injury limits of liability of five hundred thousand dollars for each person and one
2781 million dollars for each occurrence. Evidence of the insurance coverage shall be
2782 provided to the director. Nothing in this subsection L.11. shall in any manner preclude
2783 any applicant from obtaining such additional insurance coverage as the applicant may
2784 deem necessary for ~~((his or her))~~ the applicant's own protection; and

2785 12. The director is hereby authorized to designate the points of disposal of
2786 materials collected by the permittees, the places where permits may be obtained and the
2787 persons authorized to sign the permits on behalf of the department.

2788 The director is further authorized to revoke or suspend permits for failure to
2789 comply with the provisions of this chapter, subject to the right of persons affected to
2790 appeal from the revocation or suspension as provided in this chapter.

2791 M. The following practices shall be prohibited:

2792 1. No person shall discharge, directly or indirectly, into a sewer any material or
2793 substance that is prohibited by any county ordinance, rule established by the director,
2794 local agency rule or regulation or other applicable requirement.

2795 2. No unauthorized person shall enter any department sewer, ~~((manhole))~~
2796 maintenance hole, pumping station, treatment plant or appurtenant facility. No person
2797 shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with
2798 any structure, appurtenance or equipment that is part of the metropolitan sewerage
2799 system.

2800 3. No person, other than an authorized employee or agent of the department,
2801 shall operate or change the operation of any department sewer, pumping station,
2802 treatment plant, outfall structure or appurtenant facility.

2803 N. The following provisions shall apply to user charges:

2804 1. As required by federal regulations, each local public agency shall adopt and
2805 maintain a system of user charges to assure that each recipient of waste treatment services
2806 within the department's service area will pay its proportionate share of the costs of
2807 operation and maintenance, including replacement, of all waste treatment provided by the
2808 department.

2809 Notwithstanding the obligation of the local public agency to collect the charges,
2810 the director shall have authority directly to assess, when in the opinion of the director it is
2811 necessary in order to comply with federal regulations, a user surcharge directly against
2812 industrial users within a local public agency in an amount determined by the director to
2813 be necessary to assure that the industrial users pay their proportionate share of the costs
2814 of operation and maintenance, including replacement, of waste treatment provided by the
2815 department. Any such surcharge is distinct from and in addition to sums to be paid by
2816 industries as industrial cost recovery, pursuant to provisions contained in this section or
2817 under such provisions as may be adopted by the council, regarding the control and
2818 disposal of industrial waste into the metropolitan sewage system;

2819 2. Each local public agency shall charge each recipient of waste treatment
2820 services within its jurisdiction, in addition to any surcharge to be assessed by the local
2821 public agency against an industrial user in an amount to be determined by the director to
2822 be necessary under federal regulations and separate from and in addition to any sums paid
2823 by industry pursuant to this section, a sum to be paid to the department for its waste
2824 treatment services to be determined as follows:

2825 a. The local public agency shall determine, on a quarterly basis: the number of

2826 residential customers billed by the local public agency for local sewage charges; the total
2827 number of all customers so billed; and the total water consumption billed other than
2828 residential customers. The quarterly water consumption report shall be taken from water
2829 meter records and may be adjusted to exclude water not entering the sanitary facilities of
2830 a customer.

2831 (1) Where actual sewage flow from an individual customer is metered,
2832 metered sewage flows shall be reported in lieu of adjusted water consumption. Total
2833 quarterly water consumption in cubic feet shall be divided by two thousand two hundred
2834 fifty to determine the number of residential customer equivalents for which each
2835 nonresidential customer shall be billed.

2836 (2) The director shall develop such additional instructions and rules for
2837 preparation of the quarterly water consumption report as may be necessary to implement
2838 the requirements of this section; and

2839 b. The director will establish a monthly user charge for each component
2840 agency based upon a rate for each residential customer or residential customer equivalent
2841 that the local public agency shall collect from its residential customers and equivalents;

2842 3. Each local public agency shall charge each industrial recipient of waste
2843 treatment services within its jurisdiction as required by the department, in addition to the
2844 user charge, a surcharge in an amount to be determined by the director based on the
2845 average annual strength and volume of discharge by the industry. For the purpose of
2846 computing average annual strength, all wastes shall be assumed to have a minimum
2847 strength equivalent to that of domestic sewage.

2848 Each local public agency shall provide the director each quarter with a listing of

2849 the water consumption of each surcharged industry; and

2850 4. Each local public agency shall maintain such records as are necessary to
2851 document compliance with the user charge system established under this subsection N.

2852 O. The following provisions shall apply regarding capacity charges:

2853 1. All customers of a public or private sewage facility who connect, reconnect
2854 or establish a new service that uses metropolitan sewage facilities after February 1, 1990
2855 shall pay a capacity charge in an amount established annually by the council in
2856 accordance with state law. Users of metropolitan sewage facilities shall be subject to the
2857 capacity charge upon connection or reconnection to public or private sewage facilities
2858 and/or establishment of a new sewer service.

2859 a. "Connection," for purposes of this subsection, shall mean physical
2860 connection of the side sewer serving either any structure, or an addition to a structure, to
2861 a sanitary sewer.

2862 b. "Capacity charge," for purposes of this subsection, shall mean a charge
2863 levied on a property to recover capital costs needed to serve new customers.

2864 c. "Discharge event," for the purposes of this subsection, shall mean discharge
2865 of sewage from a zero discharge structure's system that flows into the metropolitan
2866 sewerage facilities.

2867 d. "Establishment of a new service," for purposes of this subsection, shall
2868 mean:

2869 ((i)) (1) change of structure use from single family residential to other than
2870 single family residential;

2871 ((ii)) (2) change of structure use following connection or reconnection to a

2895 occupancy has been restricted, in at least fifty-one percent of the units, to persons with
2896 incomes not more than eighty percent of the median income of the county within which
2897 the housing is constructed, and for which rent is restricted.

2898 c. Special purpose housing shall consist of dwelling units, that may be part of a
2899 larger care facility, consisting of a room or a suite of rooms, of which not more than one
2900 is a bedroom for which occupancy is limited to two persons, at least one of whom is
2901 physically or mentally disabled.

2902 d. In the case of privately owned senior citizen, low income or special purpose
2903 multifamily housing, the requirements of subsection O.2.a., b. and c. of this section shall
2904 be contained in a permit, agreement, covenant or deed restriction in which the county, a
2905 local government, an agency of state government or the United States government is
2906 granted enforcement authority.

2907 e. In the case of senior citizen, low income and special purpose housing owned
2908 by a government or nonprofit corporation, the requirements shall be integral to the
2909 establishment of the corporation as a legal entity or a legally enforceable condition of
2910 construction and operation of the housing.

2911 f. If use of a multifamily structure that initially qualifies as senior citizen, low
2912 income or special purpose housing changes so that it no longer meets the criteria in
2913 subsection O.2.a., b., c., d. and e. of this section, residential customer equivalents shall
2914 then be calculated in the same manner as multifamily structures and the department will
2915 collect the incremental difference due for all payments from the time of disqualification
2916 until paid off.

2917 g. The number of residential customer equivalents for nonresidential structures

2918 shall be determined by the department based on values of plumbing fixtures and/or
2919 estimates of wastewater flow from sources other than plumbing fixtures and acceptable to
2920 the department. An appropriate schedule of hydraulic capacity or loading values
2921 equating to residential customers shall be determined by the director;

2922 3. Nonresidential structures with fixtures that are designed to have zero
2923 discharge to the metropolitan sewage facilities may be eligible to have a reduced capacity
2924 charge provided that the zero discharge structure's systems or fixtures do not present a
2925 human or environmental health risk. The following shall guide evaluation and award of a
2926 modified capacity charge for zero discharge structures:

2927 a. For zero discharge structures, the number of residential customer
2928 equivalents shall be projected in accordance with subsection O.2.g. of this section;
2929 however, fixtures and sources that are engineered to function without discharging into to
2930 the metropolitan sewage facilities shall be given the value of zero for purposes of
2931 calculating the residential customer equivalents. These calculations will be determined
2932 by review of applicant-submitted engineering plans and specifications, site inspections
2933 and other materials deemed necessary by the department and such calculations shall be
2934 subject to approval by the department;

2935 b. Zero discharge structures and systems may be required by the department to
2936 install monitor and alarm systems to confirm that the structure does not discharge to the
2937 metropolitan sewage facilities. Reporting requirements shall be specified by the
2938 department; and

2939 c. If a zero discharge structure's system discharges to the metropolitan sewage
2940 facilities, this shall be considered a discharge event and the structure shall be subject to a

2941 capacity charge in an amount equal to a single invoice, for one quarter or three months,
2942 calculated using the monthly capacity charge for conventional systems in accordance
2943 with subsection O.2.g. of this section at the rate applicable in the year of discharge. Any
2944 discharge from a zero discharge structure or system lasting ninety calendar days or less
2945 shall be considered a single discharge event. If a zero discharge structure has three
2946 discharge events during any fifteen-year period, the structure shall then be immediately
2947 converted to a conventional capacity charge calculation calculated using subsection
2948 O.2.g. of this section. The zero discharge structure shall then be assessed the full fifteen-
2949 year capacity charge rate applicable during the year of the third discharge event into the
2950 metropolitan sewage system;

2951 4. The capacity charge is the responsibility of the current owner. The
2952 department shall collect the capacity charge directly from the current legal property
2953 owner. The charge shall be a monthly charge for fifteen years.

2954 Each customer subject to the charge shall be billed by the department semi-
2955 annually or at such frequency as may be determined by the director. The total amount of
2956 the charge, hereinafter the "total amount due," may be paid at any time. The total amount
2957 due shall be the sum of all remaining payments discounted by an index reflecting fifteen-
2958 year mortgage and ten- and twenty-year investment rates that will be updated in
2959 December of each year;

2960 5. When determining capacity charges applicable to a new connection, the
2961 charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer
2962 service to the preexisting structure.

2963 a. This credit against charges otherwise due shall be applied as residential

2964 customers or equivalents, which are also known as RCEs, under the following
2965 circumstances:

2966 (1) the structure to be served by the new connection replaces a structure on
2967 the same lot that was either connected to sewers prior to February 1, 1990, and was
2968 paying full sewer charges, or, if not connected to sewers, was nevertheless paying such
2969 full sewer charges before February 1, 1990; and

2970 (2) the preexisting structure was subsequently demolished and sewer service
2971 abandoned and the time between abandonment of service and connection of the new
2972 structure to sewers was less than five years.

2973 b. In the event the new connection replaces a connection made after February
2974 1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit
2975 against charges otherwise due shall be applied under the following circumstances:

2976 (1) the preexisting structure that was connected to sewers after February 1,
2977 1990, and paying full sewer charges, was reported to King County by the local sewer
2978 agency; and

2979 (2) capacity charges were paid to King County on the property with no break
2980 in payments of five years or more; and

2981 (3) the preexisting structure was subsequently demolished and sewer service
2982 abandoned and the time between abandonment of service and connection of the property
2983 to sewers is less than five years.

2984 c. Credits permitted in accordance with subsection O.5.b. (1), (2) and (3) of
2985 this section will be determined using the county's accounts receivable record of capacity
2986 charge invoices paid on the structure. Credit may be applied only from the demolished

2987 structure to the replacement structure. The amount of the credit will be expressed as
2988 whole or fractional residential customer equivalents and shall reflect the percentage of the
2989 total amount due actually paid;

2990 6. Credits authorized under subsection O.5. of this section shall be applied only
2991 when appropriate documentation for the demolished structure is provided to the
2992 department. Appropriate documentation shall consist of one of the following:

2993 a. a demolition permit for a preexisting structure at the same address as the
2994 new structure that contains a description of the structure demolished;

2995 b. in the case of a subdivision of a lot or parcel, a demolition permit for a
2996 preexisting structure at the same lot as the new structures which contains a description of
2997 the structure demolished;

2998 c. sewer service invoices for full sewer charges, for the level of service for
2999 which credit is sought, dated before demolition of the previously existing structure or
3000 structures that includes the service address and number of units if the structure was a
3001 multifamily structure; or

3002 d. A dated permit issued by the local sewer agency confirming capping of the
3003 side sewer that includes the same address as the new structure and a description of the
3004 prior structure;

3005 7. Credits permitted under subsection O.5. of this section shall be applied only
3006 from the demolished structures. The credits shall be applied in the following manner:

3007 a. When a new single family home replaces a preexisting demolished single
3008 family home for which no capacity charge is owed, no capacity charge shall be collected;

3009 b. When a preexisting structure is demolished and the lot or parcel is

3010 subdivided, the credit shall be applied in equal proportion to the new structure or
3011 structures within the new subdivided parcel.

3012 c. When a preexisting structure or structures are demolished and the lot or
3013 parcel subdivided and new blocks are created, the credit from any qualifying preexisting
3014 structures within the footprint of the new block shall be applied in equal proportion to the
3015 new structure or structures within that block;

3016 8. The following apply to capacity charge billing:

3017 a. Capacity charge billing to a legal owner of a structure or the owner's
3018 representative shall commence as soon as possible and practical after the date of the
3019 sanitary sewer connection provided by a local public agency served by the department in
3020 accordance with the filing frequency determined by the director; and

3021 b. Late notice to the department of commencement of sewer service to a
3022 property or failure of the property owner or the owner's representative to receive a
3023 capacity charge bill does not relieve a property owner of the responsibility for payment of
3024 charges and interest;

3025 9. The following apply to delinquent capacity charge accounts:

3026 a. If a customer fails to make a payment when due, an interest charge shall be
3027 computed on the delinquent amount at an annual rate of not more than the prime lending
3028 rate of the county's bank plus four percentage points. This interest charge and a penalty
3029 of not more than ten percent of the past due amount shall be added to the account
3030 balance; and

3031 b. When capacity charges plus interest charges and penalties are delinquent for
3032 more than thirty days, the department shall send a notice of intention to file lien to the

3033 property owner or owner's representative. The notice shall direct the property owner or
3034 representative to pay the total past due amount, plus interest and penalties, no later than
3035 fifteen days from the date of the letter or to make suitable arrangements to bring the
3036 account current. If the payment is not made within fifteen days, or suitable arrangements
3037 have not been made, the total amount past due plus penalties and interest will be certified
3038 as delinquent and a lien may be filed against the property with the recorder's office of the
3039 county. A lien charge to cover the cost of preparing and filing the lien will be added to
3040 the delinquent amount on the date of certification of the lien to the recorder's office of the
3041 county. Action may be taken by the department to enforce collection of the delinquent
3042 amount at any time after the charges have been delinquent for sixty days. The lien will be
3043 released when all past due capacity charges plus interest and late penalties have been
3044 paid.

