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**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
COUNCIL BILL 117680

AN ORDINANCE relating to economic development; stating the purpose and initial charge of the Economic Development Commission; amending Sections 3.53.020 and 3.53.030 to reflect the increased number of commissioners on the Economic Development Commission; and amending Sections 3.53.030, 3.53.060, and 3.53.070 to delete and correct references to Chapter 3.15.

WHEREAS, in December 2011, the Seattle City Council approved Ordinance 123786, which created the Economic Development Commission (EDC) to examine Seattle's ability to compete in the global economy of the 21<sup>st</sup> century; and

WHEREAS, Seattle lives as a Pacific Rim City home to a diverse array of small and large businesses seeking to succeed in an increasingly competitive world. Seattle's success has been fueled by innovation over generations, from airplanes to retailers, from coffee to software and life-saving technologies. The curiosity, ambition and risk-taking come from people, Seattle-born and others, who chose Seattle for its culture, drive, and natural environment. The best chances for competitive success and widely enjoyed prosperity come from actions we can take to support innovation; to develop skilled employees sought after by employers; and to minimize roadblocks to shared prosperity; and

WHEREAS, Members of the EDC represent a cross section of business, industry and higher education to advise the Mayor and City Council on the development of plans, policies, regulations, and strategies that have substantial impact on creating and maintaining an innovative economy that is resilient, sustainable, and equitable; NOW, THEREFORE,

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

Section 1. The following are the City's purpose and intended goals for the Seattle Economic Development Commission:

**PURPOSE OF THE SEATTLE ECONOMIC DEVELOPMENT COMMISSION**

The goal of this body is to advance a vision for economic development that nurtures a policy and regulatory environment encouraging innovation and supporting business formation,



1 retention, and expansion, with particular attention to the roles and actions of the City of Seattle to  
2 achieve the following shared outcomes:

3 a) *Shared Prosperity*: Seattle has a highly skilled and adaptive workforce to meet the  
4 evolving needs of employers competing in a rapidly changing global economy. That workforce is  
5 fed and supported by high-quality education training systems to ensure all residents, regardless  
6 of income, have an opportunity to obtain employment that supports a standard of living with  
7 sufficient income and benefits to support healthy families and communities.  
8

9 b) *Diverse Economy*: Seattle enjoys long-standing and emerging competitive advantages  
10 across a wide set of economic sectors. Our success in spreading prosperity is due in large part to  
11 a diverse array of business and job types calling Seattle home.  
12

13 c) *Next Generation Infrastructure*: Seattle protects its natural assets, maintains its capital  
14 assets, and invests in next generation infrastructure so that our economy thrives and residents  
15 enjoy a high quality of life. Smart infrastructure investments can create jobs while laying a  
16 physical foundation for an innovative future that is socially and environmentally sustainable.  
17

## 18 ROLE OF THE COMMISSIONERS

19 Commissioners are to serve as formal advisors to the City of Seattle to provide guidance  
20 and direction to the City regarding its leadership and support of economic development. The  
21 commission will be comprised of members who are leaders in a broad range of business, labor,  
22 and education with the knowledge and networks needed to provide informed advice and support  
23 the implementation of the vision outlined above. The work of this body will include, but is not  
24 limited to:  
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1 a) Engagement with Seattle's business community to identify key substantive local issues to  
2 advance an innovation agenda where all businesses can thrive;

3 b) Work with City staff to identify leadership actions the City of Seattle and the business  
4 community can undertake based on the prioritized recommendations, ideas and resources in the  
5 following categories:

6 i. Innovation

7 ii. Human Capital

8 iii. Regulation and Infrastructure

9  
10 c) Convening six times per year to review data, policies and proposals, and to devise steps  
11 EDC members may take, including:

12 i. Evaluate annual progress towards the City of Seattle's economic development  
13 priorities.

14 ii. Assess changes in the economic climate of Seattle.

15 iii. Consider whether the recommendations provided in this report should be revised  
16 in response to changes in Seattle's economic climate at that time.

17  
18 d) Individually and collectively work with other state and local offices to promote economic  
19 development in the state and region as appropriate.

20 e) Development of effective ongoing communication between City of Seattle departments  
21 and business; and

22 f) Build participation by business, labor, industry, and community leaders in advancing a  
23 common vision for economic development.

24 g) Work to improve public understanding of the importance of a healthy business climate to  
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1 the future of Seattle's economic, social, and cultural prosperity.

2 INITIAL CHARGE OF THE ECONOMIC DEVELOPMENT COMMISSION  
3

4 The EDC will examine existing economic development strategies developed by the city  
5 and regional partners, seek additional information if necessary, and examine Seattle's ability to  
6 compete in the global economy of the 21<sup>st</sup> century in terms of innovation, human capital,  
7 regulatory process improvement and measuring success.  
8

9 The initial charge of the EDC shall be to produce and present a report to the Executive  
10 and the Council outlining findings and measures that could be implemented to support business  
11 innovation and prepare our workforce to meet the needs of our economy. Recommendations  
12 shall address, but not be limited to:

- 13 a) Support for innovation: Seattle possesses rich concentrations of knowledge in a number  
14 of key economic sectors that provide a strong foundation for new ideas and growth.  
15  
16 b) Development of a skilled and excellent workforce: Our residents deserve an opportunity  
17 to achieve their full potential and increase the required skills to meet the needs of our economy  
18 and share in our prosperity.  
19  
20 c) Regulatory process improvement: The City can play an important role in helping  
21 businesses thrive and grow by removing unnecessary hurdles.  
22  
23 d) Establishment of economic benchmarks: The City will stay focused and make necessary  
24 course corrections by measuring and reporting on our progress.

