King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Legislation Details (With Text)

File #:	2018-0122 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	2/12/2018	**In control:**	Committee of the Whole
On agenda:		**Final action:**	3/5/2018
Enactment date:	3/8/2018	**Enactment #:**	18670

Title: AN ORDINANCE clarifying Title 7, Title 10, Title 12, Title 15, Title 26, Title 28 and Title 46 of the King County Code, establishing a gender neutral code and making technical corrections; and amending Ordinance 6798, Section 42, and K.C.C. 7.12.420, Ordinance 6798, Section 55, as amended, and K.C.C. 7.12.550, Ordinance 14259, Section 2, and K.C.C. 7.16.020, Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020, Ordinance 7737, Section 3, as amended, and K.C.C. 10.24.030, Ordinance 1069, Section 1, as amended, and K.C.C. 12.08.010, Ordinance 1069, Section 3, and K.C.C. 12.08.030, Ordinance 13981, Section 7, as amended, and K.C.C. 12.16.010, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 7430, Section 3, as amended, and K.C.C. 12.18.030, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020, Ordinance 5280, Section 3(A), as amended, and K.C.C. 12.20.040, Ordinance 5280, Section 3(B), as amended, and K.C.C. 12.20.050, Ordinance 5280, Section 3(C), as amended, and K.C.C. 12.20.060, Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080, Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100, Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020, Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Resolution 28232, Section 2, as amended, and K.C.C. 12.44.020, Resolution 28232, Section 4, as amended, and K.C.C. 12.44.040, Resolution 28232, Section 8, and K.C.C. 12.44.110, Resolution 28232, Section 9, and K.C.C. 12.44.120, Resolution 28232, Section 10, as amended, and K.C.C. 12.44.130, Resolution 28232, Section 12, and K.C.C. 12.44.150, Resolution 28232, Section 13, and K.C.C. 12.44.160, Resolution 28232, Section 14, and K.C.C. 12.44.170, Resolution 28232, Section 19, and K.C.C. 12.44.220, Resolution 28232, Section 22, and K.C.C. 12.44.350, Resolution 28232, Section 27, and K.C.C. 12.44.410, Resolution 28232, Section 33, and K.C.C. 12.44.470, Resolution 28232, Section 34, and K.C.C. 12.44.480, Resolution 28232, Section 40, and K.C.C. 12.44.540, Resolution 28232, Section 42, as amended, and K.C.C. 12.44.550, Ordinance 4257, Section 2, as amended, and K.C.C. 12.46.020, Ordinance 4257, Section 6, as amended, and K.C.C. 12.46.050, Ordinance 4257, Section 8, as amended, and K.C.C. 12.46.080, Ordinance 4257, Section 10, and K.C.C. 12.46.100, Ordinance 4257, Section 14, and K.C.C. 12.46.140, Ordinance 4257, Section 15, and K.C.C. 12.46.150, Ordinance 4257, Section 16, and K.C.C. 12.46.160, Resolution 35592, Section 1, and K.C.C. 12.48.010, Resolution 35592, Section 2, and K.C.C. 12.48.020, Resolution 35592, Section 3, and K.C.C. 12.48.030, Ordinance 7884, Section 3, as amended, and K.C.C. 12.50.030, Ordinance 2041, Section 6, and K.C.C. 12.54.060, Ordinance 2041, Section 8, and K.C.C. 12.54.080, Ordinance 1248, Section 1, as amended, and K.C.C. 12.63.010, Resolution 35042, Section 1, and K.C.C. 12.64.010, Resolution 35042, Section 2, and K.C.C. 12.64.020, Resolution 35042, Section 3, and K.C.C. 12.64.030, Ordinance 4691, Section 1, and K.C.C. 12.68.030, Ordinance 1937, Section 1, and K.C.C. 12.68.630, Resolution 1439, Section 1, and K.C.C. 12.78.010, Resolution 14349, Section 4, and K.C.C. 12.78.040, Resolution 13839, Section 1, and K.C.C. 12.80.010, Resolution 13839, Section 2, and K.C.C. 12.80.020, Ordinance 4785, Section 1(a), and K.C.C. 12.81.010, Ordinance 4785, Section 1(b), and K.C.C. 12.81.020, Ordinance 4785, Section 1(c), and K.C.C. 12.81.030, Resolution 35704, Section 3, and K.C.C. 12.84.010, Resolution 35704, Section 3, and K.C.C. 12.84.030, Resolution 17335, Section 1, and K.C.C. 12.130.010, Resolution 17335, Section 2, and K.C.C. 12.130.020, Resolution 17335, Section 3, and K.C.C. 12.130.030, Ordinance 8890, Section 2, and K.C.C. 12.150.020, Ordinance 1159, Article II, Section 13, and K.C.C. 15.08.130, Ordinance 1159, Article III, Section 12, as amended, and K.C.C. 15.12.120, Ordinance 1159, Article IV, Section 7, as amended, and K.C.C. 15.16.070, Ordinance 1159, Article XIII, Section 4, and K.C.C. 15.52.040, Ordinance 1159, Article XXI, Section 1,

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Sponsors: Claudia Balducci, Jeanne Kohl-Welles, Kathy Lambert

Indexes: King County Code

Code sections: 10 - ., 10.04.020 -, 10.24.030 -, 12 -, 12.08.010 - ., 12.08.030 - ., 12.130.010 - ., 12.130.020 - ., 12.130.030 - ., 12.150.020 - ., 12.16.010 - ., 12.17.060 -, 12.18.030 -, 12.18.070 -, 12.20.020 -, 12.20.040 -, 12.20.050 -, 12.20.060 -, 12.20.080 -, 12.20.100 -, 12.20.130 -, 12.22.020 -, 12.22.030 -, 12.22.070 -, 12.44.020 - ., 12.44.040 - ., 12.44.110 - ., 12.44.120 - ., 12.44.130 - ., 12.44.150 - ., 12.44.160 - ., 12.44.170 - ., 12.44.220 - ., 12.44.350 - ., 12.44.410 - ., 12.44.470 - ., 12.44.480 - ., 12.44.540 - ., 12.44.550 - ., 12.46.020 - ., 12.46.050 -, 12.46.080 - *, 12.46.100 - ., 12.46.140 - ., 12.46.160 - ., 12.48.010 - ., 12.48.020 - ., 12.48.030 - ., 12.50.030 - ., 12.54.060 - ., 12.63.010 - ., 12.64.010 - ., 12.64.020 - ., 12.64.030 - ., 12.68.030 - ., 12.68.630 - ., 12.78.010 - ., 12.78.040 - ., 12.80.010 - ., 12.80.020 - ., 12.81.010 - ., 12.81.030 - ., 12.84.010 - ., 12.84.030 - ., 15 -, 15.08.130 - ., 15.12.120 -, 15.16.070 -, 15.52.040 - ., 15.80.010 - ., 15.90.030 - ., 15.90.080 -, 15.90.130 - ., 26 - ., 26.04.050 - ., 28 -, 28.82.270 - ., 28.82.390 - ., 28.82.600 - ., 28.82.960 - ., 28.84.050 -, 28.84.060 - ., 28.86.010 -, 28.94.100 - ., 28.96.010 - ., 28.96.060 - ., 28.96.430 - ., 46 -, 46.08.040 -, 46.08.080 - ., 46.08.130 - ., 46.10.030 - ., 46.10.040 - ., 7 -, 7.12.420 - ., 7.12.550 - ., 7.16.020 - .

Attachments: 1. Ordinance 19670.pdf, 2. 2018-0122_SR_GNC.docx, 3. 2018-0122_ATT2_SummaryMatrixofChanges.docx

Date	Ver.	Action By	Action	Result
3/5/2018	1	Metropolitan King County Council	Hearing Held	
3/5/2018	1	Metropolitan King County Council	Passed	Pass
2/21/2018	1	Committee of the Whole	Deferred	
2/12/2018	1	Metropolitan King County Council	Introduced and Referred	

Clerk 02/06/2018

AN ORDINANCE clarifying Title 7, Title 10, Title 12, Title 15, Title 26, Title 28 and Title 46 of the King County Code, establishing a gender neutral code and making technical corrections; and amending Ordinance 6798, Section 42, and K.C.C. 7.12.420, Ordinance 6798, Section 55, as amended, and K.C.C. 7.12.550, Ordinance 14259, Section 2, and K.C.C. 7.16.020, Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020, Ordinance 7737, Section 3, as amended, and

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

No person shall allow ((~~his or her~~)) that person's own dog or other pet or domestic animal to bite or in

any way molest or annoy park visitors. No person shall permit ((~~his or her~~)) that person's own dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquility of the park.

SECTION 2. Ordinance 6798, Section 55, as amended, and K.C.C. 7.12.550 are each hereby amended to read as follows:

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

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

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

It is the policy of King County to accept the voluntary grant of trail easements for preservation or replacement of rural community equestrian trails that meet the specifications for such trails set out in K.C.C. chapter 21A.14. Such grants may be accepted in conjunction with a development proposal or as a separate transaction when offered by the property owner. The offerings of such grants shall be strictly voluntary. No county employee shall ever state or suggest to an applicant or ((~~his or her~~)) the applicant's representative that the development proposal is or may be contingent on the voluntary offering of the grant.

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

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

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

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

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

D. "Biomedical waste" means and is limited to the following types of waste defined as "biomedical waste" in RCW 70.95K.010, as now or as hereafter amended: animal waste, biosafety level 4 disease waste, cultures and stocks, human blood and blood products, pathological waste, sharps waste and any other waste determined to be infectious by the generator's infection control staff or committee.

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

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

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

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

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

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

K. "Clean wood" means stumps and branches over four inches in diameter and construction lumber free of paint, preservatives, metals, concrete and other nonwood additives or attachments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. "Drop box facility" means a facility used for the placement of a detachable solid waste container, such as a drop box, including the area adjacent for necessary entrance and exit roads, unloading and turnaround

areas. A drop box facility normally serves self-haulers with loose loads and receives waste from off-site. A drop box facility may also include containers for separated recyclable materials.

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

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

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

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

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

1. Organics that have been source separated for the purpose of recycling,
2. Sewage; and
3. Sewage sludge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. "Moderate risk waste" means solid waste that is limited to conditionally exempt small quantity

generator (CESQG) waste and household hazardous waste (HHW) as defined in chapter 173-350 WAC.

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

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

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

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

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

LLL. "Noncommercial user" means any person who uses King County solid waste facilities but is not engaged in the business of solid waste handling.

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

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

OOO. "Operating hours" means those times during which solid waste facilities are normally open and

available for the delivery of solid waste.

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

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

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

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

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

UUU. "Primary recyclable materials" means recyclable materials that are commonly collected and are included under the minimum service levels for recycling collection programs. These include paper, cardboard, glass, tin and aluminum beverage containers, high density polyethylene (HDPE) and polyethylene terephthalate (PET) bottles and yard waste less than four inches in diameter, four feet long, or both.

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

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

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

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

process.

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

AAAA. "Recyclable materials" means those solid wastes that are separated for reuse, recycling or composting, including, but not limited to, papers, cardboard, metals, glass, plastic bottles and containers, plastic bags, yard waste, food waste, wood waste, chemicals, oil, textiles, white goods and other materials that are identified as recyclable material under the King County comprehensive solid waste management plan.

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

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

DDDD. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include collection, compacting, repackaging, and/or sorting for the purpose of transport. "Recycling" does not include combustion of solid waste or preparation of a fuel from solid waste.

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

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

GGGG. "Regulated refrigerant" means a class I or class II substance as listed in Title VI of the Federal

Clean Air Act Amendments of 1990.

HHHH. "Residual C&D waste" means the nonrecyclable waste remaining after recycling processes have removed recyclable waste.

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

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

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

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

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

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

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

PPPP. "Shall" and "will" in a policy mean that it is mandatory to carry out the policy. "Should" in a policy provides noncompulsory guidance and establishes some discretion in making decisions. "May" in a policy means that it is in the interest of the county or other named entity to carry out the policy but there is a total discretion in making decisions.

QQQQ. "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes,

except wastes identified in WAC 173-350-020, including, but not limited to, garbage, rubbish, ashes, industrial wastes, commercial waste, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, discarded commodities and recyclable materials.

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

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

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

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

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

WWWW. "Source separation" means the separation of recyclable materials from other solid waste at

the place where the waste originates.

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

YYYY. "Suspect waste" means any waste the division director suspects may be unauthorized waste.

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

AAAAA. "Transfer facility" means a permanent fixed, supplemental collection and transportation facility used by either persons or route collection vehicles, or both to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. "Transfer facility" may also include recycling operations.

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

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

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

EEEEE. "Unincorporated service area" means the geographical area of unincorporated King County designated to receive the solid waste, recyclable material and organics collection services defined in this

chapter. The unincorporated service area does not include:

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

FFFFF. "Unsecured load" means a load of solid waste that has not been securely fastened, covered, or both to prevent the covering or any part of the load from becoming loose, detached or leaving the vehicle while the vehicle is moving.

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

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

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

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

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

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

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

NNNNN. "Wood waste" means solid waste consisting of wood pieces or particles generated as a byproduct resulting from the handling and processing of wood, including, but not limited to, hog fuel, sawdust,

shavings, chips, bark, small pieces of wood, stumps, limbs and any other material composed largely of wood that has no significant commercial value, but does not include slash developed from logging operations unless disposed of on a different site, and does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol or copper-chrome-arsenate.

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

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

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

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

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

The plan shall include the following:

A. Goals for solid waste management in King County, including a goal to achieve maximum feasible reduction of solid waste going to landfills and other processing facilities, conservation of energy and natural resources, and environmental protection. The plan shall include measurable objectives for achieving this goal, including but not limited to the following:

1. Annual tonnage projections;
2. Five-, ten- and twenty-year plans for waste reduction through recycling and waste reduction

incentives, packaging changes, source separation and waste processing alternatives, and other methods deemed effective by the division; and

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

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

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

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

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

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

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

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

E. A program for surveillance and control;

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

1. Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the franchise holder's name ((~~of the holder of the franchise and~~)), the

business address ((~~of his~~)) for the franchise ((~~place of business~~)), the area covered by ((~~his operation~~)) the franchise and the rates charged in comparison to disposal costs;

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

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

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

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

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

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

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

SECTION 6. Ordinance 1069, Section 1, as amended, and K.C.C. 12.08.010 are each hereby amended to read as follows:

It is unlawful for anyone:

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

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

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

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

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

SECTION 8. Ordinance 13981, Section 7, as amended, and K.C.C. 12.16.010 are each hereby amended to read as follows:

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

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

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

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

D. "Disability" means the presence of a sensory, mental or physical impairment that is medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or

unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

E. "Disability access laws" means all laws requiring that county services, programs and activities be accessible by people with disabilities including Title II of the Americans with Disabilities Act, Title II of the Telecommunications Act of 1934, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

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

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

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

I. "Equal employment opportunity" means the availability of employment and advancement of all people based on merit, capability, and potential, and without regard to an individual's sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification. "Equal employment opportunity" includes the following components: recruitment, application processing, hiring, job placement, compensation, promotion, transfer, termination and work assignment.

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

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

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

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

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

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

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

M. "Permanent workforce" means those persons employed by a bidder, proposer or contractor for at least six continuous months immediately prior to the bid or proposal opening or the award of a contract by the county, and who are currently employed by the bidder, proposer or contractor.

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

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

P. "Underrepresentation" means presence in a contractor's work force of minorities, women((~~,~~)) and

persons with disabilities, in a particular job category in proportionate numbers less than their representation in the county's labor market area.

