SEATTLE CITY COUNCIL

Legislative Summary

CB 118652

Record No.: CB 118652 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 125027 **In Control:** City Clerk

File Created: 03/01/2016

Final Action: 04/21/2016

Title: AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent's right to appeal the violation outlined in subsection 14.07.040.C.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	03/14/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	03/16/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	03/18/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee **Notes:**						

1	Full Council	04/04/2016	referred	Civil Rights, Utilities, Economic Development, and Arts Committee	

Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

1	Civil Rights, Utilities, Economic Development, and Arts Committee	04/12/2016	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 4 Chair Herbold, Vice Chair Sawant, Member O'Brien, González

Opposed: 0

1	Full Council	04/18/2016	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	04/19/2016	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	04/21/2016	Signed		

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	04/21/2016	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	04/21/2016	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125027

COUNCIL BILL 118652

AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent's right to appeal the violation outlined in subsection 14.07.040.C.

WHEREAS, Ordinance 124829, the All-Gender Restroom Ordinance, provides potential respondents with the opportunity to appeal the civil penalty accompanying a notice of violation by requesting a contested hearing through the Hearing Examiner; and

WHEREAS, a contested hearing must apply to the underlying violation along with the civil penalty; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections 14.07.040.D and 14.07.040.E of the Seattle Municipal Code, which section was enacted by Ordinance 124829, are amended as follows:

14.07.040 Enforcement

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D. Appeal Period and Failure to Respond. A respondent may appeal the ((~~civil penalty~~)) violation by requesting a contested hearing before the Hearing Examiner in writing within 15 days of the date of the notice of violation. If the respondent fails to timely appeal the ((~~civil penalty~~)) violation, the violation and accompanying civil penalty shall be final and enforceable. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

E. Appeal Procedure and Failure to Appear

1. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The Director shall have the burden of proof by a preponderance of the evidence before the Hearing Examiner. Failure to appear for a requested hearing will result in an order being entered finding that the ((~~respondent cited~~)) cited respondent committed the violation stated in the Director's notice of violation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

2. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying, or reversing the ((~~civil penalty~~)) violation.

3. If a respondent fails to comply with any final ((~~penalty~~)) order issued by the Director or the Hearing Examiner, the Director may refer the matter to the City Attorney for the filing of a civil action in superior court, the Seattle Municipal Court, or any other court of competent jurisdiction to enforce such ((~~penalty~~)) order.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 18th day of April, 2016, and signed by me in open session in authentication of its passage this 18th day of April, 2016.

President _____ of the City Council

Approved by me this 21st day of April, 2016.

Edward B. Murray, Mayor

Filed by me this 21st day of April, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

336719

No. 125027

CITY OF SEATTLE,CLERKS OFFICE

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 125026 &

was published on

04/29/16

The amount of the fee charged for the foregoing publication is the sum of $39.88 which amount has been paid in full.

Subscribed and sworn to before me on

04/29/2016

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. BARNES
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
10-24-19

State of Washington, King County

City of Seattle

Ordinances 125026 & 125027

The full text of the following legislation, passed by the City Council on April 18, 2016, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Ordinance 125026

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125027

AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent's right to appeal the violation outlined in subsection 14.07.040.C.

Date of publication in the Seattle Daily Journal of Commerce, April 29, 2016.

4/29(336719)