

SP 9-6-91

ORDINANCE No. 115759

COUNCIL BILL No. 108686

Law Department

The City of

AN ORDINANCE relating to the Seattle Arts Festival commonly known as "Bumbershoot"; adding new sections to Ch. 17.40 of the Seattle Municipal Code to establish admission fees to such Festival, and qualifications for free Festival admission; authorizing the closure of the Seattle Center grounds during said Festival; and repealing Ordinance 112578.

Honorable President:

Your Committee on Parks - Public

to which was referred the within Council report that we have considered the s

COMPTROLLER FILE No. _____

Introduced: AUG 1 2 1991	By: CHOW
Referred: AUG 1 2 1991	To: Parks and Public Grounds
Referred:	To:
Referred:	To:
Reported: AUG 1 9 1991	Second Reading: AUG 1 9 1991
Third Reading: AUG 1 9 1991	Signed: AUG 1 9 1991
Presented to Mayor: AUG 2 3 1991	Approved: AUG 2 3 1991
Returned to City Clerk: AUG 2 6 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

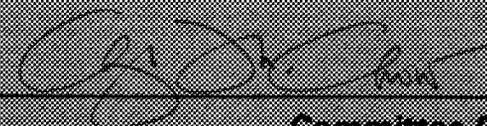
President:

Committee on Public Works

was referred the within Council Bill No. _____

that we have considered the same and respectfully recommend that the same:

Be Council Vote 8-0



Committee Chair

ORDINANCE 115759

1
2
3 AN ORDINANCE relating to the Seattle Arts Festival commonly
4 known as "Bumbershoot"; adding new sections to Ch. 17.40
5 of the Seattle Municipal Code to establish admission fees
6 to such Festival, and qualifications for free Festival
7 admission; authorizing the closure of the Seattle Center
8 grounds during said Festival; and repealing Ordinance
9 112578.

10
11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. There is hereby added to the Seattle
13 Municipal Code a new section, SMC 17.40.090, as follows:

14 **17.40.090 Bumbershoot Festival admission fees.**

15 The Bumbershoot Festival Commission is hereby authorized
16 to charge and collect a fee for admission to the 1991, and
17 succeeding Bumbershoot Festivals, in the following respective
18 amounts:

19 A. For any non-disabled person thirteen (13) through
20 sixty-four (64) years of age whose admission ticket is
21 purchased at a Festival entry gate: \$7.00

22 B. For any non-disabled person thirteen (13) through
23 sixty-four (64) years of age whose admission ticket is
24 purchased at a location other than a Festival entry gate:
25 \$6.00

26 C. For any non-disabled person four (4) through twelve
27 (12) years of age, or any non-disabled person sixty-five (65)
28 years of age or older, regardless of where such admission
ticket is purchased: \$1.00

D. For any person three (3) years of age or younger,
and for any person who is "disabled", as defined in Section
2, hereof: No Charge

1 Sec. 2. There is hereby added to the Seattle Municipal
2 Code a new section, SMC 17.40.095, as follows:

3 **17.40.095 Definition of "disabled" for purpose of**
4 **qualifying for free admission to Bumbershoot Festival.**

5 A person shall be considered to be "disabled" and
6 eligible for free admission to the annual Bumbershoot Festival
7 if such person presents, in lieu of an admission ticket, any
8 of the following:

9 A. A copy of such person's award letter documenting
10 that such person is currently eligible for Social Security
11 Disability Benefits or Supplemental Security Income Benefits
12 due to a disability;

13 B. Certification from the Veterans Administration that
14 such person is at a forty percent (40%) or greater disability
15 level;

16 C. Certification by a physician licensed by the State
17 of Washington that such person meets one or more of the
18 medical criteria listed in Appendix "A"; or

19 D. For those persons sixty-four (64) years of age
20 or younger, a valid Medicare card issued by the Social
21 Security Administration.