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

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

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

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

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party; and
6. To self-represent ((~~himself or herself~~)) or to be represented by anyone of the party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing

examiner finds that a violation has occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant any relief that the office of civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

SECTION 10. Ordinance 7430, Section 3, as amended, and K.C.C. 12.18.030 are each hereby amended to read as follows:

It is an unfair employment practice and unlawful for any:

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

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

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

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

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

1. Opposed any practice forbidden by this chapter;
2. Compiled or proposed to comply with this chapter or any order issued under this chapter; or
3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing

initiated under this chapter;

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

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

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

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

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

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

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

office of civil rights.

C. Each party may, among exercising other rights:

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

2. Introduce documentary and physical evidence;

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

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

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

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

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

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

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

A. "Aggrieved person" includes a person who:

1. Claims to have been injured by an unfair housing practice; or

2. Believes that ((~~he or she~~)) the person will be injured by an unfair housing practice that is about to occur.

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

C.1. "Disability" means:

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

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

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

D. "Discriminate" means any action or failure to act, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because or race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability, or use of a service or assistive animal by an individual with a disability.

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

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

G. "Marital status" means the presence or absence of a marital relationship and includes the status of

married, separated, divorced, engaged, widowed, single or cohabiting.

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

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

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

2. The protections afforded against discrimination on the basis of familial status apply to a person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

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

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

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

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

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

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

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

b. secured by real property; or

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

N. "Real property" includes, but is not limited to, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

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

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

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

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

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

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

A. It is a discriminatory practice and unlawful for any person, whether acting ((~~for himself or herself~~)) on the person's own behalf or another, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a

service or assistive animal by an individual with a disability:

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

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

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

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

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

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

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

8. To offer, solicit, accept, use or retain a listing of real property with the understanding that a person

might be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with the transaction;

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

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

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

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

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

1. That buyer or renter;

2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

3. Any person associated with that buyer or renter.

D. It is a discriminatory practice and unlawful for any person, whether acting ((~~for himself or herself~~))

on the person's own behalf or another, to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability of any one or more of:

1. That person;

2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

3. Any person associated with that person.

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

1. Refusal to permit, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications might be necessary to afford the person full enjoyment of the premises. However, for a rental, the landlord may, if it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

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

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

1. Opposed any practice forbidden by this chapter;

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

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

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

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

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

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

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

B. Showing or otherwise taking any action, the intention or effect of which is to steer a person or

persons to any section of the county or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, sexual orientation, parental status, participation in Section 8 program, disability or use of a service or assistive animal by a an individual with a disability.

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

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

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

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

submit.

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

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

F. The office of civil rights shall seek the voluntary cooperation of all persons to: obtain access to premises, records, documents, individuals and other possible sources of information; examine, record and copy necessary materials; and take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of civil rights may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence, for inspection and other purposes; physical and mental examinations; and requests for admissions. The office of civil rights may sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed and access to evidence for the purpose of examination and copying as are necessary for the investigation. The

office of civil rights shall consult with the prosecuting attorney before issuing any subpoena under this section.

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

1. Be accompanied by a copy of the subpoena and proof of service;

2. Set forth in what specific manner the subpoena has not been complied with; and

3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the unfair housing practice.

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

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

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

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

A.1. Any charging party, respondent or aggrieved person on whose behalf the finding was made, after

an order of the office of civil rights is made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of civil rights shall provide the charging party, respondent and aggrieved person on whose behalf the finding was made with information regarding how to make the election. This election must be made not later than thirty days after the receipt by the electing person of service of the order. The person making the election shall give notice of the election stating which forum is elected to the office of civil rights and to all other charging parties and respondents to whom the complaint relates. The notice of election should identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons by the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

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

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

C. A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The office of civil rights shall maintain the action and the order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the

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

D. Each party may, among exercising other rights:

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

2. Introduce documentary and physical evidence;

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

4. Impeach any witness regardless of which party first called ((~~him or her~~)) the witness to testify;

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

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

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

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

A. Nothing in this chapter:

1. Prohibits treating any person or persons meeting the definition of parental status or any individual with a disability or individuals with disabilities more favorably than others if the favorable treatment does not discriminate against persons on the basis of race, color, religion, national origin, ancestry, age, gender, marital

status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability;

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

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

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

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

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

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

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

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

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

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

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

8. May be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age,

gender, marital status, parental status, sexual orientation, participation in the Section 8 program, disability or use of a service or assistive animal by an individual with a disability; or

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

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

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

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

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

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

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

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

C.1. "Disability" means:

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

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

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

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

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

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

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

H. "Party" includes a person making a complaint or upon whose behalf a complaint is made alleging an unfair public accommodations practice, a person alleged or found to have committed an unfair public accommodations practice and the office of civil rights.

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

J. "Place of public accommodation" means any place, store or other establishment, either licensed or

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

K. "Respondent" means a person who is alleged or found to have discriminated in a place of public accommodation.

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

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

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

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

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

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

A. It is a discriminatory practice for any person, whether acting ((~~for himself or herself~~)) on the person's own behalf or another, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, sexual orientation, disability or use of a service or assistive animal by an individual with a disability:

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

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

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

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

1. Opposed any practice forbidden by this chapter;

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

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

C. Nothing in this section:

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

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

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

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

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

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons why the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

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

B. Any order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.

C. If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing.

The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may, among exercising other rights:

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

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

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

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

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

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

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

D. "Boat dealer" means any person engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vessels. The term "boat dealer" shall not include:

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

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

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

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

F. "County" means the county of King.

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

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

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

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

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

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

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

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

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

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

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

Q. "Skin diving" means either or both any free-swimming person ((~~and/~~))or any person who uses an artificial or mechanical means to replace ((~~his~~)) the person's air, including self-contained underwater breathing

apparatus, snorkel tube equipment and free diving gear, but shall not mean swimmers using patrolled public beaches designated as swimming areas.

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

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

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

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

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

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

X. "Watercraft" means every description of watercraft twelve feet or greater but less than one hundred ten feet in length or equipped with motor propulsion machinery of more than five horsepower, other than a seaplane, used or capable of being used as a means of transportation on water, or required to be registered by the Boat Safety Act of 1971. ((~~PROVIDED, that~~)) However, this definition does not include vessels under four feet in beam which have no propulsion machinery of any type. ((~~PROVIDED FURTHER, that~~)) Also, this definition shall not include vessels used exclusively for commercial purposes. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

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

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

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

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

When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the sheriff may order the same immediately removed and if the owner, or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the sheriff may take immediate possession thereof and remove the same, using such methods as in ((~~his~~)) the sheriff's judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, and the expense incurred by the sheriff in such removal shall be paid by such vessel or watercraft or obstruction, or the owner or other person in charge thereof; and in case of failure to pay the same, the county may maintain an action for the recovery thereof.

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

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

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

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

B. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

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

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

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

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

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

follows:

The ((~~master~~)) captain, owner or operator of any watercraft shall file a written report within forty-eight hours with the sheriff's department or Washington State Patrol of any accident involving death or personal injury requiring medical treatment or property damage in excess of two hundred dollars in which such watercraft shall have been involved on waters of King County.

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

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

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

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

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

B. ((~~i~~))In any other area unless the diver shall be accompanied by a watercraft or the area in which ((~~he~~

)) the diver is diving shall be marked by an adequately displayed diver's flag.

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

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

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

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

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

No owner, ((~~master~~)) captain or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee((~~,~~)) or other person in charge of or employed in or about any pier, or other structure, and no person along or upon the shore of the waters of King County, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of King County. Any person causing oil to be upon the waters of King County as aforesaid shall remove the same and upon ((~~his~~)) the person's failure so to do, the same may be removed by the sheriff and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. "Obstruction" means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the

"Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

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

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

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

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

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

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

Any owner or ((~~master~~)) captain who desires to anchor or moor ((~~his~~)) the owner's or captain's vessel, watercraft or obstruction and who is not temporarily at anchor or moored in compliance with K.C.C. 12.46.060, shall apply for and obtain from the director a conditional permit prior to anchoring or mooring such craft.

Issuance of such permit shall be subject to compliance with the following conditions, as determined by the director:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. The director is authorized to impose on the applicant reasonable fees designed to reimburse the county for processing of the application and administration of the permit system, including any notice or publication required under this chapter. Fees shall be set by a schedule promulgated by the director through appropriate rules and regulations. Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime Schooling Vessels((~~,~~)) or scientific research, ((~~such~~)) the fees may be reduced or waived for a

period ((~~of time~~)) not to exceed six months.

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

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

A. Failure of the holder to comply with any requirement of this chapter or rule or regulation adopted thereunder, or with any term or condition of the permit, or with any written notice from the director ordering corrective measures;

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

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

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

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

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

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

B. If such craft is unoccupied, the inspector shall first make a reasonable effort to locate the owner, ((

~~master~~)) captain or other persons having charge or control of the craft and demand entry. If the inspector is unable to locate the owner, ((~~master~~)) captain or such other persons, and ((~~he~~)) the inspector has reason to believe that conditions therein create an immediate and irreparable safety or health hazard, ((~~he~~)) the inspector shall make entry;

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

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

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

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

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

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

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

B. ((~~REMOVAL.~~)) The director may either remove any vessel, watercraft or obstruction using such methods as in ((~~his~~)) the director's judgment will prevent unnecessary damage to such vessel, watercraft or obstruction ((~~and/~~)) or assign the removal and impounding of such vessel, watercraft or obstruction to a private corporation.

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

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

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

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

When taking possession of a vessel, watercraft or obstruction as authorized by ((~~Section~~)) K.C.C. 12.46.150, the director may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND - KEEP OFF" and notifying the owner, ((~~master~~)) captain or person in charge of the impounding. The director may in ((~~his~~)) the director's

discretion appoint as custodian the owner or ((~~master~~)) captain, or the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

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

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

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

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

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

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

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

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

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

It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless ((~~such~~)) the

person is personally known to the seller or shall present clear evidence of ((~~his~~)) the person's identity, nor without completing a true record in triplicate of every pistol sold or disposed of. ((~~Such~~)) The record shall be personally signed by the purchaser and by the person affecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that ((~~he~~)) the purchaser is not a fugitive from justice and that ((~~he~~)) the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report ((~~his~~)) the sheriff's findings to the merchant or secondhand dealer.

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

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

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

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

((~~A. Exemptions. The provisions of~~)) B. ((~~t~~))This section shall ((~~not~~)) neither apply to the King County correctional facility((~~,~~)) nor to the Cedar Hills Alcoholism Treatment Center, until a plan for implementation has been developed for those facilities by a committee designated by the county executive. ((~~The implementation plans shall be completed by July 1, 1987. Implementation shall occur by January 4, 1988.~~))

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

((~~C. Other exceptions.~~

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

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

D. ((~~Further Exceptions.~~)) 1. Should members of a collective bargaining unit determine that the

smoking policy creates a situation with impacts peculiar to their particular bargaining unit, and impacts can be strictly limited to only members of their bargaining unit, an exception request may be submitted to the county's personnel manager, who will bargain in good faith with the collective bargaining representative regarding application of the county smoking policy. Provided that no exceptions will be authorized that result in exposing employees to unwelcome tobacco smoke in common or enclosed work areas.

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

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

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

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

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

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

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

follows:

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

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

It is unlawful for anyone:

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

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

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

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

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

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

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

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

2. ((~~t~~))The actor repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any

other bodily gesture; ((~~or~~))

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

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

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

It is unlawful for any person to loiter or prowl in a place, at a time, or in a manner, and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity. Circumstances which may be considered in determining whether such unlawful purpose in manifested or such alarm is warranted include, but are not limited to, the following: flight by the ((~~actor~~)) person upon appearance of a law enforcement officer((~~,~~)); refusal ((~~to identify himself,~~)) by the person to respond to law enforcement's request for identification; or the person manifestly endeavoring to ((~~conceal~~)) hide ((~~himself~~)) the person's self or to conceal any object.

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

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

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

No person shall be convicted of violating this chapter if it appears at trial that the explanation given by

((~~him~~)) the person of ((~~his~~)) the person's presence and conduct was true and, if believed by the arresting officer at the time, would have dispelled the alarm or suspicion of unlawful purpose. Any violation of this chapter constitutes a misdemeanor.

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

In all areas of King County not designated by ordinance as "no shooting" areas, except when a person is on ((~~his~~)) the person's own property or has written permission from the owner, and the discharge of such weapons and the trajectory of any projectile is restricted to said property, it is unlawful to discharge a firearm within five hundred feet of any building capable of being occupied by people or domestic animals or used for storage of flammable or combustible materials or trails used for hiking, biking, or horseback riding, and designated as such in the county comprehensive plan; provided, that the above-referenced distance shall not be less than two hundred fifty feet when the firearm being discharged is a shotgun.

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

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

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

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

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

follows:

Any person required by ((~~the provisions of Section~~)) K.C.C. 12.78.030 ((~~hereof~~)) to secure the written consent or permission therein required, shall keep the writing evidencing the consent or permission in ((~~his~~)) the person's possession for a period of one year. ((~~His f~~))Failure or refusal within that time to permit any peace officer, upon demand to inspect said writing shall be prima facie evidence of ((~~his~~)) the person's violation of the provisions of ((~~said Section~~)) K.C.C. 12.78.030.

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

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

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

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

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

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

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

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

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

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

No person shall maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of any device, contrivance, instrument or paraphernalia for the smoking, ingestion,

injection, or consumption of marijuana, hashish, PCP, or any controlled substance, as defined in ((~~C~~))chapter 69.50 RCW (the Uniform Controlled Substances Act), other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed or commonly used for smoking the foregoing, under circumstances evincing ((~~his or her~~)) the person's intent that any such item or items so sold or displayed be used or employed by another in the commission of criminal violation of ((~~C~~))chapter 69.50 RCW, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. At each entrance to such a room or enclosure shall be a sign posted in reasonably visible and legible words to the effect that minors unless accompanied by a parent or legal guardian are excluded.

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

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

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

1. Predominantly appeals to the prurient, shameful or morbid interest of minors; ((~~and~~))

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

3. Is utterly without redeeming social importance for minors.

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

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

D. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact

with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

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

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

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

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

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

1. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

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

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

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

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

3. Admits a minor for a monetary consideration to premises whereon there is exhibited or to be

exhibited such motion picture, show or other presentation.

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

Anyone convicted of a felony, or of any crime constituting a felony under the laws of this state, who shall be within the limits of King County or in transit, temporarily or otherwise, must within forty-eight hours after arrival therein, report to and furnish the sheriff with a written statement signed by ((~~him~~)) the felon, containing ((~~his~~)) the felon's true name and each other name or alias by which ((~~he~~)) the felon is or has been known, a full and complete personal description, the name of each crime above enumerated of which ((~~he~~)) the felon has been convicted, the place where committed, the name under which ((~~he~~)) the felon was convicted, the date of each such conviction, and the name and location of each prison, reformatory or other penal institution, if any, in which ((~~he~~)) the felon was confined as punishment therefor, the location or address of each of ((~~his~~)) the felon's actual or intended residence, stopping place or living quarters in the county of King, together with a description of each such place, whether hotel, apartment house, dwelling house or otherwise, giving the street number thereof, if any, or such description of the location as will identify the same, and the length of time ((~~which he~~)) the felon expects or intends to reside within the county. At the time of furnishing such a statement ((~~said~~)), the person shall be photographed and fingerprinted by the sheriff.

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

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

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

All reports, records, photographs and fingerprints taken pursuant to this chapter shall be private records

of the sheriff, open to the inspection only by deputies or police officers or persons having official duties to perform in connection therewith((~~; and~~)). ((~~i~~))It shall be unlawful for anyone having access to such records to disclose to anyone else, other than in the regular discharge of ((~~his~~)) the person's duties, any information contained therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~F.~~)) D. "Council clerk" means the clerk of the King County council or a person authorized to act on ((~~his or her~~)) the council clerk's behalf; and in the event of reorganization of the office of council clerk, the successor official performing such duties or a person authorized to act on ((~~his or her~~)) the successor's behalf.

