



SEATTLE CITY COUNCIL

Legislative Summary

CB 118663

Record No.: CB 118663

Type: Ordinance (Ord)

Status: Passed

Version: 1

125031

In Control: City Clerk

File Created: 04/13/2016

Final Action: 05/04/2016

Title: AN ORDINANCE related to the operation of open-air tour vehicles; creating a new Chapter 15.66 in the Seattle Municipal Code; and amending Sections 15.91.002 and 15.91.016 of the Seattle Municipal Code.

Notes:

Filed with City Clerk: 5/4/2016

Mayor's Signature: 5/4/2016

Sponsors: Burgess, Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Emilia.Sanchez@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	City Clerk	04/13/2016	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	04/14/2016	sent for review	Full Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council						
	Notes:						
1	Full Council	04/18/2016	referred	Full Council			
	Action Text: The Council Bill (CB) was referred. to the Full Council						
	Notes:						
1	Full Council	04/25/2016	passed				Pass
	Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:						
	Notes: Motion was made and duly seconded to pass Council Bill 118663.						

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 04/26/2016 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1 Mayor 05/04/2016 returned unsigned
Action Text: The Council Bill (CB) was returned unsigned.
Notes:

1 Mayor 05/04/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 City Clerk 05/04/2016 attested by City
Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:



May 4, 2016

Honorable Bruce Harrell, President
Seattle City Council
600 4th Avenue, Floor 2
Seattle, WA 98104

Dear Council President Harrell:

I am transmitting Council Bill 118663 without my signature, understanding that it will become law.

This legislation will help keep Seattle's streets safe. But my original proposal, CB 118647, would have legislated more broadly to decrease the risks of distracted driving on tour vehicles industry-wide, rather than only on open-air vehicles. Throughout the debate, my administration has shared with Council my concerns regarding the limited scope of this new legislation. We will continue to monitor traffic safety data to determine whether additional legislation will be required.

Sincerely,


Edward B. Murray
Mayor, City of Seattle

cc: Honorable Members of the Seattle City Council
Monica Martinez Simmons, City Clerk

CITY OF SEATTLE
ORDINANCE 125031
COUNCIL BILL 118663

AN ORDINANCE related to the operation of open-air tour vehicles; creating a new Chapter 15.66 in the Seattle Municipal Code; and amending Sections 15.91.002 and 15.91.016 of the Seattle Municipal Code.

WHEREAS, distracted driving by motorists poses a significant risk of injury or death to pedestrians, bicyclists, and other motorists; and

WHEREAS, the dangers of distracted driving are more likely to be magnified by the operation of an open-air tour vehicle where information and entertainment are shared through music, noise, interaction with passengers, as well as interaction with pedestrians; and

WHEREAS, narration and entertainment in an open-air tour vehicle also serve as a distraction to other drivers; and

WHEREAS, open-air tour vehicle drivers have increased responsibilities because of the potentially large number of passengers, large vehicle mass, and lack of side windows that increase the danger of serious injury to persons inside and outside of the vehicle in a collision; and

WHEREAS, prohibiting open-air tour vehicle drivers from conducting tour narration or entertainment while driving in the City will reduce distracted driving and advance traffic safety by reducing the likelihood of collisions and injuries caused by distracted driving;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective June 1, 2016, a new Chapter 15.66 is added to the Seattle Municipal Code as follows:

Chapter 15.66 TOUR VEHICLE OPERATION

15.66.010 Definitions

For purposes of this Chapter 15.66:

“Entertainment” means an in-person performance in a vehicle for the amusement of passengers or other observers that interferes with the driver’s attention to driving. Examples include, but are not limited to, chanting; cheerleading; musical, comedic, or dramatic acts, routines, or recitations; dancing; athletics; or the act of donning or removing costumes.

“Open-air tour vehicle” means any vehicle designed to transport 16 or more passengers, including the driver, that is not enclosed with a permanent fixed rigid roof, permanent windows and pillars, and that is used to provide a tour or tours. “Open-air tour vehicle” includes, but is not limited to, amphibious vehicles that have been modified to transport passengers for touring purposes.

“Tour carrier” means every person engaged in the business of transporting passengers for the purpose of viewing various places along a route, whether or not an itinerary is planned. For purposes of this definition, “person” includes any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, limited liability company, association, society, or any other entity or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

“Tour narration” means live, in-person, regular and ongoing narrative oral communication directed to passengers.

15.66.020 Tour narration or entertainment by drivers

It shall be a violation of this Title 15 for any tour carrier to operate a tour during which the driver of an open-air tour vehicle engages in tour narration or entertainment while the vehicle is in motion on any public street, road, or highway within the limits of The City of Seattle.

