

ORDINANCE _____

AN ORDINANCE relating to street-food vending, merchandise displays, and sidewalk cafés; amending various sections of and adding sections to Titles 11 and 15 of the Seattle Municipal Code; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and 15.17.020; amending the current Seattle Department of Transportation Street Use fee schedule by adding new vending-related Street Use permit use codes and amending vending-related Street Use permit fees.

WHEREAS, food, beverage, and flower vending, merchandise displays, and sidewalk cafés improve public safety by providing eyes-on-the-street and create pedestrian activity on sidewalks where commercial activity is permitted and encouraged; and

WHEREAS, safe, active, and enjoyable streets and public spaces advance Seattle’s character and quality of life; and

WHEREAS, well-managed street-food vending offers low-cost culturally-diverse food options, attracts foot traffic to commercial districts, and creates a more vibrant retail business climate; and

WHEREAS, access to fresh produce promotes community health; and

WHEREAS, street-food vending serves as a low-cost, entry-level business opportunity to help entrepreneurs develop a business track record and build a loyal clientele, and is a valuable economic point-of-entry for Seattle’s immigrant and refugee communities; and

WHEREAS, amendments to Chapter 15.16, sidewalk cafés, were made to create consistency where appropriate with the vending and merchandise display amendments to Chapter 15.17 and to edit references to the repealed Chapter 10.10, Seattle Health Code; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes the Director of Transportation to prepare and recommend to the City Council the Street Use Permit Fee Schedule that is to establish street and sidewalk permit fees commensurate with the cost of administering, reviewing, inspecting, and policing the use granted by the Street Use permit; and

WHEREAS, Seattle’s procedures for authorizing street-food vending and merchandise displays can increase opportunities for well-managed street-food vending with appropriate oversight and enforcement; and

1 Whereas, the City Council has established a setback from food service establishments and
2 business entrances to ensure trucks and carts are compatible with existing businesses and
3 to promote access and the orderly movement of pedestrians on the street; NOW,
4 THEREFORE,

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

6 Section 1. A new Section 11.14.157 of the Seattle Municipal Code is added as follows:

7 **11.14.157 Curb space**

8 “Curb space” means that portion of the roadway area next to the curb.

9 Section 2. A new Section 11.14.227 of the Seattle Municipal Code is added as follows:

10 **11.14.227 Food vehicle**

11 “Food vehicle” means a licensed and operable motor vehicle used to serve, vend, or
12 provide food or nonalcoholic beverages for human consumption from a fixed location or along a
13 route in a public place as authorized by the Seattle-King County Department of Public Health
14 and Chapter 15.17.

15 Section 3. A new Section 11.14.228 of the Seattle Municipal Code is added as follows:

16 **11.14.228 Food-vehicle zone**

17 "Food-vehicle zone" means a portion of a public place designated by a sign or other
18 traffic control device that is reserved for the exclusive use of food vehicles that are permitted to
19 vend in the curb-space portion of the public place.
20

21 Section 4. Section 11.14.450 of the Seattle Municipal Code, last amended by Ordinance
22 108200, is amended as follows:

23 **11.14.450 Pedestrian zone((-))**

1 "Pedestrian zone" means the area or space (~~(officially set apart within a)~~) of the public
2 place or roadway (~~(for)~~) that is reserved for the exclusive use of pedestrians (~~(and which is~~
3 ~~protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so~~
4 ~~as to be plainly discernible)~~).

5 Section 5. Section 11.16.280 of the Seattle Municipal Code, last amended by Ordinance
6 122779, is amended as follows:

7
8 **11.16.280 Traffic Engineer – Authority – Special zones(~~(-)~~)**

9 * * *

10 **G. Determine the location of and establish food-vehicle zones;**

11 (~~(G)~~)**H.** Determine the location of and establish other special zones for the purpose and in
12 accordance with the criteria specified in this (~~(section)~~) Section 11.16.280;

13 (~~(H)~~)**I.** Make surveys and recommendations with respect to the Stadium Event Restricted
14 Parking Zone, process applications for parking in the zone, issue decals or other authorizations
15 for (~~(such)~~) parking, and delegate to the University of Washington or deputize its staff to receive
16 applications and deliver (~~(such)~~) permits.

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18 Section 6. Section 11.23.420 of the Seattle Municipal Code, last amended by Ordinance
19 123162, is amended as follows:

20
21 **11.23.420 Curb space parking permits(~~(-)~~)**

22 The Director of Transportation may authorize curb space parking permits for: charitable,
23 educational, or community (~~(purposes)~~) events, including(~~(, for example,)~~) medically-related
24 programs, armed-forces-recruiting efforts, (~~(and)~~) or street fairs (~~(provided that no)~~); food
25 vehicle vending as permitted by Section 15.17.120; or curb space parking as permitted by Title
26

1 11. Vehicles and Traffic. The Director shall not authorize curb space parking permits (~~other than~~
2 ~~those specifically authorized by this Title shall be authorized for commercial purposes except in~~
3 ~~conjunction with community events. For purposes of this section, curb space constitutes roadway~~
4 ~~area next to the curb~~) for commercial purposes in the roadway.

5 Section 7. Section 11.23.440 of the Seattle Municipal Code, last amended by Ordinance
6 123162, is amended as follows:

7
8 **11.23.440 Parking privileges(~~is~~)**

9 No person shall be granted a franchise or special privilege to the exclusion of any other
10 (~~like~~) person for parking vehicles on any roadway. Zones may be granted for taxicabs, official
11 career consul vehicles, moving or loading, disabled persons, curb space parking including no
12 parking zones, service parking, carpool parking, car share parking, food vehicles, or similar uses,
13 or for any restricted parking zone program that may be developed. Establishment of (~~such~~) a
14 zone does not constitute a grant of franchise.
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16 Section 8. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance
17 123161, is amended as follows:

18 **11.31.121 Monetary penalties – Parking infractions(~~is~~)**

19 The base monetary penalty for violation of each of the numbered provisions of the Seattle
20 Municipal Code listed in the following table (~~shall be~~) is as shown, unless and until the penalty
21 shown below for a particular parking infraction is modified by Local Rule of the Seattle
22 Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction
23 ("IRLJ") or successor rules to the IRLJ:
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Municipal Code Reference	Parking Infraction Short Description	Base Penalty Amount
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11.23.400	UNAUTHORIZED USE - DISABLED	\$250
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11.72.220	HOODED METERS, SIGNS	\$42
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11.72.225	FOOD-VEHICLE ZONE	\$42
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Section 9. A new Section 11.72.195 of the Seattle Municipal Code is added as follows:

11.72.195 Food-vehicle zone

No vehicle, other than a food vehicle displaying a valid food vehicle Street Use permit, shall be stopped or parked in a food-vehicle zone during the hours the zone restriction is in effect or unless allowed by a sign or other traffic control device identifying food-vehicle zone time restrictions. Vending from a permitted food vehicle may only occur in a designated food-vehicle zone during authorized times.

Section 10. Section 11.72.430 of the Seattle Municipal Code, last amended by Ordinance 108200, is amended as follows:

11.72.430 Trailer or camper — Detached((=))

A. No person shall detach and park any trailer or camper on any street or alley:

((Provided,)) provided that in case of collision ((such)) the trailer or camper may be moved to a

1 portion of the street or alley where parking a motor vehicle is lawful, and if a ~~((good and~~
2 ~~sufficient))~~ red signal ~~((be))~~ is displayed at both ends ~~((thereof))~~ of the camper or trailer during
3 the hours of darkness, ~~((such))~~ the trailer or camper may be ~~((permitted or))~~ allowed to remain
4 for a period not exceeding ~~((twenty four (24))~~ 24 hours pending removal; ~~((:Provided, further,))~~
5 further provided that ~~((such))~~ the trailer or camper shall not remain upon any portion of a street
6 or alley where standing or parking is limited or prohibited for a period longer than is necessary to
7 effect its removal.
8

9 B. A permittee may detach and park a trailer used for vending purposes in a pedestrian
10 mall or plaza; or detach in a legal parking space a trailer used for vending purposes and position
11 the trailer at the approved sidewalk location; provided, all vending activity conforms to Chapter
12 15.17 and all necessary permits have been obtained.

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14 Section 11. Section 15.02.042 of the Seattle Municipal Code, last amended by Ordinance
15 121276, is amended as follows:

16 **15.02.042 Definitions A ~~((though))~~ through C(~~(:)~~)**

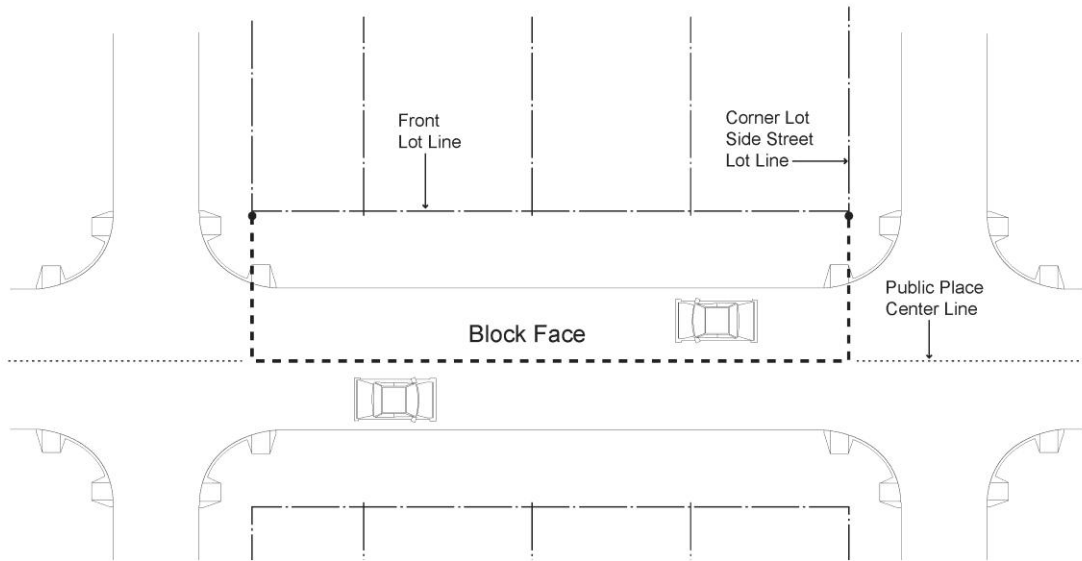
17 * * *

18 F. "Banner" means any fabric or sign material hanging over or ~~((stretched))~~ placed across
19 any public place.
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21 G. "Block face" means the area bounded by: the continuous front lot lines abutting a
22 public place within a block; each corner lot side street lot line as extended to the centerline of the
23 public place abutting the front lot lines; and the centerline of the abutting public place (Exhibit A
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for 15.02.042: Block Face).

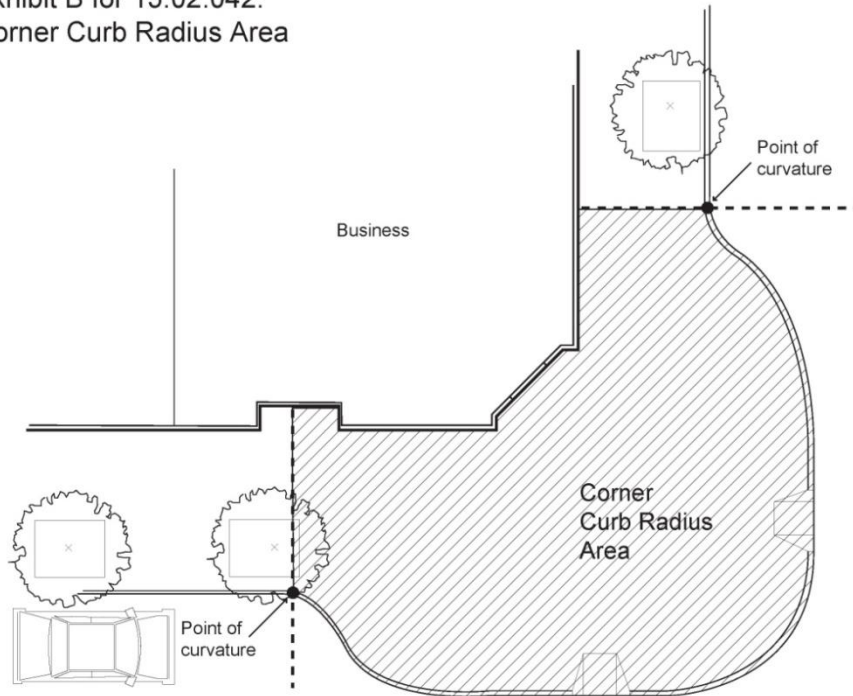
Exhibit A for 15.02.042: Block Face



((G))H. "Canopy" means a protective covering located at an entrance to a building.

I. "Corner-curb-radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner-curb-radius area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.

Exhibit B for 15.02.042:
Corner Curb Radius Area



Section 12. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

15.02.044 Definitions D through M((+))

* * *

D. "Food service business" means:

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

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

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

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

3 d. Food services in schools and private higher education learning facilities;
4 or

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

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

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

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

13 c. Food vehicles or vending carts; or

14 d. Establishments where the sales of nonpotentially-hazardous food are
15 incidental to the business.

17 ~~((D))~~E. "Marquee" means an approximately horizontal, rigid, nonretractable,
18 noncollapsible structure, projecting from and supported by a building.

19 ~~((E))~~F. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

21 G. "Mobile-food vending" means to sell, offer for sale, solicit orders, display, or
22 otherwise peddle; food that is exempt from acquiring a food-establishment permit under Title 5
23 of the King County Board of Health; to the public from a public place; as authorized or
24 prohibited in Sections 15.17.010, or 15.17.130.

1 Section 13. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance
2 122824, is amended as follows:

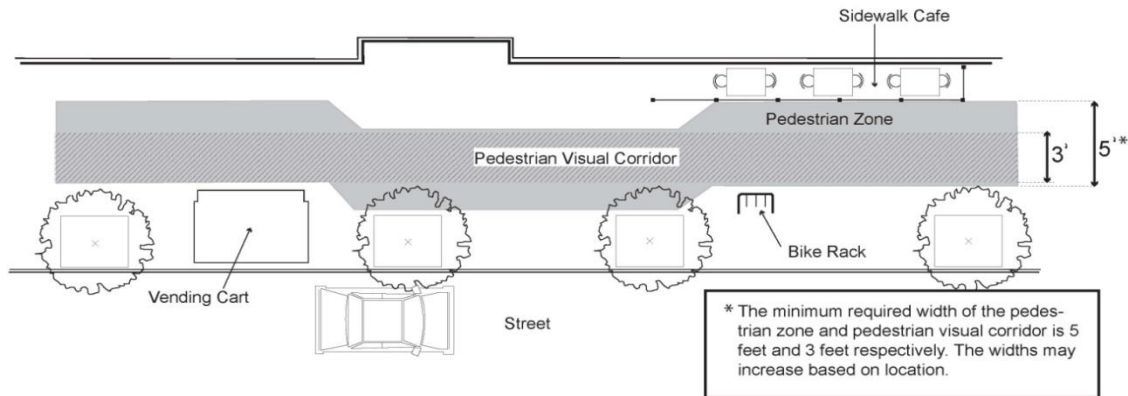
3 **15.02.046 Definitions N through ((S.))Z**

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5 C. "Peak ((Period)) period" means the peak traffic periods as defined in the current
6 edition of the City of Seattle Traffic Control Manual for In-Street Work.

