

ORDINANCE No.

116885

COUNCIL BILL No.

109814

AN ORDINANCE forbidding sitting and lying down upon public sidewalks in downtown and neighborhood commercial zones during certain hours, and imposing a civil fine for violations.

50 Law Department

The City of Seattle - Log

Honorable President:

Your Committee on

to which was referred the within Council Bill has report that we have considered the same and recommend

OK

9/27/73 Held 1 week in the
Pageler
Full Council

9-9-73	Pageler
9-9-73	Public Safety
	To:
	To:
Second Reading:	Second Reading:
Third Reading:	Third Reading:
Approved:	Approved:
Presented to Mayor:	Presented to Mayor:
Referred to City Clerk:	Referred to City Clerk:
Voted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

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Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on

to which was referred the within Council Bill No.

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

*9/27/93 Held 1 week in Full Council Motion by
Fageler*

Full Council vote 8-0

Committee Chair

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ORDINANCE

116885

AN ORDINANCE forbidding sitting and lying down upon public sidewalks in downtown and neighborhood commercial zones during certain hours, and imposing a civil fine for violations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code Title 15 new Sections 15.48.040 and 15.48.050 as follows:

15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.

A. Prohibition. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7:00 a.m. and 9:00 p.m. in the following zones:

1. The Downtown Zone, defined as the area bounded by the Puget Sound waterfront on the west, South Jackson Street on the south, Interstate 5 on the East, and Denny Way and Broad Street on the North.

2. Neighborhood Commercial Zones, defined as areas zoned as Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in Subsection A shall not apply to any person:

1. sitting or lying down on a public sidewalk due to a medical emergency;

2. who, as the result of a disability, utilizes a wheelchair or similar device to move about the public sidewalk;

3. operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a

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1 parade, festival, performance, rally, demonstration, meeting,
2 or similar event conducted on the public sidewalk pursuant to
3 a street use or other applicable permit;

4 4. sitting on a chair or bench located on the
5 public sidewalk which is supplied by a public agency or by the
6 abutting private property owner;

7 5. sitting on a public sidewalk within a bus stop
8 zone while waiting for public or private transportation;

9 Nothing in any of these exceptions shall be construed to
10 permit any conduct which is prohibited by SMC 12A.12.015.
11 ("Pedestrian Interference").

12 15.48.050 Civil Infraction.

13 A. The violation of this section shall be a civil
14 infraction as contemplated by RCW chapter 7.80, and deemed to
15 be a Class 3 civil infraction under RCW 7.80.120(d) and shall
16 subject the violator to a maximum penalty and a default amount
17 of Fifty Dollars (\$50.00) plus statutory assessments. If the
18 person is unable to pay the monetary penalty, the court may
19 order performance of a number of hours of community service in
20 lieu of a monetary penalty.

21 B. As contemplated by RCW 7.80.160, a person who fails
22 to sign a notice of civil infraction or who willfully violates
23 his or her written and signed promise to appear in court or
24 his or her written and signed promise to respond to a notice
25 of civil infraction is guilty of a misdemeanor regardless of
26 the disposition of the notice of civil infraction.

27 Section 2. This ordinance shall take effect and be in
28 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.

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1 Passed by the City Council the 4th day of October,
2 1993, and signed by me in open session in authentication of
3 its passage this 4th day of October, 1993.

4 Leo Benson
5 President of the City Council

6 Approved by me this 7th day of October, 1993.

7 Norman B. Rice
8 Norman B. Rice, Mayor

9 Filed this 7th day of October, 1993.

10 Margaret Carter
11 Deputy Clerk

12 (SEAL)

13 Published _____
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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:

Margaret Peeler

_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

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STATE OF WASHINGTON - KING COUNTY

35777

City of Seattle

City of Seattle

-ss.

No. IN FULL

Affidavit of Publication

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

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

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shed on

4/93

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

Subscribed and sworn to before me on

10/15/93

Jennifer A. Nicholson
Notary Public for the State of Washington,
residing in Seattle

AN ORDINANCE prohibiting sitting or lying down upon public sidewalks in downtown and neighborhood commercial zones during certain hours, and imposing a civil fine for violations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code Title 15 new sections 15.48.040 and 15.48.050 as follows:

15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.

A. Prohibition. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall sit or lie down upon a public sidewalk, or upon a bench, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7:00 a.m. and 9:00 p.m. in the following areas:

1. The downtown zone, defined as the area bounded by the West Second Street on the west, South Jackson Street on the north, Interstate 5 on the east, and Cherry Street on the south.

2. Neighborhood commercial zones, defined as areas zoned as Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in subsection A shall not apply to any person:

1. sitting or lying down on a public sidewalk for a medical emergency;

2. due to the result of a disability, utilizing a wheelchair or similar device to move about the public sidewalk;

3. operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

4. sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the donating private property owner;

5. sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation;

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by SMC 12A.12.015 ("Pedestrian Interference").

15.48.050 Civil infraction.

A. The violation of this section shall be a civil infraction as contemplated by RCW chapter 7.20, and deemed to be a class 3 civil infraction under RCW 7.80.120(d) and shall subject the violator to a maximum penalty and a default amount of fifty dollars (\$50.00) plus statutory assessments. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

B. As contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction or who willfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction.

Section 2. 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

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City of Seattle
Ordinance 116885

AN ORDINANCE prohibiting sitting and lying down upon public sidewalks in downtown and neighborhood commercial zones during certain hours, and imposing a civil fine for violations.

BE IT ENACTED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code Title 18 new Sections 18.48.040 and 18.48.050 as follows:

18.48.040 sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.

A. Prohibition. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7:00 a.m. and 7:00 p.m. in the following zones:

1. The Downtown Zone, defined as the area bounded by the Puget Sound waterfront on the west, South Jackson Street on the north, Interstate 5 on the east, and Denny Way and Grand Avenue on the south.

2. Neighborhood Commercial Zones, defined as areas zoned as Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in Subsection A shall not apply to any person:

1. sitting or lying down on a public sidewalk due to a medical emergency;

2. who, as the result of a disability, utilizes a wheelchair or similar device to move about the public sidewalk;

3. conducting or patronizing a commercial establishment on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

4. sitting on a chair or bench located at the public sidewalk which is supplied by a public agency or by the Seattle Private Property Board;

5. sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation;

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by RCW 12A.12.010.

("Prohibition Enforcement").

18.48.050 Civil Infraction.

A. The violation of this section shall be a civil infraction as contemplated by RCW chapter 7.80, and deemed to be a class 3 civil infraction under RCW 7.80.120(d) and shall subject the violator to a maximum penalty and a default amount of fifty dollars (\$50.00) plus statutory assessments. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

B. As contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction or who willfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction.

Section 2. 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 4th day of October, 1993, and signed by me in open session in confirmation of its passage this 4th day of October, 1993.

OSCAR W. JOHNSON,

President of the City Council.

Witness my hand this 7th day of October, 1993.

JOSEPH A. RYAN,

Mayor.

Filed this 7th day of October, 1993.

CHRISTOPHER J. GARTER,

Deputy Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, October 14, 1993.

10/14/93(35777)

Affidavit of Publication

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

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

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dated

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

Subscribed and sworn to before me on

10/15/93

Jennifer A. Nicholson
Notary Public for the State of Washington,
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