

Ordinance No. 121038

Council Bill No. 114382

AN ORDINANCE relating to signs on public property, amending Seattle Municipal Code Chapters 15.12 and 15.48 to regulate the posting of signs on City-owned utility poles, lamp poles and traffic control devices that the court has held to be a traditional public forum.

The City of Seattle
Council Bill/Ordinance

pass 3-0

12-16-02 Pass

CF No. _____

Date Introduced: <u>10-21-02</u>		
Date 1st Referred: <u>10-21-02</u>	To: (committee) <u>Neighborhoods</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-16-02</u>	Full Council Vote: <u>70</u>	
Date Presented to Mayor: <u>12-17-02</u>	Date Approved: <u>12-20-02</u>	
Date Returned to City Clerk: <u>12-20-02</u>	Date Published: <u>50</u>	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Neil Lurie
Councilmember

Committee Action:

pass 3-0 NL, JC, RC 12/10/02 (LH)

12-16-02 Passed 7-0 (Excused: Dincello, Steinbock)

This file is complete and ready for presentation to Full Council. Committee: _____
(Initial/Date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

Indexed

ORDINANCE 121038

AN ORDINANCE relating to signs on public property, amending Seattle Municipal Code Chapters 15.12 and 15.48 to regulate the posting of signs on City-owned utility poles, lamp poles and traffic control devices that the court has held to be a traditional public forum.

WHEREAS, in 1994, the City of Seattle adopted Ordinance number 117066, which among other things, prohibited anyone from affixing any handbill, sign, or poster to any utility poles, lamp poles and traffic control devices; and

WHEREAS, on August 5, 2002, the Washington State Court of Appeals declared that Ordinance number 117066, now codified as Seattle Municipal Code 15.48.100, as it relates to utility poles, lamp poles and traffic control devices, violates Article 1, Section 5, of the Washington State Constitution to the extent that it prohibits signs in a traditional public forum, but also held that the time, place and manner of the use of this public forum can be regulated to effect the public purposes the City identified in that ordinance; and

WHEREAS, the City of Seattle has filed a petition in the Washington State Supreme Court for review of the Court of Appeals decision, but nevertheless wishes to protect the public interest by regulating the time, place, and manner of displaying handbills, sign, and posters on utility poles, lamp poles and traffic control devices for as long as they are deemed to be a traditional public forum by the court, but does not intend to create a dedicated public forum by this ordinance; and

WHEREAS, all members of the public should have reasonable opportunity and access to exercise their rights to use a traditional public forum; and

WHEREAS, signs contribute to traffic hazards and visual blight and it has been the City's policy to ban all signs, except as allowed in Seattle Municipal Code chapter 23.55, the Sign Code, and Title 11, the Traffic Code; and

WHEREAS, signs posted on utility poles, lamp poles and traffic control devices may additionally contribute to traffic hazards, including hazards to pedestrians and bicyclists, due to both the proximity of these sites to sidewalks and streets and the distraction from traffic safety and control messages that are posted on the same poles; and

WHEREAS, allowing signs to be posted on utility poles, lamp poles and traffic control devices may allow signs in zones where they are currently prohibited or may result in more signs being displayed than allowed under current zoning, which contributes to visual blight and/or traffic hazards; and

WHEREAS, outdated signs, torn signs and litter can contribute to visual blight; and

WHEREAS, the designation of utility poles, lamp poles and traffic control devices as a traditional public forum by the court provides an additional purpose for allowing signs, including off-premises commercial speech, that are otherwise banned or limited by the City, without diminishing the City's interests in regulating signs to promote its traffic safety and aesthetic purposes; and

WHEREAS, stop signs and yield signs in the City of Seattle that are erected on their own poles are designed so that the back of the sign and the entire post supporting the sign are part of the traffic control message, with the result that placing a handbill, sign, or poster on the sign pole or on the backside of the sign would interfere with its traffic control message in violation of Seattle Municipal Code, Title 11, the Traffic Code; and

1 **WHEREAS**, the benefits of providing access to a traditional public forum can be advanced and the negative
2 impacts of using these utility poles, lamp poles and traffic control devices as a traditional public forum
3 can be limited by regulating the material used for the signs, the manner of affixing the signs, the size of
the signs, the location of the signs, the duration of their posting, and their removal and by allowing them
to be posted at an accessible height under 12 feet above the surface of the ground;