25 **The report shall be presented to the Executive and the Council no later than one year**  
26 **following the initial meeting of the EDC.**  
27



1 Section 2. Section 3.53.020 of the Seattle Municipal Code, enacted by Ordinance  
2 123786, is amended as follows:

3 3.53.020 Membership

4 A. The Commission is comprised of ~~((40))~~ 15 members. Appointments shall be made  
5 to ensure that varied economic perspectives are represented, including business size, industry  
6 type, organized labor, neighborhood business, minority-owned business, woman-owned  
7 business, local economic professionals, and representatives of post-high school educational  
8 institutions.  
9

10 Section 3. Section 3.53.030 of the Seattle Municipal Code, enacted by Ordinance  
11 123786, is amended as follows:

12 ~~((3.15.030))~~ 3.53.030 Appointment and term

13  
14 1. All positions are numbered one through ~~((40))~~ 15. Individuals shall be appointed into  
15 those numbered positions. Members in ~~((odd))~~ even numbered positions shall be appointed by a  
16 majority vote of the Council. Individuals in ~~((even))~~ odd numbered positions shall be appointed  
17 by the Mayor, subject to confirmation by a majority vote of the Council. All positions shall be  
18 filled as soon as practicable after the Council and Mayor have authorized the creation of the  
19 Commission.  
20

21 2. For the initial round of appointments all positions will be for one year. After the first  
22 year the positions will be staggered: positions one through ~~((five))~~ eight will serve one-year  
23 terms, positions ~~((five))~~ nine through ~~((ten))~~ fifteen will serve two-year terms. After the  
24 conclusion of these terms, all subsequent terms of each position shall be for two years. A  
25 commission member whose term has expired shall continue to hold office until a successor has  
26  
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1 been appointed and qualified. No members shall serve more than two consecutive terms. Any  
2 vacancy for an unexpired term shall be filled in the same manner as for an original appointment  
3 under this section. Staff from the Office of Economic Development may provide appointment  
4 recommendations to both the Mayor and City Council.

5 Section 4. The title of Section 3.53.060 of the Seattle Municipal Code, enacted by  
6 Ordinance 123786, is amended as follows:

7  
8 ((~~3.15.060~~) 3.53.060 Ancillary powers

9 Section 5. The title of Section 3.53.070 of the Seattle Municipal Code, enacted by  
10 Ordinance 123786, is amended as follows:

11 ((~~3.15.070~~) 3.53.070 Unexcused absences

12 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
13 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
14 shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
2 signed by me in open session in authentication of its passage this \_\_\_\_ day of  
3 \_\_\_\_\_, 2012.

4  
5  
6 \_\_\_\_\_  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

9  
10  
11 \_\_\_\_\_  
12 Michael McGinn, Mayor

13  
14 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

15  
16  
17 \_\_\_\_\_  
18 Monica Martinez Simmons, City Clerk

19 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
OED	David Yeaworth/206 684-5328	

**Legislation Title:**

AN ORDINANCE relating to economic development; stating the purpose and initial charge of the Economic Development Commission; amending Sections 3.53.020 and 3.53.030 to reflect the increased number of commissioners on the Economic Development Commission; and amending Sections 3.53.030, 3.53.060, and 3.53.070 to delete and correct references to Chapter 3.15.

**Summary of the Legislation:**

The attached legislation further clarifies the charter, states the initial charge of the Economic Development Commission and increases the number of commissioners from ten to fifteen.

**Background:**

Ordinance Number 123786 established the City's intent to form an Economic Development Commission. This legislation, along with the appointment of the commissioners carries that intent to fruition.

Please check one of the following:

**This legislation does not have any financial implications.**  
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

**This legislation has financial implications.**  
(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

**Appropriations:**

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance



to cover this appropriation in the note section.)

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
<b>TOTAL</b>				

Revenue/Reimbursement Notes:

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/F T	2012 Positions	2012 FTE	2013 Positions *	2013 FTE*
<b>TOTAL</b>							

\* 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.



Position Notes:

**Do positions sunset in the future?**

(If yes, identify sunset date)

**Spending/Cash Flow:**

(This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.)

<b>Fund Name &amp; #</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2012 Expenditures</b>	<b>2013 Anticipated Expenditures</b>
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
 The staff of OED are expected to coordinate the work of the Economic Development Commission.
- b) **What is the financial cost of not implementing the legislation?**  
 \$0.
- c) **Does this legislation affect any departments besides the originating department?**  
 No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** The City could convene ad hoc groups of advisors to provide similar consultation. The City could hire a consultant to coordinate a similar discussion/recommendation group of leaders.
- e) **Is a public hearing required for this legislation?**  
 No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**



No.

**g) Does this legislation affect a piece of property?**

No.

**h) Other Issues:**

**List attachments to the fiscal note below:**



**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL 117694**

1  
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3  
4 AN ORDINANCE related to the Seattle Department of Parks and Recreation; amending  
5 Chapters 18.12, and 18.30 of the Seattle Municipal Code, to clarify the enforcement  
6 authority and procedures of the Seattle Department of Parks and Recreation.