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8 D. "Pedestrian zone" means the area or space of the public place or roadway that is
9 reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian
10 Zone/Pedestrian Visual Corridor).

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14 Exhibit A for 15.02.046
15 Pedestrian Zone / Pedestrian Visual Corridor



1 E. "Pedestrian visual corridor" means a continuous and straight corridor within the
2 designated pedestrian zone that provides pedestrians with a clear visual indication of the location
3 of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian
4 Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this
5 corridor.

6 ~~((D))~~ F. "Public place" means and includes streets, avenues, ways, boulevards, drives,
7 places, alleys, sidewalks, and planting ~~((parking))~~ strips, squares, triangles, plazas, and right-of-
8 way for public use and the space above or beneath its surface, whether or not opened or
9 improved.

10 ~~((E))~~ G. "Publisher" means the owner or distributor of a newspaper or other publication
11 distributed through a newsstand.

12 ~~((F))~~ H. "RCW" is an abbreviation for Revised Code of Washington.

13 ~~((G))~~ I. "Shoreline street ends" means the land portions of ~~((those))~~ street segments that
14 provide or could provide if improved, the public with visual or physical access to a body of water
15 and its shoreline ~~((, or could provide such access if improved,))~~ that are listed on Exhibit A to
16 Resolution 29370 ~~((, a resolution adopting))~~ that adopted policies ~~((to guide))~~ guiding the
17 development of public access improvements to shoreline street ends.

18 ~~((H))~~ J. "Sidewalk ~~((cafe))~~ café" means a portion of the public ~~((right-of-way))~~ place in
19 which tables and chairs are placed for the use of patrons consuming food ~~((and/))~~ or beverages,
20 including alcoholic beverages ~~((, served))~~ that is operated by a food ~~((service establishment as~~
21 ~~defined in Section 10.10.040 of Title 10))~~ service business located on ~~((adjacent))~~ abutting
22 property.

1 ((F))K. "Sign" means any medium, including its structure and component parts (~~(,which)~~)
2 that is used or intended to be used out of doors to attract attention to the subject matter for
3 advertising, identification, or informative purposes.

4 ((J))L. "SMC" is an abbreviation for Seattle Municipal Code.

5 ((K))M. "Superintendent" or "Superintendent of Parks and Recreation" means the City
6 Superintendent of Parks and Recreation and his or her authorized representatives.

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8 N. "Vend or vending" means to sell, offer for sale, solicit orders, display, rent, lease, or
9 otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public
10 place; as authorized or prohibited in Chapters 15.14 or 15.17.

11 O. "Vending cart" means a movable cart that is used to serve, vend, or provide food,
12 nonalcoholic beverages, or flowers.

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14 Section 14. Section 15.02.048 of the Seattle Municipal Code, last amended by Ordinance
15 117569, is amended as follows:

16 **15.02.048 Definitions – Use((,))**

17 A. "Use" means the exercise of dominion or control over, or occupation of, all or part of a
18 public place((,)); or the right to do so. It includes constructing, storing, erecting, placing upon,
19 ((,)) maintaining, or operating; any inanimate thing or object; in, upon, over, or under any
20 public place. It includes, but is not limited to, any of the following (~~(in a public place)~~):

21
22 * * *

23 * Vending of (~~(any kind, whether a product of)~~) any good, ticket, thing, or service of any kind,
24 other than ((newsstands)) publications regulated under Chapter 15.14;

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26 * * *

1 Section 15. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance
2 123100, is amended as follows:

3 **15.04.074 Permit – Fees((τ))**

4 * * *

5 E. Fees for the use of public places under the jurisdiction of the Department of Parks and
6 Recreation shall be deposited in the Park and Recreation Fund; all other fees under the
7 jurisdiction of Seattle Transportation shall be deposited in the Transportation Operating Fund. If
8 the Superintendent of Parks delegates the administration of this title to the Director of
9 Transportation, fees resulting from permits for the use of the public place that were administered
10 by the Director of Transportation shall be deposited into the Transportation Operating Fund.

11 F. Fees for vending activities authorized under Chapter 15.17 shall be deposited in the
12 Transportation Operating Fund. Street Use permit fees for vending activities may be used by
13 other City departments for vending enforcement as authorized by the Director of Transportation
14 and shall be used by the Department of Transportation for the following purposes: administering
15 the vending program, including notifying property owners abutting a proposed vending site
16 designated by the Department of Transportation; verifying property boundaries and square
17 footage of usage; designating preapproved vending sites by the Department of Transportation;
18 signing and demarcating designated vending sites and food-vehicle zones; attending meetings or
19 hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing
20 permitted or illegal vending activity; or engaging in any other vending-related activity as
21 directed by the Director of Transportation.

1 Section 16. Section 15.16.010 of the Seattle Municipal Code, last amended by Ordinance
2 122824, is amended as follows:

3 **15.16.010 Permit (~~(--Required.)~~) required**

4 ~~((It is unlawful to))~~ No person shall operate a sidewalk ((cafe)) café without obtaining a
5 ~~((street use))~~ Street Use permit ((to do so)) from the Director of Transportation((;)) as provided
6 for in ((this chapter)) Chapter 15.16 and Section 15.04.010. A ((street use)) Street Use permit to
7 operate a sidewalk ((cafe)) café shall not be transferred or assigned.

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9 Section 17. Section 15.16.012 of the Seattle Municipal Code, last amended by Ordinance
10 122824, is amended as follows:

11 **15.16.012 Permit (~~(--Expiration,)~~) expiration, renewal, administration, and revocation((;))**

12 A. A ((street use)) Street Use permit for a sidewalk ((cafe)) café expires ((when)) if: the
13 ~~((adjacent food service establishment))~~ business changes ownership((, when)); the ((adjacent
14 ~~food service establishment's))~~ Street Use permit duration expires((;)); or ((if)) Street Use permit
15 fees are not paid ((according to the provisions of Section 15.04.074 B)) as required by
16 subsection 15.04.074.B. All permit-related encroachments shall be removed from the public
17 place when the Street Use permit expires. Street Use permits for a sidewalk café shall not be
18 transferrable or assignable.

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21 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice
22 and receipt of the renewal fee, renew a sidewalk café Street Use permit provided: the permittee
23 is in compliance with all permit conditions; the ownership or business has not changed; and the
24 space is not needed for transportation, utility, or any other public-use purpose.

1 C. The Director of Transportation may modify the conditions of a sidewalk café Street
2 Use permit, including permitted hours or days of operation, after providing the permittee with
3 written notice ten days before modifying the Street Use permit. A copy of the modified Street
4 Use permit shall be mailed by first-class mail to the permittee at the address listed on the Street
5 Use permit application. The permittee may request a Director’s review of the decision to modify
6 the conditions of the Street Use permit as provided for in Section 15.04.112.

7 ~~((A street use permit for a))~~ D. All sidewalk ~~((cafe is wholly of a))~~ café Street Use
8 permits authorized by Chapter 15.16 are of a temporary nature, ~~((vests))~~ vest no permanent rights
9 ~~((whatsoever)), and ((is)) are~~ revocable ~~((pursuant to SMC))~~ as provided for in Section
10 15.04.070. The Director of Transportation may suspend ~~((or revoke the street use))~~ any sidewalk
11 café Street Use permit ~~((for a sidewalk cafe if an applicant violates this title, any implementing~~
12 rules, or the terms and conditions of the permit)) for transportation mobility or public safety
13 purposes; or to coordinate with: permitted Special Events authorized by Chapter 15.52, parade
14 permits authorized by Chapter 11.25, or any other permitted activity.

15 Section 18. Section 15.16.020 of the Seattle Municipal Code, last amended by Ordinance
16 117569, is amended as follows:

17 **15.16.020 Permit ~~((Application.))~~ application**

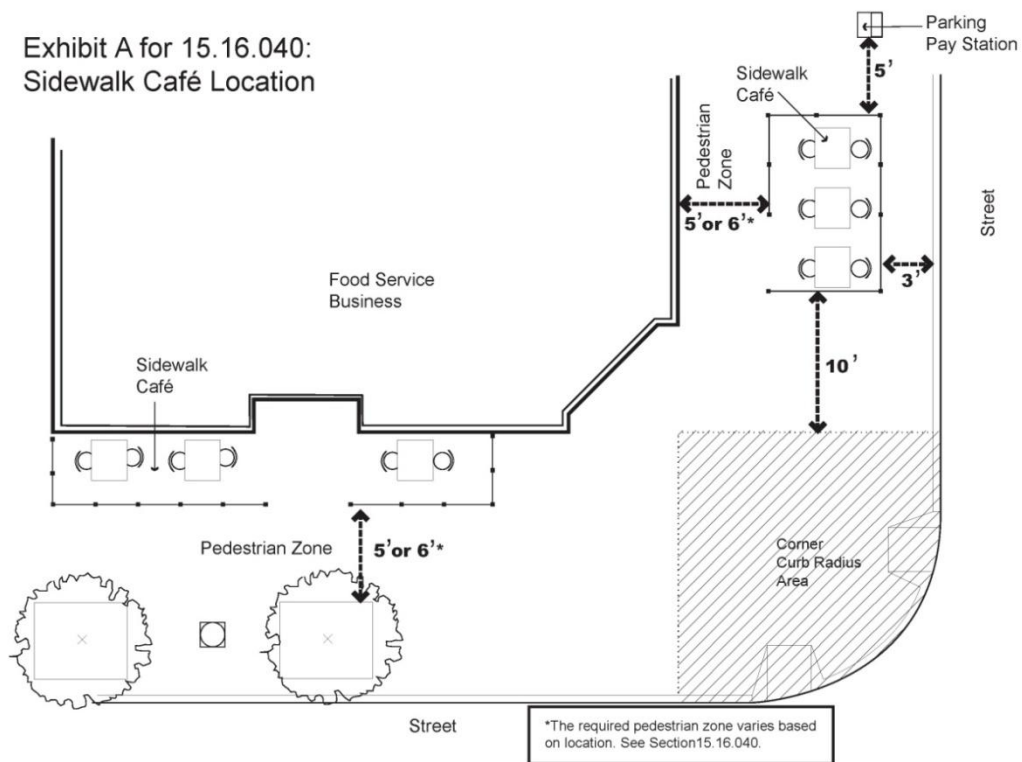
18 In addition to the information required by Section 15.04.025, ~~((an application for))~~ a
19 sidewalk ~~((cafe))~~ café Street Use permit application shall state the anticipated periods of use
20 during the year~~((, and))~~; the proposed hours of daily use~~((,))~~ including Saturdays, Sundays, and
21 holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in
22 the area to be covered by the sidewalk café Street Use permit.

Section 19. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

15.16.040 Terms and conditions((:))

A. The Director of Transportation may issue a ~~((street-use))~~ Street Use permit ((for)) authorizing the use of ~~((a portion of the right-of-way))~~ a public place for a sidewalk ~~((cafe if the Director determines that))~~ café under the following requirements as depicted in Exhibit A for

15.16.040: Sidewalk Café Location:



1. The applicant is the owner or occupant of the ~~((adjacent))~~ abutting property and operates a food ~~((service establishment thereon that is permitted under Title 10 or by the Seattle-King County Director of Public Health or the Director's representative))~~ service business;

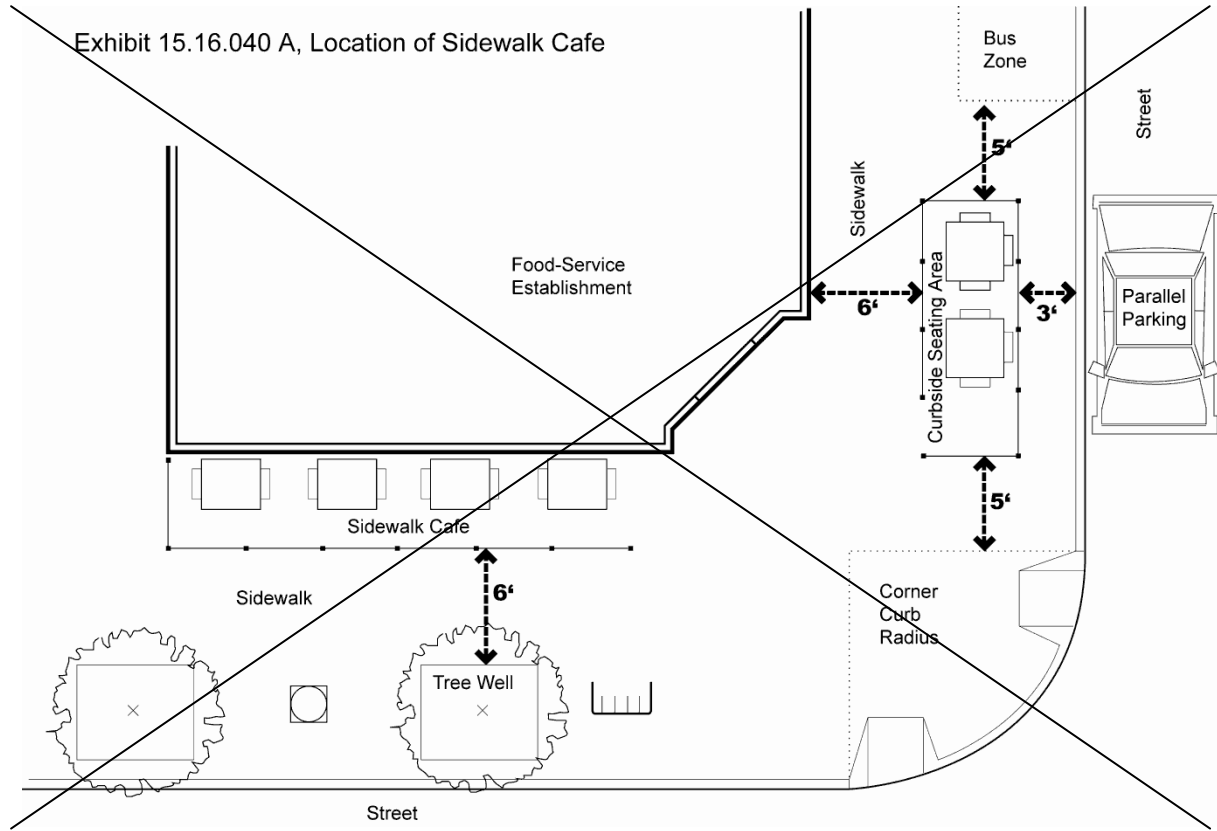
1 2. ~~((The))~~ As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian
2 Visual Corridor; a proposed use for a sidewalk ~~((cafe would))~~ café and all associated elements
3 including fencing, umbrellas, or signage, shall not ~~((unduly and unreasonably))~~ impair pedestrian
4 passage ~~((in or on the right of way))~~ and ~~((allow))~~ shall be sited to provide:

5 a. An unobstructed corner-curb-radius area; and

6 b. ~~((if located in the Downtown Urban Center as established in the~~
7 ~~Comprehensive Plan,))~~ A pedestrian zone at least ~~((six (6) feet of clear path of travel for~~
8 ~~pedestrian passage if the permit application is submitted after the effective date of the ordinance~~
9 ~~codified in this section (see Exhibit A 15.16.040 Location of Sidewalk Cafe) and at least five (5)~~
10 ~~feet of clear path of travel for pedestrian passage for sidewalk cafes established before that date))~~
11 6 feet wide with a 4-foot-wide pedestrian visual corridor if the sidewalk café is located in the
12 Downtown Urban Center as established in the Comprehensive Plan; or

13 ~~((b. if))~~ c. If located outside of the Downtown Urban Center as established
14 in the Comprehensive Plan, a pedestrian zone at least ~~((five (5) feet of clear path of travel for~~
15 ~~pedestrian passage (see Exhibit A 15.16.040 Location of Sidewalk Cafe))~~ 5 feet wide with a 3-
16 foot-wide pedestrian visual corridor; or

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1 ~~((e. a))~~d. A wider (clear path of travel for pedestrian passage than is)
2 pedestrian zone or pedestrian visual corridor may be required (in subsections 2a and 2b when
3 required)) by the Director of Transportation to ~~((facilitate the use of the sidewalk by~~
4 pedestrians)) provide for pedestrian passage, traffic management, or any other public-use
5 purpose.

6
7 3. ~~((The))~~In addition to any other required setback, the proposed sidewalk (café
8 would) café shall be located at least:

9 a. ~~((at least five (5)))~~ 5 feet from alleys, driveways, bus (zones) zone
10 areas, disabled person parking zones (for handicapped persons), and commercial loading zones
11 ~~((see Exhibit A 15.16.040 Location of Sidewalk Cafe))~~; and

12 b. ~~((at least five (5)))~~ 5 feet from curb ramps, (or from the beginning of
13 the corner curb radius where curb ramps do not exist,)) parking meters or pay stations, traffic
14 signs, utility poles, fire hydrants, bike racks, and other street fixtures ((see Exhibit A 15.16.040
15 Location of Sidewalk Cafe)); and

16 c. 10 feet along the curb line from the point where the radius of corner
17 curb area intersects the curb line; and

18 ~~((at least three (3)))~~d. 3 feet from the curb (in order to provide access to
19 on-street parking when pedestrian passage is located between the sidewalk café and the food-
20 service establishment (see Exhibit A 15.16.040 Location of Sidewalk Cafe)); and

21 e. ~~(at least fifty (50))~~e. 50 feet from a lot zoned RSL, ((SF, L1, L2, L3
22 or L4, and that)) SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are
23 defined under subsection 23.30.010.A if the abutting zoning does not have an RC
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1 designation(;) as shown on the Official Land Use Map(~~, as these zoning designations are~~
2 ~~defined under Section 23.30.010 A of Title 23~~), Chapter 23.32; ~~((and)) or~~

3 ~~((e. at a))f. A larger setback distance ((farther than that required in 3a, 3b,~~
4 ~~or 3c, based upon)) may be required by the Director of ((Transportation's determination that such
5 ~~additional distance is needed to facilitate the use of the sidewalk by pedestrians)) Transportation~~
6 ~~to provide for pedestrian passage, traffic management, or any other public-use purpose;~~~~

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8 4. The width of the sidewalk café shall not exceed the available pedestrian-zone
9 width, provided the Director, may allow the sidewalk café to increase in width if the Director
10 determines that the pedestrian zone can extend into an adjacent public place closed to vehicular
11 travel or a public-place plaza;

12 ~~((4))~~5. The applicant ~~((has obtained))~~ shall obtain a ~~((certificate))~~ Certificate of
13 ~~((approval))~~ Approval for the sidewalk ~~((cafe))~~ café from the appropriate Board or Commission
14 when located in a Landmark District or Historic District subject to the provisions of Title 23 or
15 25;

16
17 ~~((5))~~6. The proposed sidewalk ~~((cafe is consistent with any applicable standards~~
18 ~~established by the federal))~~ café activity shall not violate the Americans with Disabilities Act;

19 ~~((and~~

20
21 6. ~~The applicant has posted a notice of the application for the street use permit for~~
22 ~~the sidewalk cafe. The notice shall be clearly visible from the adjacent sidewalk and shall state~~
23 ~~that comments on the application may be sent to the Director of Transportation and will be~~
24 ~~considered in reviewing the application.))~~

1 7. Amplified sound shall not be used in the sidewalk café and the permittee shall
2 comply with Chapter 25.08, Noise Control; and

3 8. The permittee shall not locate electrical lines overhead or on the ground surface
4 where the public has access to the public place.

5 B. The Director of Transportation may require additional information from ~~((an))~~ the
6 applicant ~~((in accordance with))~~ as provided for in Section 15.04.030.

7 C. The Director may, ~~((and may include in the street use))~~ as deemed appropriate,
8 condition the sidewalk café Street Use permit ~~((such terms and conditions as he or she deems~~
9 appropriate including, but not limited)) to address the:

10 1. Design standards;

11 2. ~~((Restrictions as to the hours))~~ Hours of operation and dates of use;

12 ~~((3. A requirement that the sidewalk cafe be removed when the street use permit~~
13 ~~for a sidewalk cafe expires, or upon the order of the Director of Transportation or other~~
14 ~~appropriate City officer such as the Chief of Police or Fire Chief or their authorized~~
15 ~~representatives;~~

16 4. ~~Provisions that the permittees shall maintain the right of way in a clean and~~
17 ~~safe condition for pedestrian travel;~~

18 5. ~~A requirement that the applicant clear the right of way as may be necessary to~~
19 ~~accommodate reasonable access to adjacent or other nearby properties and utilities;~~

20 6. ~~A requirement that designs for platforms or other structures in the right of way,~~
21 ~~for which a separate permit from the Director of Transportation has been obtained, be certified~~
22 ~~by a registered professional civil engineer or architect;~~

1 ~~7. A requirement that platforms or other structures in the right-of-way, for which~~
2 ~~a separate permit from the Director of Transportation has been obtained, be maintained in an as-~~
3 ~~built condition;~~

4 ~~8. Regulations upon~~) 3. Impacts associated with the sidewalk café activity from:
5 lighting ~~((and illumination of the sidewalk cafe; limitations upon))~~, noise ~~((; and restrictions~~
6 ~~upon))~~, or the placement of signage, furniture, or equipment ~~((used in connection with the~~
7 ~~sidewalk cafe))~~);

8 ~~((9. The posting of))~~ 4. Posting a surety bond in accordance with the provisions of
9 Section 15.04.044 or ~~((establishment of))~~ establishing an escrow account in accordance with the
10 provisions of Section 15.04.042;

11 ~~((10. If the sidewalk cafe causes a change in pedestrian travel patterns,~~
12 ~~appropriate))~~ 5. Need for repairs or improvements to the ~~((right-of-way in the immediate~~
13 ~~vicinity))~~ public place in order to accommodate the ~~((change or to assure compliance))~~ sidewalk
14 café or to ensure access to the use complies with the ~~((federal))~~ Americans with Disabilities Act;
15 or

16 ~~((11. Restoration of the right-of-way upon completion of the use))~~ 6. Pedestrian
17 circulation, traffic management, or any other public-use purpose.

18 C. The Director of Transportation ~~((shall))~~ may promulgate rules to implement ~~((this~~
19 ~~chapter))~~ Chapter 15.16. The rules may address the subjects identified in ~~((this section))~~ Section
20 15.16.040 and other subjects the Director believes may aid in the implementation of ~~((this~~
21 ~~chapter))~~ Chapter 15.16.

1 D. Unless expressly authorized by the Director of Transportation pursuant to the ~~((street~~
2 ~~use))~~ Street Use permit for a sidewalk ~~((cafe))~~ café, no ~~((right-of-way))~~ public place surface shall
3 be broken or disturbed, and no permanent fixture of any kind shall be installed in or on the
4 ~~((right-of-way))~~ public place in connection with a sidewalk ~~((cafe))~~ café.

5 1. A separate Street Use permit shall be applied for before placing any additional
6 item beyond the sidewalk café fencing and may be approved by the Director of Transportation,
7 provided the following requirements are met:

8 a. Platforms or other site-leveling structures may only be approved if a
9 portion of the proposed site area exceeds an 8-percent grade;

10 b. Plans for a platform or other structure shall be certified by a registered
11 professional engineer; and

12 c. Platforms or other structures in the public place shall be continuously
13 maintained by the permittee in an as-built condition.

14 ~~((E. Amplified sound is prohibited within the sidewalk cafe.))~~

15 Section 20. Section 15.16.050 of the Seattle Municipal Code, last amended by Ordinance
16 122824, is amended as follows:

17 **15.16.050 Liquor~~(*)~~**

18 Liquor, as defined in RCW 66.04.01024, as now existing or ~~((hereinafter))~~ as amended,
19 may only be used ~~((and))~~ or sold at a sidewalk ~~((cafe when))~~ café if authorized by: the ~~((street~~
20 ~~use))~~ Street Use permit; the ~~((food-service establishment))~~ permit issued ~~((pursuant to Seattle~~
21 ~~Municipal Code Chapter 10.10, or))~~ by the Director of the Seattle-King County ~~((Director))~~

1 Department of Public Health (~~(or his or her representative)~~); and ~~((by))~~ the permit issued by the
2 Washington State Liquor Control Board(~~(, and not otherwise)~~).

3 Section 21. Section 15.16.060 of the Seattle Municipal Code, last amended by Ordinance
4 122824, is amended as follows:

5 **15.16.060 Insurance**(~~(-)~~)

6 An applicant for a sidewalk café Street Use permit (~~(for a sidewalk cafe)~~) shall, (~~(prior~~
7 ~~to)~~) before issuance of (~~(such a)~~) the Street Use permit, (~~(provide)~~) obtain and maintain in full
8 force and effect (~~(while the permit is in effect, public)~~) at its own expense, commercial general
9 liability (CGL) insurance (~~(in an amount specified by the Director of Transportation sufficient to~~
10 ~~cover potential claims for bodily injury, death, or disability and for property damage, which may~~
11 ~~arise from or be related to the use of right-of-way area for sidewalk cafe purposes, naming the~~
12 ~~City an additional insured.)~~) that names the City of Seattle as an additional insured for primary
13 limits of liability for the purpose of protecting the City from all claims and risks of loss as a
14 result of the permittee's activity, occupation, operation, maintenance, or use of a public place in
15 conjunction with the permitted activity. The CGL insurance shall be in an amount specified by
16 the Director of Transportation and shall include: premises operations, products and completed
17 operations, broad form property damage liability, and personal injury. Failure to maintain the
18 required CGL insurance coverage is grounds for sidewalk café Street Use permit revocation.

19
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21
22 Section 22. Section 15.16.070 of the Seattle Municipal Code, last amended by Ordinance
23 122824, is amended as follows:

24 **15.16.070 Indemnity**(~~(-)~~)

1 The ((applicant or)) permittee shall agree to defend, indemnify, and hold harmless the
2 City of Seattle, its officials, officers, employees, and agents against:

3 ((1))A. Any liability, claims, causes of action, judgments, or expenses, including
4 reasonable attorney fees, resulting directly or indirectly from any act or omission of the
5 ((applicant or)) permittee, its subcontractors, anyone directly or indirectly employed by them,
6 and anyone for whose acts or omissions they may be liable, arising out of the
7 ((applicant/permittee's)) permittee's use or occupancy of the public ((right of way)) place; and
8

9 ((2))B. All loss by the failure of the ((applicant or)) permittee to fully or adequately
10 perform, in any respect, all authorizations of obligations under the sidewalk ((eafe)) café Street
11 Use permit.

12 Section 23. A new Section 15.16.075 of the Seattle Municipal Code is added as follows:

13 **15.16.075 Public notice of application**

14 A. A sidewalk café Street Use permit applicant shall post notice of a new application for
15 a sidewalk café at the proposed site. The notice shall be clearly visible from the abutting
16 sidewalk.
17

18 B. The notice of application shall be on a form approved by the Department of
19 Transportation and shall state that written comments shall be postmarked or emailed to the
20 Director of Transportation no later than ten business days after the first day of the posted public
21 notice.
22

23 C. A sidewalk café Street Use permit for which notice is required shall not be issued by
24 the Director of Transportation until after the notice of application comment period has ended.
25
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1 Section 24. Section 15.16.080 of the Seattle Municipal Code, last amended by Ordinance
2 122824, is amended as follows:

3 **15.16.080 (~~(Sidewalk condition.)~~) Maintaining public place conditions**

4 ~~((The applicant shall comply with the terms and conditions of the sidewalk cafe permit
5 issued, and shall maintain the right of way in a clean and safe condition for pedestrian travel,
6 and shall immediately clear the sidewalk area when ordered to do so by the Director of
7 Transportation or other appropriate City officer such as the Chief of Police or Fire Chief or their
8 authorized representatives.))~~

9
10 A. The permittee shall maintain the sidewalk café and adjoining and abutting public place
11 free of all refuse of any kind generated from the operation of the sidewalk café and their
12 business.

13
14 B. Only materials and supplies used by the permittee for the daily operation of the
15 sidewalk café may be located within the sidewalk café and the permittee shall not store other
16 supplies or other materials in the sidewalk café or public place.

17
18 C. The surface of the public place shall not be altered and fixtures of any kind shall not
19 be installed in the public place unless authorized by a Street Use permit.

20
21 D. A sidewalk café shall not be secured to any public amenity unless authorized by a
22 Street Use permit.

23
24 E. The permittee shall temporarily remove the sidewalk café and clear the public place as
25 the Director of Transportation deems necessary to temporarily accommodate access to abutting
26 properties or utilities.