4 **WHEREAS**, prompt enactment of regulations will promote these public interests;

5 **NOW, THEREFORE,**

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

7 **Section 1.** Subsection 15.12.010A of the Seattle Municipal Code is amended as follows:

8 A. All signs in public places and their supports shall be reviewed as to structural strength and quality of
9 materials and for conformance to all applicable ordinances by the Director of the Department of Design,
10 Construction, and Land Use, except for sign kiosks in public rights of way and for signs on utility poles, lamp
11 poles and traffic control devices that the court has declared to be a traditional public forum, which shall be
12 reviewed by ~~((Seattle))~~ the Director of the Seattle Department of Transportation, formerly known as Seattle
Transportation.

13 **Section 2.** Section 15.48.100 of the Seattle Municipal Code is repealed.

14 **Section 3.** A new Section is added to the Seattle Municipal Code to read as follows:

15 **15.48.105. Conformance to applicable regulations for posting.**

16 A. Handbills, signs and posters may be affixed to City-owned utility poles, lamp poles and traffic control
17 devices under the control of the Seattle Department of Transportation, except for freestanding stop signs and yield
18 signs, and their posts, in accordance the rules promulgated by the Director of the Seattle Department of
19 Transportation pursuant to Chapter 3.02, the Seattle Administrative Code. Those rules shall regulate the time,
20 place and manner of posting so as to advance the public purposes stated above so that (1) members of the public
21 are afforded reasonable access to exercise their free speech rights, including being able to place signs at a height
22 determined by the Director to be reasonable, consistent with other public purposes, which height shall
23 not be greater than 12 feet from the surface of the ground; and (2) handbills, signs, and posters affixed to any
24



1 City-owned traffic control device, utility pole or lamp post will not unreasonably (a) contribute to a traffic hazard;
2 (b) contribute to a safety hazard to anyone working on a utility pole, lamp pole or traffic control device; (c)
3 contribute to a risk of fire; (d) contribute to visual blight; or (e) cause damage to City-owned property.

4 B. Pursuant to Seattle Municipal Code Chapter 23.55, handbills, signs and posters may also be affixed to
5 City-owned poster boards and kiosks that are designated for handbills and signs.

6 C. A public agency may, with permission of the City, post traffic, parking and other regulatory signs on
7 City-owned structures.

8 D. Other than as provided in this section, it is unlawful for anyone to affix any handbill, sign or poster
9 upon a City-owned structure, or any City-owned tree or shrubbery in any public place. City-owned structures
10 include, but are not limited to, bridges and overpasses, monorail supports, retaining walls, fences, street furniture
11 and shelters, and poles and posts not under the control of Seattle Transportation. Wires and appurtenances to any
12 City-owned structure are also a City-owned structure.

13 **Section 4.** Section 15.48.110 of the Seattle Municipal Code, is amended as follows:

14 **Section 15.48.110. City removal authorized.**

15 For the purposes SMC 15.48.120, ((F)) the following persons are authorized to remove any handbill, sign,
16 or poster found affixed to any object, and to obliterate any of the foregoing that is not readily removed, in
17 violation of Section((15.48.100)) 15.48.105:

18 A. Any City officer or employee in the scope and course of his or her duties;

19 B. Any volunteer authorized by the City official with jurisdiction over the property to which the handbill,
20 sign, or poster was affixed or paint applied;

21 and

22 C. Whenever a pole or other facility is subject to joint use by the City and a franchisee, any officer or
23 employee of the franchisee.

24 /////

/////



1 **Section 5.** Section 15.48.120 of the Seattle Municipal Code is amended as follows:

2 **15.48.120 Responsibility for costs of removal.**

3 Any person responsible for any posting made ~~((unlawful by))~~ in violation of Section ((15.48.100))
4 15.48.105 shall be liable to the City for the costs incurred by the City in removal thereof and, in event of a failure
5 to pay, for billing and collection charges.