7 WHEREAS, the Department of Parks and Recreation (“DPR”) has jurisdiction over property and  
8 facilities acquired or held in trust for park, recreation, boulevard, and open space  
9 purposes; and

10 WHEREAS, those park lands and facilities are intended to be available for public use and  
11 enjoyment; and

12 WHEREAS, the Superintendent of Parks and Recreation (“Superintendent”) is responsible for  
13 the management and control of park land; and

14 WHEREAS, the City’s parks share boundaries with thousands of adjacent property owners, some  
15 of whom have built structures, installed landscaping, made other unauthorized use of or  
16 dumped refuse or other material on City park lands; and

17 WHEREAS, in 1996 the City Council adopted, and the Mayor approved, Resolution 29475  
18 supporting the following Policy statement: “The Department of Parks and Recreation, as  
19 stewards of public park lands is responsible for preserving and protecting Seattle’s park  
20 system. In order to preserve the public character of park lands and assure their  
21 availability for public use and enjoyment, it is the policy of the Department of Parks and  
22 Recreation to eliminate and prevent unauthorized non-park uses. Further it is the policy  
23 of the Department of Parks and Recreation to limit authorized non-park uses to the fullest  
24 extent practicable;” and

25 WHEREAS, Seattle Municipal Code Chapter 18.30 provides enforcement authority to the  
26 Superintendent and authorizes him or his designees to take certain actions to eliminate  
27 unauthorized, non-park uses and dumping on park lands, and

28 WHEREAS, the Superintendent has determined that the current enforcement system can be  
changed to be more effective in preventing and eliminating unauthorized uses of and  
dumping on park land, and



1 WHEREAS, it is appropriate that Title 18 should discourage continuing violations by imposing  
2 cumulative penalties that exceed the amount of fees that would have been paid if a  
3 revocable use permit had been obtained; and

4 WHEREAS, enforcement against violators is necessary to protect the City's park land and the  
5 effective implementation of Parks' permit system requires consistent ongoing  
6 enforcement against violators; NOW, THEREFORE,

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

8 Section 1. Section 18.12.070 of the Seattle Municipal Code, last amended by Ordinance  
9 113436, is amended as follows:

10 **18.12.070 - No-trespassing areas—Removal or destruction of property((—  
11 Structures or obstructions.))**

12 A. It is unlawful for any person except a duly authorized Department of Parks and  
13 Recreation or other City employee in the performance of his or her duties, or other person duly  
14 authorized pursuant to law, to enter or go upon any area which has been designated and posted  
15 by the Superintendent as a "no admittance" or "no trespassing" area for the purpose of protecting  
16 the environment or for the purpose of protecting the public from conditions which constitute a  
17 potential hazard to life or physical well-being.

18 B. It is unlawful for any person except a duly authorized Department of Parks and  
19 Recreation or other City employee in the performance of his or her duties, or other person duly  
20 authorized ((pursuant to law)), to remove, destroy, mutilate or deface any structure, lawn,  
21 monument, statue, planter, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree,  
22 geological formation, plant, flower, lighting system, sprinkling system, gate, barricade or lock or  
23 other property lawfully in any park, or to remove sand, soil, ((~~or~~)) sod, or water from ((~~in~~)) any  
24 park.

25 ((C.—It is unlawful for any person other than a duly authorized employee or agent of  
26 the Seattle Department of Parks and Recreation to place or erect in any park a structure or  
27 obstruction of any kind without a permit from the Superintendent.  
28



1           D.))C. Every offense defined by this section or conduct made unlawful hereby shall  
2 constitute a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle  
3 Criminal Code) and any person convicted of such crime may be punished by a fine ((in any  
4 sum)) not to exceed ((Five Thousand Dollars (\$) \$5,000(0)) or by imprisonment ((in the City  
5 Jail)) for a term not to exceed one (((1-)))year, or by both such fine and imprisonment.

6           Section 2. Section 18.12.290 of the Seattle Municipal Code, last amended by Ordinance  
7 106615, is amended as follows:

8           **18.12.290 - Designated((:))**

9           Except as otherwise specifically provided in this chapter or subject to enforcement under  
10 Chapter 18.30, any violation of or failure to comply with any provision of this chapter shall  
11 constitute a violation subject to the provisions of Chapters 12A.02 and 12A.04 of this Code  
12 (Seattle Criminal Code)((and any person convicted thereof may be punished by a civil fine or  
13 forfeiture in any sum not exceeding Five Hundred Dollars (\$500))).

14           Section 3. The title of Chapter 18.30 and Section 18.30.010 of the Seattle Municipal  
15 Code, last amended by Ordinance 118339, are amended as follows:

16           **Chapter 18.30 ((ABATEMENT OF UNAUTHORIZED USES OF PARK**  
17 **PROPERTY)) ENFORCEMENT AGAINST UNAUTHORIZED USE OF PARK**  
18 **PROPERTY**

19           **18.30.010 - Definitions((:))**

20           A. The following definitions apply within Chapter 18.30:

21           1. "Abatement" means removal or elimination of an unauthorized use of park  
22 property, whether by physical removal or by legal action. (("Abatement" does not include  
23 voluntary removal promptly carried out pursuant to the direction of the Department.))

24           2. (("City" means The City of Seattle.



1           3-)) "Construction site" means any property on which a structure is being constructed,  
2 reconstructed, repaired, or removed, and any property on which significant landscaping,  
3 including pruning, trimming, mowing, earth moving or removal of yard waste is being conducted  
4 or on which staging, storage, or temporary access associated with such activity is occurring.

5           ~~((4. — "Department" means the Department of Parks and Recreation of The City of~~  
6 ~~Seattle.~~

7           5-))3. "Dumping" means placing, releasing, dropping or depositing yard waste, litter,  
8 trash, debris, obstructions, ~~((€)) hazards, water, or other material or objects,~~ on park property  
9 without permission from the Department. For purposes of the ordinance codified in this chapter,  
10 "dumping" is treated as a separate category of "unauthorized use." ~~((to clarify that it is subject to~~  
11 ~~summary enforcement action.))~~

12           ~~((6. — "Park" or "park property" mean all parks and bodies of water contained therein,~~  
13 ~~squares, drives, parkways, boulevards, trails, golf courses, museums, aquarium, zoos, beaches,~~  
14 ~~playgrounds, play fields, botanical gardens, greenbelts, open spaces, and all other buildings and~~  
15 ~~facilities comprising the parks and recreation system of the City under the management and~~  
16 ~~control of the Superintendent.))~~

17           ~~((7.))4. "Permit" means any temporary written permission by the Superintendent to use or~~  
18 occupy park property.