3045 The department is authorized to request the prosecuting attorney to bring suit for
3046 foreclosure civil action in the superior court of the county in which the real property is
3047 located and to request payment of its costs and disbursements as provided by statute, as
3048 well as reasonable attorneys' fees. Each account that has been submitted to the
3049 prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection
3050 with the foreclosure, even when court proceedings are unnecessary;

3051 10. Local public agencies shall, at the director's request, provide such
3052 information regarding new residential customers and residential customer equivalents as
3053 may be reasonable and appropriate for purposes of implementing the capacity charge;

3054 11. The director is authorized to develop and implement such additional policies
3055 and requirements and to take such actions as may be necessary and appropriate for

3056 collection of the capacity charge and administration of the capacity charge program as
3057 described in this subsection O.; and

3058 12. As part of its rate-making authority, the council elects that capacity charges
3059 shall accrue as monthly fees recorded as operating revenues in accordance with Financial
3060 Accounting Standards Board Statement No. 71.

3061 P. No person may connect a local public or private sewer to the metropolitan
3062 sewerage system unless the local public agency or person shall then be in compliance
3063 with this section.

3064 1. If any local public agency or person shall construct a local public sewer,
3065 private sewer or side sewer in violation of this section, the department may issue an order
3066 to the local public agency or person to stop work in progress that is not then in
3067 compliance with this section or the department may issue an order to correct work that
3068 has been performed. The local public agency or person shall immediately take the action
3069 as may be necessary to comply with the order and with this section, all at the expense of
3070 the local public agency or person.

3071 2. ~~((Other penalties.))~~ a. Any person failing to comply with or violating this
3072 section or rules and regulations developed by the director under this section shall, for
3073 each such a failure or violation, be subject to a fine in an amount not exceeding two
3074 thousand dollars for each separate failure or violation under this section.

3075 b. The director may order the owner of any property from which prohibited
3076 discharges are entering any sewer to correct the condition, provided that if the property of
3077 the owner lies within a local public agency, the director shall first give written notice of
3078 the prohibited discharge to the local public agency, and only if the local public agency

3079 fails to correct the condition within ninety days after receipt of the notice, may the
3080 director directly order the owner to correct the condition.

3081 If any owner shall not cause the condition to be corrected within thirty days
3082 following receipt of the department order, the department may proceed to enter upon the
3083 property and correct the condition, and the cost thereof together with a penalty of fifty
3084 dollars shall be a lien upon the property to be enforced in the manner provided by law for
3085 liens for local sewage charges.

3086 c. Any person who shall damage, destroy or deface any structure,
3087 appurtenance, equipment or property of the metropolitan sewerage system shall be fined
3088 in an amount not exceeding three hundred dollars, and shall be liable for double the
3089 actual cost of restoration or repair or double the actual amount of any irreparable damage.

3090 SECTION 85. Ordinance 11034, Section 6, as amended, and K.C.C. 28.84.060
3091 are each hereby amended to read as follows:

3092 A. The director shall administer and implement the following fees, rules and
3093 regulations for the disposal of industrial waste into the metropolitan sewerage system.

3094 B. The following provisions shall govern the applicability of this section.

3095 1. This section shall apply to all nondomestic users of the metropolitan
3096 sewerage system including, but not limited to, commercial and industrial companies and
3097 government agencies. Indirect discharges from nondomestic users regulated by this
3098 section include, but are not limited to, liquid, solid or gaseous substances, or any
3099 combination thereof resulting from any process of industry, government, manufacturing,
3100 commercial food processing, business, agriculture, trade, research, the development,
3101 recovery or processing of natural resources, leachate from landfills or other disposal sites,

3102 contaminated nonprocess water, contaminated storm water and ground water.

3103 2. This section shall not apply to the discharge of storm water into an existing
3104 combined sanitary and storm system unless the discharge results from industrial activity
3105 and the director has determined that the discharge may affect the county's water quality
3106 and biosolids objectives.

3107 3. This section shall not apply to participant local agencies when collecting
3108 domestic and industrial waste and conveying the waste to the metropolitan sewerage
3109 system.

3110 4. This section authorizes the issuance of wastewater discharge permits,
3111 authorizes monitoring, compliance and enforcement activities, establishes administrative
3112 review procedures, requires user reporting and provides for the setting of fees for the
3113 equitable distribution of costs resulting from the program established herein.

3114 5. Industrial waste shall be accepted into the metropolitan sewerage system
3115 subject to regulations and requirements as may be promulgated by state and federal
3116 regulatory agencies or the county for the protection of sewerage facilities and treatment
3117 processes, public health and safety, receiving water quality and avoidance of nuisance.
3118 At a minimum, all industrial users of metropolitan sewerage system facilities shall
3119 comply with the applicable pretreatment standards and requirements developed in
3120 accordance with Sections 307(b) and 307(c) of the Act. This includes the pretreatment
3121 standards for existing and new discharges, which are defined in regulations promulgated
3122 under Sections 307(b) and 307(c) of the Act.

3123 C. The director shall administer, implement and enforce this section. Any
3124 powers granted to or duties imposed upon the director may be delegated by the director to

3125 other department personnel. The director shall establish and publish administrative
3126 procedures for implementation of this section that shall include, but not be limited to,
3127 issuing permits and discharge authorizations, collecting samples, identifying and
3128 inspecting industrial users, monitoring, revenue/cost recovery, appeals, discharge
3129 approval processes, issuing waste discharge permits and discharge authorizations,
3130 conducting investigations of noncompliance, preparing enforcement actions according to
3131 the department's enforcement response plan and setting local limits.

3132 D. The following discharge standards and limitations shall be applicable under
3133 this section:

3134 1. Discharge standards and limitations shall be established to the extent
3135 necessary to enable the county to comply with current National Pollutant Discharge
3136 Elimination System requirements, as promulgated by the Environmental Protection
3137 Agency or the Washington state Department of Ecology, and to protect sewerage
3138 facilities and treatment processes, public health and safety and the receiving waters, air
3139 quality and biosolids quality.

3140 2. Industrial users shall comply with all applicable pretreatment standards and
3141 requirements. Discharges subject to federal categorical discharge limits shall be subject
3142 to those limits, or to county local discharge limits, whichever is most restrictive. In
3143 addition to concentration limits, permit limits may also include mass limits stated as total
3144 pounds of a pollutant allowed per day.

3145 3. No industrial user shall ever increase the use of process water, or in any way
3146 attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to
3147 achieve compliance with an applicable pretreatment standard or requirement unless

3148 expressly authorized by an applicable pretreatment standard or requirement. The director
3149 may impose mass limitations or flow restrictions on users (~~he or she~~) the director
3150 believes may be using dilution to meet applicable pretreatment standards or requirements.

3151 4. No industrial user shall introduce or cause to be introduced into the POTW
3152 any pollutant or wastewater that causes pass through or interference. These general
3153 prohibitions apply to all industrial users of the POTW whether or not they are subject to
3154 categorical pretreatment standards or any other federal, state or local pretreatment
3155 standards or requirements.

3156 5. No industrial user shall discharge any of the following pollutants, substances
3157 or wastewater directly or indirectly into any public sewer, private sewer or side sewer
3158 tributary to the metropolitan sewerage system:

3159 a. flammable liquids, solids or gases capable of causing or contributing to
3160 explosion or supporting combustion in any sewerage facilities.

3161 b. any solid or viscous substances or particulates in quantities, either by itself
3162 or in combination with other wastes, that are capable of obstruction of flow or of
3163 interfering with the operation or performance of sewer works or treatment facilities.

3164 c. any gas or substance that, either by itself or by interaction with other wastes,
3165 is capable of creating a public nuisance or hazard to life or of preventing entry by
3166 authorized personnel to pump stations and other sewerage facilities.

3167 d. any gas or substance that, either by itself or by interaction with other waste,
3168 may cause corrosive structural damage to sewer works or treatment facilities.

3169 e. wastes at a flow rate or pollutant discharge rate, or both, that are excessive
3170 over relatively short time periods so that there is a treatment process upset and

3171 subsequent loss of treatment efficiency.

3172 f. heat in amounts that will inhibit biological activity in treatment plant
3173 facilities resulting in either interference in the treatment process or preventing entry by
3174 authorized personnel to pump stations and other sewerage facilities. This prohibition
3175 includes but is not limited to heat in such quantities that the temperature of the treatment
3176 works influent exceeds forty degrees Celsius, or one hundred four degrees Fahrenheit, or
3177 the temperature exceeds sixty-five degrees Celsius, or one hundred fifty degrees
3178 Fahrenheit, at the point of discharge from the industrial source to public sewers or the
3179 metropolitan sewerage system, or both.

3180 g. food waste unless it will pass a one-quarter-inch sieve. The director shall
3181 establish rules on the use of food grinders to meet the one-quarter-inch criterion. The
3182 rules shall be based upon department biosolids criteria, impact on solid waste utilities,
3183 concerns of local health agencies and imposition of high strength surcharge fees.

3184 h. any radioactive wastes or isotopes that exceed such concentration limitations
3185 as established by applicable Washington state Department of Social and Health Services
3186 regulations.

3187 i. trucked and hauled wastes shall not be discharged into a sewer except at
3188 points in the metropolitan sewerage system designated for the discharge by the director.

3189 j. any waters or wastes containing higher than ordinary concentrations or
3190 quantities of compatible pollutants, including but not limited to, biochemical oxygen
3191 demanding pollutants, suspended solids, pH and fecal material, may be required to
3192 discharge at a specific release rate or at a specified strength if, in the opinion of the
3193 director, the release of the waste in an uncontrolled manner could adversely affect proper

3194 handling and treatment in the metropolitan sewerage system.

3195 k. storm water, surface water, ground water, roof runoff, subsurface drainage,
3196 cooling water and unpolluted wastewater unless specifically authorized elsewhere in this
3197 section or by rules published by the director regarding the acceptance of clean water into
3198 the metropolitan sewerage system. The rules shall be based upon existing sewer
3199 capacity, cost and availability of alternate disposal options, cost of implementing control
3200 measures to prevent contamination of storm water, surface water and ground water, cost
3201 of recycling or reclaiming clean water, benefits to regional water conservation using
3202 reclaimed effluent and adverse impacts to water quality and public health.

3203 l. any waters or wastes generated during construction activities, which may
3204 include, but not be limited to, contaminated storm water, surface water or ground water
3205 and wells constructed for the purpose of lowering the groundwater table unless
3206 specifically authorized by the director.

3207 m. wastewater that imparts color that cannot be removed by the treatment
3208 process, such as dye wastes and vegetable tanning solutions that consequently impart
3209 color to the treatment plant's effluent, thereby violating the county's National Pollutant
3210 Discharge Elimination System permit.

3211 n. detergents, surface-active agents or other substances that may cause
3212 excessive foaming in the metropolitan sewerage system.

3213 E. The national categorical pretreatment standards found at 40 CFR Chapter I,
3214 Subchapter N, Parts 405-471 are hereby incorporated in this section. These categorical
3215 pretreatment standards shall be met by all industrial users of the regulated industrial
3216 categories.

3217 F. Local discharge limits shall be developed and complied with as follows:

3218 1. The director shall publish and revise from time to time local discharge limits,
3219 including best management practices, developed according to guidelines promulgated by
3220 the Environmental Protection Agency or Washington state Department of Ecology using
3221 data specific to the metropolitan sewerage system and its industrial users. At a minimum,
3222 local discharge limits shall restrict the following parameters: metals; organics; pH;
3223 temperature; fats, oils and greases of animal or vegetable origin; fats, oils and greases of
3224 mineral origin; and other toxic substances as required, including those defined in
3225 applicable state and federal regulations. These published local discharge limits shall, by
3226 this reference, be made a part of this section.

3227 2. No industrial user shall discharge wastewater containing concentrations or
3228 mass limitations, or both, in excess of the published local discharge limits, except as
3229 provided for in this section.

3230 3. Individual limits for specific companies or general permit limits for groups of
3231 companies may be established on a case-by-case basis for compounds not specifically
3232 listed in published local discharge limits or at levels higher or lower than published local
3233 discharge limits. The individual limits may be higher than published local discharge
3234 limits only for companies or groups of companies that have demonstrated that no
3235 reasonable treatment method is available to meet published limits, and the volume and
3236 mass of pollutants discharged does not endanger sewerage facilities or put the POTW at
3237 risk of violating National Pollutant Discharge Elimination System limits, water quality
3238 standards, air quality standards, biosolids standards or worker safety standards.

3239 Individual limits may be lower than published local discharge standards when the volume

3240 of discharge or mass of pollutants, or both, such that lower limits are necessary to protect
3241 sewerage facilities and treatment processes, public health and safety, the receiving
3242 waters, air quality or biosolids quality.

3243 G. Whenever deemed necessary, the director may require users to restrict their
3244 discharge during peak flow periods, designate that certain wastewater be discharged only
3245 into specific sewers, relocate or consolidate, or relocate and consolidate, points of
3246 discharge, separate domestic wastewaters from industrial waste streams and other
3247 conditions as may be necessary to protect the POTW and determine the users compliance
3248 with the requirements of this section.

