

Ordinance No. 121242

Council Bill No. 114639

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to Street and Sidewalk Use, amending Sections 15.17.005, 15.17.010, 15.17.050, and 15.17.080 of the Seattle Municipal Code and adopting a new Street Use Permit Fee Schedule for vending permits in the stadium area.

CF No. \_\_\_\_\_

Date Introduced: <u>7-21-03</u>		
Date 1st Referred: <u>7-21-03</u>	To: (committee) <u>Transportation</u>	
Date Re- Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>8-4-03</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>8-5-03</u>	Date Approved: <u>8/13/03</u>	
Date Returned to City Clerk: <u>8/13/03</u>	Date Published: <u>7/14/03</u>	T.O. _____ P.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

8-4-03 Pa

This file is complete and ready for review

*Law Department*

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Corbin  
Councilmember

**Committee Action:**

7/29/03	RC	Corbin
		McZens
		Wills

8-4-03 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: RC 7/29/03  
(initial/date)

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

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ORDINANCE 121242

AN ORDINANCE relating to Street and Sidewalk Use, amending Sections 15.17.005, 15.17.010, 15.17.050, and 15.17.080 of the Seattle Municipal Code and adopting a new Street Use Permit Fee Schedule for vending permits in the stadium area.

WHEREAS, Ordinance 120822, regulating street vending in public places near Safeco Field and Seahawk Stadium, took effect in July 2002; and

WHEREAS, Seattle Transportation has monitored vending practices under Ordinance 120822 and their effects on pedestrian and vehicular traffic in the area; and

WHEREAS, with the exception of the regulated vending on foot of newspapers, magazines, event programs and other such publications, mobile vending has had a significant impact on pedestrian safety, vehicular traffic, and stationary vending, and it has proved to be impractical and ineffective to regulate mobile vending in the stadium area; and

WHEREAS, rules and regulations are necessary to protect the traveling public in the stadium area because the unregulated vending on foot of newspapers, magazines, event programs, and other such publications within the stadium area and No Vending Zone impacts pedestrian safety and vehicular traffic by forcing people off the sidewalks and into the street and prohibiting the free flow of people in and out of the stadium; and

WHEREAS, vendors have expressed interest in vending for Seahawk Stadium and Seahawks Exhibition Center events within the stadium area; and

WHEREAS, because vending is proposed for Seahawks Exhibition Center events as well as events taking place in the Seahawk Stadium in addition to football, it simplifies the permit process and saves time and effort for vendors to require a monthly vending permit for all stadium and exhibition center events throughout the year; and

WHEREAS, some changes to the new ordinance were requested by the affected parties to address what we have learned in the first year of this program; NOW, THEREFORE,

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

Section 1. SMC 15.17.005 is amended as follows:

**SMC 15.17.005 Vending and display in public places.**



1 It is unlawful to display for sale to the public or sell goods, wares, merchandise or services in a  
2 public place, unless:

3 A. The activity exercises a civil liberty or constitutional right illustrated by Section 15.17.200;

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

7 C. The activity occurs in an area under permit that contemplates such an activity, e.g., a permit  
8 for a parade issued by the Police Department (Chapter 11.25); an areaway or sidewalk cafe  
9 (Chapters 15.08 and 15.16); street areas within the Pike Place Market Historical District (Chapter  
10 25.24) that are being administered by the Pike Place Market Preservation and Development  
11 Authority; a filming permit (Chapter 15.35); or a permit for an event issued by the Special Events  
12 Committee (Chapter 15.52);

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

16 E. The seller has received a permit therefor issued pursuant to Sections 15.17.080 or 15.17.100  
17 ~~((or 15.17.120))~~.

18  
19 Section 2. SMC 15.17.010 is amended as follows:

20 **SMC 15.17.010 Areas where mobile vending is restricted.**

21  
22 ~~((Unless authorized by Section 15.17.020))~~ Except for the vending on foot of newspapers,  
23 magazines, event programs and other such publications, it is unlawful for any person unless  
24 authorized by Section 15.17.020 to sell, offer for sale, solicit orders, rent, lease, or otherwise  
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1 peddle from a public place while walking, moving from place to place, using a mobile cart, using  
2 a vehicle, or by any other mobile method, within the following boundaries:

3  
4 A. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street, then east  
5 to West Olympic Place; then east along West Olympic Place to First Avenue West; then north  
6 along First Avenue West to West Aloha Street; then east along West Aloha and Aloha Streets to  
7 Westlake Avenue North; then south along Westlake Avenue North and Westlake Avenue to  
8 Eighth Avenue; then south along Eighth Avenue to South Jackson Street; then west along South  
9 Jackson Street to Fifth Avenue South; then south along Fifth Avenue South to Airport Way  
10 South; then southeast along Airport Way South to Sixth Avenue South; then south along Sixth  
11 Avenue South to South Holgate Street; then west along South Holgate Street to Elliott Bay on the  
12 waterfront; then north along the waterfront to a point in direct line with West Prospect Street, the  
13 place of beginning.