6 The Director of the Seattle Department of Transportation, or his or her designee, is authorized to effect
7 the collection of the removal cost incurred by the City, and, if the charge is not paid promptly, interest and the
8 costs of collection, including reasonable attorney's fees. The cost shall be determined in accordance with a rate
9 schedule approved by the City by ordinance. Costs include, but are not limited to, direct labor, material and
10 equipment costs, as well as department and general City overhead costs attributable to the removal of signs and to
11 identifying the responsible person or persons and collecting from them the costs of removal.

12 If the person responsible for posting the handbill, sign or poster is a minor or indigent, the Director of the
13 Seattle Department of Transportation, or his or her designee, is authorized to accept in settlement community
14 service or labor in litter collection or removal of signs from public places equal in value to the City's cost of
15 removal.

16 The Director of the Seattle Department of Transportation is authorized to promulgate rules for the
17 implementation of the program to recover the costs of removal, including providing for an administrative hearing
18 before the Director or his or her designee.

19 **Section 6.** This ordinance is not intended to create or expand a designated public forum.

20 **Section 7.** Any act consistent with the authority and prior to the effective date of this ordinance is
21 hereby ratified and confirmed.

22 **Section 8. Severability.** The several provisions of this ordinance are declared to be separate and
23 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
24 or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
25 remainder of this ordinance or the validity of its application to other persons or circumstances.

Author's Name
Date
Name of Companion Legislation
Version #.

Fiscal Note

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation (SDOT)	Noel Schoneman / 684 7572	Jeff Davis 684 8071

Legislation Title:

AN ORDINANCE relating to signs on public property, amending Seattle Municipal Code Chapters 15.12 and 15.48 to regulate the posting of signs on City-owned utility poles, lamp poles and traffic control devices that the court has held to be a traditional public forum.

Summary of the Legislation:

This legislation enacts regulations regarding the posting of notices on public property, specifically, utility poles, lamp poles and traffic control devices that the court has held to be traditional public forums. The Court of Appeals has held that the prohibition on posting handbills or notices on utility poles and lamp poles was a violation of constitutional right to free speech, because these are traditional public forums. The Appeals decisions also allowed the City to regulate the manner in which handbills may be posted, so long as they are not prohibited outright. This legislation changes the code to bring it into conformity with the decision. Handbills are prohibited on certain traffic signs: Stop and Yield signs; and the posting of handbills is otherwise regulated as to length of time, removal, and placement. The Department will publish a Director's Rule that will have all the requirements for lawful posting of handbills and notices.

The Legislation authorizes the Department to bill the responsible party or parties for the labor costs of removal of handbills, if the Department does any removal. The Department does not need appropriation authority for this, as it is anticipated that existing forces will be redirected to do whatever removal work necessary, and it is further expected that it will not be a significant amount.

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Appropriation	2003 Anticipated Appropriation
TOTAL			N/A	N/A



Author's Name

Date

Name of Companion Legislation

Version #.

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

Expenditures (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Expenditures	2003 Anticipated Expenditures
TOTAL			N/A	N/A

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

Author's Name
 Date
 Name of Companion Legislation
 Version #.

Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2002 Revenue	2003 Revenue
TOTAL			N/A	N/A

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:

Fund Name and Number	Department	Position Title*	2002 FTE	2003 FTE
TOTAL			N/A	N/A

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

In 1994 the City of Seattle banned the posting of temporary signs on City-owned structures. The City cited three reasons for the ordinance: (1) the safety hazard to utility workers posed by signs attached to utility poles; (2) the public safety hazard posed by signs posted on traffic control devices; and (3) the visual blight and clutter caused by the proliferation of signs on public structures. A program was established to keep the City facilities clear of the handbills, posters, and other temporary signing. A fine was established to pay for the City's on-going poster removal efforts. Over time, as fewer temporary signs were posted, the fines no longer supported routine patrolling and the enforcement was reduced to a complaint basis.