19           ~~((8.))5. "Responsible party" or "party responsible" means any person, business or legal~~  
20 entity that:

- 21           a. Owns or has a possessory interest in property benefited by an unauthorized use;  
22           b. Owns or has a possessory interest in property from which dumping occurred;  
23           c. Owns or has a possessory interest in a business benefited by an unauthorized use;  
24           and/or  
25           d. Establishes, continues, or maintains an unauthorized use or dumping.



1 e. ~~\_\_\_\_((In the case of dumping or any unauthorized use subject to a Stop Work Order,~~  
2 ~~"responsible party" may include but is not limited to a))~~ A contractor who causes, carries out or  
3 contributes to ~~((the dumping or the))~~ any unauthorized use ~~((subject to a Stop Work Order)).~~

4 ~~((9. "Stop Order" means an order requiring immediate cessation of any activity on park~~  
5 ~~property that constitutes an unauthorized use. A Stop Order may require the party responsible to~~  
6 ~~perform all cleanup or restoration necessary to abate the unauthorized use.))~~

7 ~~((10.))~~ 6. "Structure" means anything constructed or erected on or under the ground,  
8 or any improvement built up or composed of parts joined together in some definite manner and  
9 affixed to or overhanging the ground, including, but not limited to, fences, walls, ~~((and))~~ signs,  
10 and awnings.

11 ~~((11. "Superintendent" means Superintendent of Parks and Recreation of the City and~~  
12 ~~authorized agents of the Superintendent.))~~

13 ~~((12.))~~ 7. "Use" means the exercise of dominion or control over, or occupation of,  
14 all or part of any park property. "Use" includes constructing, storing, erecting, placing upon, or  
15 maintaining ~~((;))~~ or operating any inanimate object in, upon, over or under any park property,  
16 other than that associated with customary public use of park property, provided, that "customary  
17 public use" does not include any use prohibited by City ordinance or state or federal law. The  
18 term "use" includes but is not limited to any of the following in, upon, over or under park  
19 property:

20 a. Any driveway, temporary vehicle access, parking pad, stairway, walkway,  
21 building, patio, deck, sign, or other structure;

22 b. Fencing, staging, scaffolding, or other structure, material, machinery or tools used  
23 or to be used in connection with the erection, alteration, demolition, repair, maintenance or  
24 painting of any structure;

1 c. Landscaping, including hedges or other plant materials that create a barrier to  
2 prevent or discourage public use of park property or a portion thereof, gardens and rockeries;

3 d. Drainage facilities, including but not limited to pipes, catch basins, sumps, swales,  
4 detention ponds and ancillary structures;

5 e. Utility installations and ancillary structures;

6 f. Storing or placing any(~~inanimate~~) object or materials, provided that "use" shall  
7 not include placing an (~~inanimate~~) object or materials in such a location and for such a limited  
8 time that, under the circumstances, a reasonable person would consider the use to be a customary  
9 use;

10 g. Disturbing or altering any park property by digging, cutting, excavating, filling,  
11 chipping, puncturing or breaking;

12 h. Planting, removing, injuring, destroying, cutting, topping or pruning any tree,  
13 shrub, plant or flower on park property, provided that "use" does not include routine maintenance  
14 specifically allowed under the terms of a volunteer program approved by the Department;

15 i. Constructing, reconstructing, repairing or removing any driveway, curb, (~~or curb~~  
16 ~~setback,~~)sidewalk, (~~or~~)crosswalk, pavement, sign, boundary marker, sewer((s)) line, water  
17 (~~(mains)) line~~, grading, lighting, utilities, or appurtenances thereto, (~~except when permitted by~~  
18 ~~ordinance,~~) or doing any work in, or erecting any structure in, upon, over or under any park; and

19 j. Vending of any kind, whether of a product or a service.

20 (~~13.~~)8. "Use, customary" or "customary use" mean a use that is associated with  
21 normal recreational activity in a park and that does not violate any federal, state or local law.

22 (~~14.~~)9. "Use, unauthorized" or "unauthorized use" means a use that is not  
23 conducted either (1) pursuant to a legal right recognized by the City or established by court  
24 order; (2) with the consent, direction or approval of the Superintendent; or (3) in accord with the  
25 terms of a permit issued by the Superintendent. Unauthorized use includes, but is not limited to,  
26

1 “encroachment” and other “non-park use” that limits or diminishes the ability of the public to use  
2 or enjoy park property or a use that is not associated with a customary public use of park  
3 property, without a permit.

4 B. Wherever consistent with the context of this chapter, words in the present, past or  
5 future tenses shall be construed to be interchangeable with each other, words in the singular  
6 number shall be construed to include the plural, and words in the masculine gender shall apply to  
7 the feminine and neuter genders.