3249 H. In areas served by combined sewers, storm water connections made before
3250 January 26, 1961, and storm water connections made after January 26, 1961, that have no
3251 public or private storm sewer available within a reasonable distance may continue to
3252 discharge without authorization from the director unless the discharge has the potential to
3253 affect the county's ability to comply with all federal, state and local regulations and meet
3254 the county's water quality objectives as stated in this chapter. In such cases, the storm
3255 water shall be regulated as an industrial waste and be subject to all of this section. In
3256 some cases, the county may require the industrial user to eliminate or mitigate storm
3257 water discharges by implementing control measures that shall include but not be limited
3258 to installation of a separate storm sewer, detention, pretreatment, roofing, reuse,
3259 relocation of processing or treatment areas and discharging to receiving waters.

3260 I. The following provisions shall govern compliance with applicable pretreatment
3261 requirements:

3262 1. Compliance by existing users covered by categorical pretreatment standards

3263 shall be within three years of the date the standard is effective unless a shorter
3264 compliance time is specified in the appropriate standards.

3265 2. The director shall establish a final compliance deadline date for any existing
3266 user not covered by categorical pretreatment standards or for any categorical user when
3267 the local limits for the user are more restrictive than the Environmental Protection
3268 Agency's categorical pretreatment standards. In establishing such a compliance deadline,
3269 the director shall consider the potential for violations of National Pollutant Discharge
3270 Elimination System limits, biosolids quality, air quality and worker safety standards and
3271 the difficulty and cost to industrial users of changes in industrial processes and
3272 installation of new pretreatment equipment.

3273 3. New source industrial users and all other new users including significant
3274 industrial users shall comply with applicable pretreatment standards within the shortest
3275 feasible time, not to exceed ninety days from the beginning of discharge. New sources
3276 and new users shall install and have in operating condition all pollution control
3277 equipment required to meet applicable pretreatment standards before beginning to
3278 discharge.

3279 J. The following provisions shall govern waste discharge permits and
3280 authorizations:

3281 1. Each person discharging or proposing to discharge industrial waste into a
3282 POTW treatment plant, public sewer, private sewer or side sewer tributary to the
3283 metropolitan sewerage system shall secure written discharge authorization, which may
3284 include, but shall not be limited to, a waste discharge permit, minor discharge
3285 authorization or general permit from the department unless otherwise provided in this

3286 section. The conditions and discharge standards in all written discharge authorizations
3287 shall be predicated on federal, state, county and other applicable local regulations and
3288 requirements and on the results of analysis of the type, concentration, quantity and
3289 frequency of discharge including the geographical relationship of the point of discharge
3290 to sewerage and treatment facilities. These conditions and discharge standards shall be
3291 re-evaluated upon expiration of the written discharge authorization and may be revised
3292 from time to time as required by county, state or federal regulations and requirements or
3293 to meet any emergency. Obtaining a written discharge authorization, however, shall not
3294 relieve a user of its obligation to comply with all federal and state pretreatment standards
3295 or requirements, or with any other requirements of federal, state and local law.

3296 a. Any person proposing to discharge industrial waste, but not holding a valid
3297 waste discharge permit or other written discharge authorization, shall apply to secure a
3298 waste discharge permit or discharge authorization unless the director has determined that
3299 written authorization is not required. Application to the department shall be made for
3300 permits at least sixty days before beginning discharge unless the industrial user is subject
3301 to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I,
3302 Subchapter N, in which case application to the department shall be made for the permit
3303 ninety days before beginning of discharge. Application to the department shall be made
3304 for all other written discharge authorizations thirty days before beginning of discharge.
3305 Any new source or new user meeting the definition of significant industrial user shall not
3306 discharge without a waste discharge permit.

3307 b. Any person with an existing permit or written discharge authorization
3308 proposing to make a change in an existing industrial waste discharge that will

3309 substantially change the volume of flow or the characteristics of the waste or establish a
3310 new point of discharge, shall apply for a new waste discharge permit thirty days before
3311 making the change. Substantial changes may include, but are not limited to, a twenty
3312 percent increase in the authorized daily maximum flow, addition of a new process,
3313 product or manufacturing line that will increase or decrease the concentration of
3314 pollutants in the waste stream or require modification in the operation of the pretreatment
3315 system, addition of new pretreatment equipment or altering a sample site.

3316 c. The director may grant permission to discharge without written
3317 authorization when the discharge is limited in concentration of pollutants, volume or
3318 duration, or when the user has applied for and is in the process of obtaining written
3319 discharge authorization.

3320 2. All significant industrial users shall secure a waste discharge permit.
3321 Existing significant industrial users without permits and industrial users that the director
3322 has determined present a substantial risk with existing discharges shall, upon receipt of
3323 written notice, apply for a waste discharge permit within thirty days. Extensions of time
3324 for submittal of an application may be granted by the director, not to exceed a total of
3325 sixty days. The director on ~~((his or her))~~ the director's own initiative or in response to a
3326 petition from an industrial user may determine that an industrial user is not a significant
3327 industrial user when there is no reasonable potential for the discharge to adversely affect
3328 the POTW's operation or to violate any pretreatment standard or requirement.

3329 3. Persons who are not subject to federal categorical standards or who discharge
3330 less than twenty-five thousand gallons per day or who in the opinion of the director have
3331 no reasonable potential for adversely affecting the POTW's operation or for violating any

3332 pretreatment standard or requirement are not required to obtain a waste discharge permit.
3333 Instead, the director may require and issue some other form of written authorization,
3334 which may include, but is not limited to, a minor discharge authorization, a letter of
3335 discharge approval, or a general permit. The director may require industrial users to
3336 obtain a waste discharge permit when noncompliance with this section exists. Upon
3337 written notice from the department that a permit is required the person so notified shall
3338 apply for a waste discharge permit within thirty days. Extensions of time for submittal of
3339 an application may be granted by the director, not to exceed a total of sixty days.

3340 4. Application for waste discharge permits and authorizations shall be made to
3341 the director in writing on forms provided by the department and shall include such data,
3342 information and drawings as to enable the department to determine which federal, state
3343 and local regulations apply to the discharge and to set conditions for the industrial user to
3344 comply with the regulations. The information shall include, but not be limited to,
3345 identifying information such as name, address, owner and contact person, other
3346 environmental permits held by the operation, operation and site descriptions including
3347 manufacturing processes, flow measurements, measurements of pollutants, pretreatment
3348 system designs and operation and maintenance manuals, spill control plans and
3349 certification statements. The department will act only on complete applications.

3350 Significant industrial users shall comply with all requirements of 40 CFR 403.12 (b) by
3351 the time of permit issuance or upon commencement of discharge, whichever comes first,
3352 unless the specific conditions of a waste discharge permit establish an alternate deadline.

3353 5. Upon receipt of a completed application, the director shall determine if a
3354 permit, minor discharge authorization or other document is required and notify the

3355 applicant. Waste discharge permits and authorizations shall be processed in accordance
3356 with chapter 90.48 RCW, as amended, Public Law 92-500 and this section, which
3357 includes: public notice for discharges requiring permits; determination of applicable
3358 discharge limits and special conditions; review and approval of any pretreatment
3359 facilities; facility inspections; issuance of a draft permit; review of the application and
3360 any draft permits by appropriate federal, state and local agencies; and issuance of the
3361 final permit or written authorization.

3362 a. If a permit is required, the director shall complete the public notice
3363 requirements and bill the applicant for the cost or the director shall instruct the applicant
3364 at its expense to publish notices twice in a newspaper of general circulation within King
3365 County and in a local newspaper serving the area where the industrial user is located and
3366 in other appropriate information media as the director may direct. The notice shall
3367 include a statement that any person desiring to present their views with regard to the
3368 application may do so in writing to the director, but only if the person submits (~~his or~~
3369 ~~her~~) the person's views or notifies the director of the person's interest within thirty days
3370 of the last date of publication of the notice. The notification or submission of views to
3371 the director shall entitle the person to review and comment on the draft permit and to a
3372 copy of the action taken on the application.

3373 b. Waste discharge permits and written discharge authorizations shall be issued
3374 with conditions to demonstrate compliance, meet applicable federal, state and local
3375 regulations and prevent violations of this section and the waste discharge permit or
3376 authorization. The conditions may include, but shall not be limited to, discharge
3377 limitations and standards, spill control measures, accidental spill prevention plans, slug

3378 control plans, monitoring requirements, maintenance requirements, installation of
3379 monitoring equipment, record-keeping requirements, reporting requirements, federal and
3380 state requirements, installation of sampling sites, flow restrictions, engineering reports,
3381 solvent management plans, implementation of best management practices and special
3382 studies to evaluate discharge limits or compliance status.

3383 c. As a condition of the granting of a waste discharge permit or other
3384 authorization, the director may require the industrial user to install pretreatment facilities
3385 or make plant or process modifications as deemed necessary by the director to meet the
3386 requirements of this section and applicable federal and state standards. The facilities or
3387 modifications shall be designed, installed, constructed, operated and maintained at the
3388 industrial user's expense in accordance with this section and in accordance with the rules
3389 and regulations of all local and governmental agencies.

3390 d. The director shall have the authority to require that an industrial user
3391 implement a technology based approach to limit pollutants discharged to the sanitary
3392 sewer through the application of AKART.

3393 e. No industrial user may discharge industrial waste into a public sewer,
3394 private sewer, or side sewer tributary to the metropolitan sewerage system until
3395 inspection has been made by the department for compliance with conditions of the permit
3396 or authorization and with this section unless the director has determined that an
3397 inspection is not required.

3398 f. A draft permit shall be issued for review and comment by the applicant,
3399 federal, state and local agencies and members of the public who wish to comment on the
3400 application or draft permit. All comments will be reviewed and addressed by the director

3401 before issuance of a final permit.

3402 g. During the application processing, the department will consult with and
3403 provide copies of applications and draft permits to participant local agencies, the
3404 Washington state Department of Ecology and the Environmental Protection Agency,
3405 when appropriate, to ensure that the limitations and conditions of waste discharge permits
3406 or other written discharge authorizations will meet requirements of applicable federal,
3407 state and local regulations.

3408 h. The director may deny a permit or discharge authorization when the
3409 applicant's discharge will not comply with this section or will create a public nuisance.
3410 The director may also deny a permit or authorization to protect public health and welfare.

3411 i. Waste discharge permits and authorizations shall be issued by the director
3412 for a specified period, not to exceed five years. A waste discharge permit or
3413 authorization may be issued for a period fewer than five years at the discretion of the
3414 director. Each waste discharge permit or authorization will indicate a specific date upon
3415 which it will expire.

3416 j. If the characteristics of the proposed discharge or discharges meet the
3417 requirements of appropriate participant local agencies, the Washington state Department
3418 of Ecology, the Environmental Protection Agency, any other applicable state and federal
3419 laws and regulations and this section, the director shall issue a waste discharge permit or
3420 authorization to the applicant with appropriate conditions. A copy of the, final permit
3421 will be submitted to the Washington state Department of Ecology. The appropriate local
3422 agencies will be notified in writing of the issuance of such a permit and will be furnished
3423 with one copy of each draft and final permit or other written discharge authorization

3424 issued within its jurisdiction at no charge.

3425 6. Discharge conditions published in a waste discharge permit or authorization
3426 shall remain in effect until the permit or authorization expires, except that the director
3427 may modify the permit or authorization for good cause including the following:

3428 a. to incorporate any new or revised federal, state or local pretreatment
3429 standards or requirements;

3430 b. to address alterations or additions to the user's operation, processes or
3431 wastewater volume or character since the time of permit or authorization issuance, for
3432 which the modifications may be requested by the industrial user;

3433 c. a change in the POTW that requires either a temporary or permanent
3434 reduction or elimination of the authorized discharge;

3435 d. information indicating that the permitted discharge poses a threat to the
3436 metropolitan sewerage system, the department's, county's or participant local agency's
3437 personnel or the receiving waters;

3438 e. violation of any terms or conditions of the waste discharge permit or
3439 authorization;

3440 f. to correct typographical or other errors in the waste discharge permit or
3441 authorization; or

3442 g. to reflect a transfer of the facility ownership or operation, or both, to a new
3443 owner or operator.

3444 7. If the industrial user wishes to continue discharging after the expiration date,
3445 an application shall be filed for renewal of the permit at least one hundred eighty days
3446 before the expiration date or at least ninety days before expiration date for authorizations.

3447 Applications for renewal permits or authorizations shall be processed in accordance with
3448 the requirements of this section, with the exception of the public notice requirement. An
3449 industrial user whose existing waste discharge permit or authorization has expired and
3450 has submitted its application for permit renewal in the time specified herein shall be
3451 deemed to have an effective waste discharge permit or authorization until the director
3452 issues or denies the new waste discharge permit. An industrial user whose existing waste
3453 discharge permit or authorization has expired and who failed to submit its reapplication
3454 in the time period specified herein will be deemed to be discharging without a waste
3455 discharge permit or authorization.

3456 8. A permit or authorization shall be subject to revocation upon thirty days'
3457 notice in writing if the director finds:

3458 a. it was procured by misrepresentation of any material fact or by lack of full
3459 disclosure in the application;

3460 b. a material change in the volume of flow or characteristics of waste was
3461 effected without notice to the department and application to the department for a new
3462 permit or authorization was not made and a permit or authorization issued as required in
3463 this section;

3464 c. there has been a violation of the limitations or conditions of the permit or
3465 authorization, and the industrial user refuses to take corrective action, or that a violation
3466 has continued after notice thereof;

3467 d. the industrial user has refused reasonable access to its premises for the
3468 purpose of inspecting or monitoring the discharge;

3469 e. the industrial user has falsified self-monitoring reports or tampered with

3470 monitoring equipment;

3471 f. the industrial user has failed to pay sewer charges or fines; or

3472 g. the industrial user has failed to provide advance notice of the transfer of a

3473 waste discharge permit.

3474 At the time that a permit or authorization is revoked, the director may thereafter
3475 require disposal of the waste in some manner other than into a public sewer, private
3476 sewer or side sewer tributary to the metropolitan sewerage system at the expense of the
3477 person whose permit is revoked. The appropriate local agency and the Washington state
3478 Department of Ecology will be notified in writing of the revocation of the permit.