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

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

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

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

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

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

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

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

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

the place of business.

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

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

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

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

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

C. Members shall serve three-year terms, except that the initial term of three members shall be two years and of four members shall be three years. Members may be removed by the executive only for good cause shown. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the selection committee shall be terminated when the proceeds of the bonds have been spent and in any event no

later than eight years after the bond election.

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

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

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

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

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

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

~~PROVIDED THAT:~~)); and

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

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

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

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

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

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

Inflow shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, cooling water discharges, foundation drains, cooling water discharges, drains from springs and swampy areas, ((~~manhole~~)) maintenance hole covers, cross connections from storm sewers and combined sewers, catch basins, storm water, surface runoff, street wash waters((~~,~~)) or drainage. Inflow does not include, and is distinguished((~~,~~)) from, infiltration.

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

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

SECTION 83. Ordinance 11034, Section 3(part), and K.C.C. 28.82.960 are each hereby amended to

read as follows:

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

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

A. The director shall administer and implement the following rules and regulations for the disposal of sewage into the metropolitan sewerage system. The rules and regulations in this section shall be applicable to water pollution abatement activities, including the disposal of sewage into the metropolitan sewer system, whether delivered from within or from without the county.

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

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

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

county of such additional, specified information and data as may be reasonably required for the consideration of the application;

2. Requests by a local public agency, person or state or federal agency for approval of a local public sewer facility connection to an existing interceptor or trunk shall be considered by the department only if the director has received a written certification as described in this section, but a connection involving service by a local public sewer facility that is located wholly within the boundaries of a city and has a potential service area contained wholly within those boundaries shall require only the written certification of that city;

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

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

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

c. Any questions concerning the applicability or scope of certification requirements shall be referred to the director for final resolution. Nothing contained in K.C.C. 28.84.050.C. precludes the department from

providing staff assistance to a local public agency, city, county or state or federal agency concerning waterborne pollutant removal, water quality improvements or sewage disposal alternatives; and

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

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

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

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

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

a. The director shall review design and construction standards and standard specifications submitted

by a local public agency and, within thirty days following receipt thereof, shall either approve them in writing or return one set of each disapproved document with written reasons for disapproval;

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

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

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

F. Detailed construction plans and specifications for proposed local public sewers shall be subject to review and approval by the director only when the director deems such review to be necessary. Each local public agency shall notify the director in writing of its intention to prepare the construction plans and specifications delineating the boundaries of the areas to be sewered by map or sketch, and the estimated date for bid advertisement. Within ten days following receipt of the notice, if determined necessary, the director shall make written request for the submission of construction plans and specifications. If required to do so, the local public agency shall submit two sets of plans and specifications and shall obtain approval of the plans and specifications before advertising for bids. Within fifteen days following receipt of such plans and specifications, the director shall review the plans and specifications and return one set thereof to the local public agency with approval, or with required changes indicated. If the plans and specifications are disapproved, the required changes shall be made by the local public agency, and all required revisions of plans and specifications resubmitted in the same manner as provided for the initial submittal. If no communication is received from the director by the local public agency within fifteen days of the date of receipt by the director of

the plans and specifications, it shall be deemed that the director has approved the plans and specifications.

G. The following provisions shall govern sewerage standards:

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

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

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

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

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

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

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

2. A leakage test shall be made of every section of local public sewer after completion of backfill by

an internal hydrostatic pressure or air test method; provided, that if the ground water table is so high as to preclude a proper exfiltration test, an infiltration test may be used. Other methods of testing must be specifically authorized by the director.

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

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

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

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

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

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

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

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

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

3. Each local public sewer connection to a department special ((~~manhole~~)) maintenance hole or chamber shall be hydraulically designed so as not to interfere with the measuring and sampling of flow;

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

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

as follows:

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

b. For special chambers and pipe sizes larger than twenty-one inches in diameter, the department shall pay as per agreement for each specific case. Upon its completion, each such ((~~manhole~~)) maintenance hole or chamber shall be owned, operated and maintained by the local public agency, ((~~provided~~)) except that the department may use the chamber for measuring and sampling flows at reasonable times with the concurrence of the local public agency.

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

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

2. Connection of private sewers may be made at the discretion of the director, either by the director or by others subject to inspection and approval by the director. Whenever a local public sewer becomes available, the private sewer shall be disconnected from the metropolitan sewerage system under the inspection of and in a manner approved by the director, and shall be connected to the available local public sewer in accordance with the requirements of the local public agency. All work of making connections, disconnections and reconnections of private sewers to the metropolitan sewerage system shall be at the expense of the owner or developer of the private sewers;

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

4. The provisions of this section applying to local public sewers of local public agencies shall also

apply to private sewers and to owners of private sewers.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) reduce (b) from a monthly to a thirty-minute allowance by the formula:

cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry weather flow; and

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

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

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

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

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

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

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

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

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

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

i. In the event of excessive infiltration/inflow under applicable regulations of the Environmental Protection Agency, such that the department will be denied federal grants in the absence of correction, the

director may elect to do the corrective work utilizing therefor solely surcharges collected from the local public agency.

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

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

2. Chemical toilet waste may be discharged into the local public sewer or private sewer system through a side sewer connection at the place of business.

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

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

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

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

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

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

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

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

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

a. The director may waive the gallonage fee to permit holders dumping septic tank sludge from residences and businesses paying the department sewerage charges to local agencies. Claims for exemption of gallonage fees shall be made on forms provided by the department and shall be accomplished in the manner described thereon. The department shall bill each permit holder for the accumulated gallonage fee monthly. This billing shall provide for the subtraction of all volumes declared on valid gallonage fee exemption claims. Payment of gallonage fees shall be made within thirty days from the date of invoice by the department.

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

revocation of the permit;

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

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

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

10. A permit may be revoked or suspended by the department for failure to discharge at designated points, for any discharge that is in violation of the provisions of this section, or for the reasons set forth in this section;

11. Each permittee shall be required to obtain liability insurance in such amount and in such form as shall be determined by the director. The insurance shall afford bodily injury limits of liability of five hundred thousand dollars for each person and one million dollars for each occurrence. Evidence of the insurance coverage shall be provided to the director. Nothing in this subsection L.11. shall in any manner preclude any applicant from obtaining such additional insurance coverage as the applicant may deem necessary for ((~~his or her~~)) the applicant's own protection; and

12. The director is hereby authorized to designate the points of disposal of materials collected by the permittees, the places where permits may be obtained and the persons authorized to sign the permits on behalf of the department.

The director is further authorized to revoke or suspend permits for failure to comply with the provisions of this chapter, subject to the right of persons affected to appeal from the revocation or suspension as provided

in this chapter.

M. The following practices shall be prohibited:

1. No person shall discharge, directly or indirectly, into a sewer any material or substance that is prohibited by any county ordinance, rule established by the director, local agency rule or regulation or other applicable requirement.

2. No unauthorized person shall enter any department sewer, ((~~manhole~~)) maintenance hole, pumping station, treatment plant or appurtenant facility. No person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment that is part of the metropolitan sewerage system.

3. No person, other than an authorized employee or agent of the department, shall operate or change the operation of any department sewer, pumping station, treatment plant, outfall structure or appurtenant facility.

N. The following provisions shall apply to user charges:

1. As required by federal regulations, each local public agency shall adopt and maintain a system of user charges to assure that each recipient of waste treatment services within the department's service area will pay its proportionate share of the costs of operation and maintenance, including replacement, of all waste treatment provided by the department.

Notwithstanding the obligation of the local public agency to collect the charges, the director shall have authority directly to assess, when in the opinion of the director it is necessary in order to comply with federal regulations, a user surcharge directly against industrial users within a local public agency in an amount determined by the director to be necessary to assure that the industrial users pay their proportionate share of the costs of operation and maintenance, including replacement, of waste treatment provided by the department. Any such surcharge is distinct from and in addition to sums to be paid by industries as industrial cost recovery, pursuant to provisions contained in this section or under such provisions as may be adopted by the council,

regarding the control and disposal of industrial waste into the metropolitan sewage system;

2. Each local public agency shall charge each recipient of waste treatment services within its jurisdiction, in addition to any surcharge to be assessed by the local public agency against an industrial user in an amount to be determined by the director to be necessary under federal regulations and separate from and in addition to any sums paid by industry pursuant to this section, a sum to be paid to the department for its waste treatment services to be determined as follows:

a. The local public agency shall determine, on a quarterly basis: the number of residential customers billed by the local public agency for local sewage charges; the total number of all customers so billed; and the total water consumption billed other than residential customers. The quarterly water consumption report shall be taken from water meter records and may be adjusted to exclude water not entering the sanitary facilities of a customer.

(1) Where actual sewage flow from an individual customer is metered, metered sewage flows shall be reported in lieu of adjusted water consumption. Total quarterly water consumption in cubic feet shall be divided by two thousand two hundred fifty to determine the number of residential customer equivalents for which each nonresidential customer shall be billed.

(2) The director shall develop such additional instructions and rules for preparation of the quarterly water consumption report as may be necessary to implement the requirements of this section; and

b. The director will establish a monthly user charge for each component agency based upon a rate for each residential customer or residential customer equivalent that the local public agency shall collect from its residential customers and equivalents;

3. Each local public agency shall charge each industrial recipient of waste treatment services within its jurisdiction as required by the department, in addition to the user charge, a surcharge in an amount to be determined by the director based on the average annual strength and volume of discharge by the industry. For the purpose of computing average annual strength, all wastes shall be assumed to have a minimum strength

equivalent to that of domestic sewage.

Each local public agency shall provide the director each quarter with a listing of the water consumption of each surcharged industry; and

4. Each local public agency shall maintain such records as are necessary to document compliance with the user charge system established under this subsection N.

O. The following provisions shall apply regarding capacity charges:

1. All customers of a public or private sewage facility who connect, reconnect or establish a new service that uses metropolitan sewage facilities after February 1, 1990 shall pay a capacity charge in an amount established annually by the council in accordance with state law. Users of metropolitan sewage facilities shall be subject to the capacity charge upon connection or reconnection to public or private sewage facilities and/or establishment of a new sewer service.

a. "Connection," for purposes of this subsection, shall mean physical connection of the side sewer serving either any structure, or an addition to a structure, to a sanitary sewer.

b. "Capacity charge," for purposes of this subsection, shall mean a charge levied on a property to recover capital costs needed to serve new customers.

c. "Discharge event," for the purposes of this subsection, shall mean discharge of sewage from a zero discharge structure's system that flows into the metropolitan sewerage facilities.

d. "Establishment of a new service," for purposes of this subsection, shall mean:

(((~~i~~))) (1) change of structure use from single family residential to other than single family residential;

(((~~ii~~))) (2) change of structure use following connection or reconnection to a sanitary sewer;

(((~~iii~~))) (3) addition of a new structure to an existing sewer connection;

(((~~iv~~))) (4) reuse of an existing sewer connection by a new structure following demolition of an existing structure or abandonment of sewer service;

(((~~v~~))) (5) expanded or increased industrial or commercial use of a sanitary sewer connection; or

e. "Zero discharge structure" for the purposes of this subsection, shall mean a non-residential structure or building designed not to discharge to, and functions independently of, the metropolitan sewage system;

2. The capacity charge shall be a fixed rate per residential customer or residential customer equivalent determined annually by the council. The number of residential customer equivalents (RCEs) for multifamily structures shall be determined using the following scale:

Two to four units per structure	0.8 RCEs per unit
Five or more units per structure	0.64 RCEs per unit
Senior citizen, low income and special purpose housing	0.32 RCEs per unit

a. Senior citizen housing shall be multifamily structures of two or more dwelling units within which each dwelling unit shall consist of a room or a suite of two or more rooms, of which not more than one is a bedroom, for which occupancy has been limited to two persons, at least one of whom is age fifty-five or older.

b. Low income housing shall be multifamily structures of two or more dwelling units, each totaling not more than four hundred square feet, for which occupancy has been restricted, in at least fifty-one percent of the units, to persons with incomes not more than eighty percent of the median income of the county within which the housing is constructed, and for which rent is restricted.

c. Special purpose housing shall consist of dwelling units, that may be part of a larger care facility, consisting of a room or a suite of rooms, of which not more than one is a bedroom for which occupancy is limited to two persons, at least one of whom is physically or mentally disabled.

d. In the case of privately owned senior citizen, low income or special purpose multifamily housing, the requirements of subsection O.2.a., b. and c. of this section shall be contained in a permit, agreement, covenant or deed restriction in which the county, a local government, an agency of state government or the United States government is granted enforcement authority.

e. In the case of senior citizen, low income and special purpose housing owned by a government or nonprofit corporation, the requirements shall be integral to the establishment of the corporation as a legal entity or a legally enforceable condition of construction and operation of the housing.

f. If use of a multifamily structure that initially qualifies as senior citizen, low income or special purpose housing changes so that it no longer meets the criteria in subsection O.2.a., b., c., d. and e. of this section, residential customer equivalents shall then be calculated in the same manner as multifamily structures and the department will collect the incremental difference due for all payments from the time of disqualification until paid off.

g. The number of residential customer equivalents for nonresidential structures shall be determined by the department based on values of plumbing fixtures and/or estimates of wastewater flow from sources other than plumbing fixtures and acceptable to the department. An appropriate schedule of hydraulic capacity or loading values equating to residential customers shall be determined by the director;

3. Nonresidential structures with fixtures that are designed to have zero discharge to the metropolitan sewage facilities may be eligible to have a reduced capacity charge provided that the zero discharge structure's systems or fixtures do not present a human or environmental health risk. The following shall guide evaluation and award of a modified capacity charge for zero discharge structures:

a. For zero discharge structures, the number of residential customer equivalents shall be projected in accordance with subsection O.2.g. of this section; however, fixtures and sources that are engineered to function without discharging into to the metropolitan sewage facilities shall be given the value of zero for purposes of calculating the residential customer equivalents. These calculations will be determined by review of applicant-submitted engineering plans and specifications, site inspections and other materials deemed necessary by the department and such calculations shall be subject to approval by the department;

b. Zero discharge structures and systems may be required by the department to install monitor and alarm systems to confirm that the structure does not discharge to the metropolitan sewage facilities. Reporting

requirements shall be specified by the department; and

c. If a zero discharge structure's system discharges to the metropolitan sewage facilities, this shall be considered a discharge event and the structure shall be subject to a capacity charge in an amount equal to a single invoice, for one quarter or three months, calculated using the monthly capacity charge for conventional systems in accordance with subsection O.2.g. of this section at the rate applicable in the year of discharge. Any discharge from a zero discharge structure or system lasting ninety calendar days or less shall be considered a single discharge event. If a zero discharge structure has three discharge events during any fifteen-year period, the structure shall then be immediately converted to a conventional capacity charge calculation calculated using subsection O.2.g. of this section. The zero discharge structure shall then be assessed the full fifteen-year capacity charge rate applicable during the year of the third discharge event into the metropolitan sewage system;

4. The capacity charge is the responsibility of the current owner. The department shall collect the capacity charge directly from the current legal property owner. The charge shall be a monthly charge for fifteen years.