8 Section 4. Section 18.30.020 of the Seattle Municipal Code, last amended by Ordinance  
9 118339, is amended as follows:

10 **18.30.020 - Violation of chapter((~~er~~))**

11 It is a violation of ~~((this chapter))~~ Title 18, subject to enforcement under Chapter 18.30,  
12 for any person to:

13 A. ~~((to e))~~ Engage in any unauthorized use of park property or dumping on park  
14 property~~((Any party responsible for an unauthorized use or dumping on park property is in~~  
15 violation of this chapter and is subject to its remedies. All unauthorized uses and dumping are in  
16 violation of this chapter and may be abated as provided in this chapter or under other laws.));

17 B. Remove or deface any sign, notice, complaint or order required by or posted in  
18 accordance with Title 18;

19 C. Misrepresent any material fact in any application, plans or other information  
20 submitted to obtain any permit or authorization to use or dump on park property;

21 D. Fail to comply with the requirements of Title 18.

22 Section 5. A new Section 18.30.024 is added to the Seattle Municipal Code, as follows:

23 **18.30.024 - Authority to enforce**

1           A.     The Superintendent is authorized to enforce Title 18. The Superintendent may call  
2 upon the police, fire, health or other appropriate City departments or government agencies to  
3 assist in enforcement.

4           B.     The Superintendent may enter any park property at any time to perform the duties  
5 imposed by Title 18. If necessary, the Superintendent will obtain the consent of the owner or  
6 occupier of a building or premises or obtain a lawfully issued inspection warrant to enter  
7 buildings or premises that are owned by the Department of Parks and Recreation, but leased to or  
8 being used by a private entity.

9           C.     Title 18 shall be enforced for the benefit of the health, safety and welfare of the  
10 general public and the parks system, and not for the benefit of any particular person or class of  
11 persons.

12          D.     It is the intent of Title 18 to place the obligation of complying with its  
13 requirements upon the adjacent property owner, occupant or other person responsible for the  
14 unauthorized use of park property. The abatement of an unauthorized use and restoration of park  
15 property is still the responsibility of the responsible party currently benefitting from the  
16 encroachment or unauthorized use, even if the unauthorized use may have been installed or  
17 created by a previous owner or other responsible party.

18          E.     No provision of or term used in Title 18 is intended to impose any duty upon the  
19 City or any of its officers or employees that would subject them to damages in a civil action.

20                 Section 6. A new Section 18.30.028 of the Seattle Municipal Code is added, as follows:

21                 **18.30.028 - Investigation and notice of violation**

22           A.     The Superintendent is authorized to investigate any use of a park property that the  
23 Superintendent reasonably believes does not comply with the requirements of Title 18.

24           B.     If after investigation the Superintendent determines that Title 18 has been  
25 violated, the Superintendent may issue a notice of violation to the adjacent property owner,  
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1 occupant or other responsible party. The notice of violation shall briefly describe each violation;  
2 state what corrective action, if any, is necessary to comply with Title 18; and set a reasonable  
3 time for compliance, not to exceed 90 days. Compliance may be achieved by abating an  
4 unauthorized use and restoring the park property, or by applying for and obtaining a permit for  
5 the use.

6 C. The notice shall be served upon the adjacent property owner, occupant or other  
7 responsible party, by personal service as provided by RCW 4.28.080 for service of a summons,  
8 or sent by first class mail, addressed to the last known address of such person(s) and posted at a  
9 conspicuous place on the site. Service shall be complete at the time of personal service; or if  
10 mailed, three days following the date of mailing.

11 D. Nothing in this section shall limit or preclude any action or proceeding pursuant  
12 to Section 18.30.032, Stop Work Orders, and nothing in this section shall obligate or require the  
13 Superintendent to issue a notice of violation prior to the imposition of civil penalties.

14 E. A notice of violation may be amended at any time to:

- 15 1. Correct clerical and other errors, or
- 16 2. Cite additional authority for a stated violation.

17 F. Unless a request for review is made according to Section 18.30.044, the notice of  
18 violation shall become the final order of the Superintendent. After the notice of violation  
19 becomes the final order of the Superintendent, a copy of the notice of violation may be recorded  
20 with the King County Department of Records and Elections.

21 Section 7. Section 18.30.030 of the Seattle Municipal Code, last amended by Ordinance  
22 118339 and that currently reads as follows, is repealed:

23 ~~((18.30.030 — **Joint and several liability**((.))~~

24 ~~All responsible parties are jointly and severally liable for unauthorized use of, or~~  
25 ~~dumping on, park property. The Department may pursue remedies against one or more~~

1 responsible parties. ~~The Department's failure to pursue any legal remedy against a responsible~~  
2 ~~party does not constitute a defense to liability under this chapter.))~~

3 Section 8. A new Section 18.30.036 of the Seattle Municipal Code is added, as follows:

4 **18.30.036 - Time to comply**

5 When calculating a reasonable time for compliance, the Superintendent shall consider the  
6 following:

- 7 A. The type and degree of violation cited in the notice;
- 8 B. The stated intent, if any, of an adjacent property owner, occupant or other  
9 responsible party to take steps to comply;
- 10 C. The procedural requirements for obtaining a permit;
- 11 D. The complexity of the corrective action; and
- 12 E. Any circumstances beyond the control of the adjacent property owner, occupant  
13 or other party responsible for the violation.

14 Section 9. Section 18.30.040 of the Seattle Municipal Code, last amended by Ordinance  
15 \_\_\_\_\_ and that currently reads as follows, is repealed:

16 ~~((18.30.040 – Rebuttable presumption.~~

17 ~~For the purposes of this chapter, there is a rebuttable presumption that soil, debris or~~  
18 ~~other spillage on park property linked by tire trackage or other trails to a construction site results~~  
19 ~~from transportation to or from the construction site.))~~

20 Section 10. A new Section 18.30.040 of the Seattle Municipal Code is added, as follows:

21 **18.30.040 – Extension of compliance date**

22 The Superintendent may grant an extension of time for compliance with any notice or  
23 Order, not to exceed 90 days, whether pending or final, upon the Superintendent's finding that  
24 substantial progress toward compliance has been made and that the public will not be adversely  
25 affected by the extension.