3479 9. A permit or authorization may be suspended temporarily and further
3480 discharges halted by the director if the director determines that waste discharges are in
3481 violation of waste discharge permit or authorization limitations or conditions or county,
3482 state or federal standards and pose an immediate risk to public health and safety,
3483 receiving water quality or biosolids quality, or an immediate risk of damage, obstruction
3484 or interference with treatment facilities. The suspension shall be effective immediately
3485 upon written notice delivered to the industrial user's business premises or posting at the
3486 point of discharge.

3487 10. A waste discharge permit or authorization shall not be transferred without
3488 prior notification and approval by the director. The notification shall be submitted at
3489 least thirty days before the date of facility transfer and shall:

3490 a. include a statement that the new owner or operator, or both, have no
3491 immediate intent to change the facility's operations and processes;

3492 b. identify the specific date on which the transfer is to occur;

3493 c. acknowledge full responsibility for complying with the existing waste
3494 discharge permit; and

3495 d. include a written agreement between the old and new owner or operator, or
3496 both, containing a specific date for transfer of permit responsibility, coverage and
3497 liability.

3498 Failure to provide advance notice of a transfer renders the waste discharge permit
3499 or authorization voidable on the date of facility transfer.

3500 K. Industrial users shall have the following responsibilities in discharging
3501 industrial waste into the metropolitan sewerage system:

3502 1. It shall be the responsibility of every industrial user to control the discharge
3503 of industrial waste into a public sewer, private sewer or side sewer tributary to the
3504 metropolitan sewerage system in compliance with this section and the requirements of a
3505 waste discharge permit or written discharge authorization issued under this section.

3506 2. Whenever pretreatment facilities are required under this section, they shall be
3507 designed, constructed, installed, operated and maintained at the expense of the industrial
3508 user and in a manner prescribed by the director. The director may require dischargers to
3509 submit plans in the form of engineering reports and drawings for approval. The reports
3510 and plans shall be prepared according to federal and state requirements. The industrial
3511 user shall maintain records indicating routine maintenance check dates, cleaning and
3512 waste removal dates and means of disposal of accumulated wastes. The records shall be
3513 retained for a minimum of three years and be subject to review in accordance with this
3514 section. Approval of proposed facilities or equipment by the director will not in any way
3515 guarantee that these facilities or equipment will function in the manner described by their

3516 constructor or manufacturer, nor shall it relieve a person of the responsibility of enlarging
3517 or otherwise modifying or replacing the facilities to accomplish the intended purpose and
3518 to meet the applicable standards, limitations and conditions of a waste discharge permit.

3519 3. Industrial users will be required to submit samples of industrial waste
3520 discharges to the director or to perform tests and report the test results to the director on a
3521 routine and continuing basis when:

- 3522 a. required by 40 CFR 403.12, as amended;
- 3523 b. requested by state or participant local agencies; or
- 3524 c. deemed necessary by the director for the proper treatment, analysis or
3525 control of waste discharges.

3526 All such tests and reports shall be at the cost of the industrial user.

3527 4. All sampling data collected by industrial users and analyzed using procedures
3528 approved by 40 CFR 136 or approved alternatives shall be submitted to the director
3529 whether required as part of a written authorization or done voluntarily by the industrial
3530 user.

3531 5. To the degree practicable, the director will provide each permittee or
3532 applicant with information on applicable county, state and federal waste analysis and
3533 reporting requirements, provided, however, that any failure or inadvertence to do so shall
3534 not excuse the permittee from compliance with the requirements. Specific requirements
3535 will be established by written permit or authorization.

3536 6. All wastewater discharge permit applications and industrial user reports must
3537 be signed by an authorized representative of the industrial user and contain the following
3538 certification statement:

3539 "I certify under penalty of law that this document and all attachments were
3540 prepared under my direction or supervision in accordance with a system
3541 designed to assure that qualified personnel properly gather and evaluate
3542 the information submitted. Based on my inquiry of the person or persons
3543 who manage the system, or those persons directly responsible for
3544 gathering the information, the information submitted is to the best of my
3545 knowledge and belief, true, accurate and complete. I am aware that there
3546 are significant penalties for submitting false information, including the
3547 possibility of fine and imprisonment for knowing violations."

3548 7. When required by the director, the industrial user shall install and maintain at
3549 its expense a suitable sample site or control (~~((manhole))~~ maintenance hole in its side
3550 sewer to facilitate observation, sampling and measurement of wastes therein. The sample
3551 sites or (~~((manholes))~~ maintenance holes shall be located, if feasible, where it is accessible
3552 from a public road or street. It shall be constructed in accordance with plans approved by
3553 the director and shall be arranged so that flow measuring and sampling equipment and a
3554 shutoff gate or a screen may be conveniently installed by the director. The industrial user
3555 shall make access to the sample site or (~~((manhole))~~ maintenance hole available to the
3556 director at all times. Any tampering with flow or sampling equipment by the discharger
3557 or its employees is prohibited. When deemed necessary by the director, an industrial user
3558 may be required to obtain, install, operate and maintain, at its expense, an automatic
3559 sampler or analyzer, or both, or flow measurement device in order to monitor its
3560 industrial waste discharges in the manner directed by the director.

3561 8. Any person becoming aware of the discharge of regulated substances, spills

3562 or slug discharges directly or indirectly into a public sewer, private sewer or side sewer
3563 tributary to the metropolitan sewerage system shall report the discharge immediately to
3564 the department and one of the treatment plants of the county. This notification shall
3565 include the location of discharge, type of waste, concentration and volume, if known, and
3566 any corrective actions. Failure by any person aware of the discharge of prohibited or
3567 restricted substances, spills or slug discharges to report the discharge in the manner
3568 provided above shall constitute a violation, as that term is defined in this section, and
3569 subject the person to the penalties in this section. Each failure to report a discharge shall
3570 be considered a separate violation. Notification shall not relieve the person responsible
3571 from penalties or recovery of the cost of damages resulting from the discharge.

3572 Discharges of prohibited or restricted substances directly or indirectly into navigable
3573 waters, or into streams, ditches or sewers tributary to navigable waters, shall be reported
3574 to the United States Coast Guard or to the regional office of the Washington state
3575 Department of Ecology, in accordance with Section 311 of the Act, 42 U.S.C. 1321, as
3576 amended.

3577 9. In order that employees of industrial users involved in discharge to sewers
3578 will be informed of the county's requirements, the industrial users shall make available to
3579 their employees copies of this section together with such other wastewater information
3580 and notices directed toward more effective water pollution control that may be furnished
3581 by the director from time to time. A notice advising employees whom to call in case of a
3582 discharge violation of this section shall be furnished and permanently posted in highly
3583 visible places such as bulletin boards and lunchrooms. Where lack of proper employee
3584 training is determined to have caused noncompliance with this section or with the

3585 requirements of a waste discharge permit or written discharge authorization, the director
3586 shall require industrial users to provide employee training.

3587 10. Any direct or indirect connection or entry point that could allow prohibited
3588 or regulated substances to enter the industrial user's plumbing or drainage system shall be
3589 eliminated. Where the action is impractical or unreasonable, the industrial user shall
3590 label the entry points appropriately to warn against discharge of wastes in violation of
3591 this section.

3592 11. All industrial users shall notify the director, the Environmental Protection
3593 Agency Region 10 Waste Management Division Director and the Washington state
3594 Department of Ecology in writing of any discharge to the sewer of a substance, that, if
3595 otherwise disposed of would be a hazardous waste as set forth in 40 CFR Part 261.

3596 a. Notification shall include the name of the hazardous waste as set forth in 40
3597 CFR part 261, the Environmental Protection Agency hazardous waste generator number,
3598 where required, and the type of discharge, be it continuous, batch or other. If the
3599 industrial user discharges more than one hundred kilograms, or two hundred twenty
3600 pounds, of such waste per calendar month to the POTW, the notification shall also
3601 contain the following information:

3602 (1) an identification of the hazardous constituents contained in the wastes;

3603 (2) an estimation of the mass and concentrations of the constituents in the
3604 waste stream discharged during that calendar month; and

3605 (3) an estimation of the constituents in the waste stream expected to be
3606 discharged during the following twelve months.

3607 Discharges of more than fifteen kilograms, or thirty-three pounds of nonacute

3608 hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as
3609 specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. All
3610 notifications shall be submitted by January 24, 1991, for existing industrial users.
3611 Industrial users who commence discharge after January 24, 1991, shall submit
3612 notification no later than one hundred eighty days after the discharge of the hazardous
3613 wastes. Any industrial user required to submit notification under this subsection shall be
3614 required to submit only once for each hazardous waste discharged unless the discharge is
3615 changed according to 40 CFR 403.12(j). Notification requirements under this subsection
3616 do not apply to pollutants already reported under the self-monitoring requirements of 40
3617 CFR 403.12(b), (d), and (e) before January 24, 1991.

3618 b. Industrial users are exempt from the notification requirements during a
3619 calendar month in which they discharge no more than fifteen kilograms of hazardous
3620 wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30 (d)
3621 and 261.33(e).

3622 c. In the case of new regulations under Section 3001 of the Resource
3623 Conservation and Recovery Act (RCRA), 42 U.S.C. 6921, identifying additional
3624 characteristics of hazardous wastes or listing any additional substance as a hazardous
3625 waste, the industrial user shall submit notification as required under this section within
3626 ninety days of the effective date of the new regulations.

3627 d. Any industrial user subject to the notification requirements under this
3628 section shall certify in writing at the time of notification that the industrial user has a
3629 program in place to reduce the volume or toxicity of hazardous wastes generated to the
3630 degree it has determined to be economically practical.

3631 12. Industrial users shall maintain records relating to discharges to the
3632 metropolitan sewerage system. The records, which include, but are not limited to, routine
3633 maintenance, documentation associated with best management practices, waste disposal
3634 dates, manifests and disposal records for accumulated wastes, self-monitoring reports,
3635 analytical lab results, dates and times of sample collection and batch discharges, pH and
3636 equipment calibration log books, pH monitoring records and flow records, shall be
3637 retained for a minimum of three years and shall be subject to review in accordance with
3638 this section.

3639 13. The director may establish rules by which required reports can be received
3640 electronically from industrial users. The rules shall establish the framework for
3641 electronic reporting that ensures the legal dependability of electronic documents
3642 submitted in accordance with this section.

3643 L. The following provisions shall apply to the inspection and sampling of
3644 industrial users:

3645 1. To carry out this section and ensure compliance with federal and state laws
3646 and regulations relating to water pollution, authorized and properly identified
3647 representatives of the county shall have the right to enter that portion of the premises of
3648 any person discharging industrial waste into a public sewer, private sewer or side sewer
3649 tributary to the metropolitan sewerage system, whether or not the discharge is officially
3650 permitted or authorized. The purpose of entry shall be for inspection, observation,
3651 measurement, review of operating and waste management records, including
3652 documentation associated with best management practices, sampling and testing in
3653 accordance with this section, at reasonable times or for the purpose of handling an

3654 emergency, as determined by the director, at any time if the director determines that an
3655 emergency exists. Inspections shall be limited to that portion of the premises that
3656 contains a side sewer, measuring ((manhole)) maintenance hole, pretreatment facilities or
3657 facilities for the transportation, collection, concentration or treatment of wastes. All
3658 regular sanitary and safety requirements of the person shall be complied with by the
3659 representative during the inspection. Before entering the premises, representatives of the
3660 county shall state their purpose and present credentials and an administrative inspection
3661 warrant, if one is required.

3662 2. A warrant shall not be required for entry and administrative inspections,
3663 including observation, measurement, sampling or testing, under this section in the
3664 following situations:

3665 a. with the consent of the owner, operator or agent in charge of the premises;

3666 b. if the discharge is permitted under an industrial waste discharge permit or
3667 other written discharge authorization;

3668 c. in situations where the director has determined that an emergency exists
3669 presenting imminent danger to the public or worker health, safety and welfare, the
3670 environment or water quality of a receiving water or interference or risk of interference or
3671 obstruction with the functioning of the metropolitan sewerage system, or violating the
3672 county's National Pollutant Discharge Elimination System permit limits;

3673 d. in any emergency circumstance where there is neither time nor opportunity
3674 to apply for a warrant; and

3675 e. in any other situation where a warrant is not required by law.

3676 3. In the event an administrative inspection warrant must be obtained to enter

3677 upon the premises of any person disposing of industrial waste into a public sewer, private
3678 sewer or side sewer tributary to the metropolitan sewerage system, the director shall
3679 apply to the superior court for issuance of warrants for the purpose of conducting
3680 administrative inspections authorized by this section. For purposes of an administrative
3681 inspection, probable cause justifying the issuance of a warrant may be based either on:

3682 a. specific evidence of an existing violation of the terms and conditions of a
3683 waste discharge permit, this section or any state or federal law or regulation relating to
3684 water pollution; or

3685 b. evidence that reasonable administrative standards for conducting an
3686 inspection, including observation, measurement or testing of industrial waste, are
3687 satisfied with respect to a particular premises and that a specific premises has been
3688 selected for county inspection on the basis of a general administrative plan for the
3689 enforcement of this section or any county, state or federal laws or regulations relating to
3690 water pollution.

3691 4. Consistent with federal pretreatment standards, pollutant levels for all
3692 regulated processes will be monitored at the point of compliance. The point of
3693 compliance shall be at the end of the regulated process following pretreatment or as
3694 specified in the waste discharge permit or written discharge authorization. The
3695 monitoring shall be before the addition of any dilution water.

3696 5. The purpose of the inspection and sampling programs shall be to verify
3697 independent of information supplied by industrial users in accordance with this section,
3698 the compliance or noncompliance with applicable pretreatment standards and
3699 requirements, best management practices or special requirements as prescribed by the

3700 director.

3701 6. The sampling programs shall be designed to provide sampling emphasis on
3702 those industrial users discharging the greatest volume and concentration of pollutants.
3703 Comprehensive sampling by automatic samplers will be augmented with grab samples
3704 taken on a random basis. Flow proportioned samples are preferred. At a minimum,
3705 significant industrial users will be sampled at the frequency required by 40 CFR 403.12,
3706 as amended. Those users with large industrial discharges can expect to be sampled
3707 quarterly or more often, while users with small discharges may be sampled once annually
3708 or as required by federal regulations or an National Pollutant Discharge Elimination
3709 System permit issued to the county. Industrial users also discharging high strength waste
3710 will be sampled or classified as part of the industrial surcharge program.