The constitutionality of the anti-posting ordinance was contested. In August, 2002, the Washington State Court of Appeals invalidated that portion of the ordinance affecting utility poles, lamp poles, and traffic control posts. The court held that these facilities constituted a traditional public forum and that the City's ordinance violated the first amendment rights of the public. The court did find, however, that the City could regulate the time, place, and manner of displaying such handbills, signs, and posters to effect public purposes. The proposed regulations will help ensure that the postings will not unreasonably contribute to a traffic hazard by distracting attention from traffic signs, contribute to a safety hazard to anyone working on utility poles, lamp poles, or traffic control posts, contribute to a risk of fire, contribute to a visual blight, or damage City property.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with

Author's Name
Date
Name of Companion Legislation
Version #.

regulatory requirements, or other potential costs if the legislation is not implemented):

The costs to the City for not regulating the temporary signing would be from claims and increased maintenance costs. The claims would likely come from motorists distracted from the important messages displayed on traffic signing, from bicyclists and pedestrians who run or walk into signing, and from utility workers who get cut on metal fasteners or slip on poles because the signs or buildup of signs prevent their safety equipment from operating properly. Increased maintenance costs would result from the need to remove signs and buildup of posters before performing maintenance work on poles and sign posts.

Possible alternatives to the legislation which could achieve the same or similar objectives

(Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

None. Failure to enact the legislation would subject the City to constitutional liability.

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

No public hearings have been held to date. The legislation is being sent to the City Council.

Other Issues (including long-term implications of the legislation):

The posting of temporary signing on traffic sign posts will be monitored to see if the regulations need further modification.

FOR CAPITAL PROJECTS ONLY

Background (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

Project Name:	Project Location:	Start Date:	End Date:

Spending Plan and Future Appropriations for Capital Projects (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget

2002	2003	2004	2005	2006	2007	Total

Author's Name
 Date
 Name of Companion Legislation
 Version #.

Bond Financing Required (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2002	2003	2004	2005	2006	2007	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Key Assumptions:

--

Periodic Major Maintenance costs for the project (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project (Identify possible and/or recommended method of financing the project replacement costs):

--

Author's Name
Date
Name of Companion Legislation
Version #.

Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

--

Funding source (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2002	2003	2004	2005	2006	2007	Total
TOTAL							



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 23, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

Attached is an ordinance repealing the City's "poster ban," an ordinance that was passed in 1994 which banned the posting of signs on City-owned utility poles, lamp poles, and traffic control devices. The Washington State Court of Appeals determined recently that the "poster ban" violates the Washington State Constitution.

This ordinance will allow the Seattle Department of Transportation to regulate the time, place, and manner of displaying such handbills, signs, and posters through issuance of a Director's Rule. The proposed Director's Rule and ordinance will help ensure that postings do not unreasonably contribute to a traffic hazard by distracting attention from traffic signs, contribute to safety hazards to anyone working on a utility pole, lamp pole or traffic control device, contribute to a risk of fire, visual blight, or damage City property.

Should you have questions regarding this legislation please contact Noel F. Schoneman at 684-7572.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a horizontal line.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



ORDINANCE _____

AN ORDINANCE relating to signs on public property, amending Seattle Municipal Code Chapters 15.12 and 15.48 to regulate the posting of signs on City-owned utility poles, lamp poles and traffic control devices that the court has held to be a traditional public forum.

WHEREAS, in 1994, the City of Seattle adopted Ordinance number 117066, which among other things, prohibited anyone from affixing any handbill, sign, or poster to any utility poles, lamp poles and traffic control devices; and

WHEREAS, on August 5, 2002, the Washington State Court of Appeals declared that Ordinance number 117066, now codified as Seattle Municipal Code 15.48.100, as it relates to utility poles, lamp poles and traffic control devices, violates Article 1, Section 5, of the Washington State Constitution to the extent that it prohibits signs in a traditional public forum, but also held that the time, place and manner of the use of this public forum can be regulated to effect the public purposes the City identified in that ordinance; and

WHEREAS, the City of Seattle has filed a petition in the Washington State Supreme Court for review of the Court of Appeals decision, but nevertheless wishes to protect the public interest by regulating the time, place, and manner of displaying handbills, sign, and posters on utility poles, lamp poles and traffic control devices for as long as they are deemed to be a traditional public forum by the court, but does not intend to create a dedicated public forum by this ordinance; and

WHEREAS, all members of the public should have reasonable opportunity and access to exercise their rights to use a traditional public forum; and