Each customer subject to the charge shall be billed by the department semi-annually or at such frequency as may be determined by the director. The total amount of the charge, hereinafter the "total amount due," may be paid at any time. The total amount due shall be the sum of all remaining payments discounted by an index reflecting fifteen-year mortgage and ten- and twenty-year investment rates that will be updated in December of each year;

5. When determining capacity charges applicable to a new connection, the charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer service to the preexisting structure.

a. This credit against charges otherwise due shall be applied as residential customers or equivalents, which are also known as RCEs, under the following circumstances:

(1) the structure to be served by the new connection replaces a structure on the same lot that was

either connected to sewers prior to February 1, 1990, and was paying full sewer charges, or, if not connected to sewers, was nevertheless paying such full sewer charges before February 1, 1990; and

(2) the preexisting structure was subsequently demolished and sewer service abandoned and the time between abandonment of service and connection of the new structure to sewers was less than five years.

b. In the event the new connection replaces a connection made after February 1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit against charges otherwise due shall be applied under the following circumstances:

(1) the preexisting structure that was connected to sewers after February 1, 1990, and paying full sewer charges, was reported to King County by the local sewer agency; and

(2) capacity charges were paid to King County on the property with no break in payments of five years or more; and

(3) the preexisting structure was subsequently demolished and sewer service abandoned and the time between abandonment of service and connection of the property to sewers is less than five years.

c. Credits permitted in accordance with subsection O.5.b. (1), (2) and (3) of this section will be determined using the county's accounts receivable record of capacity charge invoices paid on the structure. Credit may be applied only from the demolished structure to the replacement structure. The amount of the credit will be expressed as whole or fractional residential customer equivalents and shall reflect the percentage of the total amount due actually paid;

6. Credits authorized under subsection O.5. of this section shall be applied only when appropriate documentation for the demolished structure is provided to the department. Appropriate documentation shall consist of one of the following:

a. a demolition permit for a preexisting structure at the same address as the new structure that contains a description of the structure demolished;

b. in the case of a subdivision of a lot or parcel, a demolition permit for a preexisting structure at the

same lot as the new structures which contains a description of the structure demolished;

c. sewer service invoices for full sewer charges, for the level of service for which credit is sought, dated before demolition of the previously existing structure or structures that includes the service address and number of units if the structure was a multifamily structure; or

d. A dated permit issued by the local sewer agency confirming capping of the side sewer that includes the same address as the new structure and a description of the prior structure;

7. Credits permitted under subsection O.5. of this section shall be applied only from the demolished structures. The credits shall be applied in the following manner:

a. When a new single family home replaces a preexisting demolished single family home for which no capacity charge is owed, no capacity charge shall be collected;

b. When a preexisting structure is demolished and the lot or parcel is subdivided, the credit shall be applied in equal proportion to the new structure or structures within the new subdivided parcel.

c. When a preexisting structure or structures are demolished and the lot or parcel subdivided and new blocks are created, the credit from any qualifying preexisting structures within the footprint of the new block shall be applied in equal proportion to the new structure or structures within that block;

8. The following apply to capacity charge billing:

a. Capacity charge billing to a legal owner of a structure or the owner's representative shall commence as soon as possible and practical after the date of the sanitary sewer connection provided by a local public agency served by the department in accordance with the filing frequency determined by the director; and

b. Late notice to the department of commencement of sewer service to a property or failure of the property owner or the owner's representative to receive a capacity charge bill does not relieve a property owner of the responsibility for payment of charges and interest;

9. The following apply to delinquent capacity charge accounts:

a. If a customer fails to make a payment when due, an interest charge shall be computed on the

delinquent amount at an annual rate of not more than the prime lending rate of the county's bank plus four percentage points. This interest charge and a penalty of not more than ten percent of the past due amount shall be added to the account balance; and

b. When capacity charges plus interest charges and penalties are delinquent for more than thirty days, the department shall send a notice of intention to file lien to the property owner or owner's representative. The notice shall direct the property owner or representative to pay the total past due amount, plus interest and penalties, no later than fifteen days from the date of the letter or to make suitable arrangements to bring the account current. If the payment is not made within fifteen days, or suitable arrangements have not been made, the total amount past due plus penalties and interest will be certified as delinquent and a lien may be filed against the property with the recorder's office of the county. A lien charge to cover the cost of preparing and filing the lien will be added to the delinquent amount on the date of certification of the lien to the recorder's office of the county. Action may be taken by the department to enforce collection of the delinquent amount at any time after the charges have been delinquent for sixty days. The lien will be released when all past due capacity charges plus interest and late penalties have been paid.

The department is authorized to request the prosecuting attorney to bring suit for foreclosure civil action in the superior court of the county in which the real property is located and to request payment of its costs and disbursements as provided by statute, as well as reasonable attorneys' fees. Each account that has been submitted to the prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection with the foreclosure, even when court proceedings are unnecessary;

10. Local public agencies shall, at the director's request, provide such information regarding new residential customers and residential customer equivalents as may be reasonable and appropriate for purposes of implementing the capacity charge;

11. The director is authorized to develop and implement such additional policies and requirements and to take such actions as may be necessary and appropriate for collection of the capacity charge and

administration of the capacity charge program as described in this subsection O.; and

12. As part of its rate-making authority, the council elects that capacity charges shall accrue as monthly fees recorded as operating revenues in accordance with Financial Accounting Standards Board Statement No. 71.

P. No person may connect a local public or private sewer to the metropolitan sewerage system unless the local public agency or person shall then be in compliance with this section.

1. If any local public agency or person shall construct a local public sewer, private sewer or side sewer in violation of this section, the department may issue an order to the local public agency or person to stop work in progress that is not then in compliance with this section or the department may issue an order to correct work that has been performed. The local public agency or person shall immediately take the action as may be necessary to comply with the order and with this section, all at the expense of the local public agency or person.

2. ((~~Other penalties.~~)) a. Any person failing to comply with or violating this section or rules and regulations developed by the director under this section shall, for each such a failure or violation, be subject to a fine in an amount not exceeding two thousand dollars for each separate failure or violation under this section.

b. The director may order the owner of any property from which prohibited discharges are entering any sewer to correct the condition, provided that if the property of the owner lies within a local public agency, the director shall first give written notice of the prohibited discharge to the local public agency, and only if the local public agency fails to correct the condition within ninety days after receipt of the notice, may the director directly order the owner to correct the condition.

If any owner shall not cause the condition to be corrected within thirty days following receipt of the department order, the department may proceed to enter upon the property and correct the condition, and the cost thereof together with a penalty of fifty dollars shall be a lien upon the property to be enforced in the manner provided by law for liens for local sewage charges.

c. Any person who shall damage, destroy or deface any structure, appurtenance, equipment or

property of the metropolitan sewerage system shall be fined in an amount not exceeding three hundred dollars, and shall be liable for double the actual cost of restoration or repair or double the actual amount of any irreparable damage.

SECTION 85. Ordinance 11034, Section 6, as amended, and K.C.C. 28.84.060 are each hereby amended to read as follows:

A. The director shall administer and implement the following fees, rules and regulations for the disposal of industrial waste into the metropolitan sewerage system.

B. The following provisions shall govern the applicability of this section.

1. This section shall apply to all nondomestic users of the metropolitan sewerage system including, but not limited to, commercial and industrial companies and government agencies. Indirect discharges from nondomestic users regulated by this section include, but are not limited to, liquid, solid or gaseous substances, or any combination thereof resulting from any process of industry, government, manufacturing, commercial food processing, business, agriculture, trade, research, the development, recovery or processing of natural resources, leachate from landfills or other disposal sites, contaminated nonprocess water, contaminated storm water and ground water.

2. This section shall not apply to the discharge of storm water into an existing combined sanitary and storm system unless the discharge results from industrial activity and the director has determined that the discharge may affect the county's water quality and biosolids objectives.

3. This section shall not apply to participant local agencies when collecting domestic and industrial waste and conveying the waste to the metropolitan sewerage system.

4. This section authorizes the issuance of wastewater discharge permits, authorizes monitoring, compliance and enforcement activities, establishes administrative review procedures, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

5. Industrial waste shall be accepted into the metropolitan sewerage system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the county for the protection of sewerage facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance. At a minimum, all industrial users of metropolitan sewerage system facilities shall comply with the applicable pretreatment standards and requirements developed in accordance with Sections 307(b) and 307(c) of the Act. This includes the pretreatment standards for existing and new discharges, which are defined in regulations promulgated under Sections 307(b) and 307(c) of the Act.

C. The director shall administer, implement and enforce this section. Any powers granted to or duties imposed upon the director may be delegated by the director to other department personnel. The director shall establish and publish administrative procedures for implementation of this section that shall include, but not be limited to, issuing permits and discharge authorizations, collecting samples, identifying and inspecting industrial users, monitoring, revenue/cost recovery, appeals, discharge approval processes, issuing waste discharge permits and discharge authorizations, conducting investigations of noncompliance, preparing enforcement actions according to the department's enforcement response plan and setting local limits.

D. The following discharge standards and limitations shall be applicable under this section:

1. Discharge standards and limitations shall be established to the extent necessary to enable the county to comply with current National Pollutant Discharge Elimination System requirements, as promulgated by the Environmental Protection Agency or the Washington state Department of Ecology, and to protect sewerage facilities and treatment processes, public health and safety and the receiving waters, air quality and biosolids quality.

2. Industrial users shall comply with all applicable pretreatment standards and requirements. Discharges subject to federal categorical discharge limits shall be subject to those limits, or to county local discharge limits, whichever is most restrictive. In addition to concentration limits, permit limits may also include mass limits stated as total pounds of a pollutant allowed per day.

3. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations or flow restrictions on users ((~~he or she~~)) the director believes may be using dilution to meet applicable pretreatment standards or requirements.

4. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

5. No industrial user shall discharge any of the following pollutants, substances or wastewater directly or indirectly into any public sewer, private sewer or side sewer tributary to the metropolitan sewerage system:

a. flammable liquids, solids or gases capable of causing or contributing to explosion or supporting combustion in any sewerage facilities.

b. any solid or viscous substances or particulates in quantities, either by itself or in combination with other wastes, that are capable of obstruction of flow or of interfering with the operation or performance of sewer works or treatment facilities.

c. any gas or substance that, either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewerage facilities.

d. any gas or substance that, either by itself or by interaction with other waste, may cause corrosive structural damage to sewer works or treatment facilities.

e. wastes at a flow rate or pollutant discharge rate, or both, that are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

f. heat in amounts that will inhibit biological activity in treatment plant facilities resulting in either

interference in the treatment process or preventing entry by authorized personnel to pump stations and other sewerage facilities. This prohibition includes but is not limited to heat in such quantities that the temperature of the treatment works influent exceeds forty degrees Celsius, or one hundred four degrees Fahrenheit, or the temperature exceeds sixty-five degrees Celsius, or one hundred fifty degrees Fahrenheit, at the point of discharge from the industrial source to public sewers or the metropolitan sewerage system, or both.

g. food waste unless it will pass a one-quarter-inch sieve. The director shall establish rules on the use of food grinders to meet the one-quarter-inch criterion. The rules shall be based upon department biosolids criteria, impact on solid waste utilities, concerns of local health agencies and imposition of high strength surcharge fees.

h. any radioactive wastes or isotopes that exceed such concentration limitations as established by applicable Washington state Department of Social and Health Services regulations.

i. trucked and hauled wastes shall not be discharged into a sewer except at points in the metropolitan sewerage system designated for the discharge by the director.

j. any waters or wastes containing higher than ordinary concentrations or quantities of compatible pollutants, including but not limited to, biochemical oxygen demanding pollutants, suspended solids, pH and fecal material, may be required to discharge at a specific release rate or at a specified strength if, in the opinion of the director, the release of the waste in an uncontrolled manner could adversely affect proper handling and treatment in the metropolitan sewerage system.

k. storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water and unpolluted wastewater unless specifically authorized elsewhere in this section or by rules published by the director regarding the acceptance of clean water into the metropolitan sewerage system. The rules shall be based upon existing sewer capacity, cost and availability of alternate disposal options, cost of implementing control measures to prevent contamination of storm water, surface water and ground water, cost of recycling or reclaiming clean water, benefits to regional water conservation using reclaimed effluent and adverse impacts to

water quality and public health.

l. any waters or wastes generated during construction activities, which may include, but not be limited to, contaminated storm water, surface water or ground water and wells constructed for the purpose of lowering the groundwater table unless specifically authorized by the director.

m. wastewater that imparts color that cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions that consequently impart color to the treatment plant's effluent, thereby violating the county's National Pollutant Discharge Elimination System permit.

n. detergents, surface-active agents or other substances that may cause excessive foaming in the metropolitan sewerage system.

E. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated in this section. These categorical pretreatment standards shall be met by all industrial users of the regulated industrial categories.

F. Local discharge limits shall be developed and complied with as follows:

1. The director shall publish and revise from time to time local discharge limits, including best management practices, developed according to guidelines promulgated by the Environmental Protection Agency or Washington state Department of Ecology using data specific to the metropolitan sewerage system and its industrial users. At a minimum, local discharge limits shall restrict the following parameters: metals; organics; pH; temperature; fats, oils and greases of animal or vegetable origin; fats, oils and greases of mineral origin; and other toxic substances as required, including those defined in applicable state and federal regulations. These published local discharge limits shall, by this reference, be made a part of this section.

2. No industrial user shall discharge wastewater containing concentrations or mass limitations, or both, in excess of the published local discharge limits, except as provided for in this section.

3. Individual limits for specific companies or general permit limits for groups of companies may be established on a case-by-case basis for compounds not specifically listed in published local discharge limits or

at levels higher or lower than published local discharge limits. The individual limits may be higher than published local discharge limits only for companies or groups of companies that have demonstrated that no reasonable treatment method is available to meet published limits, and the volume and mass of pollutants discharged does not endanger sewerage facilities or put the POTW at risk of violating National Pollutant Discharge Elimination System limits, water quality standards, air quality standards, biosolids standards or worker safety standards. Individual limits may be lower than published local discharge standards when the volume of discharge or mass of pollutants, or both, such that lower limits are necessary to protect sewerage facilities and treatment processes, public health and safety, the receiving waters, air quality or biosolids quality.

G. Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate, or relocate and consolidate, points of discharge, separate domestic wastewaters from industrial waste streams and other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this section.

H. In areas served by combined sewers, storm water connections made before January 26, 1961, and storm water connections made after January 26, 1961, that have no public or private storm sewer available within a reasonable distance may continue to discharge without authorization from the director unless the discharge has the potential to affect the county's ability to comply with all federal, state and local regulations and meet the county's water quality objectives as stated in this chapter. In such cases, the storm water shall be regulated as an industrial waste and be subject to all of this section. In some cases, the county may require the industrial user to eliminate or mitigate storm water discharges by implementing control measures that shall include but not be limited to installation of a separate storm sewer, detention, pretreatment, roofing, reuse, relocation of processing or treatment areas and discharging to receiving waters.

I. The following provisions shall govern compliance with applicable pretreatment requirements:

1. Compliance by existing users covered by categorical pretreatment standards shall be within three

years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standards.

2. The director shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for the user are more restrictive than the Environmental Protection Agency's categorical pretreatment standards. In establishing such a compliance deadline, the director shall consider the potential for violations of National Pollutant Discharge Elimination System limits, biosolids quality, air quality and worker safety standards and the difficulty and cost to industrial users of changes in industrial processes and installation of new pretreatment equipment.