3711 7. The inspection programs shall be designed to provide emphasis on those
3712 industrial users discharging the greatest volume and concentration of pollutants. A
3713 significant industrial user will be inspected at the frequency required by 40 CFR 403.12,
3714 as amended.

3715 8. The postviolation inspection and sampling program shall provide for
3716 additional inspection and sampling of any industry failing to comply with or violating
3717 any of this section or applicable state and federal requirements.

3718 9. Except as otherwise stipulated below, information and data on industrial users
3719 obtained from reports, questionnaires, permit applications, permits, monitoring programs
3720 and inspections shall be available to the public or other governmental agencies in
3721 conformance with county ordinances and state laws and regulations. Industrial user
3722 information such as trade secrets may be withheld provided confidentiality is specifically

3723 requested by the industrial user at the time the information is provided or submitted to the
3724 director. Wastewater constituents and characteristics shall not be recognized as
3725 confidential information and will be available to the public without restriction.

3726 10. A portion, or cocollected sample in the instance of fats, oils and greases, of
3727 any samples collected by department personnel shall be made available to the industrial
3728 user being sampled. If the industrial user has samples analyzed for comparison with the
3729 department's results, the comparison will be considered valid only if methods and
3730 procedures are the same as those utilized or approved by the department and those
3731 methods and procedures conform to and are consistent with the analytical methods
3732 established by the latest edition of the following references:

- 3733 a. Standard Methods for the Examination of Water and Wastewater;
- 3734 b. American Society for Testing and Materials, A.S.T.M. Standards, part 23,
3735 Water, Atmospheric Analysis;
- 3736 c. Environmental Protection Agency, Water Quality Office Analytical Control
3737 Laboratory, Methods for Chemical Analysis of Water and Wastes; or
- 3738 d. any other analytical method determined by the department to be required to
3739 identify and quantify a particular pollutant not adequately sampled by the above
3740 referenced methods.

3741 11. If, as the result of a valid sample comparison, a discrepancy arises between
3742 the analytical results obtained by an industrial user and the county's results, and if a
3743 statistical summary indicates that the precision of the county's and the industrial user's
3744 results are within acceptable quality assurance/quality control standards, the two results
3745 will be averaged to determine the user's compliance.

3746 12. The director may require any user to develop and implement an accidental
3747 discharge (spill)/slug control plan. An accidental discharge or accidental spill prevention
3748 plan (ASPP)/slug control plan describing facilities to prevent accidental discharge or slug
3749 discharges of pollutants and operating procedures to provide this protection, shall be
3750 submitted to the director for review and approval before implementation. The director
3751 shall determine which user is required to develop a plan and require the plan be submitted
3752 within ninety days following notification by the director. Each user shall implement its
3753 ASPP as submitted or as modified after the plans have been reviewed and approved by
3754 the director. Review and approval of the plans and operating procedures shall not relieve
3755 the user from the responsibility to modify its facility as necessary to meet spill control
3756 requirements.

3757 a. Any user required to develop and implement an accidental discharge/slug
3758 control plan shall submit a plan that addresses, at a minimum, the following:

- 3759 (1) description of discharge practices, including nonroutine batch discharges;
3760 (2) description of stored chemicals;
3761 (3) procedures for immediately notifying the POTW of any accidental or slug
3762 discharge; and
3763 (4) procedures to prevent adverse impact from any accidental or slug
3764 discharge including, but not limited to, inspection and maintenance of storage areas,
3765 handling and transfer of materials, loading and unloading operations, control of plant site
3766 runoff, worker training, building of containment structures or equipment, measures for
3767 containing toxic organic pollutants, including solvents, or measures and equipment for
3768 emergency response.

3769 b. Users shall notify the director immediately upon the occurrence of a slug or
3770 accidental discharge of substances regulated by this section. The notification shall
3771 include location of discharge, date and time thereof, type of waste, concentration and
3772 volume and corrective actions.

3773 c. Within five days following an accidental discharge, the user shall submit to
3774 the director a detailed written report describing the cause of the discharge and the
3775 measures taken by the user to prevent similar future occurrences.

3776 d. Signs shall be permanently posted in conspicuous places on the user's
3777 premises advising employees whom to call in the event of a slug or accidental discharge.

3778 e. A significant industrial user shall notify the POTW immediately of any
3779 changes at its facility affecting potential for a slug discharge.

3780 M. The following provisions shall govern permit fees compliance monitoring and
3781 administrative fees and postviolation inspection and sampling program charges.

3782 1. To cover the cost of drafting waste discharge permits as provided in this
3783 section, the director shall establish a permit fee. The fee shall be applicable to each new
3784 or revised permit issued after the adoption of this section. The permits shall normally be
3785 issued for a period of five years and the fee shall entitle the permittee to the review of two
3786 draft permits and the review and issuance of one final permit and one permit revision
3787 during the stated term of each permit. No additional charges shall be made for revisions
3788 or draft permit revisions initiated by the department. The cost for routine permit
3789 administration, including annual permit inspections, are covered under other provisions in
3790 this section. The director is hereby authorized to establish the permit drafting fee as part
3791 of the county's annual budget process.

3814 Further:

3815 $Q_t - Q_s =$ industrial wastewater discharged; 100 cubic feet/yr

3816 Where:

3817 $Q_{ve} E O$

3818 $\frac{\quad}{\quad}$

3819 748

3820 $Q_{ve} =$ sanitary volume exclusion per employee per day;

3821 gallons/day;

3822 $E =$ average daily number of employees;

3823 $O =$ average number of annual operating days;

3824 748 = factor for converting gallons to 100 cubic feet;

3825 Further:

3826 $Cost_x = AM_x$

3827 $\frac{\quad}{\quad}$

3828 TIF_x

3829 Where:

3830 $Cost_x =$ unit cost for administering and monitoring heavy metals or

3831 oil and grease program;

3832 $AM_x =$ budget allocated to administering heavy metals or oil and

3833 grease program;

3834 $TIF_x =$ total industrial flow discharged by heavy metal permittees

3835 or oil and grease permittees; 100 cubic feet/year.

3836 a. The compliance monitoring and administrative fees shall be based upon the
3837 county's estimated costs for the total compliance monitoring program for the heavy
3838 metals and oil and grease programs. A review of the costs and their allocation will be
3839 conducted annually by the director, and unit charges may be adjusted to reflect the actual
3840 monitoring costs. Compliance monitoring and administrative fees shall include, but not
3841 be limited to, routine permit administration, program development, laboratory analysis
3842 and recovery of fifty percent of the costs of the key ((~~manhole~~)) maintenance hole
3843 monitoring program and industrial monitoring costs not recovered directly via fees for the
3844 postviolation inspection and sampling program.

3845 b. Compliance monitoring and administrative charges shall be based upon the
3846 average monthly volume of discharge by each industrial/commercial permittee served
3847 directly or indirectly by the metropolitan sewerage system. The average monthly
3848 discharge volume will be based on water consumption figures of each
3849 industrial/commercial permittee for the previous four quarters of the year. Each
3850 participant local agency shall provide the department each quarter with a listing of the
3851 water consumption of each industrial/commercial permittee served by the participant
3852 local agency and the department. Where actual sewage flow is metered, the metered flow
3853 shall be reported in lieu of water consumption.

3854 c. The director shall not impose the compliance monitoring and administrative
3855 fee where the compliance monitoring payments do not exceed the department's estimated
3856 costs for monitoring and processing an individual account. The department reserves the
3857 right to thereafter reimpose the compliance monitoring and administrative fee for heavy

3858 metals or oil and grease, or both, whenever the director determines that the payments will
3859 exceed administrative costs.

3860 d. The department will assign the responsibility for billing and collecting the
3861 compliance monitoring and administrative fees to each of its participant local agencies
3862 for those companies within the agencies' jurisdiction. The permit fee will be billed
3863 directly to the permittee.

3864 3. The department shall have the right to impose an administrative fee to
3865 recover the cost of drafting minor discharge authorizations and general permits as
3866 provided under other provisions of this section.

3867 4. Users discharging waste with a strength greater than domestic waste shall pay
3868 a high strength surcharge in addition to the basic fee. The surcharge for high strength
3869 industrial wastes shall be based on treatment or removal costs of those constituents whose
3870 concentration exceeds that contained in domestic wastes and that contribute to the costs
3871 of operation and maintenance of the metropolitan sewerage system. The constituents
3872 presently in this category are biochemical oxygen demand (BOD) and suspended solids.

3873 a. The surcharge shall be the unit cost of treating BOD5 or suspended solids
3874 times the strength in excess of domestic strength. The unit costs for BOD5 and
3875 suspended solids are computed from the actual costs of operating and maintaining the
3876 metropolitan sewerage system by allocating costs to flow, BOD5 and suspended solids
3877 and dividing the allocated costs by the total amounts of flow, BOD5 and suspended solids
3878 treated in the metropolitan sewerage system.

3879 b. The fees shall be determined according to the following surcharge formula:

3880 The computation of the high-strength surcharge is described by the following

3881 formula:

3882 Surcharge = $Q_t [(BOD_M - BOD_d)UC_{BOD} + (SS_M - SS_d)UC_{SS}]$

3883 Where:

3884 Surcharge = Monthly surcharge payment; \$/month

3885 Q_t = Average month sewage flow;

3886 100 cubic feet/month

3887 BOD_M = Measured BOD waste strength for industry; mg/l

3888 BOD_d = Defined BOD strength for domestic waste; mg/l

3889 SS_M = Measured SS waste strength for industry; mg/l

3890 SS_d = Defined SS strength for domestic waste; mg/l

3891 UC_{BOD} = Unit cost of treating BOD; \$/mg/l/100 cubic feet

3892 UC_{SS} = Unit cost of treating SS; \$/mg/l/100 cubic feet

3893 And;

3894 $UC_x = OM_x + PC$

3895 $(8.34 \text{ lb/gal})(7.48/\text{ft}^3)(100\text{ft}^3)(10^{-6})$

3896 $TW_x \quad SW_x$

3897 UC_x = Unit cost for BOD or suspended solids

3898 OM_x = Allocated operation and maintenance costs to

3899 BOD or suspended solids;

3900 PC = Costs of administering and sampling for the

3901 surcharge program;

3902 TW_x = Total BOD or suspended solids handled by the

3903 county sewerage system; lb/year

3904 SW_x = Surchargeable BOD or suspended solids handled

3905 by the county sewerage system; lb/year

3906 Surchargeable BOD and suspended solids is the amount that exceeds the

3907 established domestic waste strength.

3908 c. The concentration of domestic wastes shall be defined by the director.

3909 d. Treatment costs will be based on system-wide maintenance and operation

3910 costs allocated to the appropriate waste parameters. The director shall conduct an annual

3911 review of treatment costs and adjust charges to reflect actual operation and maintenance

3912 costs.

3913 e. The surcharge shall be based upon the average annual strength and volume

3914 of discharge by the industrial user. Industrial users shall have the right to challenge the

3915 values the director develops by submitting a series of analyses from a state certified

3916 laboratory documenting the substitute values proposed by the industrial user.

3917 Satisfactory sampling techniques in such instances shall be subject to approval by the

3918 director.

3919 f. The director shall establish the average annual waste strength for each

3920 industrial user either by direct measurement or by classification. Those users discharging

3921 in excess of 600 pounds per day of BOD and suspended solids will be monitored directly

3922 at a frequency of not less than twice per year. Those users discharging less than those

3923 quantities will be classified by user group and assigned a waste strength based upon

3924 measured values for representative industrial users within each group. Industrial users

3925 who can demonstrate a significant difference in waste generating operations from that of

3926 their assigned class leader shall have the right to challenge their assigned classification by
3927 submitting a series of analyses from a competent laboratory documenting the substitute
3928 values proposed by the industrial user. Satisfactory sampling techniques in such
3929 instances shall be subject to approval by the director.

3930 g. There shall be a domestic type classification established originating from
3931 domestic type activities. All industrial users in the domestic type classification shall be
3932 assigned a waste strength equal to the domestic equivalent.

3933 h. The average annual discharge volume will be based upon water
3934 consumption figures utilized by the industrial user for the previous four quarters. Each
3935 participant local agency shall provide the county each quarter with a listing of the water
3936 consumption of each surcharged user. Where actual sewage flow is metered, the metered
3937 flow shall be reported in lieu of water consumption.

3938 i. Those industrial users whose high strength waste surcharge payments fall
3939 below the administrative costs for an individual account will be excluded from the
3940 program.

3941 j. The county will assign the responsibility for billing and collecting the high
3942 strength waste surcharge to each of its participant local agencies for those industrial users
3943 within the agencies' jurisdiction. The county will review the local agencies' billing
3944 procedures annually to ensure that the agencies' user charge is being applied equitably
3945 and in accordance with federal regulations.

3946 5. Any industrial user that believes the compliance monitoring and
3947 administrative fee or permit fee imposed on it by the director may be in error may appeal
3948 the action by following the appeal process outlined in this section.

3949 6. Any industrial user for whom the director implements a postviolation
3950 inspection and sampling program under this section shall be responsible for costs
3951 therefore incurred by the county, including without limitation expert, legal and
3952 administrative costs. The costs shall be in addition to the other fees, penalties and costs
3953 for damages set forth in this section. Any industrial user subject to postviolation
3954 inspection and sampling shall be billed directly for the county's costs. The costs
3955 recovered by the county shall include all labor, supplies and special costs incurred for the
3956 inspection and monitoring effort. A review of the costs and their allocation will be
3957 conducted annually by the director, and unit charges may be adjusted by the director to
3958 reflect the actual sampling and inspection costs.