WHEREAS, signs contribute to traffic hazards and visual blight and it has been the City's policy to ban all signs, except as allowed in Seattle Municipal Code chapter 23.55, the Sign Code, and Title 11, the Traffic Code; and

WHEREAS, signs posted on utility poles, lamp poles and traffic control devices may additionally contribute to traffic hazards, including hazards to pedestrians and bicyclists, due to both the proximity of these sites to sidewalks and streets and the distraction from traffic safety and control messages that are posted on the same poles; and

WHEREAS, allowing signs to be posted on utility poles, lamp poles and traffic control devices may allow signs in zones where they are currently prohibited or may result in more signs being displayed than allowed under current zoning, which contributes to visual blight and/or traffic hazards; and

WHEREAS, outdated signs, torn signs and litter can contribute to visual blight; and

WHEREAS, the designation of utility poles, lamp poles and traffic control devices as a traditional public forum by the court provides an additional purpose for allowing signs, including off-premises commercial speech, that are otherwise banned or limited by the City, without diminishing the City's interests in regulating signs to promote its traffic safety and aesthetic purposes; and

WHEREAS, stop signs and yield signs in the City of Seattle that are erected on their own poles are designed so that the back of the sign and the entire post supporting the sign are part of the traffic control message, with the result that placing a handbill, sign, or poster on the sign pole or on the backside of the sign would interfere with its traffic control message in violation of Seattle Municipal Code, Title 11, the Traffic Code; and

1 **WHEREAS**, the benefits of providing access to a traditional public forum can be advanced and the negative
2 impacts of using these utility poles, lamp poles and traffic control devices as a traditional public forum
3 can be limited by regulating the material used for the signs, the manner of affixing the signs, the size of
the signs, the location of the signs, the duration of their posting, and their removal and by allowing them
to be posted at an accessible height under 12 feet above the surface of the ground;

4 **WHEREAS**, prompt enactment of regulations will promote these public interests;

5 **NOW, THEREFORE,**

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

7 **Section 1.** Subsection 15.12.010A of the Seattle Municipal Code is amended as follows:

8 A. All signs in public places and their supports shall be reviewed as to structural strength and quality of
9 materials and for conformance to all applicable ordinances by the Director of the Department of Design,
10 Construction, and Land Use, except for sign kiosks in public rights of way and for signs on utility poles, lamp
11 poles and traffic control devices that the court has declared to be a traditional public forum, which shall be
12 reviewed by ~~((Seattle))~~ the Director of the Seattle Department of Transportation, formerly known as Seattle
Transportation.

13 **Section 2.** Section 15.48.100 of the Seattle Municipal Code is repealed.

14 **Section 3.** A new Section is added to the Seattle Municipal Code to read as follows:

15 **15.48.105. Conformance to applicable regulations for posting.**

16 A. Handbills, signs and posters may be affixed to City-owned utility poles, lamp poles and traffic control
17 devices under the control of the Seattle Department of Transportation, except for freestanding stop signs and yield
18 signs, and their posts, in accordance the rules promulgated by the Director of the Seattle Department of
19 Transportation pursuant to Chapter 3.02, the Seattle Administrative Code. Those rules shall regulate the time,
20 place and manner of posting so as to advance the public purposes stated above so that (1) members of the public
21 are afforded reasonable access to exercise their free speech rights, including being able to place signs at a height
22 under 12 feet from the surface of the ground consistent with other public purposes; and (2) handbills, signs, and
23 posters affixed to any City-owned traffic control device, utility pole or lamp post will not unreasonably (a)
24

1 contribute to a traffic hazard; (b) contribute to a safety hazard to anyone working on a utility pole, lamp pole or
2 traffic control device; (c) contribute to a risk of fire; (d) contribute to visual blight; or (e) cause damage to City-
3 owned property.

4 B. Pursuant to Seattle Municipal Code Chapter 23.55, handbills, signs and posters may also be affixed to
5 City-owned poster boards and kiosks that are designated for handbills and signs.

6 C. A public agency may, with permission of the City, post traffic, parking and other regulatory signs on
7 City-owned structures.