1           The Superintendent may rescind an extension of time if it is shown that the conditions at  
2 the time the extension was granted have changed, the Superintendent determines that a party is  
3 not performing corrective actions as agreed, or if the extension creates an adverse effect on the  
4 public. Notice rescinding the extension date shall be mailed to all responsible parties via first  
5 class mail and the compliance date shall then be three days after mailing the notice.

6           Section 11. A new Section 18.30.044 of the Seattle Municipal Code is added, as follows:

7           **18.30.044 – Review by the Superintendent**

8           A. Any person aggrieved by a notice of violation issued by the Superintendent  
9 pursuant to SMC 18.30.028 may obtain a review of the notice by requesting such review in  
10 writing within 10 days of the date of the notice. When the last day of the period so computed is a  
11 Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next  
12 business day. Within 30 days of the request for review, the aggrieved person shall submit any  
13 additional information to be considered for the review. Before the deadline for submitting  
14 information, any person aggrieved by or interested in the notice of violation may submit any  
15 additional information in the form of written material to the Superintendent for consideration as  
16 part of the review.

17           B. The review will be made by a representative of the Superintendent who is familiar  
18 with the case and the applicable ordinances. The Superintendent's representative will review all  
19 additional information received by the deadline for submitting information. The reviewer may  
20 also request clarification of information received and a site visit. After review of the additional  
21 information, the Superintendent may:

- 22                   1. Sustain the notice of violation;  
23                   2. Withdraw the notice of violation;  
24                   3. Continue the review to a date certain, not to exceed 90 days, for receipt of  
25 additional information; or

1           4.       Modify the notice of violation, including extending the compliance date,  
2 not to exceed 90 days.

3           C.       The Superintendent shall issue an Order of the Superintendent containing the  
4 decision and shall mail the Order by first-class mail to the person or persons named on the notice  
5 of violation. The Superintendent may record the Order with the King County Recorder's Office.

6           Section 12. Section 18.30.050 of the Seattle Municipal Code, last amended by Ordinance  
7 118339, is amended as follows:

8           **18.30.050 - ~~((Department abatement of unauthorized uses — Failure to respond to~~**  
9 **~~thirty day notice.))~~ Civil Penalty, Abatement, and Additional Relief**

10           A.       If ~~((the))~~ a responsible party ~~((or parties))~~ does not abate ~~((the))~~ an unauthorized  
11 use ~~((within thirty (30) days after the Department has mailed a notice via first class mail to the~~  
12 ~~responsible party or parties requesting abatement of the encroachment,))~~ or dumping and restore  
13 the park property or apply for and obtain a permit to authorize the use by the date set for  
14 compliance by the Superintendent in a notice of violation, order of the Superintendent, or Stop  
15 Work Order. the Superintendent may:

16           ~~((A))~~1. Impose a civil penalty of ~~((One Hundred Dollars (\$100.00)))~~ \$500 for  
17 each day the unauthorized use continues beyond the ~~((thirty (30) day abatement period))~~  
18 compliance date, plus the pro-rata fee for a Revocable Use Permit for the use, as set forth in the  
19 Seattle Department of Parks and Recreation Fee Schedule established by Section 18.28.010,  
20 starting the date the violation began and continuing until a Revocable Use Permit is issued or the  
21 unpermitted use is abated;

22           ~~((B))~~2. Impose a civil penalty of \$500 for each day dumping occurs or remains  
23 unabated, starting the date the violation began or occurred and continuing until the date the  
24 dumping is abated.



1           3. Abate the unauthorized use or dumping and restore the affected park  
2 property, at the responsible party's expense;

3           ~~((C))~~4. Refer the matter to the City Attorney, who may bring an action for ~~((trespass,~~  
4 ~~ejectment, declaratory or injunctive relief))~~ civil penalties, equitable relief, or any other  
5 appropriate civil or criminal remedy, including the recovery of its enforcement costs.

6 Enforcement costs include, but are not limited to: administrative expenses and fees; the cost of  
7 any land surveys related to enforcement; the costs of any abatement and restoration of park  
8 property after abatement; recording fees; and litigation costs and statutory attorneys' fees; or

9           ~~((D))~~5. Use any combination of the above remedies.

10           B. A subaccount shall be established in the Parks Fund to receive revenue from  
11 penalties under this Section 18.30.050, which shall be allocated to fund the enforcement of this  
12 Chapter 18.30.

13           Section 13. Section 18.30.055 of the Seattle Municipal Code, last amended by Ordinance  
14 118339, is amended as follows:

15           **18.30.055 - Department abatement of unauthorized uses—Unidentified responsible**  
16 **parties and emergency situations~~((:))~~**

17           If the Department cannot identify a party responsible for the unauthorized use despite  
18 using all reasonable means~~((, as defined in Section 18.30.070 A2 below))~~, or if the Department  
19 determines that the unauthorized use creates substantial risk of injury to persons, to park  
20 property, to utilities serving the park property and/or to park improvements, the Superintendent  
21 may, without notice ~~((or on less than thirty (30) days' notice:~~

22           A. ~~Impose a civil penalty of One Hundred Dollars (\$100.00).~~

23           ~~1. For each day the unauthorized use continues beyond the abatement period~~  
24 ~~specified in a notice from the Department, or~~



1           ~~2. If no notice is given, for each day the unauthorized use continues from the~~  
2 ~~date the Department documents in its records the unauthorized use;~~

3           ~~B. Abate)), abate the unauthorized use and restore the affected park property.((;~~

4           ~~C. Refer the matter to the City Attorney, who may bring an action for trespass,~~  
5 ~~ejectment, declaratory or injunctive relief, and any other appropriate civil or criminal remedy; or~~

6           ~~D. Use any combination of the above remedies.))~~ If the responsible party is  
7 identified after abatement occurs the violation will be deemed to begin on the date the  
8 Department became aware of the violation and the Superintendent may pursue the remedies  
9 provided by Section 18.30.050.