1 F. The permittee is responsible for ensuring that the sidewalk café activity does not
2 encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

3 G. The permittee shall not operate the sidewalk café in a way that restricts or interferes
4 with access to the abutting property; or creates a nuisance or hazard to public health, safety, or
5 welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or
6 sanitation vehicles.

7 H. The permittee shall immediately remove the sidewalk café when ordered by the
8 Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

9 Section 25. Section 15.17.005 of the Seattle Municipal Code, last amended by Ordinance
10 121242, is amended as follows:

11 **15.17.005 (~~(Vending and display)~~) Authorized vending in public places(~~(:)~~)**

12 ~~((It is unlawful to display for sale))~~ No person shall vend to the public ~~((or sell goods,~~
13 ~~wares, merchandise or services))~~ in a public place(~~(:)~~) unless authorized below:

14 A. ~~((The activity exercises a civil liberty or constitutional right illustrated by Section~~
15 ~~15.17.200;~~

16 B. ~~The activity implements a right or privilege granted by state law; a license authorized~~
17 ~~by ordinance(e.g., Chapter 6.310, Taxicabs and For hire Vehicles; Chapter 15.14, Newsstands);~~
18 ~~or a franchise granted by the City;~~

19 C. ~~(:))~~ The permittee's activity occurs in an area ((under permit that contemplates such))
20 that is permitted for that type of an activity, ((e.g., a permit for a)) for example: Chapter 11.25,
21 parade permits ((issued by the Police Department (Chapter 11.25))); Chapters 15.08 and 15.16,
22 ~~((an))~~ areaway or sidewalk ((eafe (Chapters 15.08 and 15.16); street areas within the Pike Place

1 ~~Market Historical District (Chapter 25.24) that are being administered by the Pike Place Market~~
2 ~~Preservation and Development Authority)) café Street Use permits; ((a)) Chapter 15.35, filming~~
3 ~~((permit (Chapter 15.35))) permits; ((or a permit for an event issued by the Special Events~~
4 ~~Committee (Chapter 15.52)) Chapter 15.52, Special Event permits; or Chapter 6.310, Taxicabs~~
5 ~~and For-hire Vehicles; or~~

6 ~~((D. The seller is a "mobile food service unit" making sales of food or refreshments on a~~
7 ~~regular basis within a district or on a route in compliance with the Food Code (Chapter 10.11)~~
8 ~~and rules of the Public Health Department and with Sections 15.17.010—15.17.020; or~~

9 ~~E.))B. The ((seller)) permittee has ((received)) obtained a Street Use permit ((therefore~~

10 ~~issued pursuant to Sections 15.17.080 or 15.17.100)) authorized by Sections 15.17.080,~~
11 ~~15.17.100, 15.17.120, 15.17.130, 15.17.150, or 15.17. 200; or~~

12 ~~C. The vendor is vending newspapers, magazines, event programs, and other similar~~
13 ~~publications on foot, as authorized by Chapter 15.14.~~

14 Section 26. A new Section 15.17.006 of the Seattle Municipal Code is added as follows:

15 **15.17.006 Permit expiration, renewal, administration, and revocation**

16 A. A Street Use permit for vending or merchandise display expires if: the business, food
17 vehicle, or vending cart changes ownership; the Street Use permit duration expires; or Street Use
18 permit fees are not paid as required by subsection 15.04.074.B. All carts, objects, or other Street
19 Use permit-related encroachments shall be removed from the public place when the Street Use
20 permit expires. A Street Use permit to vend or display merchandise shall not be transferrable or
21 assignable.

1 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice
2 and receipt of the renewal fee, renew a merchandise display or attended newsstand vending
3 Street Use permit provided: the permittee is in compliance with all Street Use permit conditions;
4 the ownership and business has not changed; and the space is not needed for transportation,
5 utility, or any other public-use purpose.

6 C. Vending cart, food vehicle, or stadium and exhibition center event vending Street Use
7 permits shall have a duration of no longer than one year from the date the permit is issued;
8 provided, a shorter duration may be established by the Director of Transportation.

9 D. To reissue a vending cart, food vehicle, or stadium and exhibition center event
10 vending Street Use permit for an existing permitted site, the permittee shall submit a new
11 complete application at least 30 calendar days before the current Street Use permit expires, if the
12 permit is longer than 30 days in duration. The vending Street Use permit may be reissued if a
13 timely and complete application is received from an existing permittee.

14 1. If multiple complete applications are received for the same vending site before
15 the current Street Use permit expires, and if the existing permittee has had two or more Street
16 Use citations upheld by the Hearing Examiner within one year before the expiration of the Street
17 Use permit, the Department of Transportation may schedule and hold a lottery to determine the
18 new permittee.

19 2. Only complete applications for the site that are submitted before the current
20 application expires shall be included in the lottery.

1 3. If a Street Use permit has not been previously issued for a site, only complete
2 applications submitted before a public notice period may be included in a lottery to determine the
3 vending site permittee.

4 E. If the abutting property or business owner applies for a merchandise display Street Use
5 permit at least 30 calendar days before the current vending Street Use permit for the vending site
6 expires, the merchandise display application will be given priority use of the site and a lottery
7 will not be conducted. If a vending Street Use permit has not been previously issued for the site,
8 only merchandise display Street Use permit applications submitted before the public notice for a
9 complete vending Street Use permit application being submitted shall be given priority use of the
10 site.
11

12 F. The Director of Transportation may modify the conditions of a vending or
13 merchandise display Street Use permit, including permitted hours or days of operation, after
14 providing the permittee with written notice ten calendar days before modifying the Street Use
15 permit. A copy of the modified Street Use permit shall be mailed by first-class mail to the
16 permittee at the address listed on the Street Use permit. The permittee may request a Director's
17 review of the decision to modify the conditions of the Street Use permit as provided for in
18 Section 15.04.112.
19

20 G. All vending or merchandise display Street Use permits authorized by Chapter 15.17
21 are of a temporary nature, vest no permanent rights, and are revocable as provided for in Section
22 15.04.070. The Director of Transportation may suspend any vending or merchandise display
23 Street Use permit to: promote transportation mobility or public safety; or coordinate with
24 permitted Special Events authorized by Chapter 15.52, parade permits authorized by Chapter
25
26

1 11.25, or any other permitted activity; or, provide access to property if an access affidavit is
2 withdrawn by the property owner.

3 Section 27. A new Section 15.17.007 of the Seattle Municipal Code is added as follows:

4 **15.17.007 Insurance**

5 A. An applicant for a vending or merchandise display Street Use permit shall, before
6 issuance of the Street Use permit, obtain and maintain in full force and effect, at its own expense,
7 commercial general liability (CGL) insurance that names the City of Seattle as an additional
8 insured for primary limits of liability for the purpose of protecting the City from all claims and
9 risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a
10 public place in conjunction with the permitted activity. The CGL insurance shall be in an amount
11 specified by the Director of Transportation and shall include: premises operations; products and
12 completed operations; broad form property damage liability; and personal injury. Failure to
13 maintain the required CGL insurance coverage is grounds for vending or merchandise display
14 Street Use permit revocation.
15
16

17 B. A property owner or public entity applicant for a temporary curb space food vehicle
18 vending Street Use permit, as authorized in subsection 15.17.120.D, shall submit a copy of the
19 vendor's CGL insurance as required in subsection 15.17.007.A.
20

21 Section 28. A new Section 15.17.008 of the Seattle Municipal Code is added as follows:

22 **15.17.008 Indemnity**

23 The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its
24 officials, officers, employees, and agents against:
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1 A. Any liability, claims, causes of action, judgments, or expenses, including reasonable
2 attorney fees, resulting directly or indirectly from any act or omission of the permittee, its
3 subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or
4 omissions they may be liable, arising out of the permittee's use or occupancy of the public place;
5 and

6 B. All loss by the failure of the permittee to fully or adequately perform, in any respect,
7 all authorizations of obligations under the vending or merchandise display Street Use permit.
8

9 Section 29. A new Section 15.17.009 of the Seattle Municipal Code is added as follows:

10 **15.17.009 Public notice of application**

11 A. The vending Street Use permit applicant shall send notice of an application for a
12 vending site by first-class mail to:

13 1. All street-level business entities, public entities, and residences located:

14 a. Within a 100-foot radius of the vending site, and

15 b. On the adjacent and opposing block face of the vending site, and

16 c. On the adjoining block face around the corner if the vending site is

17 located within 10 feet of a corner-curb-radius area.
18

19 2. The property manager, home owners association, or apartment manager of all
20 residential units located above:

21 a. The adjacent and opposing block face of the proposed vending site, and

22 b. On the adjoining block face around the corner if the vending site is

23 located within 10 feet of a corner-curb-radius area.
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1 B. The applicant shall send all required notices three calendar days before the start of the
2 public notice period.

3 C. Notice of application is not required if: a permittee with an existing vending Street
4 Use permit applies to renew the same type of vending Street Use permit for the same vending
5 site, or the stadium and exhibition center event site has already been designated or permitted by
6 the Director of Transportation.

7 D. The notice of application shall be on a form approved by the Department of
8 Transportation.

9 E. Written comments concerning the application shall be postmarked or emailed to the
10 Director of Transportation no later than ten business days after the first day of the public notice
11 period.
12

13 F. The applicant shall provide the notice of application required by subsection
14 15.17.009.A once the Director of Transportation has accepted an application as complete. The
15 applicant shall provide the Director of Transportation with a mailing list containing: the
16 individuals the notice was mailed to, the recipient's mailing address, and date the notice was
17 mailed to each recipient.
18

19 G. The Director of Transportation shall provide a notice to the public before designating
20 a food-vehicle zone, stadium-exhibition-center-event site, or other City-designated vending site.
21

22 H. A vending Street Use permit for which notice is required shall not be issued until a
23 complete mailing list has been received by the Director of Transportation and the notice of
24 application comment period has ended.
25

1 Section 30. Section 15.17.010 of the Seattle Municipal Code, last amended by Ordinance
2 121813 and that currently reads as follows, is repealed:

3 ~~((15.17.010 Areas where mobile vending is restricted.~~

4 Except for the vending on foot of newspapers, magazines, event programs and other such
5 publications, it is unlawful for any person unless authorized by Section 15.17.020 to sell, offer
6 for sale, solicit orders, rent, lease, or otherwise peddle from a public place while walking,
7 moving from place to place, using a mobile cart, using a vehicle, or by any other mobile method,
8 within the following boundaries

9
10 A. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street,
11 then east to West Olympic Place; then east along West Olympic Place to First Avenue West;
12 then north along First Avenue West to West Aloha Street; then east along West Aloha and Aloha
13 Streets to Westlake Avenue North; then south along Westlake Avenue North and Westlake
14 Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street; then west
15 along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue South to
16 Airport Way South; then southeast along Airport Way South to Sixth Avenue South; then south
17 along Sixth Avenue South to South Holgate Street; then west along South Holgate Street to
18 Elliott Bay on the waterfront; then north along the waterfront to a point in direct line with West
19 Prospect Street, the place of beginning.

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21
22 B. Within two hundred (200) feet of any public park, as defined in the Park Code,
23 Ordinance 106615 as amended (Seattle Municipal Code Chapter 18.12), or within one
24 thousand(1,000) feet of any public school.

1 ~~C. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E.~~
2 ~~40th Street to Brooklyn Avenue ; then north on Brooklyn Avenue to N.E. 50th ; then east on~~
3 ~~N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the~~
4 ~~place of beginning, including both sides of the streets and avenues mentioned.))~~

5 Section 31. Section 15.17.020 of the Seattle Municipal Code, last amended by Ordinance
6 120822 and that currently reads as follows, is repealed:

7 ~~((15.17.020 Mobile vending in restricted area.~~
8

9 ~~Selling is permitted in public places in the areas described in Section 15.17.010 by~~
10 ~~persons on foot along the route of any parade for which a permit has been issued by the Police~~
11 ~~Department while the parade is in progress and for one (1) hour prior to its commencement.~~

12 ~~Selling by persons on foot is also permitted in public places in such areas when~~
13 ~~authorized by a permit for a crowd control event issued pursuant to Chapter 15.52 and the selling~~
14 ~~is in accordance with the terms of the permit.~~

15 ~~A "mobile food service unit" licensed by the Public Health Department may sell food and~~
16 ~~beverages from a vehicle in public places in such areas to personnel at business and industrial~~
17 ~~establishments and at construction sites on a pre-arranged route or a prearranged schedule. The~~
18 ~~driver and vehicle are subject to the Traffic Code, Title 11.~~

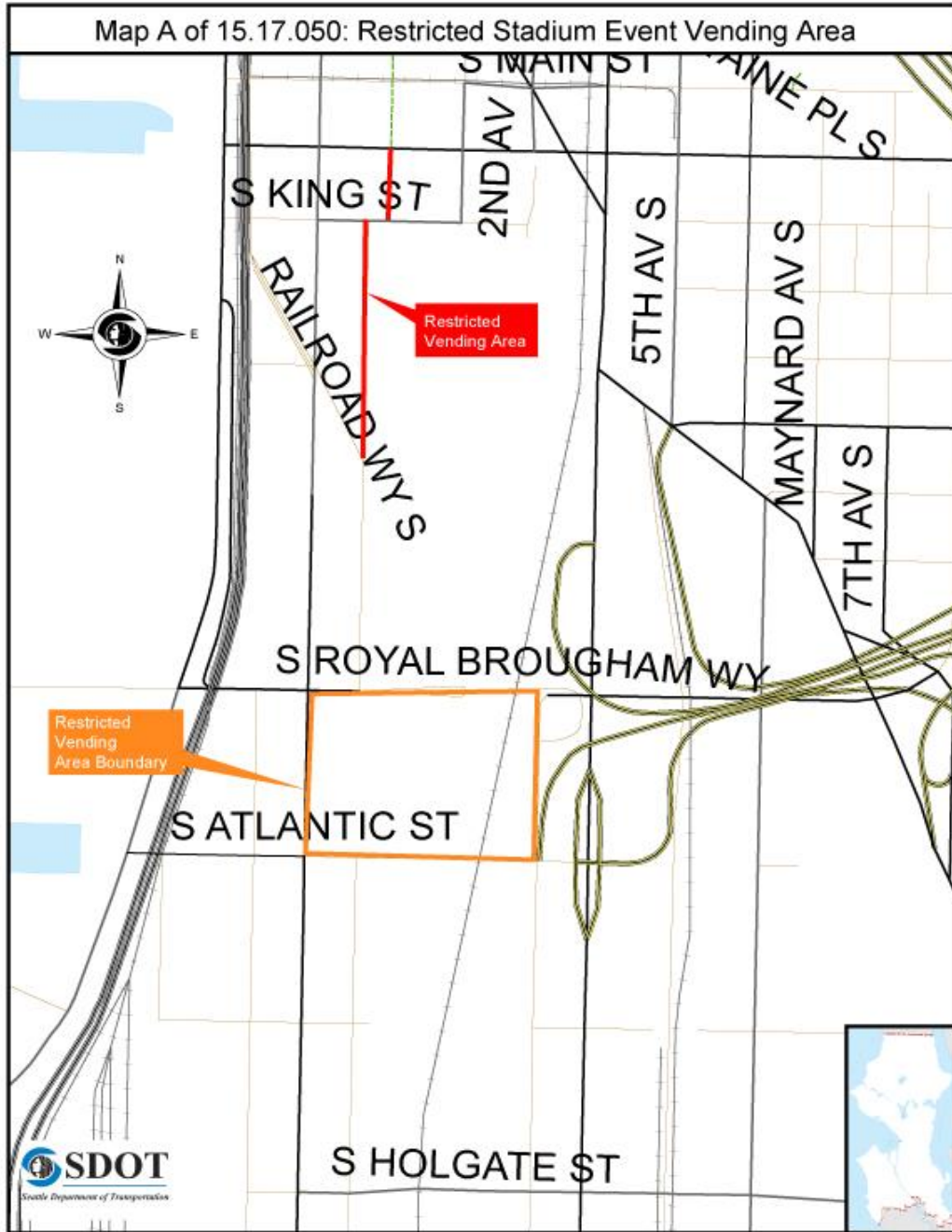
19 ~~Nothing in this section authorizes selling as prohibited by Section 15.17.050.))~~