14  
15 B. Within two hundred (200) feet of any public park, as defined in the Park Code, Ordinance  
16 106615 as amended (Seattle Municipal Code Chapter 18.12), or within two hundred (200) feet of  
17 any public school.

18  
19 C. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E. 40th  
20 Street to Brooklyn Avenue; then north on Brooklyn Avenue to N.E. 50th; then east on N.E. 50th  
21 Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the place of  
22 beginning, including both sides of the streets and avenues mentioned.  
23  
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26 Section 3. SMC 15.17.050 is amended as follows:  
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1 **SMC 15.17.050 No vending zone.**

2 Except for the vending on foot of newspapers, magazines, event programs and other such  
3 publications as authorized by the Director, i((f))t is unlawful to sell, offer to sell, solicit orders,  
4 rent, lease, or otherwise peddle any goods or services in a public place within the area bounded  
5 by the centerline of South Royal Brougham Way, the center line of First Avenue South, the  
6 center line of South Atlantic Street and the ((west margin)) center line of Third Avenue South for  
7 the day (a twenty-four hour period from midnight to midnight) of any event scheduled at Safeco  
8 Field.

9  
10  
11 The Director of Transportation is authorized to adopt rules relating to the vending on  
12 foot of newspapers, magazines, event programs, and other such publications in the No Vending  
13 Zone. Such rules may address the issuance and duration of permits, the number and placement of  
14 the on foot vendors, advertising and posting of prices, the display of licenses, documentation to  
15 accompany applications for registration, and prohibitions against discrimination, among other  
16 subjects.

17  
18 Section 4. SMC 15.17.080 is amended as follows:

19 **SMC 15.17.080 Stadium and exhibition center event vending.**

20  
21 ((An authorizing official)) The Director of Transportation may issue a permit to authorize the use  
22 of a public place for vending within the area bounded by the ((north margin)) center line of South  
23 Jackson Street, the ((east margin)) center line of Fifth Avenue South, the ((north margin)) center  
24 line of Airport Way South, the ((east margin)) center line of Sixth Avenue South, the ((south  
25 margin)) center line of South Holgate Street, and the ((west margin)) center line of Alaskan Way  
26  
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1 South, except that during (~~Safeco Stadium events~~) events at Safeco Field, vending shall not be  
2 permitted on Occidental Avenue South between Railroad Avenue South and South Jackson  
3 Street (~~Vendors may sell~~), for the sale of goods, wares, merchandise, services, food and  
4 nonalcoholic beverages from a temporary display table, tent or cart that is stationed at (~~an~~  
5 ~~authorized site for stadium events~~) a site approved by the Director for stadium and exhibition  
6 center events, under the following terms and conditions:  
7

8  
9 A. Vending of food and beverages must meet all standards established by the Seattle-King  
10 County Health Department, and if propane or a combustible fuel is used, the requirements of the  
11 Fire Department;  
12

13 B. Food and beverages sold must be capable of immediate consumption;

14 C. The display tables, carts, tents and all other equipment must be removed from the public  
15 place after business hours;

16 D. The vendor must provide public liability insurance naming the City as an additional insured  
17 in an amount determined by the (~~authorizing official~~) Director of Transportation by rule;

18 E. The vending site must be kept clean at all times. The vendor must supply a refuse container;

19 F. No use of voice amplification (~~mechanical audio or noise making~~) devices is allowed;

20 G. Electrical utility connections are permitted to the adjacent property, but no lines may be  
21 extended overhead or upon the sidewalk;

22 H. The vendor must present to the City written approval for the vending by the adjoining  
23 property owner and/or tenant; if the tenant and property owner disagree, the property owner's  
24 decision controls;  
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1 I. The vendor displays the permit at the vending site in a manner approved by ~~((the authorizing~~  
2 ~~official))~~ the Director of Transportation; and

3 J. The vendor satisfies all the conditions of its permit and such other criteria and requirements as  
4 the ~~((authorizing official))~~ Director of Transportation may establish from time to time by rule in  
5 the public interest.  
6

7  
8 Section 5. The Street Use Permit Fee Schedule is amended as follows:

9

10	14D.	Stadium <u>and Exhibition Center</u> Event Vending <del>((--Baseball))</del>	\$121.50/month <del>((or</del> \$720 for the regular season)) (April- September)	Insurance required
11	14E.	Stadium <u>and Exhibition Center</u> Event Vending <del>((--Football))</del>	\$18.00/month <del>((or \$90</del> for the regular season (Aug. -- Dec.)) <u>(October</u> <u>-- March)</u>	Insurance required
12	14F.	<del>((Stadium Event Vending -- Special))</del>	<del>(((\$9.00/day))</del>	<del>((Insurance required))</del>

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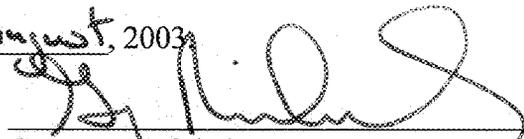


1 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 4<sup>th</sup> day of August, 2003, and signed by me in open  
5 session in authentication of its passage this 4<sup>th</sup> day of August, 2003.

6  
7   
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 13 day of August, 2003

10   
11 Gregory J. Nickels, Mayor

12 Filed by me this 13<sup>th</sup> day of August, 2003.

13   
14 City Clerk

15  
16 (Seal)

17  
18 **Attachment A: Existing and Proposed Stadium Area Vending**

**Existing Stadium Area Vending**

Baseball Vending	April – September	\$121.50/mo	\$729.00
Football Vending	August – December	\$18.00/mo	\$ 90.00
<b>No Vending Allowed</b>	<b>January – March</b>	--	--
		<b>Grand Total</b>	<b>\$819.00</b>

**Proposed Stadium Area Vending**

All Stadium / Exhibition Center events	April – September	\$121.50/mo	\$729.00
All Stadium / Exhibition Center Events	October – December	\$18.00/mo	\$ 54.00
<b>NEW: All Stadium / Exhibition Center Events</b>	<b>January – March</b>	<b>\$18.00/mo</b>	<b>\$ 54.00</b>
		<b>Grand Total</b>	<b>\$837.00</b>

**Comments from Jan. '03 Street Vending Evaluation and Feedback Survey**

- Seven vendors said there was “a lot of improvement” in street vending problems after the new ordinance took effect in July 2002. Two vendors said there was “some improvement” and two vendors said there was “no improvement.”
- Six vendors said mobile vendors were the “main source of problems” in the area, two said they were the “only source of problems” and three said mobile vendors “did not cause any problems in the area.”
- Eight vendors said mobile vending should be “completely prohibited,” two said they should be allowed to vend “without further restrictions.”
- Five vendors said the existing permit fees provide the “right amount of inspection” needed, three said they “did not provide enough inspection,” and two said “too much inspection was provided.”
- Nine vendors said they “do not support higher permit fees for increased inspection,” one said “increased inspection is not needed.”
- Eight vendors said they support a simplified monthly permit system even if it meant higher fees in some months. Two said they do not support this proposal because they only vend for Mariners games, and two had no opinion.
- Seven vendors said they support allowing vending for Exhibition Center events, two did not support the proposal and two had no opinion.
- When asked for additional comments, six vendors restated their desire to prohibit mobile vending or voice additional complaints about mobile vending violations.





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 15, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance makes two necessary revisions to the Stadium Event Vending ordinance that took effect in July 2002. This program is largely a success. Street vending is thriving and creating a fun atmosphere outside the sports stadiums.

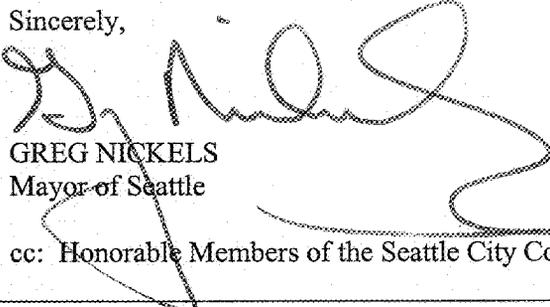
The first revision is to prohibit mobile vending. Mobile vending has become a persistent and uncontrollable problem. It is not specifically allowed under the existing code but was allowed last year to give "mom and pop" vendors a way to avoid the new permit fees and still participate in the vending activities. The intent was for mobile vendors to sell from their person, without aid of carts or other vehicles, while staying in motion unless completing a sale. In reality, mobile vendors have used electric scooters, only moving when directed by an inspector, and then stopping when the inspector leaves.

The second modification is to revise the fee structure. Our goal is to provide additional vending opportunities, such as Seattle Sounder games and Exhibition Center events, and a simplified all-in-one monthly permit without increasing permit fees. This ordinance allows stadium and Exhibition Center vending year-round. It will not impact revenue or increase fees for vendors.