22 Sec. 3. The Seattle Center Director is authorized to
23 allow the temporary enclosure of the Seattle Center grounds
24 and the restriction of general access and entry thereto during
25 each Bumbershoot Festival to facilitate the collection of the
26 admission fees authorized in Section 1, hereof; Provided, that
27 the respective owner(s) or operator(s) of the Space Needle and
28 the Pacific Science Center annually shall be provided an
opportunity to have their respective facilities excluded from

(To be used for all Ordinances except Emergency.)

Sec. 4. Ordinance 112578, entitled "AN ORDINANCE relating to the Seattle Arts Festival commonly known as 'Bumbershoot 86'; authorizing the Seattle Center Director to enclose the Seattle Center grounds and the Bumbershoot Festival Commission to charge temporary daily admission fees and install temporary food service, crafts and souvenir sales on site ...," is hereby repealed.

Sec. 5. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

Section ⁶..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 19th day of August, 1991, and signed by me in open session in authentication of its passage this 19th day of August, 1991.

President Pro Tem of the City Council.

Approved by me this 23rd day of August, 1991.

Filed by me this 26th day of August, 1991 Mayor.

Attest: Normand J. Brooks City Comptroller and City Clerk.

(SEAL)

Published.....

By Margaret Carter Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

Medical Eligibility Criteria

SECTION 1. NON-AMBULATORY DISABILITIES

1. **Wheelchair-User.** Impairments which, regardless of cause, confine disabled individuals to wheelchairs.

SECTION 2. SEMI-AMBULATORY PHYSICAL DISABILITIES

1. **Restricted Mobility.** Impairments which cause disabled individuals to walk with difficulty including, but not limited to, individuals using a long leg brace, a walker or crutches to achieve mobility or birth defects and other muscular/skeletal disabilities, including dwarfism, causing mobility restriction.
2. **Arthritis.** Disabled persons who suffer from arthritis causing a functional motor defect in any two major limbs. (American Rheumatism Association criteria may be used as a guideline for the determination of arthritic handicap; Therapeutic Grade III, Functional Class III, or Anatomical State III or worse is evidence of arthritic handicap.)
3. **Loss of Extremities.** Disabled persons who suffer anatomical deformity of, or amputation of both hands, one hand and one foot, or, lower extremity at or above the tarsal region. Loss of major function may be due to degenerative changes associated with vascular or neurological deficiencies, traumatic loss of muscle mass or tendons, bony or fibrous ankylosis at unfavorable angle, or joint subluxation or instability.
4. **Cerebrovascular Accident.** Disabled persons displaying one of the following, four months post-CVA:
 - a. Pseudobulbar palsy; or
 - b. Functional motor defect in any of two extremities; or
 - c. Ataxia affecting two extremities substantiated by appropriate cerebellar signs or proprioceptive loss.
5. **Respiratory.** Disabled persons suffering respiratory impairment (dyspnea) of Class 3 or greater as defined by 'Guides to the Evaluation of Permanent Impairment: The Respiratory System,' Journal of the American Medical Association, 194:919 (1965).
6. **Cardiac.** Disabled persons suffering functional classifications III or IV, and therapeutic classifications C, D, or E cardiac disease as defined by Diseases of the Heart and Blood Vessels - Nomenclature and Criteria for Diagnosis, New York Heart Assoc. (6th Edition).
7. **Dialysis.** Disabled persons who must use a kidney dialysis machine in order to live.
8. **Disorders of Spine.** Persons disabled by one or more of the following:
 - a. Fracture of vertebra, residuals or, with cord involvement with appropriate motor and sensory loss.
 - b. Generalized osteoporosis with pain, limitation of back motion, paravertebral muscle spasms, and compression fracture of vertebra.
 - c. Ankylosis or fixation of cervical or dorsolumbar spine at 30 degrees or more of flexion measured from the neutral position and one of the following:
 - 1) Calcification of the anterior and lateral ligaments as shown by x-ray.
 - 2) Dilateral ankylosis of sacroiliac joints and abnormal apophyseal articulation as shown by x-ray.
9. **Nerve Root Compression Syndrome.** A person disabled due to any cause by:
 - a. Pain and motion limitation in back of neck; and
 - b. Cervical or lumbar nerve root compression as evidenced by appropriate radicular distribution of sensory, motor and reflex abnormalities.
10. **Motor.** Persons disabled by one or more of the following:
 - a. Faulty coordination or palsy from brain, spinal or peripheral nerve injury.
 - b. A functional motor deficit in any two limbs.
 - c. Manifestations significantly reducing mobility, coordination and perceptiveness not accounted for in prior categories.