20 Section 32. Section 15.17.050 of the Seattle Municipal Code, last amended by Ordinance
21 121242, is amended as follows:

22 **15.17.050 ((No)) Stadium and exhibition center event restricted vending ((zone.))area**
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1 ~~((Except for the vending on foot of newspapers, magazines, event programs and other~~
2 ~~such publications as authorized by the Director, it is unlawful to sell, offer to sell, solicit orders,~~
3 ~~rent, lease, or otherwise peddle any goods or services))~~A. No person shall vend to the public in a
4 public place within the area bounded by the centerline of South Royal Brougham Way, the center
5 line of First Avenue South, the center line of ((~~South Atlantic Street~~)) Edgar Martinez Drive
6 South, and the center line of Third Avenue South ((~~for the day (a twenty-four 24-hour period~~
7 ~~from midnight to midnight) of any event scheduled at Safeco Field~~)) and on Occidental Avenue
8 South between Railroad Way South and South Jackson Street (see Map A of 15.17.050:
9 Restricted Stadium Event Vending Area) for the event day, a 24-hour period starting the
10 midnight before any event scheduled at the stadiums or exhibition event center begins and
11 ending the midnight after the event ends; provided that newspapers, magazines, event programs,
12 and other similar publications may be vended on foot as authorized by rules adopted by the
13 Director of Transportation.
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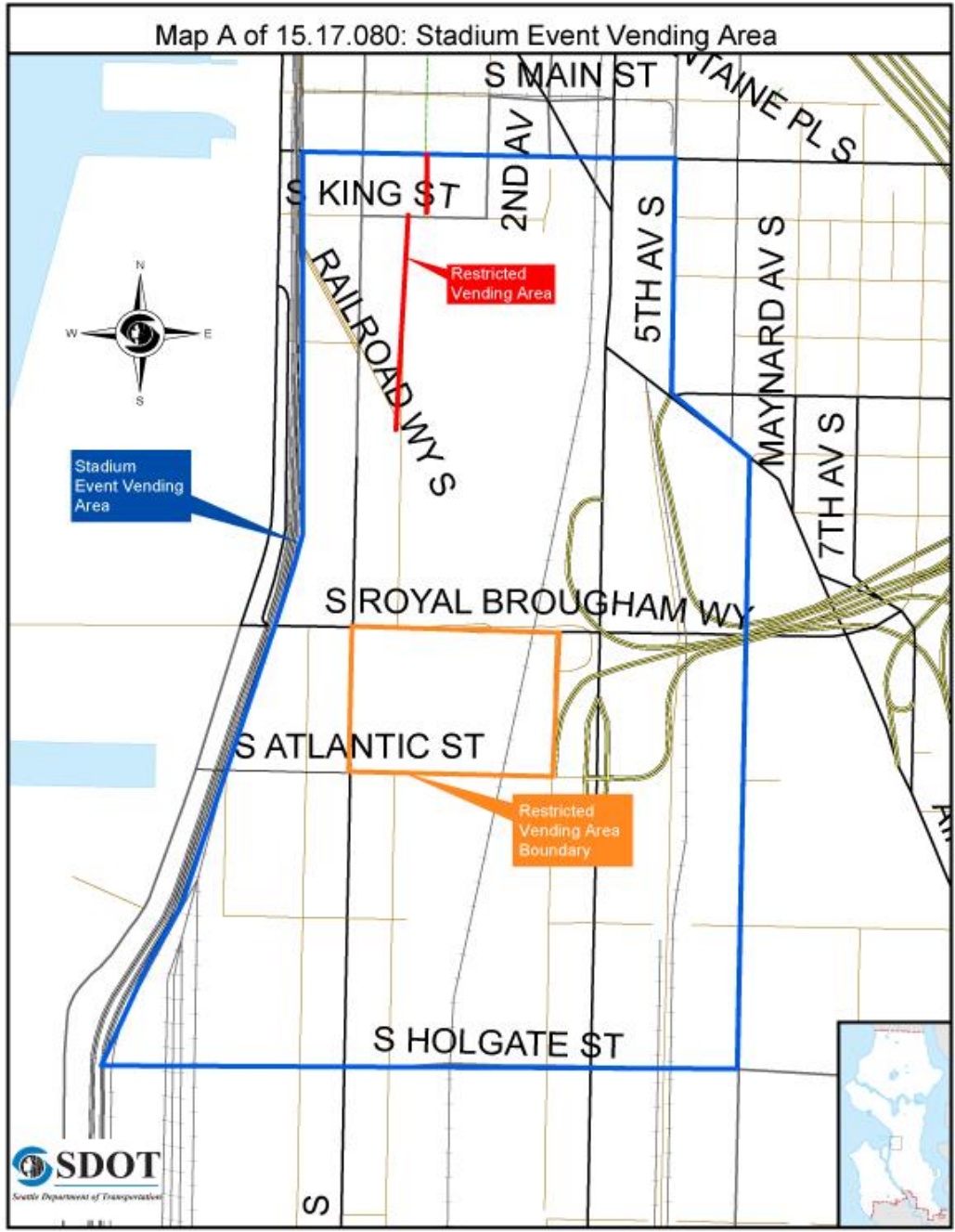
1 B. The Director of Transportation ~~((is authorized to))~~ may adopt rules relating to the
2 vending ~~((on foot))~~ of newspapers, magazines, event programs, and other ~~((such))~~ similar
3 publications on foot in the ~~((No))~~ Restricted Stadium Event Vending ~~((Zone. Such))~~ Area. These
4 rules may, among other subjects, address ~~((the))~~ issuance and duration of Street Use permits,
5 ~~((the))~~ number and ~~((placement))~~ location of the ~~((on foot))~~ on-foot vendors, advertising and
6 posting of prices, ~~((the))~~ display of licenses, documentation to accompany applications for
7 registration, and prohibitions against discrimination~~((, among other subjects))~~.

9 Section 33. Section 15.17.080 of the Seattle Municipal Code, last amended by Ordinance
10 121242, is amended as follows:

11 **15.17.080 Stadium and exhibition center event ~~((vending))~~ authorized vending area**

12 A. The Director of Transportation may issue a Street Use permit ~~((to authorize))~~
13 authorizing the use of a public place for vending within the area bounded by the center line of
14 South Jackson Street, the center line of Fifth Avenue South, the center line of Airport Way
15 South, the center line of Sixth Avenue South, the center line of South Holgate Street, and the
16 center line of Alaskan Way South~~((, except that during events at Safeco Field,))~~ for the event
17 day, a 24-hour period starting the midnight before any event scheduled at the stadiums or
18 exhibition event center begins and ending the midnight after the event ends (see Map A of
19 15.17.080: Stadium Event Vending Area).

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B.

1 Stadium and exhibition event center vending shall not be permitted on Occidental Avenue South
2 between Railroad ~~((Avenue))~~ Way South and South Jackson Street~~((, for the sale of))~~ or the area
3 depicted in Section 15.17.050. C. The Director of Transportation may issue a Street Use permit
4 authorizing the use of a public place for the vending of goods, ~~((wares, merchandise))~~ things,
5 services, food ~~((and)), or nonalcoholic beverages of any kind~~ from a temporary display table, tent
6 ~~((or cart that is)), vending cart, or food vehicle~~ stationed at ~~((a site approved by the Director for~~
7 ~~stadium and exhibition center events,))~~ an authorized site under the following ~~((terms and~~
8 conditions)) requirements:

9
10 ~~((A. Vending of food and beverages must meet))~~1. The food vendor permittee
11 shall comply with all ~~((standards established by the))~~ Seattle-King County Department of Public
12 Health ~~((Department, and if propane or a combustible fuel is used, the requirements of the))~~ and
13 King County Board of Health code requirements, and Seattle Fire Department requirements if
14 propane or a combustible fuel is used;

15
16 ~~((B. Food and beverages sold must be))~~2. The food vendor permittee shall only
17 sell food and beverages that are capable of immediate consumption;

18
19 ~~((C. The display))~~3. Display tables, vending carts, food vehicles, tents, and all
20 other equipment ~~((must be removed from the public place after business hours))~~ shall only be
21 operated on stadium or exhibition event center event days, a 24-hour period starting the midnight
22 before any event scheduled at the stadiums or exhibition event center begins and ending the
23 midnight after the event ends;

24
25 4. All stadium and exhibition event center vending activity including vending
26 carts, food vehicles, tables, tents, customer queues, accessory units, or signage shall be contained

1 within the permitted site use area. If the abutting roadway is closed to vehicular traffic, customer
2 queues may be allowed to occupy the abutting roadway;

3 5. Stadium and exhibition event center vending sites shall not be located in
4 driveways, loading zones, or within 15 feet of a business entrance or exit unless the adjacent
5 property owner submits an affidavit stating that access is not needed during the permitted
6 vending hours;

7
8 ~~((D. The vendor must provide public liability insurance naming the City as an additional~~
9 ~~insured in an amount determined by the Director of Transportation by rule;~~

10 ~~E. The vending site must be kept clean at all times. The vendor must supply a refuse~~
11 ~~container;))~~

12 ~~((F.No use of voice amplification devices is allowed))~~6. The permittee shall not
13 use amplification or noise-making devices and the permittee shall comply with Chapter 25.08,
14 Noise Control;

15
16 ~~((G.Electrical utility connections are permitted to the adjacent property, but no~~
17 ~~lines may be extended overhead or on the sidewalk provided the))~~7. The permittee shall not
18 locate electric lines overhead or on the ground surface where the public has access to the public
19 place;

20
21 ~~((H. The vendor must present to the City written approval for the vending by the~~
22 ~~adjoining property owner and/or tenant; if the tenant and property owner disagree, the property~~
23 ~~owner's decision controls;))~~

1 ~~((F))~~8. ~~The ((vendor displays))~~ permittee shall obtain and maintain in effect all
2 required permits and business licenses and display the Stadium Event vending Street Use permit
3 at the vending site in a manner approved by the Director of Transportation; and

4 9. The permittee is responsible for ensuring that customer queues do not encroach
5 into the abutting roadway when the street is open for vehicular traffic.

6 C. All vending and merchandise display authorized under Sections 15.17.100, 15.17.120,
7 and 15.17.150 that is permitted in the public place on nonevent days in the stadium and
8 exhibition center event vending area shall be removed for event days, the 24-hour period starting
9 the midnight before any event scheduled at the stadiums or exhibition event center begins and
10 ending the midnight after the event ends.

11 D. The permittee shall not leave any display tables, vending carts, food vehicles, tents, or
12 any other vending-related equipment unattended for longer than 30 minutes.

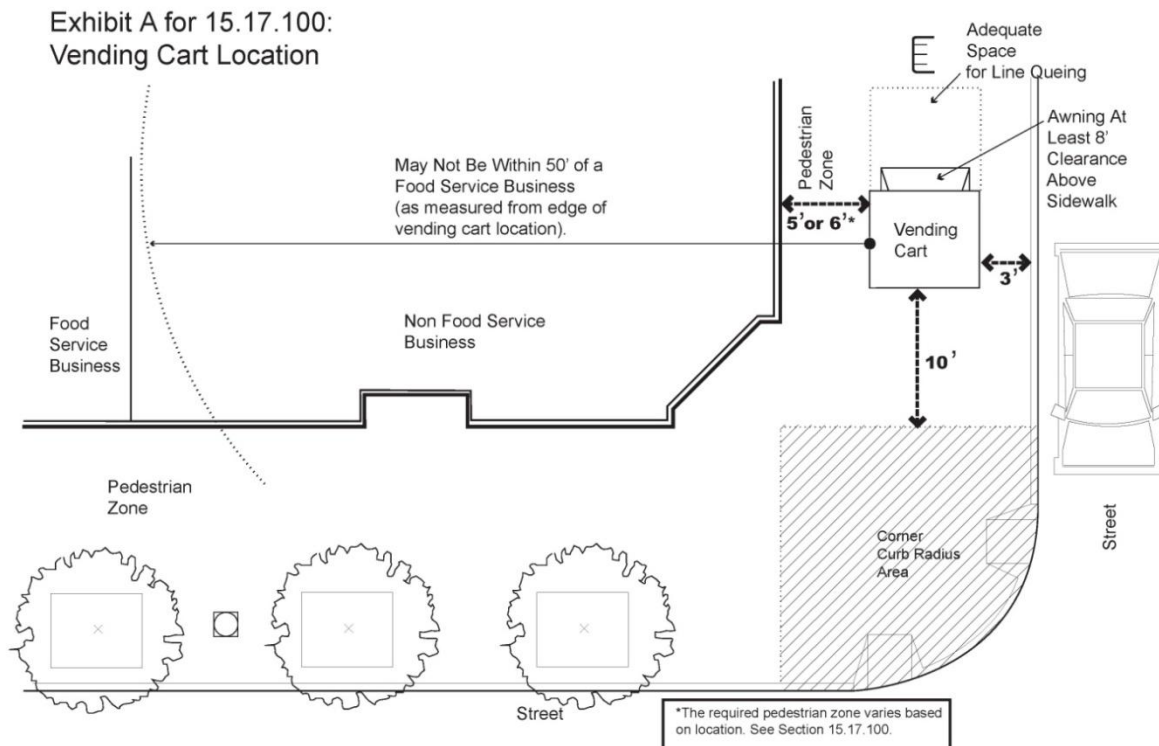
13 ~~((F))~~E. ~~The ((vendor satisfies))~~ permittee shall satisfy all the conditions of ((its)) the
14 Stadium Event vending Street Use permit and ((such)) other ((criteria and)) requirements ((as))
15 the Director of Transportation may establish ((from time to time by rule in the public interest))
16 by rule.