3959 N. The following provisions shall govern violations of discharge requirements:

3960 1. The criteria constituting violations shall be as follows:

3961 a. A discharge violation will be considered to have occurred if the limitations
3962 established in or in accordance with this section, federal or state pretreatment standards,
3963 specific requirements of an industrial waste discharge permit, written discharge
3964 authorization or any other pretreatment standards are exceeded, regardless of intent or
3965 accident.

3966 b. A mass violation will be considered to have occurred if mass related
3967 limitations for specific pollutants have been exceeded. Mass related limitations will be
3968 based on daily average limits. A violation will be determined utilizing the formula:
3969 $(8.34) \times (\text{millions of gallons discharged per day}) \times (\text{concentration of pollutant in mg/L})$.
3970 The concentration used for the pollutant will be the arithmetic mean of those
3971 concentrations for samples collected during the period monitored over the operating day

3972 or the concentration of a flow proportioned composite during that period. The volume
3973 will be determined by either a water meter or sewer meter serving the monitored process
3974 and read immediately before and after sampling.

3975 c. A violation will be considered to have occurred if special reporting
3976 requirements established by permit, provided for in this section, included in written
3977 documents from the director, or specified by general federal pretreatment standards in 40
3978 CFR 403.12 as amended, are not complied with.

3979 d. A violation will be considered to have occurred if special conditions, best
3980 management practices or requirements established by this section, waste discharge
3981 permit, general permit, major or minor discharge authorization, letter of discharge
3982 authorization or written orders from the director are not complied with. The violations
3983 include, but are not limited to, failure to pay sewer charges or fines, failure to complete
3984 the requirements of a compliance order, failure to meet the deadlines of a compliance
3985 schedule and inaccurate reporting.

3986 e. Each discrete discharge that constitutes a violation under this section shall
3987 constitute a separate violation, or if the discharge is continuous, then each hour of the
3988 discharge shall constitute a separate violation, provided the director shall have the
3989 discretion to combine the discrete or continuous discharges and limit the number of
3990 violations for purposes of assessing penalties, if the violations are minor and do not pose
3991 significant risks to public health and safety or treatment processes and facilities, and the
3992 industrial user demonstrates to the reasonable satisfaction of the director that it is using
3993 its best efforts and the most current technology to avoid the discrete or continuous
3994 discharges.

3995 2. In accordance with 40 CFR 403.8, the director will cause to be published in a
3996 newspaper of general circulation within the county, at a minimum once every twelve
3997 months, a list of those industrial users that since the last previous publication were
3998 determined to be in significant noncompliance of the limitations established by this
3999 section and applicable pretreatment standards or other requirements under this section.
4000 This notification will summarize enforcement actions taken by the county during the
4001 same period covered by the publication.

4002 O. The following provisions shall govern penalties and enforcement of the
4003 requirements of this section:

4004 1. Any person failing to comply with or violating any of this section shall, for
4005 each such a failure or violation or for each day that the failure or violation occurred or
4006 continues to occur, be required to correct such violation and shall be subject to
4007 enforcement action or actions to be determined by the director. Depending upon the
4008 severity of the situation, the director may require the immediate cease of discharge and
4009 disposal of the industrial waste in some manner other than into the public sewer, private
4010 sewer or side sewer tributary to the metropolitan sewerage system, at the expense of the
4011 person responsible for the failure or violation.

4012 2. The director shall develop and implement an enforcement response plan that
4013 contains guidelines indicating how the county will investigate and respond to instances of
4014 industrial user noncompliance. At a minimum the plan shall: describe how the county
4015 will investigate violations; describe escalating enforcement remedies and the time periods
4016 in which they will take place, including Notice of Violation, Compliance Order, Final
4017 Notice, Monetary Penalties, Postviolation Inspections and Sampling, Cease Discharge

4018 Notice, Emergency Suspension, Termination of Discharge and Supplemental
4019 Environmental Projects; identify by title the official or officials responsible for
4020 implementing each enforcement response; and reflect the county's responsibility to
4021 enforce all applicable pretreatment requirements and standards. In determining the type
4022 of enforcement action and the amount of penalties to be levied, the enforcement response
4023 plan shall consider the type and concentration of the pollutant causing the violation, the
4024 analytical variability for that pollutant, the volumes discharged, the damages caused by or
4025 related to the discharges, the history of past violation by the same industrial user, the
4026 assessment of any prior penalties for similar violations and the number of violations as
4027 determined in accordance with other provisions of this section.

4028 a. Upon determination that a violation has taken or is taking place, a
4029 representative of the county shall make a reasonable effort to notify the violating party
4030 immediately. The first notification may be verbal if followed by written notification.
4031 The written notification shall be entitled "Notice of Violation" and shall specify the
4032 nature and source of the violation. The written notice may be delivered to the business
4033 premises of an industrial user or submitted by regular mail to the permit holders' address,
4034 as given to the county. Following these notification procedures, applicable follow-up
4035 correspondence will be used to establish penalties and corrective action to be taken by the
4036 violator. Within fourteen calendar days of receiving a Notice of Violation, the violator
4037 shall submit a report to the director describing the circumstances surrounding the
4038 violating condition. In the case of a discharge violation, the violator shall also collect an
4039 effluent sample and submit resultant data to the director in addition to the report.
4040 Submission of this report shall in no way relieve the user of liability for any violations

4041 occurring before or after receipt of the Notice of Violation.

4042 b. Upon determination that a violation has taken or is taking place, the director
4043 may issue a compliance order to the violating party responsible for the discharge,
4044 directing that the user come into compliance within a time specified in a schedule.
4045 Compliance orders may also contain other requirements to address the noncompliance,
4046 including but not limited to additional self-monitoring and management practices,
4047 evaluations of control measures or pretreatment equipment and installation of
4048 pretreatment equipment designed to minimize the amount of pollutants discharged to the
4049 sewer. A compliance order may not extend the deadline for compliance established for a
4050 federal pretreatment standard or requirement, and a compliance order does not release the
4051 user of liability for any violation, including any continuing violation. Issuance of a
4052 compliance order shall not be a prerequisite to taking any other action against the user.

4053 c. Upon determination that a violation has taken or is taking place, the director
4054 may issue a final notice to the violating party. Final notice places the user on notice that
4055 further violations, or failing to complete a requirement within a designated period of
4056 time, shall result in assessment of monetary penalties. Issuance of final notice shall not
4057 be a prerequisite to taking any other action, including assessment of monetary penalties,
4058 against the user.

4059 d. For each failure or violation hereunder, the person responsible shall be liable
4060 for a maximum civil penalty of ten thousand dollars per violation per day, but not less
4061 than one hundred dollars per violation, per day. Issuance of a monetary penalty shall not
4062 be a prerequisite for taking any other action against the user. In addition to monetary
4063 penalties, the director may recover expenses incurred by the county associated with

4064 enforcement activities, including, but not limited to: any additional treatment costs;
4065 additional operational costs; costs incurred by the county from tracking down violators;
4066 any penalties, fines or other costs levied against the county for violation of state and
4067 federal permits resulting from discharges; and any other costs, including expert, legal or
4068 administrative costs or the withholding of any grant money, incurred by the county or the
4069 local public agency, to the extent permitted by law. In addition to any monetary penalty
4070 that reflects the gravity of the violation, a calculated amount based on the industrial user's
4071 economic benefit of noncompliance may be recovered by the director.

4072 e. Upon determination that a violation has taken place, the director may require
4073 postviolation inspections and sampling of an industrial user as defined in K.C.C.

4074 28.82.370. Costs for postviolation inspection and monitoring, as set forth in this section,
4075 shall be in addition to other fees, penalties and costs for damages set forth in this section.

4076 f. Upon determination that a violation has taken or is taking place, or that the
4077 user's past violations are likely to recur, the director may issue an order to the user
4078 directing it to cease and desist all such violations and directing the user to:

4079 (1) immediately comply with all requirements; and

4080 (2) take such appropriate remedial or preventive action as may be needed to
4081 properly address a continuing or threatened violation, including halting operations or
4082 terminating the discharge, or both. Issuance of a cease discharge notice shall not be a
4083 prerequisite for taking any other action against the user.

4084 g. The director may immediately suspend a user's discharge, after informal
4085 notice to the user, whenever the suspension is necessary in order to stop an actual or
4086 threatened discharge that reasonably appears to present or cause an imminent or

4087 substantial endangerment to the health or welfare of persons. The director may also
4088 immediately suspend a user's discharge, after notice and opportunity to respond, that
4089 threatens to interfere with the operation of the metropolitan sewerage system, including,
4090 but not limited to, maintaining compliance with the county's National Pollutant Discharge
4091 Elimination System permit and biosolids quality requirements, or that presents or may
4092 present a danger to the environment.

4093 h. In addition to other provisions of this section, any user that violates the
4094 following conditions is subject to discharge termination: violation of waste discharge
4095 permit or written discharge authorization conditions; failure to accurately report
4096 wastewater constituents and characteristics of discharge; failure to report significant
4097 changes in operations or wastewater volume, constituents and characteristics before
4098 discharge; refusal of reasonable access to the user's premises for the purpose of
4099 inspection, monitoring or sampling, as provided in this section; and violation of the
4100 limitations established in this section.

4101 i. The penalties and enforcement provisions in this section are not exclusive
4102 remedies. The director is authorized to take any, all or any combination of these actions
4103 against a noncompliant user. Enforcement of pretreatment violations will generally be in
4104 accordance with the enforcement response plan. However, the director may take other
4105 action against any user when the circumstances warrant. Further, the director is
4106 authorized to take more than one enforcement action against any noncompliant user.
4107 Enforcement actions may be taken concurrently.

4108 j. Where criminal enforcement action is considered in a particular case, that
4109 case may be referred to state or federal authorities.

4110 3. Any person causing structural damage to a public sewer or treatment facility
4111 or causing resource damage to receiving water quality or biosolids by discharges not in
4112 compliance with this section and the requirements of any permit or written discharge
4113 authorization, shall be liable for any such damage in addition to monetary penalties.

4114 4. In accordance with this section, where the enforcement remedy is the
4115 assessment of a substantial monetary penalty, where in certain instances projects or
4116 activities remediating adverse public health conditions or environmental consequences of
4117 the violations may be included in the enforcement action, and where the size of the final
4118 assessed penalty may reflect the commitment of the user to undertake environmentally
4119 beneficial expenditures, the director may approve a supplemental environmental project
4120 other than those required to correct the underlying violation to be undertaken by the user
4121 in exchange for a reduction in the amount of the assessed monetary penalty. All
4122 supplemental projects must improve the injured environment or reduce the total risk
4123 burden posed to public health or the environment by the identified violation. Any
4124 supplemental environmental project must be shown to be of equal monetary value to the
4125 amount of reduction in the assessed monetary penalty. The director shall establish rules
4126 by which consideration and acceptance of a supplemental environmental project are
4127 determined. The rules shall be based upon categories of potential supplemental
4128 environmental projects including but not limited to: pollution prevention projects,
4129 pollution reduction projects, environmental restoration projects, environmental auditing
4130 projects and environmental public awareness projects. The rules shall also provide for
4131 public involvement in the acceptance of any project and in establishing the benefit of any
4132 project to the performance of the metropolitan water pollution abatement function by the

4133 county. Categories of potential supplemental environmental projects, except for public
4134 awareness projects, may be considered if there is an appropriate relationship or "nexus"
4135 between the nature of the violation and the environmental benefits to be derived from the
4136 type of supplemental project. A supplemental environmental project cannot be used to
4137 resolve violations at a facility other than the facility or facilities that are the subject of the
4138 enforcement action. Under no circumstances will a user be given additional time to
4139 correct the violation and return to compliance in exchange for the conduct of a
4140 supplemental environmental project.

4141 5. The county does not allow for the affirmative defense of an enforcement
4142 action brought for noncompliance with applicable pretreatment standards based on
4143 conditions of "upset" or "bypass." For the purpose of this section, "upset" means an
4144 exceptional incident in which there is unintentional and temporary noncompliance with
4145 discharge standards because of factors beyond the reasonable control of the user. For the
4146 purpose of this section, "bypass" means the intentional diversion of waste streams from
4147 any portion of a user's treatment facility. The diversion or bypass of any discharge from
4148 any pretreatment facility utilized to maintain compliance with applicable pretreatment
4149 standards is prohibited except where unavoidable to prevent loss of life or severe
4150 property damage. "Severe property damage" means substantial physical damage to
4151 property, damage to the treatment facilities that causes them to become inoperable or
4152 substantial and permanent loss of natural resources that can reasonably be expected to
4153 occur in the absence of a bypass.

4154 P. The director is authorized and directed to promulgate such rules, regulations
4155 and guidelines as the director deems necessary to carry out the purposes or provisions of

4156 this section, to ensure the department's compliance with the requirements of any federal
4157 or state law or administrative regulation relating to water pollution and any changes or
4158 amendments thereto and to ensure the department performs the metropolitan water
4159 pollution abatement function under chapter 35.58 RCW. Nothing herein shall prevent the
4160 director from seeking judicial or governmental agency assistance to implement the
4161 policies and requirements of this section. The rule-making process followed by the
4162 director shall provide for public participation. Before the adoption of any rule, the
4163 director shall notify users and the general public of the proposed rule. Notification will
4164 include but need not be limited to: newsletters; public hearings; or legal notices
4165 published in area newspapers.

4166 Q. The director is authorized to delegate responsibility to participant local
4167 agencies where the participant agency has requested the delegation and where the director
4168 has approved its plans and procedures for implementation of the delegated responsibility.

4169 SECTION 86. Ordinance 13680, Section 1, as amended, and K.C.C. 28.86.010
4170 are each hereby amended to read as follows:

4171 The definitions in this section apply throughout this chapter unless the context
4172 clearly requires otherwise.

4173 A. "Biosolids" means a primarily organic product produced by wastewater
4174 treatment processes that can be beneficially recycled. The product may contain water,
4175 sand, organic matter, microorganisms, trace metals and other chemicals.

4176 B. "Capacity" and "rated capacity" mean the average wet weather flows that the
4177 treatment plant or conveyance system is designed to handle. Average wet weather flows
4178 are wastewater flows that occur during wet months but not during storms.