3. New source industrial users and all other new users including significant industrial users shall comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety days from the beginning of discharge. New sources and new users shall install and have in operating condition all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

J. The following provisions shall govern waste discharge permits and authorizations:

1. Each person discharging or proposing to discharge industrial waste into a POTW treatment plant, public sewer, private sewer or side sewer tributary to the metropolitan sewerage system shall secure written discharge authorization, which may include, but shall not be limited to, a waste discharge permit, minor discharge authorization or general permit from the department unless otherwise provided in this section. The conditions and discharge standards in all written discharge authorizations shall be predicated on federal, state, county and other applicable local regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. These conditions and discharge standards shall be re-evaluated upon expiration of the written discharge authorization and may be revised from time to time as required by county, state or federal regulations and requirements or to meet any emergency. Obtaining a written discharge authorization, however, shall not relieve a user of its obligation to comply with all federal and state

pretreatment standards or requirements, or with any other requirements of federal, state and local law.

a. Any person proposing to discharge industrial waste, but not holding a valid waste discharge permit or other written discharge authorization, shall apply to secure a waste discharge permit or discharge authorization unless the director has determined that written authorization is not required. Application to the department shall be made for permits at least sixty days before beginning discharge unless the industrial user is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, in which case application to the department shall be made for the permit ninety days before beginning of discharge. Application to the department shall be made for all other written discharge authorizations thirty days before beginning of discharge. Any new source or new user meeting the definition of significant industrial user shall not discharge without a waste discharge permit.

b. Any person with an existing permit or written discharge authorization proposing to make a change in an existing industrial waste discharge that will substantially change the volume of flow or the characteristics of the waste or establish a new point of discharge, shall apply for a new waste discharge permit thirty days before making the change. Substantial changes may include, but are not limited to, a twenty percent increase in the authorized daily maximum flow, addition of a new process, product or manufacturing line that will increase or decrease the concentration of pollutants in the waste stream or require modification in the operation of the pretreatment system, addition of new pretreatment equipment or altering a sample site.

c. The director may grant permission to discharge without written authorization when the discharge is limited in concentration of pollutants, volume or duration, or when the user has applied for and is in the process of obtaining written discharge authorization.

2. All significant industrial users shall secure a waste discharge permit. Existing significant industrial users without permits and industrial users that the director has determined present a substantial risk with existing discharges shall, upon receipt of written notice, apply for a waste discharge permit within thirty days. Extensions of time for submittal of an application may be granted by the director, not to exceed a total of sixty

days. The director on ((~~his or her~~)) the director's own initiative or in response to a petition from an industrial user may determine that an industrial user is not a significant industrial user when there is no reasonable potential for the discharge to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

3. Persons who are not subject to federal categorical standards or who discharge less than twenty-five thousand gallons per day or who in the opinion of the director have no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement are not required to obtain a waste discharge permit. Instead, the director may require and issue some other form of written authorization, which may include, but is not limited to, a minor discharge authorization, a letter of discharge approval, or a general permit. The director may require industrial users to obtain a waste discharge permit when noncompliance with this section exists. Upon written notice from the department that a permit is required the person so notified shall apply for a waste discharge permit within thirty days. Extensions of time for submittal of an application may be granted by the director, not to exceed a total of sixty days.

4. Application for waste discharge permits and authorizations shall be made to the director in writing on forms provided by the department and shall include such data, information and drawings as to enable the department to determine which federal, state and local regulations apply to the discharge and to set conditions for the industrial user to comply with the regulations. The information shall include, but not be limited to, identifying information such as name, address, owner and contact person, other environmental permits held by the operation, operation and site descriptions including manufacturing processes, flow measurements, measurements of pollutants, pretreatment system designs and operation and maintenance manuals, spill control plans and certification statements. The department will act only on complete applications. Significant industrial users shall comply with all requirements of 40 CFR 403.12 (b) by the time of permit issuance or upon commencement of discharge, whichever comes first, unless the specific conditions of a waste discharge permit establish an alternate deadline.

5. Upon receipt of a completed application, the director shall determine if a permit, minor discharge authorization or other document is required and notify the applicant. Waste discharge permits and authorizations shall be processed in accordance with chapter 90.48 RCW, as amended, Public Law 92-500 and this section, which includes: public notice for discharges requiring permits; determination of applicable discharge limits and special conditions; review and approval of any pretreatment facilities; facility inspections; issuance of a draft permit; review of the application and any draft permits by appropriate federal, state and local agencies; and issuance of the final permit or written authorization.

a. If a permit is required, the director shall complete the public notice requirements and bill the applicant for the cost or the director shall instruct the applicant at its expense to publish notices twice in a newspaper of general circulation within King County and in a local newspaper serving the area where the industrial user is located and in other appropriate information media as the director may direct. The notice shall include a statement that any person desiring to present their views with regard to the application may do so in writing to the director, but only if the person submits ((~~his or her~~)) the person's views or notifies the director of the person's interest within thirty days of the last date of publication of the notice. The notification or submission of views to the director shall entitle the person to review and comment on the draft permit and to a copy of the action taken on the application.

b. Waste discharge permits and written discharge authorizations shall be issued with conditions to demonstrate compliance, meet applicable federal, state and local regulations and prevent violations of this section and the waste discharge permit or authorization. The conditions may include, but shall not be limited to, discharge limitations and standards, spill control measures, accidental spill prevention plans, slug control plans, monitoring requirements, maintenance requirements, installation of monitoring equipment, record-keeping requirements, reporting requirements, federal and state requirements, installation of sampling sites, flow restrictions, engineering reports, solvent management plans, implementation of best management practices and special studies to evaluate discharge limits or compliance status.

c. As a condition of the granting of a waste discharge permit or other authorization, the director may require the industrial user to install pretreatment facilities or make plant or process modifications as deemed necessary by the director to meet the requirements of this section and applicable federal and state standards. The facilities or modifications shall be designed, installed, constructed, operated and maintained at the industrial user's expense in accordance with this section and in accordance with the rules and regulations of all local and governmental agencies.

d. The director shall have the authority to require that an industrial user implement a technology based approach to limit pollutants discharged to the sanitary sewer through the application of AKART.

e. No industrial user may discharge industrial waste into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system until inspection has been made by the department for compliance with conditions of the permit or authorization and with this section unless the director has determined that an inspection is not required.

f. A draft permit shall be issued for review and comment by the applicant, federal, state and local agencies and members of the public who wish to comment on the application or draft permit. All comments will be reviewed and addressed by the director before issuance of a final permit.

g. During the application processing, the department will consult with and provide copies of applications and draft permits to participant local agencies, the Washington state Department of Ecology and the Environmental Protection Agency, when appropriate, to ensure that the limitations and conditions of waste discharge permits or other written discharge authorizations will meet requirements of applicable federal, state and local regulations.

h. The director may deny a permit or discharge authorization when the applicant's discharge will not comply with this section or will create a public nuisance. The director may also deny a permit or authorization to protect public health and welfare.

i. Waste discharge permits and authorizations shall be issued by the director for a specified period,

not to exceed five years. A waste discharge permit or authorization may be issued for a period fewer than five years at the discretion of the director. Each waste discharge permit or authorization will indicate a specific date upon which it will expire.

j. If the characteristics of the proposed discharge or discharges meet the requirements of appropriate participant local agencies, the Washington state Department of Ecology, the Environmental Protection Agency, any other applicable state and federal laws and regulations and this section, the director shall issue a waste discharge permit or authorization to the applicant with appropriate conditions. A copy of the, final permit will be submitted to the Washington state Department of Ecology. The appropriate local agencies will be notified in writing of the issuance of such a permit and will be furnished with one copy of each draft and final permit or other written discharge authorization issued within its jurisdiction at no charge.

6. Discharge conditions published in a waste discharge permit or authorization shall remain in effect until the permit or authorization expires, except that the director may modify the permit or authorization for good cause including the following:

a. to incorporate any new or revised federal, state or local pretreatment standards or requirements;

b. to address alterations or additions to the user's operation, processes or wastewater volume or character since the time of permit or authorization issuance, for which the modifications may be requested by the industrial user;

c. a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. information indicating that the permitted discharge poses a threat to the metropolitan sewerage system, the department's, county's or participant local agency's personnel or the receiving waters;

e. violation of any terms or conditions of the waste discharge permit or authorization;

f. to correct typographical or other errors in the waste discharge permit or authorization; or

g. to reflect a transfer of the facility ownership or operation, or both, to a new owner or operator.

7. If the industrial user wishes to continue discharging after the expiration date, an application shall be filed for renewal of the permit at least one hundred eighty days before the expiration date or at least ninety days before expiration date for authorizations. Applications for renewal permits or authorizations shall be processed in accordance with the requirements of this section, with the exception of the public notice requirement. An industrial user whose existing waste discharge permit or authorization has expired and has submitted its application for permit renewal in the time specified herein shall be deemed to have an effective waste discharge permit or authorization until the director issues or denies the new waste discharge permit. An industrial user whose existing waste discharge permit or authorization has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without a waste discharge permit or authorization.

8. A permit or authorization shall be subject to revocation upon thirty days' notice in writing if the director finds:

a. it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

b. a material change in the volume of flow or characteristics of waste was effected without notice to the department and application to the department for a new permit or authorization was not made and a permit or authorization issued as required in this section;

c. there has been a violation of the limitations or conditions of the permit or authorization, and the industrial user refuses to take corrective action, or that a violation has continued after notice thereof;

d. the industrial user has refused reasonable access to its premises for the purpose of inspecting or monitoring the discharge;

e. the industrial user has falsified self-monitoring reports or tampered with monitoring equipment;

f. the industrial user has failed to pay sewer charges or fines; or

g. the industrial user has failed to provide advance notice of the transfer of a waste discharge permit.

At the time that a permit or authorization is revoked, the director may thereafter require disposal of the waste in some manner other than into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system at the expense of the person whose permit is revoked. The appropriate local agency and the Washington state Department of Ecology will be notified in writing of the revocation of the permit.

9. A permit or authorization may be suspended temporarily and further discharges halted by the director if the director determines that waste discharges are in violation of waste discharge permit or authorization limitations or conditions or county, state or federal standards and pose an immediate risk to public health and safety, receiving water quality or biosolids quality, or an immediate risk of damage, obstruction or interference with treatment facilities. The suspension shall be effective immediately upon written notice delivered to the industrial user's business premises or posting at the point of discharge.

10. A waste discharge permit or authorization shall not be transferred without prior notification and approval by the director. The notification shall be submitted at least thirty days before the date of facility transfer and shall:

a. include a statement that the new owner or operator, or both, have no immediate intent to change the facility's operations and processes;

b. identify the specific date on which the transfer is to occur;

c. acknowledge full responsibility for complying with the existing waste discharge permit; and

d. include a written agreement between the old and new owner or operator, or both, containing a specific date for transfer of permit responsibility, coverage and liability.

Failure to provide advance notice of a transfer renders the waste discharge permit or authorization voidable on the date of facility transfer.

K. Industrial users shall have the following responsibilities in discharging industrial waste into the metropolitan sewerage system:

1. It shall be the responsibility of every industrial user to control the discharge of industrial waste into

a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system in compliance with this section and the requirements of a waste discharge permit or written discharge authorization issued under this section.

2. Whenever pretreatment facilities are required under this section, they shall be designed, constructed, installed, operated and maintained at the expense of the industrial user and in a manner prescribed by the director. The director may require dischargers to submit plans in the form of engineering reports and drawings for approval. The reports and plans shall be prepared according to federal and state requirements. The industrial user shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. The records shall be retained for a minimum of three years and be subject to review in accordance with this section. Approval of proposed facilities or equipment by the director will not in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve a person of the responsibility of enlarging or otherwise modifying or replacing the facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a waste discharge permit.

3. Industrial users will be required to submit samples of industrial waste discharges to the director or to perform tests and report the test results to the director on a routine and continuing basis when:

a. required by 40 CFR 403.12, as amended;

b. requested by state or participant local agencies; or

c. deemed necessary by the director for the proper treatment, analysis or control of waste discharges.

All such tests and reports shall be at the cost of the industrial user.

4. All sampling data collected by industrial users and analyzed using procedures approved by 40 CFR 136 or approved alternatives shall be submitted to the director whether required as part of a written authorization or done voluntarily by the industrial user.

5. To the degree practicable, the director will provide each permittee or applicant with information on

applicable county, state and federal waste analysis and reporting requirements, provided, however, that any failure or inadvertence to do so shall not excuse the permittee from compliance with the requirements. Specific requirements will be established by written permit or authorization.

6. All wastewater discharge permit applications and industrial user reports must be signed by an authorized representative of the industrial user and contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. When required by the director, the industrial user shall install and maintain at its expense a suitable sample site or control ((~~manhole~~)) maintenance hole in its side sewer to facilitate observation, sampling and measurement of wastes therein. The sample sites or ((~~manholes~~)) maintenance holes shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans approved by the director and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the director. The industrial user shall make access to the sample site or ((~~manhole~~)) maintenance hole available to the director at all times. Any tampering with flow or sampling equipment by the discharger or its employees is prohibited. When deemed necessary by the director, an industrial user may be required to obtain, install, operate and maintain, at its expense, an automatic sampler or analyzer, or both, or flow measurement device in order to monitor its industrial waste discharges in the manner directed by the director.

8. Any person becoming aware of the discharge of regulated substances, spills or slug discharges

directly or indirectly into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system shall report the discharge immediately to the department and one of the treatment plants of the county. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and any corrective actions. Failure by any person aware of the discharge of prohibited or restricted substances, spills or slug discharges to report the discharge in the manner provided above shall constitute a violation, as that term is defined in this section, and subject the person to the penalties in this section. Each failure to report a discharge shall be considered a separate violation. Notification shall not relieve the person responsible from penalties or recovery of the cost of damages resulting from the discharge. Discharges of prohibited or restricted substances directly or indirectly into navigable waters, or into streams, ditches or sewers tributary to navigable waters, shall be reported to the United States Coast Guard or to the regional office of the Washington state Department of Ecology, in accordance with Section 311 of the Act, 42 U.S.C. 1321, as amended.

9. In order that employees of industrial users involved in discharge to sewers will be informed of the county's requirements, the industrial users shall make available to their employees copies of this section together with such other wastewater information and notices directed toward more effective water pollution control that may be furnished by the director from time to time. A notice advising employees whom to call in case of a discharge violation of this section shall be furnished and permanently posted in highly visible places such as bulletin boards and lunchrooms. Where lack of proper employee training is determined to have caused noncompliance with this section or with the requirements of a waste discharge permit or written discharge authorization, the director shall require industrial users to provide employee training.

10. Any direct or indirect connection or entry point that could allow prohibited or regulated substances to enter the industrial user's plumbing or drainage system shall be eliminated. Where the action is impractical or unreasonable, the industrial user shall label the entry points appropriately to warn against discharge of wastes in violation of this section.

11. All industrial users shall notify the director, the Environmental Protection Agency Region 10

Waste Management Division Director and the Washington state Department of Ecology in writing of any discharge to the sewer of a substance, that, if otherwise disposed of would be a hazardous waste as set forth in 40 CFR Part 261.

a. Notification shall include the name of the hazardous waste as set forth in 40 CFR part 261, the Environmental Protection Agency hazardous waste generator number, where required, and the type of discharge, be it continuous, batch or other. If the industrial user discharges more than one hundred kilograms, or two hundred twenty pounds, of such waste per calendar month to the POTW, the notification shall also contain the following information:

(1) an identification of the hazardous constituents contained in the wastes;

(2) an estimation of the mass and concentrations of the constituents in the waste stream discharged during that calendar month; and

(3) an estimation of the constituents in the waste stream expected to be discharged during the following twelve months.