17 Section 34. Section 15.17.100 of the Seattle Municipal Code, last amended by Ordinance
18 117569, is amended as follows:

19 **15.17.100 Food and flower vending ((by cart from a site.)) from a public place sidewalk or**
20 **plaza**

21 ~~((An authorizing official))~~A. The Director of Transportation may issue a Street Use
22 permit ((to authorize)) authorizing the use of a public place sidewalk or plaza for ((the sale of));

1 vending food, flowers, ~~((and))~~ or nonalcoholic beverages from a vending cart~~((;))~~ as depicted in
2 Exhibit A for 15.17.100: Vending Cart Location; or food vehicle stationed at an authorized
3 public place plaza site; or from an attended newsstand under the following ~~((terms and~~
4 conditions)) requirements:



18 ~~((A.Vending of food and beverages must meet))~~ 1. The permittee shall comply
19 with all: ~~((standards established by the))~~ Seattle-King County Department of Public Health
20 ~~((Department,))~~ and King County Board of Health code requirements, ~~((and if propane or a~~
21 ~~combustible fuel is used, the requirements of the))~~ and Seattle Fire Department requirements if
22 propane or a combustible fuel is used~~((. Vending may not occur in a single family or residential~~
23 ~~low-rise zone))~~);

1 ~~((B.Food))~~2. The permittee shall only sell food and beverages ~~((sold must be))~~
2 that are capable of immediate consumption;

3 3. The permittee shall obtain and maintain in effect all required permits and
4 business licenses and display the vending Street Use permit at the vending site in a manner
5 approved by the Director of Transportation;

6 4. The permittee's vending cart or food vehicle shall not be located in the public
7 place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning
8 designations are defined under subsection 23.30.010.A if the abutting zoning does not have an
9 RC designation as shown on the Official Land Use Map, Chapter 23.32;

10 5. The permittee's vending cart or food vehicle shall not be located in the curb
11 space of the public place, unless authorized under 15.17.120;

12 ~~((C.The cart for vending food and/or beverages may not be more than five feet~~
13 ~~(5') long, five feet (5') high, and three feet (3') wide; the authorizing official may also permit~~
14 ~~awnings;))~~6. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual

15 Corridor; a proposed vending cart, food vehicle, or attended newsstand, and all associated
16 vending activity including customer queues, accessory units, or signage; shall not impair
17 pedestrian passage and shall be sited to provide;

18 a. An unobstructed corner-curb-radius area; and

19 b. If located in the Downtown Urban Center as established in the
20 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual
21 corridor; or

1 c. If located outside of the Downtown Urban Center as established in the
2 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
3 corridor; or

4 d. A wider pedestrian zone or pedestrian visual corridor may be required
5 by the Director of Transportation to provide for pedestrian passage, traffic management, or any
6 other public-use purpose;

7 6. In addition to any other required setbacks, the vending cart, food vehicle, or
8 attended newsstand site shall be located at least:

9 a. 3 feet from the curb; and

10 b. 5 feet from alleys, driveways, bus zone areas, disabled person parking
11 zones, food-vehicle zones, and commercial loading zones; and

12 c. 5 feet from curb ramps, parking meters or pay stations, traffic signs,
13 utility poles, fire hydrants, bike racks, and other street fixtures; and

14 d. 10 feet along the curb line from the point where the radius of corner
15 curb area intersects the curb line; and

16 e. 15 feet from any business entrance or exit; and

17 f. 50 feet from a food service business if the permittee is vending food or
18 nonalcoholic beverages and at least 50 feet from a floral business if the permittee is vending
19 flowers. A vending Street Use permit may, however, be issued to the owner of a food service
20 business for a site along the food service business's frontage provided, all other Chapter 15.17
21 vending requirements are satisfied; and

1 g. 1,000 feet from any public or private school containing a 9-12 class if
2 the permittee's vending cart or food vehicle is located in a public place abutting a lot listed in
3 subsection 15.17.100.A.4.

4 7. A larger setback distance may be required by the Director of Transportation to
5 provide for pedestrian passage, traffic management, or any other public-use purpose;

6 8. Vending sites shall not be located in driveways or within 15 feet of a business
7 entrance or exit unless the abutting property owner submits an affidavit stating that access is not
8 needed during the proposed vending hours;

9 9. The proposed vending activity shall not violate the Americans with Disabilities
10 Act;

11 10. The permittee shall not use amplification or noise-making devices and the
12 permittee shall comply with Chapter 25.08, Noise Control;

13 11. The permittee shall not locate electrical lines overhead or on the ground
14 surface where the public has access to the public place; and

15 12. The permittee shall not leave a vending cart or food vehicle unattended in the
16 public place for longer than 30 minutes.

17 ~~((D. The cart must be capable of being pushed by one (1) person, with at least two (2)~~
18 ~~functional wheels and positive wheel locking devices;))~~

19 B. A maximum of two vending carts stationed at an authorized public place sidewalk per
20 block face may be approved by the Director of Transportation.

21 C. The Director of Transportation may require additional information from the applicant
22 as provided for in Section 15.04.030.

1 D. The Director may, as deemed appropriate, condition the vending cart or food vehicle

2 Street Use permit to address the:

3 1. Design and placement of food-vending equipment and umbrellas;

4 2. Hours of operation and dates of use;

5 3. Need for repairs or improvements to the public place in order to accommodate
6 the vending activity or to ensure access to the use complies with the Americans with Disabilities

7 Act;

8 4. Impacts associated with the vending activity from: lighting, noise, emissions to
9 the air, the placement of signage, or equipment such as generators;

10 5. Impacts to the abutting business displays, business signage, or intake vents
11 from the proposed vending activity; and

12 6. Pedestrian circulation, traffic management, or any other public-use purpose.

13 E. The permittee shall keep the vending cart wheels ((of the cart must be locked)) safely
14 secured while the ((vendor)) permittee is ((offering to conduct)) conducting business, and the
15 vending cart ((must)) or food vehicle shall be removed from the public place after authorized
16 business hours;

17 ~~((F. The vendor must provide public liability insurance naming the City as an additional~~
18 ~~insured in an amount determined by the authorizing official by rule;~~

19 ~~G. The vending site must be kept clean at all times. When vending involves a container or~~
20 ~~wrapper, the vendor must supply a refuse container;~~

21 ~~H. No mechanical audio or noise making devices or hawking is allowed;~~

1 ~~I. Electrical utility connections are permitted to the adjacent property, but no lines may be~~
2 ~~extended overhead or upon the sidewalk;~~

3 ~~J. The vendor must present to the City written approval for the vending by the adjoining~~
4 ~~property and/or tenant; if the tenant and property owner disagree, the property owner's decision~~
5 ~~controls;))~~

6 ~~((K))~~F. If the proposed vending (~~((occurs within two hundred feet (200'))~~) will occur
7 within 50 feet of a park (~~((or public school, the vendor must present written consent of the~~
8 ~~Superintendent of Parks and Recreation or the Seattle School District, respectively; if the~~
9 ~~vending occurs within two hundred feet (200") of a private school, the vendor must present proof~~
10 ~~of mailing or delivery of notice of the application to the school's administrator and an~~
11 ~~opportunity for comment shall be allowed. No vending of flowers may occur within two hundred~~
12 ~~feet (200') of an established florist without the written consent of the florist)) as defined in
13 Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director
14 of Transportation whether the vending site should be approved or denied based on the following
15 considerations:~~

16 1. Public safety or access within the park;

17 2. Conflicts with existing businesses and concessionaires, permitted events, or
18 other special activities occurring in the park; or

19 3. The need to encourage park activation.

20 ~~((L. The vendor satisfies such other criteria and requirements as the authorizing official~~
21 ~~may establish from time to time by rule in the public interest.))~~

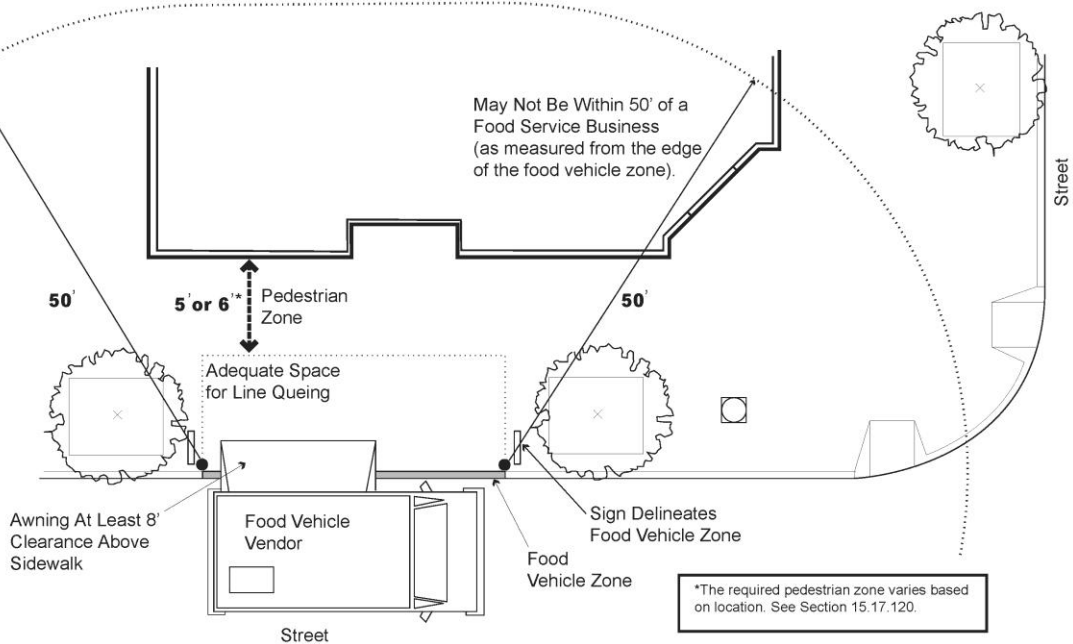
1 G. If an existing vending site conflicts with the setback requirements of subsection
2 15.17.100.A.6, the Director of Transportation shall not issue a new vending Street Use permit
3 when the existing Street Use permit expires.

4 Section 35. A new Section 15.17.120 of the Seattle Municipal Code is added as
5 follows:

6 **15.17.120 Food vending from a curb space**

7 A. The Director of Transportation may issue a Street Use permit authorizing use of a curb
8 space for vending food or nonalcoholic beverages from a food vehicle. Vending from the food
9 vehicle shall be subject to Title 11, Vehicles and Traffic under the following requirements, as
10 depicted in Exhibit A for 15.17.120: Food Vehicle Location:
11

Exhibit A for 15.17.120:
Food Vehicle Location



1. Vending shall only occur from a curb space if the vending has been authorized

by:

a. Food-vehicle-zone vending Street Use permit that allows vending if the

curb space is delineated by a sign or other traffic control device as a food-vehicle zone, or

b. Temporary-curb-space vending Street Use permit that allows vending

from a curb space the Director of Transportation has approved for a vending activity that shall

only occur in conjunction with an event located on private property abutting the curb space or an

event occurring in the public place;

1 2. The permittee shall comply with all Seattle-King County Department of Public
2 Health requirements and Seattle Fire Department requirements if propane or a combustible fuel
3 is used;

4 3. The permittee shall only sell food and beverages that are capable of immediate
5 consumption;

6 4. The permittee shall obtain and maintain in effect all required permits and
7 business licenses and display the food-vehicle zone or temporary-curb-space vending Street Use
8 permit at the vending site in a manner approved by the Director of Transportation;

9 5. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual
10 Corridor; a food vehicle and all associated vending activity including customer queues,
11 accessory units, or signage; shall not impair pedestrian passage and shall be sited to provide:
12

13 a. If located in the Downtown Urban Center as established in the
14 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual
15 corridor; or
16

17 b. If located outside of the Downtown Urban Center as established in the
18 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
19 corridor; or
20

21 c. A wider pedestrian zone or pedestrian visual corridor may be required
22 by the Director of Transportation to provide for pedestrian passage, traffic management, or any
23 other public-use purpose;
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1 6. Food-vehicle-zone vending and temporary-curb-space vending Street Use
2 permit vending sites shall not be located in driveways, loading zones, or within 15 feet of a
3 business entrance or exit;

4 7. The proposed vending activity shall not violate the Americans with Disabilities
5 Act;

6 8. The permittee shall not use amplification or noise-making devices and the
7 permittee shall comply with Chapter 25.08, Noise Control;

8 9. The permittee shall not locate electrical lines overhead or on the ground surface
9 where the public has access to the public place; and
10

11 10. The vending shall only occur from the side of a food vehicle that is parked
12 abutting and parallel to the curb.

13 B. The Director of Transportation may designate a maximum of one food-vehicle zone
14 per block face and no more than two food vehicles may be allowed in any one food-vehicle zone.
15 The Director of Transportation may, however, increase the size of the food-vehicle zone if the
16 Director determines that additional food vehicles can be accommodated without negatively
17 impacting existing businesses on the block face, for example, where there are few or no occupied
18 buildings on the block face. Increasing the size of a food-vehicle zone does not prevent the
19 Director from exercising the inherent authority to regulate uses of the public place and reduce the
20 size of the food-vehicle zone at a later date.
21

22 C. The Department of Transportation may designate a food-vehicle zone subject to the
23 following requirements:
24

25 1. The proposed location is:
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1 a. At least 50 feet from a food service business when vending food or
2 nonalcoholic beverages; and

3 b. Not located in the public place abutting a lot zoned RSL, SF 5000, SF
4 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection
5 23.30.010.A if the abutting zoning does not have an RC designation as shown on the Official
6 Land Use Map, Chapter 23.32; and

7
8 c. 1,000 feet from any public or private school containing a 9-12 class if
9 the permittee's food vehicle is located in a public place abutting a lot listed in subsection
10 15.17.120.C.1.b.

11 2. If an existing food-vehicle zone conflicts with the setback requirements of
12 subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food-vehicle-zone
13 vending Street Use permit when the existing Street Use permit expires.