4179 C. "Capacity charge" means a charge levied on a new customer to recover capital
4180 costs needed to serve new customers.

4181 D. "Community treatment system" means a treatment device or drainfield, or
4182 both, that is shared by two or more property owners.

4183 E. "Component agencies" means the cities, towns, counties and sewer districts
4184 that retail wastewater treatment services, that dispose of any portions of their sanitary
4185 sewage into the wastewater system and that have entered into a contract with the county
4186 for providing for wastewater treatment.

4187 F. "Comprehensive Water Pollution Abatement Plan" means a plan developed
4188 pursuant to RCW 35.58.200.

4189 G. "CSO" means a combined sewer overflow, which is an overflow from a
4190 combined sewer that is designed to collect both sanitary sewage and stormwater runoff.
4191 The overflows occur during storms when flows in the system exceed the capacity of the
4192 wastewater collection system.

4193 H. "ESA" means the federal Endangered Species Act.

4194 I. "Existing customer" means a customer who connects, reconnects, or establishes
4195 a new service on sewers tributary to the county's metropolitan sewerage service before
4196 January 1, 2003.

4197 J. "I/I" means inflow/infiltration, which is the total quantity of water from both
4198 inflow and infiltration without distinguishing the source.

4199 K. "Indirect potable use" means discharging reclaimed water to surface or
4200 groundwater and withdrawing water for treatment prior to use as a drinking water source
4201 from another location in the same watershed.

4202 L. "Infiltration" means the water entering a wastewater system, including sewer
4203 service connections, from the ground through such means as, but not limited to, defective
4204 pipes, pipe joints, connections or ((manhole)) maintenance hole walls.

4205 M. "Inflow" means the water discharged into a wastewater system, including
4206 service connections from such sources as, but not limited to, roof leaders, cellar, yard and
4207 area drains, foundation drains, cooling water discharges, drains from springs and swampy
4208 areas, ((manhole)) maintenance hole covers, cross-connections from storm sewers and
4209 combined sewers, catch basins, storm waters, surface runoff, street wash waters or
4210 drainage. "Inflow" does not include, and is distinguished from, infiltration.

4211 N. "Mgd" means million gallons per day, a measure of wastewater treatment
4212 capacity,

4213 O. "New customer" means a customer who connects, reconnects, or establishes a
4214 new service on sewers tributary to the county's metropolitan sewage system on or after
4215 January 1, 2003. This includes:

- 4216 1. New connections to the existing collection system, including:
- 4217 a. flows from new single family and multiple unit residential connections; and
- 4218 b. new commercial or industrial connections;
- 4219 2. Expansions in activity from existing connections, including:
- 4220 a. conversion of residential units (single or multiple) to include additional
4221 customers or equivalents, or both; and
- 4222 b. expansions in commercial or industrial activity;
- 4223 3. Septic to sewer conversions; and
- 4224 4. I/I flows from the new connections and newly constructed conveyance

4225 systems.

4226 P. "Nonpotable use" means using reclaimed water for nondrinking water
4227 applications that may include but are not limited to irrigation, industrial processing,
4228 agricultural uses and stream augmentation.

4229 Q. "Operational master plan" means a comprehensive plan for an agency setting
4230 forth how the organization will operate now and in the future. An operational master
4231 plan shall include the analysis of alternatives and their life cycle costs to accomplish
4232 defined goals and objectives, performance measures, projected workload, needed
4233 resources, implementation schedules and general cost estimates. The operational master
4234 plan shall also address how the organization would respond in the future to changed
4235 conditions.

4236 R. "Reclaimed water" means wastewater that is treated to a sufficiently high level
4237 that it can be safely used for intended purposes.

4238 S. "Residential customer equivalent" means the factor in cubic feet of water used
4239 to describe the discharge from a single-family residence. Commercial and industrial
4240 customers are converted to residential customer equivalents based on the volume of water
4241 consumption.

4242 T. "RWQC" means the regional water quality committee, which is a regional
4243 committee as defined by Section 270 of the King County Charter, with powers and duties
4244 to "develop, review and recommend ordinances and motions adopting, repealing, or
4245 amending countywide policies and plans relating to the subject matter area for which a
4246 regional committee has been established."

4247 U. "RWSP" means the regional wastewater services plan.

4248 V. "Sewer rate" means the amount in dollars, charged to a residential customer
4249 equivalent each month for use of the wastewater system.

4250 W. "Shall" and "will" in a policy mean that it is mandatory to carry out the
4251 policy. "Should" in a policy provides noncompulsory guidance and establishes some
4252 discretion in making decisions. "May" in a policy means that it is in the interest of the
4253 county or other named entity to carry out the policy but there is total discretion in making
4254 decisions.

4255 X. "Wastewater revenues" means revenues from the monthly sewer rate, capacity
4256 charge, grants and other revenues, such as interest income and charges for services,
4257 available for the wastewater system.

4258 Y. "Wastewater system" means all the county's water pollution abatement
4259 facilities, together with all lands, property rights, equipment and accessories necessary for
4260 those facilities, and any other infrastructure, and all operations and programs provided by
4261 the county under chapter 35.58 RCW, including but not limited to: 1. conveyance of
4262 influent from component agencies; 2. treatment of sewage; 3. disposal of treated effluent;
4263 4. production and recycling of biosolids; 5. regulation of I/I; 6. control of combined
4264 sewer overflows; and 7. production of reclaimed water.

4265 Z. "Water reuse" means using reclaimed water.

4266 SECTION 87. Ordinance 11033, Section 15, and K.C.C. 28.94.100 are each
4267 hereby amended to read as follows:

4268 A. The county will provide public restrooms at transit centers that meet the
4269 following criteria.

4270 1. The transit center has been designed and sited principally to facilitate

4271 transfers between different routes.

4272 2. The transit center is to be developed off-street on property that the county
4273 either owns or controls through a long-term lease.

4274 3. County service through the transit center makes significant use of "timed
4275 meet" schedules.

4276 4. The transit center has capacity for eight or more in-service coaches; layover
4277 bays or terminal space do not count toward meeting this capacity requirement.

4278 5. There is adequate space on the transit center platform to provide a restroom
4279 facility without compromising operating requirements.

4280 6. A daily platform population of ~~((2,000))~~ two thousand or more patrons is
4281 projected. This includes transfer activity as well as trips originating or terminating at the
4282 center.

4283 7. At least ~~((25))~~ twenty-five buses per peak hour pass through the transit center.

4284 8. Independent of any decision to provide a public restroom, the level of
4285 operational activity at the transit center justifies the on-site assignment of a service
4286 supervisor for all or a portion of the operating day.

4287 B. If these criteria are met, the public restroom will be a ~~((uni-sex))~~ gender-
4288 neutral facility that will be used both by county employees and by the general public. The
4289 restroom will only be available to the public for those hours when a department
4290 representative is scheduled to be on-site to manage the service. During those hours,
4291 public access to the facility will be controlled by this supervisor.

4292 C. If a local jurisdiction or adjacent property owners wish to expand hours of

4293 public access to the restroom beyond those available through the department's normal
4294 staff assignments, the local jurisdiction or property owner and the county may elect to
4295 enter into an agreement to share the additional operating costs for expanded restroom
4296 hours; provided, that such agreements shall be approved by the council as required by the
4297 King County Charter, ordinance and/or applicable state law.

4298 D. The department shall not provide public restrooms at any of the county's
4299 customer facilities that do not meet the criteria above, including the Downtown Seattle
4300 Tunnel.

4301 E. The county will not staff its customer facilities simply to maintain or expand
4302 hours of access to public restrooms.

4303 SECTION 88. Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010
4304 are each hereby amended to read as follows:

4305 A. The following actions are prohibited in, on or in relation to, all transit
4306 properties. For conduct not amounting to a violation of another applicable state or local
4307 law bearing a greater penalty or criminal sanction than is provided under this section, a
4308 person who commits one of the following acts in, on or in relation to transit property is
4309 guilty of a civil infraction to which chapter 7.80 RCW applies:

4310 1. Allowing any animal to occupy a seat on transit property, to run at large
4311 without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus
4312 traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

4313 2. Allowing (~~his or her~~) that person's own animal to leave waste on transit
4314 property;

4315 3. Rollerskating, rollerblading or skateboarding;

4316 4. Riding a bicycle, motorcycle or other vehicle except for the purpose of
4317 entering or leaving passenger facilities on roadways designed for that use. In tunnel
4318 facilities, bicycles must be walked at all times and may not be transported on escalators.
4319 However, nothing in this section shall be construed to apply to commissioned peace
4320 officers or county employees engaged in authorized activities in the course of their
4321 employment;

4322 5. Eating or drinking. However, eating and drinking nonalcoholic beverages are
4323 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior
4324 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a
4325 container designed to prevent spillage is permitted on transit property;

4326 6. Bringing onto a transit passenger vehicle any package or other object that
4327 blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole
4328 discretion, cause a danger to passengers or displace passengers or expected passengers;

4329 7. Operating, stopping, standing or parking a vehicle in any roadway or location
4330 restricted for use only by transit vehicles or otherwise restricted;

4331 8. Engaging in public communication activities or commercial activities except
4332 as authorized under K.C.C. 28.96.020 through 28.96.210;

4333 9. Riding transit vehicles or using benches, floors or other areas in tunnel and
4334 other passenger facilities for the purpose of sleeping rather than for their intended
4335 transportation-related purposes;

4336 10. Camping in or on transit property; storing personal property on benches,
4337 floors or other areas of transit property;

4338 11. Entering or crossing the transit tunnel roadway or transit vehicle roadways
4339 in and about other passenger facilities, except in marked crosswalks or at the direction of
4340 county or public safety personnel;

4341 12. Extending an object or a portion of one's body through the door or window
4342 of a transit vehicle while it is in motion;

4343 13. Hanging or swinging on bars or stanchions with feet off the floor inside a
4344 transit vehicle or other transit property; hanging onto or otherwise attaching oneself at
4345 any time to the exterior of a transit vehicle or other transit property;

4346 14. Engaging in any sport or recreational activities on transit property;

4347 15. Parking a vehicle in an approved parking area on transit property for more
4348 than seventy-two consecutive hours;

4349 16. Using a transit facility for residential or commercial parking or encouraging
4350 others to make such a use, except the commercial parking that is authorized under K.C.C.
4351 28.96.220;

4352 17. Performing any nonemergency repairs or cleaning of a vehicle parked on
4353 transit property;

4354 18. Conducting driver training on transit property; and

4355 19. For those individuals seventeen years of age and under, failing to present a
4356 valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
4357 required under county ordinance.

4358 B. The following actions are prohibited in, on or in relation to all transit
4359 properties. For conduct not amounting to a violation of another applicable state or local

4360 criminal law bearing a greater penalty than is provided under this chapter, a person who
4361 commits one of the following acts in, on or in relation to transit property is guilty of a
4362 misdemeanor:

4363 1.a. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette or using
4364 an electronic smoking devices, while on or in a transit vehicle or while in or at a bus
4365 shelter or transit property or properties.

4366 b. For the purposes of this subsection B.1.:

4367 (1) "electronic smoking device" means an electronic or battery-operated
4368 device that can be used to deliver nicotine or other substances to the person inhaling from
4369 the device. "Electronic smoking device" includes, but is not limited to, an electronic
4370 cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe or an electronic
4371 hookah; and

4372 (2) "bus shelter or transit property or properties" means a passenger facility,
4373 structure, stop, shelter, bus zone, property or right-of-way of any kind that is owned,
4374 leased, held or used by the department for the purpose of providing public transportation
4375 services;

4376 2. Discarding litter other than in designated receptacles;

4377 3. Playing a radio, tape recorder, audible game device or any other sound-
4378 producing equipment, except when the equipment is connected to earphones that limit the
4379 sound to the individual listener. However, the use of communication devices by county
4380 employees, county contractors or public safety officers in the line of duty is permitted, as
4381 is the use of private communication devices used to summon, notify or communicate with
4382 other individuals, such as pagers or portable telephones;

4383 4. Spitting, expectorating, urinating or defecating except in restroom facilities;

4384 5. Carrying flammable liquids, flammable or nonflammable explosives, acid or
4385 any other article or material of a type or in a manner that is likely to cause harm to others.
4386 However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be
4387 carried if in a form or manner that is not otherwise prohibited by law or ordinance;

4388 6. Intentionally obstructing or impeding the flow of transit vehicle or passenger
4389 movement, hindering or preventing access to transit property, causing unreasonable
4390 delays in boarding or deboarding, reclining or occupying more than one seat, or in any
4391 way interfering with the provision or use of transit services;

4392 7. Unreasonably disturbing others by engaging in loud, raucous, unruly,
4393 harmful, abusive or harassing behavior;

4394 8. Defacing, destroying or otherwise vandalizing transit property or any signs,
4395 notices or advertisements on transit property;

4396 9. Drinking an alcoholic beverage or possessing an open container of an
4397 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not
4398 prohibited in the tunnel facilities if authorized as part of a scheduled special event for
4399 which all required permits have been obtained and when the facilities are not in use for
4400 transit purposes;

4401 10. Entering nonpublic areas, including but not limited to tunnel staging areas
4402 and equipment rooms, except when authorized by the director or when instructed to do so
4403 by county or public safety personnel;

4404 11. Dumping any materials whatsoever on transit property, including but not

4405 limited to chemicals and automotive fluids;

4406 12. Throwing an object at transit property or at any person in transit property;

4407 13. For those individuals eighteen years of age and older, failing to present a
4408 valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
4409 required under county ordinance;

4410 14. Possessing an unissued transfer or tendering an unissued transfer as proof of
4411 fare payment;

4412 15. Falsely representing oneself as eligible for a special or reduced fare or
4413 obtaining any permit or pass related to the transit system by making a false
4414 representation;

4415 16. Falsely claiming to be a transit operator or other transit employee; or
4416 through words, actions or the use of clothes, insignia or equipment resembling
4417 department-issued uniforms and equipment, creating a false impression that the person is
4418 a transit operator or other transit employee;

4419 17. Bringing onto transit property odors which unreasonably disturb others or
4420 interfere with their use of the transit system, whether the odors arise from one's person,
4421 clothes, articles, accompanying animal or any other source;

4422 18. Engaging in gambling or any game of chance for the winning of money or
4423 anything of value;

4424 19. Discharging a laser-emitting device on a transit vehicle, directing such a
4425 device from a transit vehicle toward any other moving vehicle or directing such a device
4426 toward any transit operator or passenger; and

4427 20. Knowingly entering or remaining unlawfully on transit property.