10           Section 14. Section 18.30.060 of the Seattle Municipal Code, last amended by Ordinance  
11 118339 and that currently reads as follows, is repealed:

12           ~~((18.30.060—Department abatement of dumping,~~

13           ~~If a responsible party does not immediately abate all dumping on park property and~~  
14 ~~restore the affected park property to its condition prior to any dumping or if the Department~~  
15 ~~cannot immediately locate or identify the party responsible for such dumping, the Superintendent~~  
16 ~~may:~~

17           ~~A. Impose a civil penalty of Two Hundred Dollars (\$200.00) for each day that the~~  
18 ~~dumping remains unabated after the Superintendent orders the responsible party to abate it;~~

19           ~~B. Abate the dumping and restore the affected park property;~~

20           ~~C. Refer the matter to the City Attorney, who may bring an action for trespass,~~  
21 ~~ejectment, declaratory or injunctive relief, or any other appropriate civil or criminal remedy;, or~~  
22 ~~any other appropriate civil or criminal remedy; or~~

23           ~~D. Use any combination of the above remedies.))~~

24           Section 15. Section 18.30.070 of the Seattle Municipal Code, last amended by Ordinance  
25 118339 and that currently reads as follows, is repealed:

1           ~~((18.30.070 – Responsibility for abatement costs.~~

2           A. ~~— All parties responsible for an unauthorized use or dumping on park property are~~  
3 ~~jointly and severally liable to the City for the costs the City incurs in abating the unauthorized~~  
4 ~~use or dumping and restoring the affected park property. However, where Section 18.30.030~~  
5 ~~applies, no person may be held responsible for abatement costs unless:~~

6           1. ~~— The Department sent that person thirty (30) days' notice to abate and that person~~  
7 ~~failed to abate the unauthorized use within that time; or~~

8           2. ~~— The Department used all reasonable means to locate the responsible party before~~  
9 ~~carrying out the abatement and restoration, but was unable to do so. The Department shall be~~  
10 ~~held to have used all reasonable means to locate the responsible party once it has researched the~~  
11 ~~official property records of the county and reviewed all other information brought to the~~  
12 ~~Department's attention.~~

13           B. ~~— The Superintendent is authorized to promulgate rules specifying the recoverable~~  
14 ~~costs of abatement. These may include, but are not limited to, staff time, cost of outside~~  
15 ~~contractors, dump fees, rental cost of equipment, machine or vehicle used in the abatement, cost~~  
16 ~~of providing notices, a fifteen percent (15%) surcharge for administrative expenses, and any~~  
17 ~~reasonable attorneys' fees incurred for abatement and restoration and for collection of authorized~~  
18 ~~penalties and other charges.~~

19           C. ~~— A written statement by the Superintendent of the costs and expenses incurred by~~  
20 ~~the City in abating an unauthorized use or dumping and restoring the affected park property is a~~  
21 ~~true and accurate record of the work done by the City and of the expenses incurred.))~~

22           Section 16. Section 18.30.080 of the Seattle Municipal Code, last amended by Ordinance  
23 118339, is recodified and amended as follows:

24           ~~((18.30.080))~~18.30.032 - Stop Work Orders~~((:))~~

25           A.     The Superintendent may issue a Stop Work Order to halt:



1           1.       An ongoing unauthorized use of park property that creates a substantial risk of  
2 injury to persons, ~~((to))~~ park property, ~~((to))~~ utilities serving the park property and/or ~~((to))~~ park  
3 improvements, or impairs the Superintendent's ability to obtain compliance with Title 18; or

4           2.       ~~((Ongoing-d))~~ Dumping on park property.

5           B.       The Superintendent shall post the Stop Work Order at a conspicuous place on the  
6 site and, if possible, serve a copy upon a person doing or responsible for the activity. Once the  
7 Superintendent posts the Stop Work Order, all unauthorized use and dumping in the park shall  
8 cease immediately.

9           C.       The Stop Work Order shall state the activity or unauthorized use being stopped  
10 and the basis of the Stop Work Order. The Stop Work Order may require the responsible party to  
11 correct the violation or hazard that prompted the Stop Work Order and restore the affected park  
12 property.

13           D.       A person aggrieved by a Stop Work Order of the Superintendent has five ~~((5))~~  
14 working days after the Stop Work Order is posted to request reconsideration from the  
15 Superintendent. The request for reconsideration must be in writing, and ~~((may))~~ shall include any  
16 objections and evidence supporting the request for reconsideration. Within five ~~((5-))~~ working  
17 days after receiving a request, the Superintendent shall make a decision, in writing, as to whether  
18 the Stop Work Order shall remain in force and mail a copy of the decision to the requestor by  
19 first-class mail. The decision of the Superintendent upon reconsidering the matter is final. No  
20 decision to impose or continue a Stop Work Order may give rise to a claim for damages. The  
21 Stop Work Order shall remain in effect pending reconsideration. The Superintendent may record  
22 the Stop Work Order with the King County Recorder's Office.