14
15 D. The Director of Transportation may issue to a vendor, property owner, or public
16 entity, a temporary-curb-space vending Street Use permit that: authorizes vending from a curb
17 space that is not designated as a food-vehicle zone, and is effective for no more than four days
18 during a six-month period for the adjoining address in a lot with a zoning designation other than
19 those listed in 15.17.120.C.1.b, or is effective for no more than one day during a calendar year
20 for the block abutting a lot listed in subsection 15.17.120.C.1.b. The temporary-curb-space
21 vending Street Use permit may be issued under the following requirements:
22

23 1. The permittee shall reserve the curb space as required in Title 11, Vehicles and
24 Traffic;

25 2. The permittee shall comply with the requirements in subsections 15.17.120.A;
26

1 3. The temporary-curb-space vending Street Use permit shall only be issued for
2 an event located on private property abutting the curb space or an event located in the adjoining
3 public place. If the event requires a Special Event as permitted and authorized under Chapter
4 15.52, Special Event permits, the Director of Transportation shall not issue a temporary-curb-
5 space vending Street Use permit; and

6 4. If located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF
7 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A
8 if the abutting zoning does not have an RC designation as shown on the Official Land Use Map,
9 Chapter 23.32; the vending activity shall end by 10:00 p.m.

10 E. The Director of Transportation may require additional information from the applicant
11 as provided for in Section 15.04.030.

12 F. The Director may, as deemed appropriate, condition the food-vehicle zone or
13 temporary-curb-space vending Street Use permit to address the:

14 1. Design and placement of food-vending equipment and umbrellas;
15 2. Hours of operation and dates of use;
16 3. Need for repairs or improvements to the public place in order to accommodate
17 the vending activity or to ensure access to the use complies with the Americans with Disabilities
18 Act;
19 4. Impacts associated with the vending activity from: lighting, noise, emissions to
20 the air, the placement of signage, or equipment such as generators;

21 5. Impacts to the abutting business displays, business signage, or intake vents
22 from the proposed vending activity; and
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1 6. Pedestrian circulation, traffic management, or any other public-use purpose.

2 G. If the proposed temporary-curb-space vending or food-vehicle-zone vending will
3 occur within 50 feet of a park, as defined in Section 18.12.030, the Superintendent of the Parks
4 Department may recommend to the Director of Transportation whether the vending site should
5 be approved or denied based on the following considerations:

6 1. Public safety or access within the park;

7 2. Conflicts with existing businesses and concessionaires, permitted events, or
8 other special activities occurring in the park; or
9

10 3. The need to encourage park activation.

11 Section 36. A new Section 15.17.130 of the Seattle Municipal Code is added as follows:

12 **15.17.130 Mobile-food vending from a public place**

13 A. The Director of Transportation may issue a mobile-food vending Street Use permit
14 authorizing mobile vending of food and beverages that are exempt from the food-establishment
15 permit requirement of Title 5 of the King County Board of Health as determined by the Director
16 of the Seattle-King County Department of Public Health or authorized representative.
17

18 B. Mobile-food vending may occur from a vending cart or food vehicle in the public
19 place subject to the following requirements:

20 1. Mobile-food vending from a food vehicle or vending cart shall be subject to
21 Title 11, Vehicles and Traffic;

22 2. Mobile-food-vending permittees shall not stop the food vehicle or vending cart
23 in a curb space or other public place for any longer than necessary to vend to waiting customers;
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1 3. Mobile-food-vending permittees shall comply with all applicable requirements
2 of Title 5 of the Code of the King County Board of Health;

3 4. Mobile-food-vending permittees shall obtain and maintain in effect all required
4 permits and business licenses and display the mobile-food vending Street Use permit on the
5 vending cart or food vehicle in a manner approved by the Director of Transportation;

6 5. Mobile-food-vending permittees shall comply with Chapter 25.08, Noise
7 Control;

8 6. Tables, carts, umbrellas or other vending-related installations shall not be
9 erected in the public place in association with a mobile-food vending activity; and
10

11 7. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual
12 Corridor, a vending cart or food vehicle and all associated mobile-food vending activity
13 including customer queues shall not impair pedestrian passage and shall be sited to provide a
14 pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor.
15

16 C. In addition to the restrictions on vending in the public place identified in Section
17 15.17.005, mobile-food vending is prohibited in the following areas:
18

19 1. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect
20 Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue
21 West; then north along First Avenue West to West Aloha Street; then east along West Aloha and
22 Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and
23 Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street;
24 then west along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue
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1 South to Airport Way South; then southeast along Airport Way South to Sixth Avenue South;
2 then south along Sixth Avenue South to South Holgate Street; then west along South Holgate
3 Street to Elliott Bay on the waterfront; then north along the waterfront to a point in direct line
4 with West Prospect Street, the place of beginning, including both sides of the above-identified
5 public places (see Map A of 15.17.130: Prohibited Mobile-food vending Area-Greater
6 Downtown).

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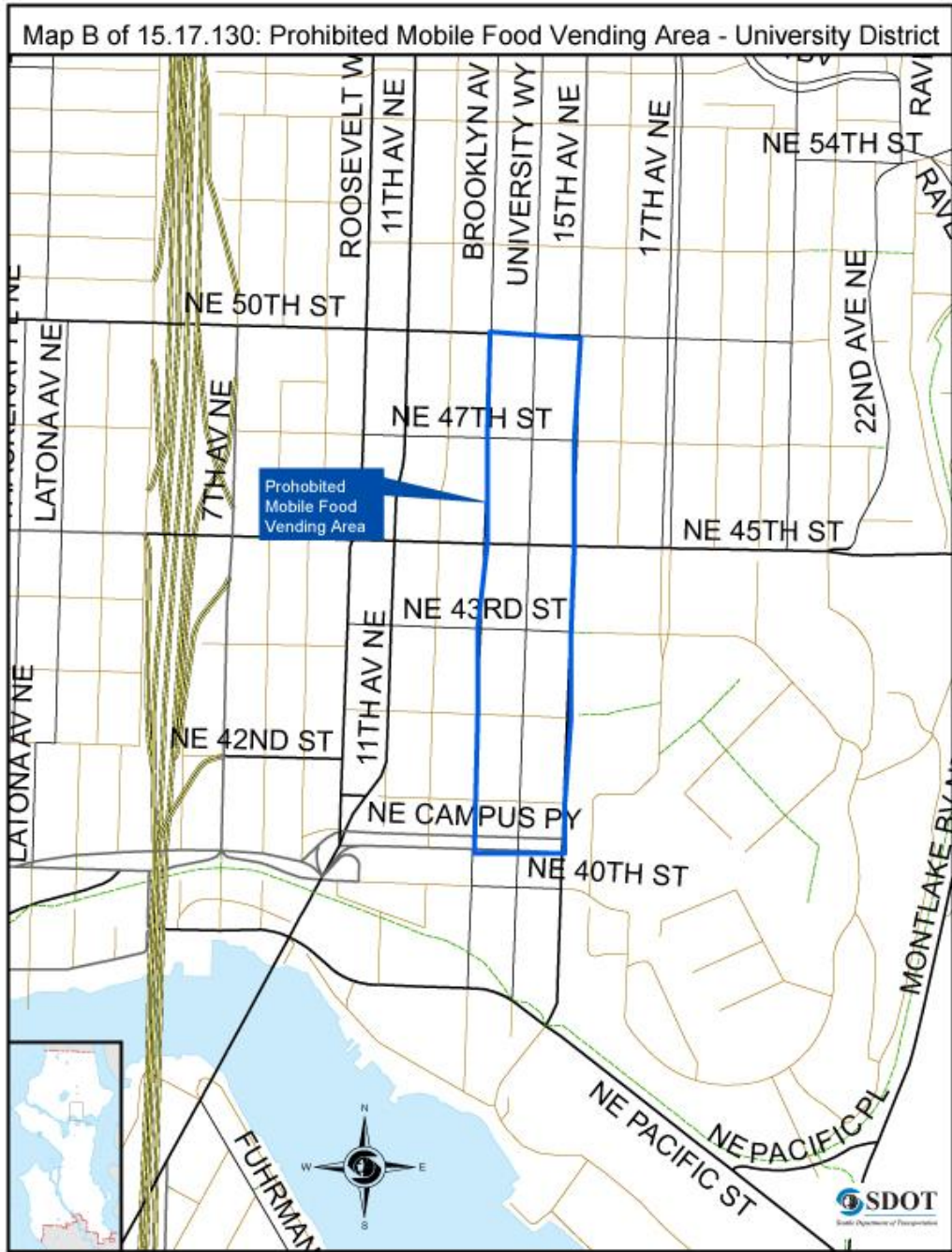


1 2. Within 50 feet of any public park, as defined in Chapter 18.12; 1,000 feet of any public
2 or private school containing a Kindergarten through 12th-grade class; and 50 feet of any food-
3 service business; or within loading zones.

4 3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west
5 on N.E. 40th Street to Brooklyn Avenue N.E.; then north on Brooklyn Avenue N.E. to N.E. 50th
6 Street; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to
7 N.E. 40th Street, the place of beginning, including both sides of the above-identified public
8 places (see Map B of 15.17.130: Prohibited Mobile-food vending Area-University District).
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1 C. The Director of Transportation may require additional information from the applicant
2 as provided for in Section 15.04.030.

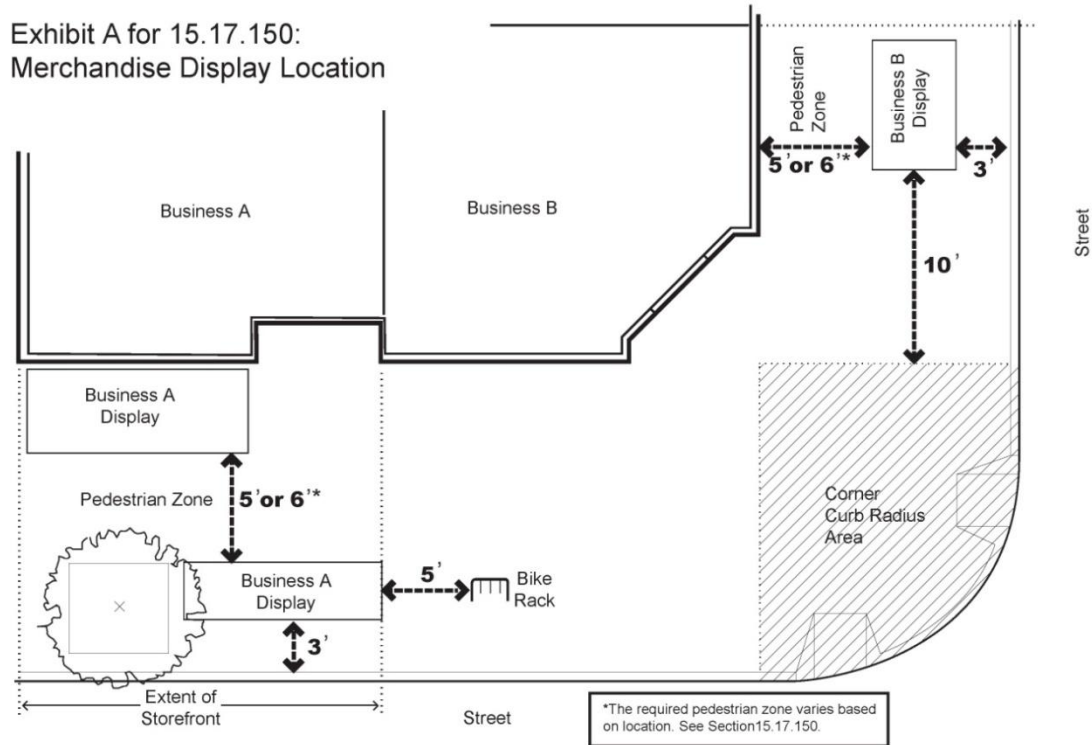
3 D. The Director may, as deemed appropriate, condition the mobile-food vending Street
4 Use permit to address the:

- 5 1. Hours of operation and dates of use;
- 6 2. Impacts associated with the vending activity from: lighting, noise, or emissions
7 to the air; or
- 8 3. Pedestrian circulation, traffic management, or any other public-use purpose.

9
10 Section 37. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance
11 121388, is amended as follows:

12 **15.17.150 ((~~Sidewalk displays.~~) Merchandise display from a public place**

13
14 A. The Director of Transportation may issue a merchandise display Street Use permit to
15 ((the owner or manager of a business upon)) a retail sales business allowing the same goods or
16 wares offered for sale by the business to be displayed on the adjoining ((property making sales at
17 retail to the public in a zone other than single family or low rise multi family zone to display on
18 a public sidewalk goods or wares that are being offered for sale inside the business)) public
19 place. ((Sidewalk)) Merchandise displays ((are)) shall be subject to ((rules of the Director of
20 Transportation, the terms and conditions of the permit, and)) the following ((criteria))
21 requirements, as depicted in Exhibit A for 15.17.150: Merchandise Display Location:
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((A.The))1. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor, the proposed merchandise display ((may not obstruct passage on the sidewalk nor the use of any crosswalk, wheelchair ramp, bus or taxi loading zone. The display must allow)) shall be sited to provide:

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- a. An unobstructed corner-curb-radius area; and
 - b. If located in the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least ((six feet (6')) of clearance for pedestrian passage to the nearest street trees; utility pole; traffic control signs, parking payment devices, or fire hydrants and may not be fastened to any of the foregoing)) 6 feet wide with a 4-foot-wide pedestrian visual corridor; or

1 c. If located outside of the Downtown Urban Center as established in the
2 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
3 corridor; or

4 d. A wider pedestrian zone or pedestrian visual corridor may be required
5 by the Director of Transportation to provide for pedestrian passage, traffic management, or for
6 any other public-use purpose;

7 2. In addition to any other required setbacks, the merchandise display site shall be
8 located at least:

9 a. 3 feet from the curb; and

10 b. 5 feet from alleys, driveways, bus zone areas, parking zones for
11 disabled persons, food-vehicle zones, and commercial loading zones; and

12 c. 5 feet from curb ramps, parking meters or pay stations, traffic signs,
13 utility poles, fire hydrants, bike racks, and other street fixtures; and

14 d. 10 feet along the curb line from the point where the radius of corner
15 curb area intersects the curb line; or

16 e. A larger setback distance may be required by the Director of
17 Transportation to provide for pedestrian passage, traffic management, or for any other public-use
18 purpose;

19 3. The merchandise display shall not be located in the public place abutting a lot
20 zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are
21 defined under subsection 23.30.010.A if the abutting zoning does not have an RC designation as
22 shown on the Official Land Use Map, Chapter 23.32;

1 ~~((B. The display must be flush against the building of the adjoining property, must leave~~
2 ~~entrances and driveways clear, and may not extend more than three feet (3') into the sidewalk;))~~

3 ~~((C))4. The display ((must)) shall be removed during those hours that the business~~
4 ~~is closed((. If the display is in place before sunrise or after sunset, the display must be lighted and~~
5 ~~readily visible to passing pedestrians on the sidewalk));~~

6 5. The proposed merchandise display activity shall not violate the Americans with
7 Disabilities Act;

8 ~~((D))6. Sales of goods or merchandise displayed ((must)) shall occur on the~~
9 ~~adjoining privately owned property;~~

10 ~~((E))7. The display ((may)) shall not contain alcoholic beverages, tobacco,~~
11 ~~firearms or munitions, ((or)) any article ((which)) that a minor is prohibited by law from~~
12 ~~purchasing((; nor)), or any material restricted by the Fire Code from direct access or handling by~~
13 ~~the public;~~

14 8. The permittee shall not use amplification or noise-making devices and the
15 permittee shall comply with Chapter 25.08, Noise Control; and

16 9. The permittee shall not locate electrical lines overhead or on the ground surface
17 where the public has access to the public place.

