



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

Ver- sion:	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, 04/12/2016 pass Pass
Economic Development,
and Arts Committee
- 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
Mayor's signature
- 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

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

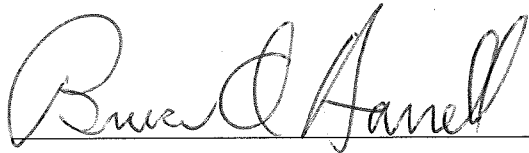
1. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The Director shall have the burden of proof by a preponderance of the evidence before the Hearing Examiner. 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.

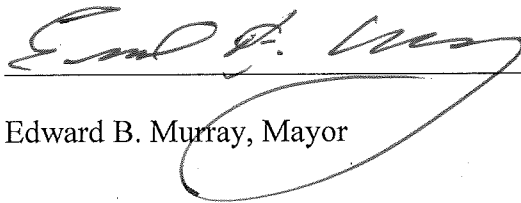
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
OCR	Loren Othon/684-4528	David Mendoza/386-1256

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation 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.

Summary and background of the Legislation: Conversations with the Office of the Hearing Examiner subsequent to the signing of the All-Gender Restroom Ordinance revealed the need to clarify a respondent's opportunity to appeal a violation of the all-gender signage requirement by requesting a contested hearing. Existing language in the Ordinance states that a respondent may appeal the "civil penalty" by requesting a contested hearing; however, the function of a contested hearing is to appeal the underlying violation that leads to a civil penalty, rather than the civil penalty itself. A technical amendment is necessary to rectify this discrepancy between the appeal and the type of hearing associated with that appeal. Not only does this amendment reconcile a discrepancy, but also ensures respondents have access to due process.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**
No.
- b) **Is there financial cost or other impacts of not implementing the legislation?**
No.
- c) **Does this legislation affect any departments besides the originating department?**
Office of the Hearing Examiner
- d) **Is a public hearing required for this legislation?**
No.

- e) **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
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) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
N/A
- i) **If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**
None.
- j) **Other Issues:**

List attachments/exhibits below:

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.

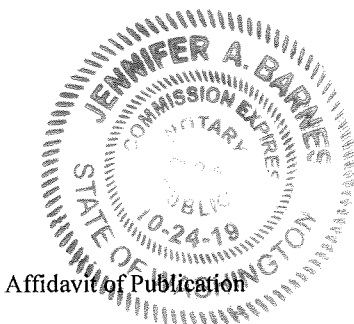
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 125026 &

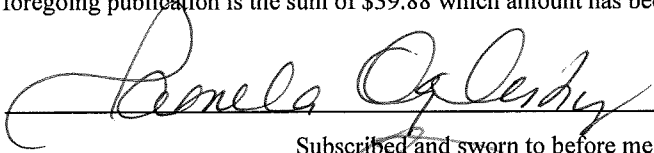
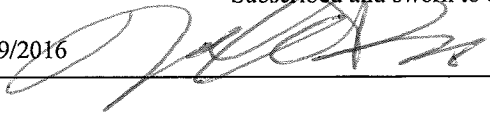
was published on

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.



Affidavit of Publication


Subscribed and sworn to before me on
04/29/2016 

Notary public for the State of Washington,
residing in Seattle

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)