4428 SECTION 89. Ordinance 11950, Section 15(part), and K.C.C. 28.96.060 are each
4429 hereby amended to read as follows:

4430 A. A letter of authorization will be issued on a first-come, first-served basis,
4431 subject to availability, and will be valid for a specific location, date, and time period.

4432 Actual use of a letter will be limited to the normal hours and days during which a
4433 specified location is open for public access. No more than two ~~((2))~~ letters will be
4434 issued for a given location, date and time period to individuals representing the same
4435 group or cause.

4436 B. A letter of authorization may be obtained in-person from the department
4437 during normal county business hours for same-day use or may be obtained up to seven
4438 ~~((7))~~ days in advance of the date of intended use. Mailed requests for letters of
4439 authorization must be received at least ten ~~((10))~~ days prior to the date of intended use
4440 to allow time for return receipt.

4441 C. Persons or groups who are issued letters of authorization shall, as a
4442 precondition to the issuance of the letter, agree to indemnify, defend and hold harmless
4443 the county and its officers, agents and employees from all suits, claims, actions and
4444 damages of whatsoever kind or nature arising out of or resulting from the persons' or
4445 groups' use of the premises, except to the extent caused by the negligence of the county
4446 and its officers, agents and employees. Such persons or groups shall further covenant and
4447 agree to specifically assume potential liability for actions brought by their own
4448 employees against the county and its officers, agents and employees and, for that purpose
4449 only, they shall specifically waive any immunity under the workers' compensation act,

4450 Title 51 RCW.

4451 D. A letter of authorization may be transferred to another person engaged in the
4452 same activity provided the receiving party complies with the conditions of the letter and
4453 retains it on ~~((his/her))~~ the receiving party's person during the activity.

4454 E. Persons issued a letter of authorization will be required to have it on their
4455 person or with their group when engaged in their activity. At the request of a county
4456 employee or a law enforcement officer, persons or groups engaged in public
4457 communication activities must produce a valid letter for the date, time period and
4458 location of the activities if they are utilizing a table, using sound amplification
4459 equipment, or where four ~~((4))~~ or more persons are engaged in the activity. Persons or
4460 groups without a valid Letter will be required to cease their activities until a valid letter is
4461 obtained or the activities are conducted without a table, sound amplification equipment or
4462 involving less than four ~~((4))~~ individuals.

4463 F. Letters of authorization may not be reproduced or altered in any manner.
4464 Reproduced or altered letters will be considered invalid and confiscated. The holder of
4465 the invalid letter will be required to cease their activity until a valid letter is obtained or
4466 the activity is conducted without a table, sound amplification equipment or involving less
4467 than four ~~((4))~~ individuals.

4468 G. A letter of authorization ~~((t))~~, with or without a table or sound amplification
4469 endorsement~~((s))~~, may be revoked immediately if:

4470 1. The person or group engaged in the public communication activity violates
4471 this chapter or any applicable federal, state or local law; or

4472 2. The activity has attracted a crowd of sufficient size so as to begin to

4473 adversely affect the safety, security or rights of others, the free flow of pedestrians, or the
4474 normal operational requirements of the facility.

4475 Once a letter has been revoked, an individual or group shall not continue their
4476 activity until another letter has been obtained. If the letter has been revoked, any table or
4477 sound amplification equipment involved in the terminated activity must be removed
4478 immediately, together with all related materials, by the individual~~((s))~~ or individuals
4479 involved. No table, equipment or other materials may be left behind unattended or stored
4480 on the premises.

4481 SECTION 90. Ordinance 11950, Section 18(part), and K.C.C. 28.96.430 are each
4482 hereby amended to read as follows:

4483 Violation of a rule or provision of this chapter or any federal, state or local law
4484 shall be cause for suspension of a person's privileges to enter upon transit property and
4485 use the transit system. Such a suspension may be ordered by department personnel
4486 authorized by the director or by the authorized personnel of a contracted service provider
4487 in accordance with the terms of the applicable service contract. Notice of such a
4488 suspension shall be in writing and shall inform the person suspended of the cause, the
4489 period of the suspension, and that failure to comply shall be grounds for criminal
4490 prosecution. Service of the suspension notice may be accomplished by personal delivery
4491 or by mailing a copy, addressed to the person's last known address, by certified U.S. mail.
4492 Unless otherwise specified on the notice, the suspension shall take effect immediately
4493 upon actual or constructive receipt of the notice by the person being excluded. A person
4494 may not defeat the effectiveness of a suspension by refusing to accept the notice. Receipt
4495 of the notice is construed to have been accomplished if the person knew or reasonably

4496 should have known from the circumstances that ((his/her)) the person's privileges to enter
4497 upon transit property and use the transit system have been suspended. Receipt of the
4498 notice is also construed to have been accomplished two ((2)) days after a suspension
4499 notice is placed in the U.S. mail. Failure to immediately comply with such a suspension
4500 order shall be grounds for prosecution for criminal trespass.

4501 A person whose use privileges have been suspended may submit a written request
4502 for a review of the suspension, which request must be received by the director within ten
4503 ((10)) calendar days after the effective date of the suspension. Upon receiving a timely
4504 request, the director shall designate a person to review the suspension. The suspended
4505 person may orally present ((his/her)) the suspended person's reasons why the suspension
4506 should not be served, by phone or in person at a time and location mutually agreed upon
4507 with the reviewer. Within ten ((10)) calendar days after the suspended person presents
4508 ((his/her)) the suspended person's reasons, the reviewer shall make a decision affirming,
4509 modifying or terminating the suspension. The reviewer's decision shall be final.

4510 SECTION 91. Ordinance 5846, Section 4, as amended, and K.C.C. 46.08.040 are
4511 each hereby amended to read as follows:

4512 A. A vehicle may be impounded with or without citation and without giving prior
4513 notice to its owner as required in K.C.C. 46.08.050 under any of the following
4514 circumstances:

- 4515 1. The vehicle is impeding or is likely to impede the normal flow of vehicular or
4516 pedestrian traffic;
- 4517 2. The vehicle is illegally parked in a conspicuously posted restricted zone
4518 where parking is limited to designated classes of vehicles or is prohibited during certain

4519 hours, on designated days or at any time when the vehicle is interfering or likely to
4520 interfere with the intended use of such a zone;

4521 3. The vehicle poses an immediate danger to the public safety;

4522 4. A police officer has information sufficient to form a reasonable belief that the
4523 vehicle is stolen;

4524 5. A police officer has information sufficient to form a reasonable belief that the
4525 vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment
4526 is reasonably necessary to obtain or preserve such evidence;

4527 6. Whenever a police officer finds an unattended vehicle at the scene of an
4528 accident or when the driver of a vehicle involved in an accident is physically or mentally
4529 incapable, or too intoxicated, to decide upon steps to be taken to protect ~~((his or her))~~ the
4530 driver's property;

4531 7. Whenever the driver of a vehicle is arrested and taken into custody by a
4532 police officer, and the driver, because of intoxication or otherwise, is mentally incapable
4533 of deciding upon steps to be taken to safeguard ~~((his or her))~~ the driver's property;

4534 8. Whenever a vehicle without a special license plate, card, or decal indicating
4535 that the vehicle is being used to transport a disabled person under RCW 46.16.381 is
4536 parked in a stall or space clearly and conspicuously marked under RCW 46.62.581 which
4537 space is provided on private property without charge or on public property;

4538 9. Whenever a mobile home is subject to removal from a mobile home park
4539 under a writ of restitution, provided such writ is attached to a department of public safety
4540 impound report; or

4541 10. Whenever a wrecked, dismantled or inoperative vehicle is left on the public

4542 right of way, or on publicly owned or controlled property.

4543 B. Nothing in this section shall be construed to authorize seizure of a vehicle
4544 without a warrant where a warrant would otherwise be required. Nothing in this section
4545 may derogate from the powers of police officers under the common law or other statute
4546 or ordinance.

4547 SECTION 92. Ordinance 10278, Section 9, as amended, and K.C.C. 46.08.080
4548 are each hereby amended to read as follows:

4549 Vehicles or watercraft impounded by the county shall be redeemed under the
4550 following circumstances:

4551 A. Only the registered owner, a person authorized in writing by the registered
4552 owner, or one who has purchased a vehicle or watercraft from the registered owner and
4553 who produces proof of ownership or written authorization and signs a receipt therefor,
4554 may redeem an impounded vehicle or watercraft.

4555 B. A person redeeming an impounded vehicle or watercraft must pay the towing
4556 contractor for the reasonable costs of towing and storage resulting from the impoundment
4557 before the vehicle or watercraft may be released from impound. The towing contractor
4558 shall accept cash, major bank credit cards, certified bank drafts, money orders and
4559 personal checks drawn on banks in payment for the costs that if a personal check is
4560 offered in payment for the costs, the person so offering the same may be required to show
4561 evidence of ~~((his or her))~~ the person's identity.

4562 C. A person who stops payment on a personal check or credit card, or does not
4563 make restitution within ten days from the date a check becomes insufficient due to lack of
4564 funds, or in any other manner defrauds the towing contractor in connection with services

4565 rendered in accordance with this section, shall be liable to the towing contractor for
4566 actual costs of towing and storage. In any action to enforce this subsection, the
4567 prevailing party shall be entitled to its court costs and reasonable attorneys' fees.

4568 D. A person seeking to redeem an impounded vehicle or watercraft has a right to
4569 a hearing under K.C.C. 46.08.100 before an administrative hearing officer to contest the
4570 validity of the impoundment or the amount of towing and storage costs. A request for a
4571 hearing shall be made in writing on a form provided for that purpose by the department of
4572 public safety and signed by the person, and must be received by the department of public
4573 safety within ten days, including Saturdays, Sundays and holidays of the later of the date
4574 the notice of right of redemption and opportunity for hearing was mailed to the person in
4575 accordance with K.C.C. 46.08.070.A, or the date the notice was given to the person by
4576 the towing contractor in accordance with K.C.C. 46.08.070.D. If the hearing request is
4577 not received by the department of public safety within the ten-day period, the right to a
4578 hearing is waived and the registered owner is liable for any towing, storage or other
4579 impoundment costs permitted under this chapter.

4580 E. If a hearing as provided for in K.C.C. 46.08.100 is requested, such hearing
4581 shall be held within two working days of the receipt of the written request for the hearing
4582 by the department of public safety.

4583 SECTION 93. Ordinance 10278, Section 12, as amended, and K.C.C. 46.08.130
4584 are each hereby amended to read as follows:

4585 The county executive((;)) or ((his)) designee((;)) may enter into contracts with
4586 towing contractors to provide towing and storage services on request of the King County
4587 department of public safety pursuant to this chapter. Such contracts shall be at no cost to

4588 the county and shall provide that the towing contractor may recover the costs of towing
4589 and storage only from the person seeking to redeem the impounded vehicle, or from the
4590 proceeds of sale of an unclaimed vehicle pursuant to K.C.C. 46.08.110, and that the
4591 county shall not be responsible for payment of such costs except upon order of the
4592 administration hearing officer pursuant to K.C.C. 46.08.100. The sheriff may specify that
4593 towing services obtained by the department of public safety will be on a rotational or
4594 other basis in specific geographic areas in the county. The sheriff may specify the rates
4595 towing contractors may charge persons seeking to redeem impounded vehicles for towing
4596 and storage services provided pursuant to this chapter.

4597 SECTION 94. Ordinance 9078, Section 3, and K.C.C. 46.10.030 are each hereby
4598 amended to read as follows:

4599 No person shall drive or permit a motor vehicle under ~~((his))~~ the person's care,
4600 custody or control to be driven past a traffic-control point more than two times in the
4601 same direction of travel within a two-hour period in or around a posted no cruising area
4602 so as to contribute to traffic congestion, obstruction of streets, sidewalks or parking lots,
4603 impediment of access to shopping centers or other buildings open to the public or
4604 interference with the use of property or conduct of business in the area adjacent thereto.
4605 The third passage of the same traffic-control point in the same direction of travel within
4606 the aforementioned two-hour period constitutes a violation of this chapter.

4607 SECTION 95. Ordinance 9078, Section 4, as amended, and K.C.C. 46.10.040 are
4608 each hereby amended to read as follows:

4609 The ~~((county))~~ sheriff ~~((of public safety))~~ or ~~((his))~~ designee shall determine when
4610 a no cruising area has become so congested by traffic as to present a danger of traffic

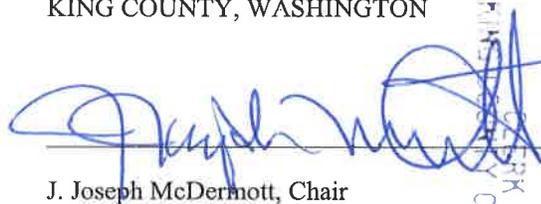
4611 congestion, obstruction of streets, sidewalks or parking lots, impediment of access to
4612 shopping centers or other buildings open to the public, interference with the use of
4613 property or conduct of business in the area adjacent thereto, or emergency vehicles not
4614 being able to respond in that area within a reasonable period of time. The ((county))

4615 sheriff or ((his)) designee shall then direct that no cruising signs shall be erected or
4616 installed and maintained until the congestion has lessened to an acceptable degree.
4617

Ordinance 18670 was introduced on 2/12/2018 and passed by the Metropolitan King County Council on 3/5/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

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KING COUNTY COUNCIL CLERK

ATTEST:


Melani Pedroza, Clerk of the Council



APPROVED this 8 day of MARCH, 2018.


Dow Constantine, County Executive

Attachments: None