8 D. Other than as provided in this section, it is unlawful for anyone to affix any handbill, sign or poster
9 upon a City-owned structure, or any City-owned tree or shrubbery in any public place. City-owned structures
10 include, but are not limited to, bridges and overpasses, monorail supports, retaining walls, fences, street furniture
11 and shelters, and poles and posts not under the control of Seattle Transportation. Wires and appurtenances to any
12 City-owned structure are also a City-owned structure.

13 **Section 4.** Section 15.48.110 of the Seattle Municipal Code, is amended as follows:

14 **Section 15.48.110. Removal authorized.**

15 The following persons are authorized to remove any handbill, sign, or poster found affixed to any object,
16 and to obliterate any of the foregoing that is not readily removed, in violation of Section((15.48.100)) 15.48.105:

17 A. Any City officer or employee in the scope and course of his or her duties;

18 B. Any volunteer authorized by the City official with jurisdiction over the property to which the handbill,
19 sign, or poster was affixed or paint applied;

20 ((and))

21 C. Whenever a pole or other facility is subject to joint use by the City and a franchisee, any officer or
22 employee of the franchisee ;

23 and

24 D. A member of the public only with respect to signs that exceed the posting period authorized in the
Director's Rule of the Seattle Department of Transportation adopted pursuant to Section 15.48.105.

1 **Section 5.** Section 15.48.120 of the Seattle Municipal Code is amended as follows:

2 **15.48.120 Responsibility for costs of removal.**

3 Any person responsible for any posting made ~~((unlawful by))~~ in violation of Section ((15.48.100))
4 15.48.105 shall be liable to the City for the costs incurred by the City in removal thereof and, in event of a failure
5 to pay, for billing and collection charges.

6 The Director of the Seattle Department of Transportation, or his or her designee, is authorized to effect
7 the collection of the removal cost incurred by the City, and, if the charge is not paid promptly, interest and the
8 costs of collection, including reasonable attorney's fees. The cost shall be determined in accordance with a rate
9 schedule approved by the City by ordinance. Costs include, but are not limited to, direct labor, material and
10 equipment costs, as well as department and general City overhead costs attributable to the removal of signs and to
11 identifying the responsible person or persons and collecting from them the costs of removal.

12 If the person responsible for posting the handbill, sign or poster is a minor or indigent, the Director of the
13 Seattle Department of Transportation, or his or her designee, is authorized to accept in settlement community
14 service or labor in litter collection or removal of signs from public places equal in value to the City's cost of
15 removal.

16 The Director of the Seattle Department of Transportation is authorized to promulgate rules for the
17 implementation of the program to recover the costs of removal, including providing for an administrative hearing
18 before the Director or his or her designee.

19 **Section 6.** This ordinance is not intended to create or expand a designated public forum.

20 **Section 7.** Any act consistent with the authority and prior to the effective date of this ordinance is
21 hereby ratified and confirmed.

22 **Section 8. Severability.** The several provisions of this ordinance are declared to be separate and
23 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
24 or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
25 remainder of this ordinance or the validity of its application to other persons or circumstances.



1
2 **Section 9.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the
3 Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as
4 provided by Municipal Code Section 1.04.020.

5 Passed by the City Council the ____ day of ____, 2002, and signed by me in open session in
6 authentication of its passage this ____ day of ____, 2002.

7 _____
8 President ____ of the City Council

9 Approved by me this ____ day of ____, 2002.

10 _____
11 Mayor

12 Filed by me this ____ day of ____, 2002.

13 _____
14 City Clerk

15 (Seal)
16
17
18
19
20
21
22
23
24

STATE OF WASHINGTON – KING COUNTY

--SS.

153099
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

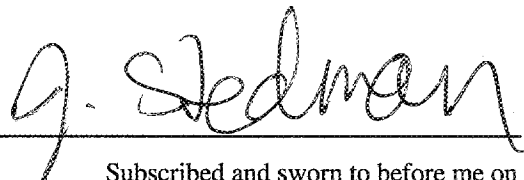
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

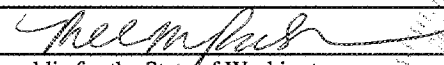
CT:ORDINANCE 121038

was published on

12/30/2002


Subscribed and sworn to before me on

12/30/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