SECTION 3. VISUAL DISABILITIES

1. Persons disabled because of:
 - a. Visual acuity of 20/200 or less in the better eye with correcting lenses;
 - b. Contraction of visual field:
 - 1) So the widest diameter of visual field subtending an angular distance is no greater than 20 degrees; or

- 2) To 10 degrees or less from the point of fixation; or
- 3) To 20 percent or less visual field efficiency.
2. Disabled persons who, by reason of a visual impairment, do not qualify for a Driver's License under regulations of the Washington State Department of Motor Vehicles.

SECTION 4. HEARING DISABILITIES

1. Persons disabled because of hearing impairments manifested by one or more of the following:
 - a. Better ear pure tone average of 90 dB HL (unaided) for tones at 500, 1000, 2000 Hz.
 - b. Best speech discrimination score at or below 40% (unaided) as measured with standardized testing materials.
2. Eligibility may be certified by a physician licensed by the State of Washington or by an audiologist certified by the American Speech, Language, Hearing Association.

SECTION 5. NEUROLOGICAL DISABILITIES

1. **Epilepsy**
 - a. Persons disabled by reason of:
 - 1) A clinical disorder involving impairment of consciousness, characterized by uncontrolled seizures (grand mal or psychomotor) substantiated by EEG occurring more frequently than once per week in spite of prescribed treatment with:
 - a) Diurnal episodes (loss of consciousness and convulsive seizure); or
 - b) Nocturnal episodes which show residuals interfering with activity during the day; or
 - c) A disorder involving petit mal or mild psychomotor seizures substantiated by EEG occurring more frequently than once per week in spite of prescribed treatment with:
 - i. Alteration of awareness or loss of consciousness; and
 - ii. Transient postictal manifestations of conventional or antisocial behavior.
 - b. Persons exhibiting seizure-free control for a continuous period of more than six (6) months duration are not included in the statement of epilepsy defined in this section.
 2. **Neurological Handicap.** A person disabled by cerebral palsy, muscular sclerosis, or other neurological and physical impairments not controlled by medication.

SECTION 6. MENTAL DISABILITIES

1. **Developmental Disabilities.** A person disabled due to mental retardation or other conditions found to be closely related to mental retardation or to require treatment similar to that required by mentally retarded individuals and,
 - a. the disability originates before such individual attains age 18,
 - b. has continued, or can be expected to continue, indefinitely,
 - c. the disability constitutes a substantial handicap to such individual.
2. **Adult Mental Retardation.** Disabled persons who by reason of accident or illness occurring after age 18 are in a substantially similar condition to a developmentally disabled individual.
3. **Autism.** Persons disabled by reason of a syndrome described as consisting of withdrawal, very inadequate social relationships, language disturbances, and monotonously repetitive motor behavior appearing generally before the age of six and characterized by severe withdrawal and inappropriate response to extend stimuli.
4. **Mentally Disordered Disabilities (Emotionally Disturbed). TEMPORARY PERMITS ONLY.** Those persons diagnosed as substantially disabled by mental disturbances who:
 - a. Are living in a board and care home and receiving state or federal financial assistance and participate in a state or federally funded work activity center or workshop; or
 - b. Are living at home under supervision and participation in a state or federally funded state or federal work activity center or workshop; or
 - c. Are participating in any training or rehabilitation program established under federal, state, county or city governmental agencies.

Your
Seattle
Bumbershoot Festival Commission



Fred C. Kiga, Chair
Norman B. Rice, Mayor

May 15, 1991

Honorable Paul Kraabel, President
Seattle City Council
1100 Municipal Building
Seattle, WA 98104

Via: The Mayor's Office

Attention: Andrew Lofton, Director
Office of Management and Budget

Dear Councilmember Kraabel:

The Bumbershoot festival Commission formally requests that the ticket price change for the 1991 festival be added to the Bumbershoot Ordinance. The increased revenues will assist the Festival Commission to proactively address overcrowding and increase security on the Seattle Center grounds during the festival, by the addition of performance venues, i.e., Memorial Stadium, and the Broad Street lawn area for children's program.