Discharges of more than fifteen kilograms, or thirty-three pounds of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. All notifications shall be submitted by January 24, 1991, for existing industrial users. Industrial users who commence discharge after January 24, 1991, shall submit notification no later than one hundred eighty days after the discharge of the hazardous wastes. Any industrial user required to submit notification under this subsection shall be required to submit only once for each hazardous waste discharged unless the discharge is changed according to 40 CFR 403.12(j). Notification requirements under this subsection do not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e) before January 24, 1991.

b. Industrial users are exempt from the notification requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous waste

as specified in 40 CFR 261.30 (d) and 261.33(e).

c. In the case of new regulations under Section 3001 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921, identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the industrial user shall submit notification as required under this section within ninety days of the effective date of the new regulations.

d. Any industrial user subject to the notification requirements under this section shall certify in writing at the time of notification that the industrial user has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

12. Industrial users shall maintain records relating to discharges to the metropolitan sewerage system. The records, which include, but are not limited to, routine maintenance, documentation associated with best management practices, waste disposal dates, manifests and disposal records for accumulated wastes, self-monitoring reports, analytical lab results, dates and times of sample collection and batch discharges, pH and equipment calibration log books, pH monitoring records and flow records, shall be retained for a minimum of three years and shall be subject to review in accordance with this section.

13. The director may establish rules by which required reports can be received electronically from industrial users. The rules shall establish the framework for electronic reporting that ensures the legal dependability of electronic documents submitted in accordance with this section.

L. The following provisions shall apply to the inspection and sampling of industrial users:

1. To carry out this section and ensure compliance with federal and state laws and regulations relating to water pollution, authorized and properly identified representatives of the county shall have the right to enter that portion of the premises of any person discharging industrial waste into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system, whether or not the discharge is officially permitted or authorized. The purpose of entry shall be for inspection, observation, measurement, review of operating and waste management records, including documentation associated with best management practices, sampling and

testing in accordance with this section, at reasonable times or for the purpose of handling an emergency, as determined by the director, at any time if the director determines that an emergency exists. Inspections shall be limited to that portion of the premises that contains a side sewer, measuring ((~~manhole~~)) maintenance hole, pretreatment facilities or facilities for the transportation, collection, concentration or treatment of wastes. All regular sanitary and safety requirements of the person shall be complied with by the representative during the inspection. Before entering the premises, representatives of the county shall state their purpose and present credentials and an administrative inspection warrant, if one is required.

2. A warrant shall not be required for entry and administrative inspections, including observation, measurement, sampling or testing, under this section in the following situations:

a. with the consent of the owner, operator or agent in charge of the premises;

b. if the discharge is permitted under an industrial waste discharge permit or other written discharge authorization;

c. in situations where the director has determined that an emergency exists presenting imminent danger to the public or worker health, safety and welfare, the environment or water quality of a receiving water or interference or risk of interference or obstruction with the functioning of the metropolitan sewerage system, or violating the county's National Pollutant Discharge Elimination System permit limits;

d. in any emergency circumstance where there is neither time nor opportunity to apply for a warrant; and

e. in any other situation where a warrant is not required by law.

3. In the event an administrative inspection warrant must be obtained to enter upon the premises of any person disposing of industrial waste into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system, the director shall apply to the superior court for issuance of warrants for the purpose of conducting administrative inspections authorized by this section. For purposes of an administrative inspection, probable cause justifying the issuance of a warrant may be based either on:

a. specific evidence of an existing violation of the terms and conditions of a waste discharge permit, this section or any state or federal law or regulation relating to water pollution; or

b. evidence that reasonable administrative standards for conducting an inspection, including observation, measurement or testing of industrial waste, are satisfied with respect to a particular premises and that a specific premises has been selected for county inspection on the basis of a general administrative plan for the enforcement of this section or any county, state or federal laws or regulations relating to water pollution.

4. Consistent with federal pretreatment standards, pollutant levels for all regulated processes will be monitored at the point of compliance. The point of compliance shall be at the end of the regulated process following pretreatment or as specified in the waste discharge permit or written discharge authorization. The monitoring shall be before the addition of any dilution water.

5. The purpose of the inspection and sampling programs shall be to verify independent of information supplied by industrial users in accordance with this section, the compliance or noncompliance with applicable pretreatment standards and requirements, best management practices or special requirements as prescribed by the director.

6. The sampling programs shall be designed to provide sampling emphasis on those industrial users discharging the greatest volume and concentration of pollutants. Comprehensive sampling by automatic samplers will be augmented with grab samples taken on a random basis. Flow proportioned samples are preferred. At a minimum, significant industrial users will be sampled at the frequency required by 40 CFR 403.12, as amended. Those users with large industrial discharges can expect to be sampled quarterly or more often, while users with small discharges may be sampled once annually or as required by federal regulations or an National Pollutant Discharge Elimination System permit issued to the county. Industrial users also discharging high strength waste will be sampled or classified as part of the industrial surcharge program.

7. The inspection programs shall be designed to provide emphasis on those industrial users discharging the greatest volume and concentration of pollutants. A significant industrial user will be inspected

at the frequency required by 40 CFR 403.12, as amended.

8. The postviolation inspection and sampling program shall provide for additional inspection and sampling of any industry failing to comply with or violating any of this section or applicable state and federal requirements.

9. Except as otherwise stipulated below, information and data on industrial users obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies in conformance with county ordinances and state laws and regulations. Industrial user information such as trade secrets may be withheld provided confidentiality is specifically requested by the industrial user at the time the information is provided or submitted to the director. Wastewater constituents and characteristics shall not be recognized as confidential information and will be available to the public without restriction.

10. A portion, or cocollected sample in the instance of fats, oils and greases, of any samples collected by department personnel shall be made available to the industrial user being sampled. If the industrial user has samples analyzed for comparison with the department's results, the comparison will be considered valid only if methods and procedures are the same as those utilized or approved by the department and those methods and procedures conform to and are consistent with the analytical methods established by the latest edition of the following references:

a. Standard Methods for the Examination of Water and Wastewater;

b. American Society for Testing and Materials, A.S.T.M. Standards, part 23, Water, Atmospheric Analysis;

c. Environmental Protection Agency, Water Quality Office Analytical Control Laboratory, Methods for Chemical Analysis of Water and Wastes; or

d. any other analytical method determined by the department to be required to identify and quantify a particular pollutant not adequately sampled by the above referenced methods.

11. If, as the result of a valid sample comparison, a discrepancy arises between the analytical results obtained by an industrial user and the county's results, and if a statistical summary indicates that the precision of the county's and the industrial user's results are within acceptable quality assurance/quality control standards, the two results will be averaged to determine the user's compliance.

12. The director may require any user to develop and implement an accidental discharge (spill)/slug control plan. An accidental discharge or accidental spill prevention plan (ASPP)/slug control plan describing facilities to prevent accidental discharge or slug discharges of pollutants and operating procedures to provide this protection, shall be submitted to the director for review and approval before implementation. The director shall determine which user is required to develop a plan and require the plan be submitted within ninety days following notification by the director. Each user shall implement its ASPP as submitted or as modified after the plans have been reviewed and approved by the director. Review and approval of the plans and operating procedures shall not relieve the user from the responsibility to modify its facility as necessary to meet spill control requirements.

a. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan that addresses, at a minimum, the following:

(1) description of discharge practices, including nonroutine batch discharges;

(2) description of stored chemicals;

(3) procedures for immediately notifying the POTW of any accidental or slug discharge; and

(4) procedures to prevent adverse impact from any accidental or slug discharge including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or measures and equipment for emergency response.

b. Users shall notify the director immediately upon the occurrence of a slug or accidental discharge

of substances regulated by this section. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions.

c. Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures taken by the user to prevent similar future occurrences.

d. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge.

e. A significant industrial user shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

M. The following provisions shall govern permit fees compliance monitoring and administrative fees and postviolation inspection and sampling program charges.

1. To cover the cost of drafting waste discharge permits as provided in this section, the director shall establish a permit fee. The fee shall be applicable to each new or revised permit issued after the adoption of this section. The permits shall normally be issued for a period of five years and the fee shall entitle the permittee to the review of two draft permits and the review and issuance of one final permit and one permit revision during the stated term of each permit. No additional charges shall be made for revisions or draft permit revisions initiated by the department. The cost for routine permit administration, including annual permit inspections, are covered under other provisions in this section. The director is hereby authorized to establish the permit drafting fee as part of the county's annual budget process.

2. Those permittees authorized to discharge heavy metals and those permittees authorized to discharge oil and grease shall pay a compliance monitoring and administrative fee. The fee shall be a unit charge calculated in accordance with the procedures hereafter set forth herein and in accordance with the following:

HEAVY METAL AND OIL & GREASE

MONTHLY COMPLIANCE MONITORING AND ADMINISTRATIVE FEES

The heavy metal and oil & grease monthly compliance monitoring and administrative charges for each industrial user shall be computed using the following formulas:

$$\text{Heavy metals monthly charge} = \frac{[\,Q_t - Q_s\,]\;[\,Cost_{HM}\,]}{12}$$

$$\text{Oil \& Grease monthly charge} = \frac{[\,Q_t - Q_s\,]\;[\,Cost_{OG}\,]}{12}$$

Where:

Q_t = measured sewage flow; 100 cubic feet/year;

Q_s = computed sanitary flow; 100 cubic feet/year;

$Cost_{HM}$ = unit cost for administering and monitoring for heavy metals of permitted companies;

$Cost_{OG}$ = unit cost for administering and monitoring for oil & grease of permitted companies;

Further:

$Q_t - Q_s$ = industrial wastewater discharged; 100 cubic feet/yr

Where:

$$\frac{Q_{ve}\ E\ O}{748}$$

Q_{ve} = sanitary volume exclusion per employee per day; gallons/day;

E	=	average daily number of employees;
O	=	average number of annual operating days;
748	=	factor for converting gallons to 100 cubic feet;

Further:

$$Cost_x = \frac{AM_x}{{}^{T}IF_x}$$

Where:

$Cost_x$	=	unit cost for administering and monitoring heavy metals or oil and grease program;
AM_x	=	budget allocated to administering heavy metals or oil and grease program;
${}^{T}IF_x$	=	total industrial flow discharged by heavy metal permittees or oil and grease permittees; 100 cubic feet/year.

a. The compliance monitoring and administrative fees shall be based upon the county's estimated costs for the total compliance monitoring program for the heavy metals and oil and grease programs. A review of the costs and their allocation will be conducted annually by the director, and unit charges may be adjusted to reflect the actual monitoring costs. Compliance monitoring and administrative fees shall include, but not be limited to, routine permit administration, program development, laboratory analysis and recovery of fifty percent of the costs of the key ((~~manhole~~)) maintenance hole monitoring program and industrial monitoring costs not recovered directly via fees for the postviolation inspection and sampling program.

b. Compliance monitoring and administrative charges shall be based upon the average monthly volume of discharge by each industrial/commercial permittee served directly or indirectly by the metropolitan sewerage system. The average monthly discharge volume will be based on water consumption figures of each

industrial/commercial permittee for the previous four quarters of the year. Each participant local agency shall provide the department each quarter with a listing of the water consumption of each industrial/commercial permittee served by the participant local agency and the department. Where actual sewage flow is metered, the metered flow shall be reported in lieu of water consumption.

c. The director shall not impose the compliance monitoring and administrative fee where the compliance monitoring payments do not exceed the department's estimated costs for monitoring and processing an individual account. The department reserves the right to thereafter reimpose the compliance monitoring and administrative fee for heavy metals or oil and grease, or both, whenever the director determines that the payments will exceed administrative costs.

d. The department will assign the responsibility for billing and collecting the compliance monitoring and administrative fees to each of its participant local agencies for those companies within the agencies' jurisdiction. The permit fee will be billed directly to the permittee.

3. The department shall have the right to impose an administrative fee to recover the cost of drafting minor discharge authorizations and general permits as provided under other provisions of this section.

4. Users discharging waste with a strength greater than domestic waste shall pay a high strength surcharge in addition to the basic fee. The surcharge for high strength industrial wastes shall be based on treatment or removal costs of those constituents whose concentration exceeds that contained in domestic wastes and that contribute to the costs of operation and maintenance of the metropolitan sewerage system. The constituents presently in this category are biochemical oxygen demand (BOD) and suspended solids.

a. The surcharge shall be the unit cost of treating BOD5 or suspended solids times the strength in excess of domestic strength. The unit costs for BOD5 and suspended solids are computed from the actual costs of operating and maintaining the metropolitan sewerage system by allocating costs to flow, BOD5 and suspended solids and dividing the allocated costs by the total amounts of flow, BOD5 and suspended solids treated in the metropolitan sewerage system.

b. The fees shall be determined according to the following surcharge formula:

The computation of the high-strength surcharge is described by the following formula:

$$\text{Surcharge} = Q_t \; [(BOD_M - BOD_d)UC_{BOD} + (SS_M - SS_d)UC_{SS}]$$

Where:

Surcharge	=	Monthly surcharge payment; $/month
Q_t	=	Average month sewage flow; 100 cubic feet/month
BOD_M	=	Measured BOD waste strength for industry; mg/l
BOD_d	=	Defined BOD strength for domestic waste; mg/l
SS_M	=	Measured SS waste strength for industry; mg/l
SS_d	=	Defined SS strength for domestic waste; mg/l
UC_{BOD}	=	Unit cost of treating BOD; $/mg/l/100 cubic feet
UC_{SS}	=	Unit cost of treating SS; $/mg/l/100 cubic feet

And;

$$UC_x = \frac{OM_x}{(8.34\ lb/gal)(7.48/ft^3)(100ft^3)(10^{-6})} + \frac{PC}{TW_x \quad SW_x}$$

UC_x	=	Unit cost for BOD or suspended solids
OM_x	=	Allocated operation and maintenance costs to BOD or suspended solids;
PC	=	Costs of administering and sampling for the surcharge program;
TW_x	=	Total BOD or suspended solids handled by the county sewerage system; lb/year

SW_x = Surchargeable BOD or suspended solids handled by the county sewerage system; lb/year

Surchargeable BOD and suspended solids is the amount that exceeds the established domestic waste strength.

c. The concentration of domestic wastes shall be defined by the director.

d. Treatment costs will be based on system-wide maintenance and operation costs allocated to the appropriate waste parameters. The director shall conduct an annual review of treatment costs and adjust charges to reflect actual operation and maintenance costs.

e. The surcharge shall be based upon the average annual strength and volume of discharge by the industrial user. Industrial users shall have the right to challenge the values the director develops by submitting a series of analyses from a state certified laboratory documenting the substitute values proposed by the industrial user. Satisfactory sampling techniques in such instances shall be subject to approval by the director.

f. The director shall establish the average annual waste strength for each industrial user either by direct measurement or by classification. Those users discharging in excess of 600 pounds per day of BOD and suspended solids will be monitored directly at a frequency of not less than twice per year. Those users discharging less than those quantities will be classified by user group and assigned a waste strength based upon measured values for representative industrial users within each group. Industrial users who can demonstrate a significant difference in waste generating operations from that of their assigned class leader shall have the right to challenge their assigned classification by submitting a series of analyses from a competent laboratory documenting the substitute values proposed by the industrial user. Satisfactory sampling techniques in such instances shall be subject to approval by the director.

g. There shall be a domestic type classification established originating from domestic type activities. All industrial users in the domestic type classification shall be assigned a waste strength equal to the domestic equivalent.

h. The average annual discharge volume will be based upon water consumption figures utilized by the industrial user for the previous four quarters. Each participant local agency shall provide the county each quarter with a listing of the water consumption of each surcharged user. Where actual sewage flow is metered, the metered flow shall be reported in lieu of water consumption.

i. Those industrial users whose high strength waste surcharge payments fall below the administrative costs for an individual account will be excluded from the program.

j. The county will assign the responsibility for billing and collecting the high strength waste surcharge to each of its participant local agencies for those industrial users within the agencies' jurisdiction. The county will review the local agencies' billing procedures annually to ensure that the agencies' user charge is being applied equitably and in accordance with federal regulations.