Both of these amendments to the SMC have been requested by the permitted stationary vendors and are supported by Seattle Transportation. First Amendment-protected vending such as newspapers and programs will be unaffected by the ordinance and allowed to continue as it was last year.

Thank you for your consideration of this legislation. Should you have questions please contact Richard Richmire at 206-684-0391.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Transportation	Richard Richmire/684-0391	Jennifer Devore/615-1328

**Legislation Title:** AN ORDINANCE relating to Street and Sidewalk Use, amending Sections 15.17.005, 15.17.010, 15.17.050, and 15.17.080 of the Seattle Municipal Code and adopting a new Street Use Permit Fee Schedule for vending permits in the stadium area.

• **Summary of the Legislation:**

Prohibits mobile vending in Stadium Event Vending area. Allows vending for Seattle Sounder games at Seahawk Stadium as well as Exhibition Center events, which were unanticipated when the original legislation was drafted but have been requested as vending opportunities by the permitted stationery vendors. Changes Street Use Permit Fee Schedule to allow a combined all in one monthly vending permit year-round, at the existing cost of \$121.50/mo during the peak months (April-September) when Mariners and Seahawks games occur and \$18/mo during off-peak months (October – March) when Seahawk games and fewer other events occur. These changes represent no impact to revenues and no increase in permit fees. Vendors who presently buy both baseball and football permits in August and September will experience a cost savings since the \$121.50/mo will now cover baseball and football rather than requiring an additional \$18/mo football permit.

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

This ordinance consists of revisions to the SMC governing stadium event street vending as passed in June 2002. After evaluating and receiving feedback on the program, we propose changes to the code as stated. Prohibits mobile vending except for First Amendment protected vending; provides one monthly permit instead of separate permits for football, baseball and special events; allows vending for Seahawks Exhibition Center events.

• *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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162171  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

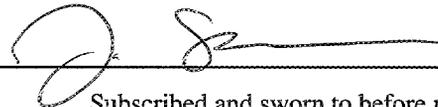
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:121242 ORD IN FULL

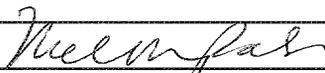
was published on

8/19/2003



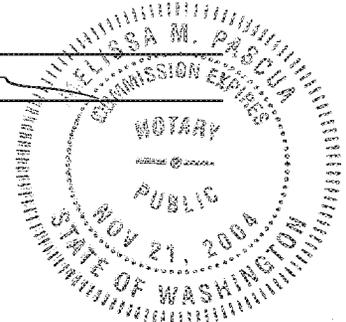
Subscribed and sworn to before me on

8/19/2003



Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



State of Washington, King County

not be permitted on Safeco Field, vending shall be between Railroad Avenue South and South Jackson Street... for the sale of goods, wares, merchandise, services, food and nonalcoholic beverages from a temporary display table, tent or cart that is stationed at a site approved by the Director for stadium and exhibition center events, under the following terms and conditions:

- A. Vending of food and beverages must meet all standards established by the Seattle-King County Health Department, and if propane or a combustible fuel is used, the requirements of the Fire Department;
B. Food and beverages sold must be capable of immediate consumption;
C. The display tables, carts, tents and all other equipment must be removed from the public place after business hours;
D. The vendor must provide public liability insurance naming the City as an additional insured in an amount determined by the Director of Transportation by rule;
E. The vending site must be kept clean at all times. The vendor must supply a refuse container;
F. No use of voice amplification (megaphone, bullhorn or voice making) device is allowed;
G. Electrical utility connections are permitted to the adjacent property, but no lines may be extended overhead or upon the sidewalk;
H. The vendor must present to the City written approval for the vending by the adjoining property owner and/or tenant; if the tenant and property owner disagree, the property owner's decision controls;
I. The vendor displays the permit at the vending site in a manner approved by the Director of Transportation; and
J. The vendor satisfies all the conditions of its permit and such other criteria and requirements as the Director of Transportation may establish from time to time by rule in the public interest.

City of Seattle

ORDINANCE 121242

AN ORDINANCE relating to Street and Sidewalk Use, amending Sections 15.17.010, 15.17.050, and 15.17.080 of the Seattle Municipal Code and adopting a new Street Use Permit Fee Schedule for vending permits in the stadium area.

WHEREAS, Ordinance 120822, regulating street vending in public places near Safeco Field and Seahawk Stadium, took effect in July 2002; and

WHEREAS, Seattle Transportation has monitored vending practices under Ordinance

Section 5. The Street Use Permit Fee Schedule is amended as follows:

14D. - Stadium and Exhibition Center Event Vending ( - ) - \$121.50/- month ( - for the regular season) (April-September) - Insurance required