Because the Bumbershoot Festival Commission has demonstrated the likelihood that the festival plan will generate sufficient revenue to pay all expenses and maintain an account balance for unforeseen emergencies, we request your formal acceptance of the attached legislation which represents the Council's vote.

Sincerely,

Cynthia Hartwig, Chair
Bumbershoot Festival Commission

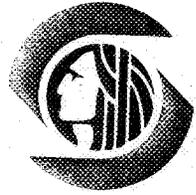
Commissioners: Fred C. Kiga, Chair, Cynthia Hartwig, Vice-Chair, Jane Adams, Charles Benjamin, Joan Ross Bloedel,
Sandy Bradley, Chris Crosby, Kenneth Easley, Josie Emmons, Phelps Fisher, John L. Friedlander, Scott Hickey,
Tommer Peterson, Pepper Schwartz, Julie Spidel

Barbara Thomas, Commission Coordinator

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor



July 1, 1991

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT

Bumbershoot Festival Commission

SUBJECT:

AN ORDINANCE relating to the Bumbershoot Festival Commission; establishing the fees for admission to the festival.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Doug Carey at 4-8067.

Sincerely,

Norman B. Rice
Mayor

by

ANDREW J. LOFTON
Budget Director

AL/dc/rsc

Enclosure

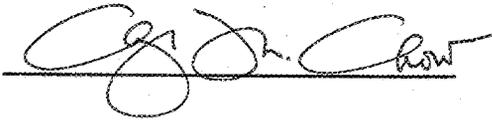
cc: Barbara Thomas, Coordinator, Bumbershoot

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____	_____
_____	_____
_____	_____
_____	_____



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

8723
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115759

was published on

08/30/91

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

C. Trends

Subscribed and sworn to before me on

08/30/91

V. J. Beck

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 113758

AN ORDINANCE relating to the Seattle Arts Festival commonly known as "Bumbershoot"; adding new sections to Ch. 17.40 of the Seattle Municipal Code to establish admission fees to such Festival, and qualifications for free Festival admission; authorizing the closure of the Seattle Center grounds during said Festival; and repealing Ordinance 112578.

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B. For any non-disabled person thirteen (13) through sixty-four (64) years of age whose admission ticket is purchased at a location other than a Festival entry gate: \$6.00

C. For any non-disabled person four (4) through twelve (12) years of age, or any non-disabled person sixty-five (65) years of age or older, regardless of where such admission ticket is purchased: \$1.00

D. For any person three (3) years of age or younger, and for any person who is "disabled", as defined in Section 2, hereof: No Charge

Sec. 2. There is hereby added to the Seattle Municipal Code a new section, SMC 17.40.095, as follows:

17.40.095 Definition of "disabled" for purpose of qualifying for free admission to Bumbershoot Festival.

A person shall be considered to be "disabled" and eligible for free admission to the annual Bumbershoot Festival if such person presents, in lieu of an admission ticket, any of the following:

A. A copy of such person's award letter documenting that such person is currently eligible for Social Security Disability Benefits or Supplemental Security Income Benefits due to a disability;

B. Certification from the Veterans Administration that such person is at a forty percent (40%) or greater disability level;

C. Certification by a physician licensed by the State of Washington that such person meets one or more of the medical criteria listed in Appendix "A"; or

D. For those persons sixty-four (64) years of age or younger, a valid Medicare card issued by the Social Security Administration.

Sec. 3. The Seattle Center Director is authorized to allow the temporary enclosure of the Seattle Center grounds and the restriction of general access and entry thereto during each Bumbershoot Festival to facilitate the collection of the admission fees authorized in Section 1, hereof; Provided, that the respective owner(s) or operator(s) of the Space Needle and the Pacific Science Center annually shall be provided an