5. Any industrial user that believes the compliance monitoring and administrative fee or permit fee imposed on it by the director may be in error may appeal the action by following the appeal process outlined in this section.

6. Any industrial user for whom the director implements a postviolation inspection and sampling program under this section shall be responsible for costs therefore incurred by the county, including without limitation expert, legal and administrative costs. The costs shall be in addition to the other fees, penalties and costs for damages set forth in this section. Any industrial user subject to postviolation inspection and sampling shall be billed directly for the county's costs. The costs recovered by the county shall include all labor, supplies and special costs incurred for the inspection and monitoring effort. A review of the costs and their allocation will be conducted annually by the director, and unit charges may be adjusted by the director to reflect the actual sampling and inspection costs.

N. The following provisions shall govern violations of discharge requirements:

1. The criteria constituting violations shall be as follows:

a. A discharge violation will be considered to have occurred if the limitations established in or in

accordance with this section, federal or state pretreatment standards, specific requirements of an industrial waste discharge permit, written discharge authorization or any other pretreatment standards are exceeded, regardless of intent or accident.

b. A mass violation will be considered to have occurred if mass related limitations for specific pollutants have been exceeded. Mass related limitations will be based on daily average limits. A violation will be determined utilizing the formula: (8.34) x (millions of gallons discharged per day) x (concentration of pollutant in mg/L). The concentration used for the pollutant will be the arithmetic mean of those concentrations for samples collected during the period monitored over the operating day or the concentration of a flow proportioned composite during that period. The volume will be determined by either a water meter or sewer meter serving the monitored process and read immediately before and after sampling.

c. A violation will be considered to have occurred if special reporting requirements established by permit, provided for in this section, included in written documents from the director, or specified by general federal pretreatment standards in 40 CFR 403.12 as amended, are not complied with.

d. A violation will be considered to have occurred if special conditions, best management practices or requirements established by this section, waste discharge permit, general permit, major or minor discharge authorization, letter of discharge authorization or written orders from the director are not complied with. The violations include, but are not limited to, failure to pay sewer charges or fines, failure to complete the requirements of a compliance order, failure to meet the deadlines of a compliance schedule and inaccurate reporting.

e. Each discrete discharge that constitutes a violation under this section shall constitute a separate violation, or if the discharge is continuous, then each hour of the discharge shall constitute a separate violation, provided the director shall have the discretion to combine the discrete or continuous discharges and limit the number of violations for purposes of assessing penalties, if the violations are minor and do not pose significant risks to public health and safety or treatment processes and facilities, and the industrial user demonstrates to the

reasonable satisfaction of the director that it is using its best efforts and the most current technology to avoid the discrete or continuous discharges.

2. In accordance with 40 CFR 403.8, the director will cause to be published in a newspaper of general circulation within the county, at a minimum once every twelve months, a list of those industrial users that since the last previous publication were determined to be in significant noncompliance of the limitations established by this section and applicable pretreatment standards or other requirements under this section. This notification will summarize enforcement actions taken by the county during the same period covered by the publication.

O. The following provisions shall govern penalties and enforcement of the requirements of this section:

1. Any person failing to comply with or violating any of this section shall, for each such a failure or violation or for each day that the failure or violation occurred or continues to occur, be required to correct such violation and shall be subject to enforcement action or actions to be determined by the director. Depending upon the severity of the situation, the director may require the immediate cease of discharge and disposal of the industrial waste in some manner other than into the public sewer, private sewer or side sewer tributary to the metropolitan sewerage system, at the expense of the person responsible for the failure or violation.

2. The director shall develop and implement an enforcement response plan that contains guidelines indicating how the county will investigate and respond to instances of industrial user noncompliance. At a minimum the plan shall: describe how the county will investigate violations; describe escalating enforcement remedies and the time periods in which they will take place, including Notice of Violation, Compliance Order, Final Notice, Monetary Penalties, Postviolation Inspections and Sampling, Cease Discharge Notice, Emergency Suspension, Termination of Discharge and Supplemental Environmental Projects; identify by title the official or officials responsible for implementing each enforcement response; and reflect the county's responsibility to enforce all applicable pretreatment requirements and standards. In determining the type of enforcement action and the amount of penalties to be levied, the enforcement response plan shall consider the type and concentration of the pollutant causing the violation, the analytical variability for that pollutant, the volumes

discharged, the damages caused by or related to the discharges, the history of past violation by the same industrial user, the assessment of any prior penalties for similar violations and the number of violations as determined in accordance with other provisions of this section.

a. Upon determination that a violation has taken or is taking place, a representative of the county shall make a reasonable effort to notify the violating party immediately. The first notification may be verbal if followed by written notification. The written notification shall be entitled "Notice of Violation" and shall specify the nature and source of the violation. The written notice may be delivered to the business premises of an industrial user or submitted by regular mail to the permit holders' address, as given to the county. Following these notification procedures, applicable follow-up correspondence will be used to establish penalties and corrective action to be taken by the violator. Within fourteen calendar days of receiving a Notice of Violation, the violator shall submit a report to the director describing the circumstances surrounding the violating condition. In the case of a discharge violation, the violator shall also collect an effluent sample and submit resultant data to the director in addition to the report. Submission of this report shall in no way relieve the user of liability for any violations occurring before or after receipt of the Notice of Violation.

b. Upon determination that a violation has taken or is taking place, the director may issue a compliance order to the violating party responsible for the discharge, directing that the user come into compliance within a time specified in a schedule. Compliance orders may also contain other requirements to address the noncompliance, including but not limited to additional self-monitoring and management practices, evaluations of control measures or pretreatment equipment and installation of pretreatment equipment designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, and a compliance order does not release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

c. Upon determination that a violation has taken or is taking place, the director may issue a final

notice to the violating party. Final notice places the user on notice that further violations, or failing to complete a requirement within a designated period of time, shall result in assessment of monetary penalties. Issuance of final notice shall not be a prerequisite to taking any other action, including assessment of monetary penalties, against the user.

d. For each failure or violation hereunder, the person responsible shall be liable for a maximum civil penalty of ten thousand dollars per violation per day, but not less than one hundred dollars per violation, per day. Issuance of a monetary penalty shall not be a prerequisite for taking any other action against the user. In addition to monetary penalties, the director may recover expenses incurred by the county associated with enforcement activities, including, but not limited to: any additional treatment costs; additional operational costs; costs incurred by the county from tracking down violators; any penalties, fines or other costs levied against the county for violation of state and federal permits resulting from discharges; and any other costs, including expert, legal or administrative costs or the withholding of any grant money, incurred by the county or the local public agency, to the extent permitted by law. In addition to any monetary penalty that reflects the gravity of the violation, a calculated amount based on the industrial user's economic benefit of noncompliance may be recovered by the director.

e. Upon determination that a violation has taken place, the director may require postviolation inspections and sampling of an industrial user as defined in K.C.C. 28.82.370. Costs for postviolation inspection and monitoring, as set forth in this section, shall be in addition to other fees, penalties and costs for damages set forth in this section.

f. Upon determination that a violation has taken or is taking place, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) immediately comply with all requirements; and

(2) take such appropriate remedial or preventive action as may be needed to properly address a

continuing or threatened violation, including halting operations or terminating the discharge, or both. Issuance of a cease discharge notice shall not be a prerequisite for taking any other action against the user.

g. The director may immediately suspend a user's discharge, after informal notice to the user, whenever the suspension is necessary in order to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the metropolitan sewerage system, including, but not limited to, maintaining compliance with the county's National Pollutant Discharge Elimination System permit and biosolids quality requirements, or that presents or may present a danger to the environment.

h. In addition to other provisions of this section, any user that violates the following conditions is subject to discharge termination: violation of waste discharge permit or written discharge authorization conditions; failure to accurately report wastewater constituents and characteristics of discharge; failure to report significant changes in operations or wastewater volume, constituents and characteristics before discharge; refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling, as provided in this section; and violation of the limitations established in this section.

i. The penalties and enforcement provisions in this section are not exclusive remedies. The director is authorized to take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is authorized to take more than one enforcement action against any noncompliant user. Enforcement actions may be taken concurrently.

j. Where criminal enforcement action is considered in a particular case, that case may be referred to state or federal authorities.

3. Any person causing structural damage to a public sewer or treatment facility or causing resource

damage to receiving water quality or biosolids by discharges not in compliance with this section and the requirements of any permit or written discharge authorization, shall be liable for any such damage in addition to monetary penalties.

4. In accordance with this section, where the enforcement remedy is the assessment of a substantial monetary penalty, where in certain instances projects or activities remediating adverse public health conditions or environmental consequences of the violations may be included in the enforcement action, and where the size of the final assessed penalty may reflect the commitment of the user to undertake environmentally beneficial expenditures, the director may approve a supplemental environmental project other than those required to correct the underlying violation to be undertaken by the user in exchange for a reduction in the amount of the assessed monetary penalty. All supplemental projects must improve the injured environment or reduce the total risk burden posed to public health or the environment by the identified violation. Any supplemental environmental project must be shown to be of equal monetary value to the amount of reduction in the assessed monetary penalty. The director shall establish rules by which consideration and acceptance of a supplemental environmental project are determined. The rules shall be based upon categories of potential supplemental environmental projects including but not limited to: pollution prevention projects, pollution reduction projects, environmental restoration projects, environmental auditing projects and environmental public awareness projects. The rules shall also provide for public involvement in the acceptance of any project and in establishing the benefit of any project to the performance of the metropolitan water pollution abatement function by the county. Categories of potential supplemental environmental projects, except for public awareness projects, may be considered if there is an appropriate relationship or "nexus" between the nature of the violation and the environmental benefits to be derived from the type of supplemental project. A supplemental environmental project cannot be used to resolve violations at a facility other than the facility or facilities that are the subject of the enforcement action. Under no circumstances will a user be given additional time to correct the violation and return to compliance in exchange for the conduct of a supplemental environmental project.

5. The county does not allow for the affirmative defense of an enforcement action brought for noncompliance with applicable pretreatment standards based on conditions of "upset" or "bypass." For the purpose of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with discharge standards because of factors beyond the reasonable control of the user. For the purpose of this section, "bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility. The diversion or bypass of any discharge from any pretreatment facility utilized to maintain compliance with applicable pretreatment standards is prohibited except where unavoidable to prevent loss of life or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass.

P. The director is authorized and directed to promulgate such rules, regulations and guidelines as the director deems necessary to carry out the purposes or provisions of this section, to ensure the department's compliance with the requirements of any federal or state law or administrative regulation relating to water pollution and any changes or amendments thereto and to ensure the department performs the metropolitan water pollution abatement function under chapter 35.58 RCW. Nothing herein shall prevent the director from seeking judicial or governmental agency assistance to implement the policies and requirements of this section. The rule-making process followed by the director shall provide for public participation. Before the adoption of any rule, the director shall notify users and the general public of the proposed rule. Notification will include but need not be limited to: newsletters; public hearings; or legal notices published in area newspapers.

Q. The director is authorized to delegate responsibility to participant local agencies where the participant agency has requested the delegation and where the director has approved its plans and procedures for implementation of the delegated responsibility.

SECTION 86. Ordinance 13680, Section 1, as amended, and K.C.C. 28.86.010 are each hereby amended to read as follows:

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

A. "Biosolids" means a primarily organic product produced by wastewater treatment processes that can be beneficially recycled. The product may contain water, sand, organic matter, microorganisms, trace metals and other chemicals.

B. "Capacity" and "rated capacity" mean the average wet weather flows that the treatment plant or conveyance system is designed to handle. Average wet weather flows are wastewater flows that occur during wet months but not during storms.

C. "Capacity charge" means a charge levied on a new customer to recover capital costs needed to serve new customers.

D. "Community treatment system" means a treatment device or drainfield, or both, that is shared by two or more property owners.

E. "Component agencies" means the cities, towns, counties and sewer districts that retail wastewater treatment services, that dispose of any portions of their sanitary sewage into the wastewater system and that have entered into a contract with the county for providing for wastewater treatment.

F. "Comprehensive Water Pollution Abatement Plan" means a plan developed pursuant to RCW 35.58.200.

G. "CSO" means a combined sewer overflow, which is an overflow from a combined sewer that is designed to collect both sanitary sewage and stormwater runoff. The overflows occur during storms when flows in the system exceed the capacity of the wastewater collection system.

H. "ESA" means the federal Endangered Species Act.

I. "Existing customer" means a customer who connects, reconnects, or establishes a new service on sewers tributary to the county's metropolitan sewerage service before January 1, 2003.

J. "I/I" means inflow/infiltration, which is the total quantity of water from both inflow and infiltration

without distinguishing the source.

K. "Indirect potable use" means discharging reclaimed water to surface or groundwater and withdrawing water for treatment prior to use as a drinking water source from another location in the same watershed.

L. "Infiltration" means the water entering a wastewater system, including sewer service connections, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or ((~~manhole~~)) maintenance hole walls.

M. "Inflow" means the water discharged into a wastewater system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, ((~~manhole~~)) maintenance hole covers, cross-connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. "Inflow" does not include, and is distinguished from, infiltration.

N. "Mgd" means million gallons per day, a measure of wastewater treatment capacity,

O. "New customer" means a customer who connects, reconnects, or establishes a new service on sewers tributary to the county's metropolitan sewage system on or after January 1, 2003. This includes:

1. New connections to the existing collection system, including:

a. flows from new single family and multiple unit residential connections; and

b. new commercial or industrial connections;

2. Expansions in activity from existing connections, including:

a. conversion of residential units (single or multiple) to include additional customers or equivalents, or both; and

b. expansions in commercial or industrial activity;

3. Septic to sewer conversions; and

4. I/I flows from the new connections and newly constructed conveyance systems.

P. "Nonpotable use" means using reclaimed water for nondrinking water applications that may include but are not limited to irrigation, industrial processing, agricultural uses and stream augmentation.

Q. "Operational master plan" means a comprehensive plan for an agency setting forth how the organization will operate now and in the future. An operational master plan shall include the analysis of alternatives and their life cycle costs to accomplish defined goals and objectives, performance measures, projected workload, needed resources, implementation schedules and general cost estimates. The operational master plan shall also address how the organization would respond in the future to changed conditions.

R. "Reclaimed water" means wastewater that is treated to a sufficiently high level that it can be safely used for intended purposes.

S. "Residential customer equivalent" means the factor in cubic feet of water used to describe the discharge from a single-family residence. Commercial and industrial customers are converted to residential customer equivalents based on the volume of water consumption.

T. "RWQC" means the regional water quality committee, which is a regional committee as defined by Section 270 of the King County Charter, with powers and duties to "develop, review and recommend ordinances and motions adopting, repealing, or amending countywide policies and plans relating to the subject matter area for which a regional committee has been established."

U. "RWSP" means the regional wastewater services plan.

V. "Sewer rate" means the amount in dollars, charged to a residential customer equivalent each month for use of the wastewater system.

W. "Shall" and "will" in a policy mean that it is mandatory to carry out the policy. "Should" in a policy provides noncompulsory guidance and establishes some discretion in making decisions. "May" in a policy means that it is in the interest of the county or other named entity to carry out the policy but there is total discretion in making decisions.

X. "Wastewater revenues" means revenues from the monthly sewer rate, capacity charge, grants and

other revenues, such as interest income and charges for services, available for the wastewater system.

Y. "Wastewater system" means all the county's water pollution abatement facilities, together with all lands, property rights, equipment and accessories necessary for those facilities, and any other infrastructure, and all operations and programs provided by the county under chapter 35.58 RCW, including but not limited to: 1. conveyance of influent from component agencies; 2. treatment of sewage; 3. disposal of treated effluent; 4. production and recycling of biosolids; 5. regulation of I/I; 6. control of combined sewer overflows; and 7. production of reclaimed water.