23           E.       A responsible party who fails to comply with a Stop Work Order is subject to  
24 penalties as provided by Section 18.30.050.~~((immediately after receiving notice of the Stop~~  
25 ~~Order is subject to a penalty of Five Hundred Dollars (\$500.00) for every day the responsible~~  
26  
27  
28



1 ~~party fails to comply after receiving notice. In addition, the responsible party is subject to any~~  
2 ~~combination of the remedies listed in SMC Sections 18.30.050, 18.30.055, 18.30.060 and~~  
3 ~~18.30.070, except that the total penalty imposed cannot be greater than Five Hundred Dollars~~  
4 ~~(\$500.00) per day, plus any abatement costs.))~~

5 Section 17. Section 18.30.090 of the Seattle Municipal Code, last amended by Ordinance  
6 118339 and that currently reads as follows, is repealed:

7 ~~((18.30.090 — Enforceability.~~

8 ~~The remedies in this chapter are in addition to all remedies available under common law,~~  
9 ~~statute, ordinance or regulation. Notwithstanding any other provisions of the Seattle Municipal~~  
10 ~~Code, actions to enforce this chapter may be brought in King County Superior Court or King~~  
11 ~~County District Court.))~~

12 Section 18. The provisions of this ordinance are declared to be separate and severable.  
13 The invalidity of any particular provision shall not affect the validity of any other provision.



1 Section 19. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2013, and  
5 signed by me in open session in authentication of its passage this  
6 \_\_\_\_ day of \_\_\_\_\_, 2013.

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

10  
11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

12  
13 \_\_\_\_\_  
14 Michael McGinn, Mayor

15  
16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

17  
18 \_\_\_\_\_  
19 Monica Martinez Simmons, City Clerk

20 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Parks and Recreation	Terry Dunning/684-4860	Jeff Muhm/ 684-0485

**Legislation Title:**

AN ORDINANCE related to the Seattle Department of Parks and Recreation; amending Chapters 18.12 and 18.30 of the Seattle Municipal Code (SMC), to clarify the enforcement authority and procedures of the Seattle Department of Parks and Recreation.

**Summary of the Legislation:**

This proposed legislation amends Chapters 18.12 and 18.30 of the Seattle Municipal Code. The changes are aimed at clarifying the authority of the Superintendent; creating a formal review process for those who disagree with actions taken to resolve incidents of unauthorized uses or dumping upon park lands; making these two chapters more consistent with similar chapters in Title 15 (SDOT) and Title 23 (DPD); and generally providing mechanisms by which enforcement against encroachments and dumping can proceed in a more efficient and predictable manner.

**Background:**

City parks have several thousand neighbors, including a substantial number who have encroached upon park boundaries, establishing unauthorized uses such as landscaping, structures, drainage and other utility features. Most of these unauthorized uses interfere with public enjoyment and use of park property. In 1996, the City Council adopted Resolution 29475, supporting DPR policies aimed largely at eliminating unauthorized uses. Since that time, department staff, with assistance from the Law Department, have worked diligently to reduce unauthorized uses. As the staff have worked through many of these transactions it became clear that the provisions of Title 18 related to enforcing removal of encroachments should be clarified.

Shortcomings and ambiguity in the existing code make it difficult to respond efficiently and in many cases allow encroachment enforcement cases to extend for years without resolution. For example, the absence of a formal review process, where aggrieved parties can express their concerns to a higher authority, has resulted in cases where it is necessary to resort to litigation. With the proposed changes, it is anticipated that many more encroachment cases will be resolved short of going to court. If cases do end up in the legal arena, judges and attorneys are accustomed to dealing with clear processes such as those used by DPD and SDOT. In these departments there is a formal process for issuing notices of violation and clear steps to be taken to resolve the underlying issues that generated those notices. The proposed code changes provide DPR with formal processes for the notice of violation, appeal and resolution, as they are not addressed in the current version of Title 18.



**This legislation does not have any financial implications.**

  **X**   **This legislation has financial implications.**

**Other Implications:** This legislation addresses penalties and clarifies fees that might be charged to those who fail to gain authorization for an unapproved use; therefore, it is likely there will be increased revenue as actions are undertaken pursuant to the revised code. These increases are not quantifiable since the improvements to the code may also have the effect of motivating people to more rapid removal of unauthorized uses in order to avoid penalties or fees. It is also hoped that this legislation might limit some forms of unauthorized uses, particularly dumping, which cause damage and removal and repair expenses for the City.

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
The legislation may well serve to discourage unauthorized activities as neighbors become more attuned to the consequences of encroaching or dumping on park land. This, in turn, could result in significant returns of property to public use that has been appropriated for unauthorized personal use.
- b) **What is the financial cost of not implementing the legislation?**  
The costs are not quantifiable. Property lost to encroachments and other unauthorized uses will continue to be difficult to recover and an unknown amount of fee revenue may be lost.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are none.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** No.
- h) **Other Issues:** There are none.

**List attachments to the fiscal note below:** There are none.





City of Seattle  
Office of the Mayor

December 26, 2012

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that amends Chapters 18.12 and 18.30 of the Municipal Code. The proposed amendments clarify the authority and process for Seattle Parks and Recreation (DPR) to enforce removal of unauthorized uses of park land. Specifically, the amendments:

- Create a process allowing persons who disagree with proposed enforcement actions to have a formal review of their concerns;
- Make the code more consistent with enforcement provisions of other City departments; and
- Provide clarity for the staff and others affected by enforcement activities.

Seattle Parks and Recreation oversees over 6,200 acres of park land consisting of more than 400 parks and public places, sharing boundaries with thousands of homes and businesses. Significant numbers of people have encroached upon park property with unauthorized uses. Although many of these encroachments are resolved without resorting to legal actions, some do require more than simple persuasion. DPR has worked diligently towards resolving some of the more intransigent encroachments and unauthorized uses, but existing Code provisions have delayed or in some case prevented the department from successfully resolving these cases.

These proposed changes will provide for a clearer path to resolution of encroachment and other unauthorized uses of park lands through more consistency with other related codes, creation of a review process, and reduction of ambiguities in the code. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