18 ~~((F. The display must be removed at any time that the Director of Transportation, the~~
19 ~~Chief of Police, or the Fire Chief determine that a clear sidewalk is needed for use of travel or~~
20 ~~transportation, street cleaning or maintenance, street utility work, a crowd control event or~~
21 ~~parade, or an emergency, and request removal;))~~

1 ~~((G))~~B. The City assumes no responsibility for the items on display (~~(, irrespective of)~~)
2 whether the loss occurs through accident, collision, vandalism, theft, or otherwise~~((;))~~.

3 ~~((H. The applicant must provide public liability insurance naming the City as an insured~~
4 ~~on any additional insured in an amount determined by the authorizing official by rule; and~~

5 ~~I. The applicant shall provide the City an indemnity agreement and acknowledgment of~~
6 ~~the temporary nature of the permission granted comparable to that required of sidewalk cafes~~
7 ~~under Section 15.16.070.))~~

9 C. The Director of Transportation may require additional information from the applicant
10 as provided for in Section 15.04.030.

11 D. The Director may, as deemed appropriate, condition the merchandise display Street
12 Use permit to address the:

13 1. Design and placement of merchandise display equipment and umbrellas;

14 2. Hours of operation and dates of use;

15 3. Need for repairs or improvements to the public place in order to accommodate
16 the vending activity or to ensure access to the use complies with the Americans with Disabilities
17 Act;

18 4. Impacts associated with the merchandise display activity from: lighting, noise,
19 emissions to the air, the placement of signage, or equipment such as generators; and
20

21 5. Pedestrian circulation, traffic management, or any other public-use purpose.

22 Section 38. A new Section 15.17.152 of the Seattle Municipal Code is added as follows:

23
24 **15.17.152 Maintaining public place conditions**
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1 A. The permittee shall maintain the vending site, merchandise display, and adjoining and
2 abutting public place free of all refuse of any kind generated from the operation of their
3 businesses. If food is served, the permittee shall supply a refuse container for public use that is
4 capable of accommodating all refuse generated by the vending activity and that shall be
5 maintained and emptied regularly.

6 B. All materials and supplies used by the permittee shall be contained in the vending cart,
7 food vehicle, attended newsstand, or merchandise display; and the permittee shall not store
8 supplies or other materials in the public place.

9 C. The surface of the public place shall not be altered and permanent fixtures of any kind
10 shall not be installed in the public place unless authorized by a Street Use permit.

11 D. A vending cart, food vehicle, or merchandise display shall not be secured to any
12 public amenity unless authorized by a Street Use permit. A vending cart or food vehicle shall not
13 be unattended in the public place for longer than 30 minutes.

14 E. The permittee shall temporarily clear the public place as the Director of Transportation
15 deems necessary to temporarily accommodate access to abutting properties or utilities.

16 F. The permittee is responsible for ensuring that customer queues, displays, or vending
17 activity do not encroach into the roadway; or cause pedestrians to divert from the abutting
18 pedestrian zone.

19 G. The permittee shall not conduct business in such a way as to: restrict or interfere with
20 the ingress or egress of the abutting property owner or tenant; create or become a nuisance or
21 hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an
22 obstruction to adequate access to fire, police, or sanitation vehicles.

1 H. The permittee shall immediately remove the vending activity or merchandise display
2 when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City
3 official.

4 I. The permittee shall display a Street Use authorized vending decal on the vending cart
5 or food vehicle. The decal shall be clearly visible from the abutting sidewalk and shall provide
6 information to the public on how they can report Street Use violations that may be associated
7 with the vending activity and other information as determined by rule.
8

9 Section 39. Section 15.17.200 of the Seattle Municipal Code, last amended by Ordinance
10 118409, is amended as follows:

11 **15.17.200 (~~Street fairs and vending~~) Vending by nonprofit organizations(~~)~~)**

12 The Director of Transportation, the Superintendent of the Parks Department, and the
13 Director of the Seattle Center are authorized to adopt rules relating to the time, place, and
14 manner in which a nonprofit organization may vend merchandise in which the organization's
15 political, religious, sociological, or ideological message is inextricably intertwined (~~when~~) if
16 the sale exercises the permittee's rights guaranteed by the United States or the Washington
17 Constitution. (~~Such~~) These rules may address the issuance and duration of permits, the size and
18 placement of tables and other equipment used, their siting and location on the (~~sidewalks~~)
19 public place or public property, the type of merchandise offered for sale, advertising and posting
20 of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to
21 accompany applications for registration, and the prohibitions against discrimination, among other
22 subjects.
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1 An authorizing official may authorize vending in a public place as part of a street fair,
2 carnival, athletic activity, or other public event authorized by and in accordance with a permit
3 issued by the Special Events Committee under Chapter 15.52.

4 Section 40. A new Section 15.17.250 of the Seattle Municipal Code is added as follows:

5 **15.17.250 Director's rules**

6 The Director of Transportation may promulgate rules to implement this Chapter 15.17.
7 The rules may address the subjects identified in this Chapter 15.17 and other subjects the
8 Director believes may aid in the implementation of this Chapter 15.17.
9

10 Section 41. Section 15.91.010 of the Seattle Municipal Code, last amended by Ordinance
11 120822, is amended as follows:

12 **15.91.010 Mitigation hearings((;))**

13 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall
14 be held within ~~((thirty (30)))~~ 30 days after written response to the citation requesting ~~((such))~~ a
15 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing
16 ~~((will))~~ shall be sent by first class mail to the address provided in the request for hearing not less
17 than ten ~~((10))~~ days ~~((prior to))~~ before the date of the hearing.
18

19 B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing ~~((which))~~
20 that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but
21 witnesses may not be compelled to attend. A representative from the Department of
22 Transportation may also be present and may present additional information, but attendance by a
23 representative from the Department of Transportation is not required.
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1 C. Disposition. The Hearing Examiner shall determine whether the person's explanation
2 justifies reduction of the monetary penalty. Factors that may be considered in whether to reduce
3 the penalty include whether the violation was caused by the act, neglect, or abuse of another. The
4 Hearing Examiner may also consider whether the respondent has previously violated subsection
5 15.91.002.A.6 and whether, before the mitigation hearing, the respondent submitted a Street Use
6 permit application that the Director of Transportation determined was complete.

7
8 D. Entry of Order. After hearing the explanation of the person cited and any other
9 information presented at the hearing, the Hearing Examiner shall enter an order finding that the
10 person cited committed the violation and assessing a monetary penalty in an amount determined
11 pursuant to ~~((this section))~~ Section 15.91.016. The Hearing Examiner's decision is the final
12 decision of the City on the matter.

13
14 Section 42. Section 15.91.016 of the Seattle Municipal Code, last amended by Ordinance
15 123100, is amended as follows:

16 **15.91.016 Penalties(~~(.)~~)**

17 A. First Violation. The first time a person or entity is found to have violated ~~((Section))~~
18 subsection 15.91.002.A.1 by not obtaining a Street Use permit ~~((prior to beginning work))~~ before
19 using or occupying the public place, the person or entity shall be subject to a penalty of ~~((five~~
20 ~~hundred dollars (\$500))~~ \$500. The first time that a person or entity is found to have violated
21 ~~((Sections))~~ subsections 15.91.002.A.2 through 15.91.002.A.23, excluding subsection
22 15.91.002.A.6, the person or entity shall be subject to a penalty of ~~((two hundred fifty dollars~~
23 ~~(\$250))~~ \$250. The Director may, in an exercise of discretion, issue a warning to the person or
24 entity responsible for obtaining the Street Use permit if the person or individual has not been
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1 previously warned or cited for violating (~~Section~~) subsection 15.91.002.A.1. The first time that
2 a person or entity is found to have violated subsection 15.91.002.A.6 after receiving a written
3 warning for violating subsection 15.91.002.A.6 in the previous five years, the person or entity
4 shall be subject to a penalty of \$1,000.

5 B. Second and Subsequent Violations. If a person or entity is cited for violating
6 (~~Section~~) subsection 15.91.002.A.1 within a (~~5-year~~) five-year period after a first violation
7 has been determined to exist, the person or entity shall be subject to a penalty of (~~one thousand~~
8 dollars (\$1000)) \$1,000 for each violation. Any subsequent time that a person or entity is found
9 to have violated the provisions in (~~Sections~~) subsections 15.91.002.A.2 through
10 15.91.002.A.23, excluding subsection 15.91.002.A.6, within a (~~5-year~~) five-year period after a
11 first violation of subsections 15.91.002.A.2 through 15.91.002.A.23 has been determined to
12 exist, the person or entity shall be subject to a penalty of (~~five hundred dollars (\$500)) \$500 for~~
13 each subsequent violation. If a person or entity is cited for violating subsection 15.91.002.A.6
14 within a five-year period after a first violation of subsection 15.91.002.A.6 has been determined
15 to exist, the person or entity shall be subject to a penalty of \$2,000 for each violation.

16 C. Deposit of funds. Any funds received by the Hearing Examiner or collection agency
17 for violations associated with Section 15.91.002 shall be deposited into the Transportation
18 Operating Fund. Funds from violations of subsection 15.91.002.A.6 may be used by other City
19 departments for vending enforcement as authorized by the Director of Transportation and shall
20 be used by the Department of Transportation for the following purposes: administering the
21 vending program, including notifying property owners abutting a proposed vending site
22 designated by the Department of Transportation; verifying property boundaries and square
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footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food-vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

Section 43. SDOT Street Use Permits. SDOT's Fee Schedule, Attachment A to Ordinance No. 123477, as amended by Ordinances 123600, 123611, and 123485 as amended by Ordinance 123585, is further amended as follows:

Attachment A: Street Use Permit Fee Schedule

* * *

Miscellaneous				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
57	<u>Nonvending-related</u> impound fee	\$97 per occurrence	N/A	N/A
58	Sign removal	\$78 per sign or poster		
59	Mobility impact surcharge	\$360		

* * *

Activities that occur over more than one year				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

1	((14A))	((Vending carts))	\$146 (first year) \$140 (subsequent years)	None	N/A
2	((14B))	((Tables and chairs [max 4]))			
3	16A	Inactive areaways prior to January 1, 1995			
4	17	Sidewalk elevator doors			
5	<u>18C</u>	<u>Tables and chairs [max 4]</u>			
6	<u>19A</u>	<u>Vending activity in an attended newsstand</u>			
7	***				
8	* * *				

Occupation of Right-of-Way street				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

((48)) <u>18B</u>	Sidewalk cafes	\$146 (first year) \$140 (subsequent years)	\$1.56/sf/yr	N/A
18A	merchandise on sidewalks			
22B	Shoring unremoved (must be removed to a point 4 ft below finished grade)	\$146	\$1011/pile	
27	Awnings, marquees and canopies [plus 27A if stanchions]		\$.51/sf	

* * *

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

(14C)	(1 st Amendment vending)	(\$40)	(\$35/mo)	(None)
(14D)	(Stadium vending [April-September])	(None)	(\$121.50/mo)	
(14E)	(Stadium vending [October-March])	(None)	(\$18/mo)	
16B	Areaways built after January 1, 1995	Fees based upon appraisal		

<u>Use Code</u>	<u>Use Description</u>	<u>Base Permit Fee</u>	<u>Parking/ Occupation Fee (Long Term)</u>	<u>Use Fee (Short Term)</u>	<u>Program Administration Fee</u>
19B	1 st Amendment vending	\$40/yr	\$35/mo	None	None
19C	Stadium Event vending [April-September]	\$146	\$170/mo		
19D	Stadium Event vending [October-March]		\$110/mo		
19E	Vending from a public place sidewalk or plaza DAY 6am-8pm		\$1.56/SF	\$344	
19F	Vending from a public place sidewalk or plaza NIGHT 8pm-6am		\$688		
19G	Food-vehicle zone vending (DAY 6am-8pm)		\$468 (each 4- HR period x each day of the wk)	\$344	
19H	Food-vehicle zone vending (NIGHT 8pm-6am)		\$688		
19I	Temporary curb space vending		N/A	None	
19J	Mobile-food vending				

* * *

Other Fees and Charges	
Hourly Charge for Street Use service including but not limited to:	\$172

Review, investigation, inspection, drafting, design guidance, document preparation and other activities related to the administration of the permit	
Premium hourly rate (e.g. Overtime Inspections)	\$344
Penalty Fee (No Job Start Call)	\$300
A Deposit may be required	Amount determined based on services requested

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation Operating Fund for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food-vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

* * *

Section 44. Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code, which section and chapter were last amended by Ordinance 117000 and 117001, respectively, and which is shown in Attachment A, are repealed.

1 Section 45. The Director of Transportation shall, within six months from the effective
2 date of this ordinance, develop and adopt by rule vending cart design guidelines that shall apply
3 to all vending carts located on any public place including public places within special review,
4 landmark, or historic districts regulated by Titles 23 or 25. Vending carts that have been issued
5 permits prior to the completion of design guidelines will be required to comply within 30 days of
6 their adoption. The Director shall consult with the Department of Neighborhoods and other
7 interested parties when developing the rule. The Director shall be responsible for determining
8 compliance with the rule.
9

10 Section 46. This ordinance shall take effect and be in force 30 days from and after its
11 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
12 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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1 Passed by the City Council the ____ day of _____, 2011, and signed by
2 me in open session in authentication of its passage this
3 ____ day of _____, 2011.

4
5
6 _____
7 President _____ of the City Council

8 Approved by me this ____ day of _____, 2011.

9
10 _____
11 Michael McGinn, Mayor

12 Filed by me this ____ day of _____, 2011.

13
14
15 _____
16 City Clerk

17 (Seal)

18
19
20 Attachment A: Repealed Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code
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