Z. "Water reuse" means using reclaimed water.

SECTION 87. Ordinance 11033, Section 15, and K.C.C. 28.94.100 are each hereby amended to read as follows:

A. The county will provide public restrooms at transit centers that meet the following criteria.

1. The transit center has been designed and sited principally to facilitate transfers between different routes.

2. The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.

3. County service through the transit center makes significant use of "timed meet" schedules.

4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.

5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.

6. A daily platform population of ((~~2,000~~)) two thousand or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.

7. At least ((~~25~~)) twenty-five buses per peak hour pass through the transit center.

8. Independent of any decision to provide a public restroom, the level of operational activity at the

transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.

B. If these criteria are met, the public restroom will be a ((~~uni-sex~~)) gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.

C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.

D. The department shall not provide public restrooms at any of the county's customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.

E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms.

SECTION 88. Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 are each hereby amended to read as follows:

A. The following actions are prohibited in, on or in relation to, all transit properties. For conduct not amounting to a violation of another applicable state or local law bearing a greater penalty or criminal sanction than is provided under this section, a person who commits one of the following acts in, on or in relation to transit property is guilty of a civil infraction to which chapter 7.80 RCW applies:

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

2. Allowing ((~~his or her~~)) that person's own animal to leave waste on transit property;

3. Rollerskating, rollerblading or skateboarding;

4. Riding a bicycle, motorcycle or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. In tunnel facilities, bicycles must be walked at all times and may not be transported on escalators. However, nothing in this section shall be construed to apply to commissioned peace officers or county employees engaged in authorized activities in the course of their employment;

5. Eating or drinking. However, eating and drinking nonalcoholic beverages are permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a container designed to prevent spillage is permitted on transit property;

6. Bringing onto a transit passenger vehicle any package or other object that blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole discretion, cause a danger to passengers or displace passengers or expected passengers;

7. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted;

8. Engaging in public communication activities or commercial activities except as authorized under K.C.C. 28.96.020 through 28.96.210;

9. Riding transit vehicles or using benches, floors or other areas in tunnel and other passenger facilities for the purpose of sleeping rather than for their intended transportation-related purposes;

10. Camping in or on transit property; storing personal property on benches, floors or other areas of transit property;

11. Entering or crossing the transit tunnel roadway or transit vehicle roadways in and about other passenger facilities, except in marked crosswalks or at the direction of county or public safety personnel;

12. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion;

13. Hanging or swinging on bars or stanchions with feet off the floor inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;

14. Engaging in any sport or recreational activities on transit property;

15. Parking a vehicle in an approved parking area on transit property for more than seventy-two consecutive hours;

16. Using a transit facility for residential or commercial parking or encouraging others to make such a use, except the commercial parking that is authorized under K.C.C. 28.96.220;

17. Performing any nonemergency repairs or cleaning of a vehicle parked on transit property;

18. Conducting driver training on transit property; and

19. For those individuals seventeen years of age and under, failing to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance.

B. The following actions are prohibited in, on or in relation to all transit properties. For conduct not amounting to a violation of another applicable state or local criminal law bearing a greater penalty than is provided under this chapter, a person who commits one of the following acts in, on or in relation to transit property is guilty of a misdemeanor:

1.a. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette or using an electronic smoking devices, while on or in a transit vehicle or while in or at a bus shelter or transit property or properties.

b. For the purposes of this subsection B.1.:

(1) "electronic smoking device" means an electronic or battery-operated device that can be used to deliver nicotine or other substances to the person inhaling from the device. "Electronic smoking device" includes, but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe or an electronic hookah; and

(2) "bus shelter or transit property or properties" means a passenger facility, structure, stop, shelter, bus zone, property or right-of-way of any kind that is owned, leased, held or used by the department for the purpose of providing public transportation services;

2. Discarding litter other than in designated receptacles;

3. Playing a radio, tape recorder, audible game device or any other sound-producing equipment, except when the equipment is connected to earphones that limit the sound to the individual listener. However, the use of communication devices by county employees, county contractors or public safety officers in the line of duty is permitted, as is the use of private communication devices used to summon, notify or communicate with other individuals, such as pagers or portable telephones;

4. Spitting, expectorating, urinating or defecating except in restroom facilities;

5. Carrying flammable liquids, flammable or nonflammable explosives, acid or any other article or material of a type or in a manner that is likely to cause harm to others. However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be carried if in a form or manner that is not otherwise prohibited by law or ordinance;

6. Intentionally obstructing or impeding the flow of transit vehicle or passenger movement, hindering or preventing access to transit property, causing unreasonable delays in boarding or deboarding, reclining or occupying more than one seat, or in any way interfering with the provision or use of transit services;

7. Unreasonably disturbing others by engaging in loud, raucous, unruly, harmful, abusive or harassing behavior;

8. Defacing, destroying or otherwise vandalizing transit property or any signs, notices or advertisements on transit property;

9. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage. However, possessing and drinking an alcoholic beverage is not prohibited in the tunnel facilities if authorized as part of a scheduled special event for which all required permits have been obtained and when the facilities are not in use

for transit purposes;

10. Entering nonpublic areas, including but not limited to tunnel staging areas and equipment rooms, except when authorized by the director or when instructed to do so by county or public safety personnel;

11. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids;

12. Throwing an object at transit property or at any person in transit property;

13. For those individuals eighteen years of age and older, failing to present a valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance;

14. Possessing an unissued transfer or tendering an unissued transfer as proof of fare payment;

15. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation;

16. Falsely claiming to be a transit operator or other transit employee; or through words, actions or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, creating a false impression that the person is a transit operator or other transit employee;

17. Bringing onto transit property odors which unreasonably disturb others or interfere with their use of the transit system, whether the odors arise from one's person, clothes, articles, accompanying animal or any other source;

18. Engaging in gambling or any game of chance for the winning of money or anything of value;

19. Discharging a laser-emitting device on a transit vehicle, directing such a device from a transit vehicle toward any other moving vehicle or directing such a device toward any transit operator or passenger; and

20. Knowingly entering or remaining unlawfully on transit property.

SECTION 89. Ordinance 11950, Section 15(part), and K.C.C. 28.96.060 are each hereby amended to

read as follows:

A. A letter of authorization will be issued on a first-come, first-served basis, subject to availability, and will be valid for a specific location, date, and time period. Actual use of a letter will be limited to the normal hours and days during which a specified location is open for public access. No more than two ((~~(2)~~)) letters will be issued for a given location, date and time period to individuals representing the same group or cause.

B. A letter of authorization may be obtained in-person from the department during normal county business hours for same-day use or may be obtained up to seven ((~~(7)~~)) days in advance of the date of intended use. Mailed requests for letters of authorization must be received at least ten ((~~(10)~~)) days prior to the date of intended use to allow time for return receipt.

C. Persons or groups who are issued letters of authorization shall, as a precondition to the issuance of the letter, agree to indemnify, defend and hold harmless the county and its officers, agents and employees from all suits, claims, actions and damages of whatsoever kind or nature arising out of or resulting from the persons' or groups' use of the premises, except to the extent caused by the negligence of the county and its officers, agents and employees. Such persons or groups shall further covenant and agree to specifically assume potential liability for actions brought by their own employees against the county and its officers, agents and employees and, for that purpose only, they shall specifically waive any immunity under the workers' compensation act, Title 51 RCW.

D. A letter of authorization may be transferred to another person engaged in the same activity provided the receiving party complies with the conditions of the letter and retains it on ((~~his/her~~)) <u>the receiving party's</u> person during the activity.

E. Persons issued a letter of authorization will be required to have it on their person or with their group when engaged in their activity. At the request of a county employee or a law enforcement officer, persons or groups engaged in public communication activities must produce a valid letter for the date, time period and location of the activities if they are utilizing a table, using sound amplification equipment, or where four ((~~(4)~~))

or more persons are engaged in the activity. Persons or groups without a valid Letter will be required to cease their activities until a valid letter is obtained or the activities are conducted without a table, sound amplification equipment or involving less than four (((~~(4)~~))) individuals.

F. Letters of authorization may not be reproduced or altered in any manner. Reproduced or altered letters will be considered invalid and confiscated. The holder of the invalid letter will be required to cease their activity until a valid letter is obtained or the activity is conducted without a table, sound amplification equipment or involving less than four (((~~(4)~~))) individuals.

G. A letter of authorization (((~~(~~)), with or without a table or sound amplification endorsement((~~)~~)), may be revoked immediately if:

1. The person or group engaged in the public communication activity violates this chapter or any applicable federal, state or local law; or

2. The activity has attracted a crowd of sufficient size so as to begin to adversely affect the safety, security or rights of others, the free flow of pedestrians, or the normal operational requirements of the facility.

Once a letter has been revoked, an individual or group shall not continue their activity until another letter has been obtained. If the letter has been revoked, any table or sound amplification equipment involved in the terminated activity must be removed immediately, together with all related materials, by the individual((~~(s)~~)) or individuals involved. No table, equipment or other materials may be left behind unattended or stored on the premises.

SECTION 90. Ordinance 11950, Section 18(part), and K.C.C. 28.96.430 are each hereby amended to read as follows:

Violation of a rule or provision of this chapter or any federal, state or local law shall be cause for suspension of a person's privileges to enter upon transit property and use the transit system. Such a suspension may be ordered by department personnel authorized by the director or by the authorized personnel of a contracted service provider in accordance with the terms of the applicable service contract. Notice of such a

suspension shall be in writing and shall inform the person suspended of the cause, the period of the suspension, and that failure to comply shall be grounds for criminal prosecution. Service of the suspension notice may be accomplished by personal delivery or by mailing a copy, addressed to the person's last known address, by certified U.S. mail. Unless otherwise specified on the notice, the suspension shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of a suspension by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that ((~~his/her~~)) the person's privileges to enter upon transit property and use the transit system have been suspended. Receipt of the notice is also construed to have been accomplished two ((~~(2)~~)) days after a suspension notice is placed in the U.S. mail. Failure to immediately comply with such a suspension order shall be grounds for prosecution for criminal trespass.

A person whose use privileges have been suspended may submit a written request for a review of the suspension, which request must be received by the director within ten ((~~(10)~~)) calendar days after the effective date of the suspension. Upon receiving a timely request, the director shall designate a person to review the suspension. The suspended person may orally present ((~~his/her~~)) the suspended person's reasons why the suspension should not be served, by phone or in person at a time and location mutually agreed upon with the reviewer. Within ten ((~~(10)~~)) calendar days after the suspended person presents ((~~his/her~~)) the suspended person's reasons, the reviewer shall make a decision affirming, modifying or terminating the suspension. The reviewer's decision shall be final.

SECTION 91. Ordinance 5846, Section 4, as amended, and K.C.C. 46.08.040 are each hereby amended to read as follows:

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in K.C.C. 46.08.050 under any of the following circumstances:

1. The vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic;

2. The vehicle is illegally parked in a conspicuously posted restricted zone where parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at any time when the vehicle is interfering or likely to interfere with the intended use of such a zone;

3. The vehicle poses an immediate danger to the public safety;

4. A police officer has information sufficient to form a reasonable belief that the vehicle is stolen;

5. A police officer has information sufficient to form a reasonable belief that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary to obtain or preserve such evidence;

6. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect ((~~his or her~~)) the driver's property;

7. Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard ((~~his or her~~)) the driver's property;

8. Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.62.581 which space is provided on private property without charge or on public property;

9. Whenever a mobile home is subject to removal from a mobile home park under a writ of restitution, provided such writ is attached to a department of public safety impound report; or

10. Whenever a wrecked, dismantled or inoperative vehicle is left on the public right of way, or on publicly owned or controlled property.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required. Nothing in this section may derogate from the powers of police officers

under the common law or other statute or ordinance.

SECTION 92. Ordinance 10278, Section 9, as amended, and K.C.C. 46.08.080 are each hereby amended to read as follows:

Vehicles or watercraft impounded by the county shall be redeemed under the following circumstances:

A. Only the registered owner, a person authorized in writing by the registered owner, or one who has purchased a vehicle or watercraft from the registered owner and who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or watercraft.

B. A person redeeming an impounded vehicle or watercraft must pay the towing contractor for the reasonable costs of towing and storage resulting from the impoundment before the vehicle or watercraft may be released from impound. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders and personal checks drawn on banks in payment for the costs that if a personal check is offered in payment for the costs, the person so offering the same may be required to show evidence of ((~~his or her~~)) the person's identity.

C. A person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, or in any other manner defrauds the towing contractor in connection with services rendered in accordance with this section, shall be liable to the towing contractor for actual costs of towing and storage. In any action to enforce this subsection, the prevailing party shall be entitled to its court costs and reasonable attorneys' fees.

D. A person seeking to redeem an impounded vehicle or watercraft has a right to a hearing under K.C.C. 46.08.100 before an administrative hearing officer to contest the validity of the impoundment or the amount of towing and storage costs. A request for a hearing shall be made in writing on a form provided for that purpose by the department of public safety and signed by the person, and must be received by the department of public safety within ten days, including Saturdays, Sundays and holidays of the later of the date the notice of right of redemption and opportunity for hearing was mailed to the person in accordance with

K.C.C. 46.08.070.A, or the date the notice was given to the person by the towing contractor in accordance with K.C.C. 46.08.070.D. If the hearing request is not received by the department of public safety within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage or other impoundment costs permitted under this chapter.

E. If a hearing as provided for in K.C.C. 46.08.100 is requested, such hearing shall be held within two working days of the receipt of the written request for the hearing by the department of public safety.

SECTION 93. Ordinance 10278, Section 12, as amended, and K.C.C. 46.08.130 are each hereby amended to read as follows:

The county executive((~~,~~)) or ((~~his~~)) designee((~~,~~)) may enter into contracts with towing contractors to provide towing and storage services on request of the King County department of public safety pursuant to this chapter. Such contracts shall be at no cost to the county and shall provide that the towing contractor may recover the costs of towing and storage only from the person seeking to redeem the impounded vehicle, or from the proceeds of sale of an unclaimed vehicle pursuant to K.C.C. 46.08.110, and that the county shall not be responsible for payment of such costs except upon order of the administration hearing officer pursuant to K.C.C. 46.08.100. The sheriff may specify that towing services obtained by the department of public safety will be on a rotational or other basis in specific geographic areas in the county. The sheriff may specify the rates towing contractors may charge persons seeking to redeem impounded vehicles for towing and storage services provided pursuant to this chapter.

SECTION 94. Ordinance 9078, Section 3, and K.C.C. 46.10.030 are each hereby amended to read as follows:

No person shall drive or permit a motor vehicle under ((~~his~~)) the person's care, custody or control to be driven past a traffic-control point more than two times in the same direction of travel within a two-hour period in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public or interference

with the use of property or conduct of business in the area adjacent thereto. The third passage of the same traffic-control point in the same direction of travel within the aforementioned two-hour period constitutes a violation of this chapter.

SECTION 95. Ordinance 9078, Section 4, as amended, and K.C.C. 46.10.040 are each hereby amended to read as follows:

The ((~~county~~)) sheriff ((~~of public safety~~)) or ((~~his~~)) designee shall determine when a no cruising area has become so congested by traffic as to present a danger of traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public, interference with the use of property or conduct of business in the area adjacent thereto, or emergency vehicles not being able to respond in that area within a reasonable period of time. The ((~~county~~))
sheriff or ((~~his~~)) designee shall then direct that no cruising signs shall be erected or installed and maintained until the congestion has lessened to an acceptable degree.