Section 2. Effective June 1, 2016, subsection 15.91.002.A of the Seattle Municipal Code, which section was last amended by Ordinance 124598, is amended as follows:

15.91.002 Scope

A. Violations of the following provisions of Seattle Municipal Code Title 15 shall be enforced under the citation or criminal provisions set forth in this Chapter 15.91 by the Director of Transportation:

1. Use and Occupation Permits—No permit obtained (Section 15.04.010);
2. Marquees, Awnings, Canopies, and Decorative Elements (Chapter 15.10);
3. Signs, Banners, and Street Clocks (Chapter 15.12);
4. Newsstands (Chapter 15.14);
5. Building Cleaning or Painting (Chapter 15.20);
6. Vending (Chapter 15.17);
7. Warning Lights and Barricades (Chapter 15.40);
8. Debris in Public Places (Chapter 15.46);
9. Snow and ice removal (Section 15.48.010);
10. Barbed wire or electric fence (Section 15.48.020);
11. Obstruction of utility or traffic facilities prohibited (Section 15.22.050);
12. Removal of earth and debris (Section 15.22.060);
13. Mixing of mortar or concrete (Section 15.22.070);

14. Permit to drive over sidewalk or curb (Section 15.22.100);
15. Barricades and warning devices (Section 15.44.010);
16. Dangerous Structures on Adjoining Property (Chapter 15.18);
17. Permit Required - failure to comply with conditions of permit (Section 15.04.010);
18. Sidewalk Cafes (Chapter 15.16);
19. Scaffolds (Chapter 15.24);
20. Backfilling (Chapter 15.26);
21. Building and Equipment Moving (Chapter 15.28);
22. Lifting Heavy Equipment (Chapter 15.36);
23. Crowd Control Event (Chapter 15.52);
24. Tree and Vegetation Management in Public Places (Chapter 15.43);
25. At-grade Communication Cabinets (Section 15.32.200 and 15.32.250) (~~(-)~~) ; and
26. Tour Vehicle Operation (Chapter 15.66).

* * *

Section 3. Effective June 1, 2016, subsections A and B of Section 15.91.016 of the Seattle Municipal Code, which section was last amended by Ordinance 124951, are amended as follows:

15.91.016 Penalties

A. First (~~(Violation-)~~) violation

1. No Street Use permit obtained. The first time a person or entity is found to have violated subsection 15.91.002.A.1, except Street Use vending permits identified in

subsection 15.91.016.A.4.a, by not obtaining a Street Use permit before using the public place, the person or entity shall be subject to a penalty of \$500.

2. Violations of Title 15 or Street Use permit. The first time a person or entity is found to have violated subsections 15.91.002.A.2 through ~~((15.91.002.A.25))~~ 15.91.002.A.26, except Street Use vending permits identified in subsection 15.91.016.A.4.b; or violated a condition of their Street Use permit; the person or entity shall be subject to a penalty of \$250.

3. Violation warning. The Director may, in an exercise of discretion, issue a warning to the person or entity responsible for obtaining the Street Use permit if the person or individual has not been previously warned or cited for violating subsection 15.91.002.A.

4. Street Use vending first violation.

a. No Street Use vending permit. The first time a person or entity is found to have violated subsection 15.91.002.A.1 for not being in possession of a Street Use vending permit, identified as subsection 15.91.002.A.6, while using the public place; the person or entity shall be subject to a penalty of \$300.

b. Insecure or unsafe vending unit. As provided for in Section 15.04.070, if the City determines that a permitted food vehicle, vending cart, vending trailer, or other vending-related device (collectively a "vending unit" for this Chapter 15.91) is insecure or unsafe, the vendor shall immediately cease using the public space and shall be subject to a penalty of \$300.

c. Street Use vending permit condition violation. The first time the permittee is found to have violated subsection 15.91.002.A.6 by not adhering to the conditions of their Street Use vending permit, the permittee shall be subject to a penalty of \$150. The Director

1 may, in an exercise of discretion, issue a warning to the vendor if the person or entity has not
2 been previously warned or cited for violating subsection 15.91.002.A.6.

3 B. Second and subsequent violations

4 1. No Street Use permit obtained. If, within a five-year period after a first
5 violation has been determined to exist, a person or entity is subsequently cited for violating
6 subsection 15.91.002.A.1, except Street Use vending permits identified in subsection
7 15.91.016.B.3.a, for not obtaining a Street Use permit, the person or entity shall be subject to a
8 penalty of \$1,000 for that violation and each subsequent violation.

9 2. Violations of Title 15 or Street Use permit. If, within a five-year period
10 after a person's or entity's first violation of subsections 15.91.002.A.2 through
11 ~~((15.91.002.A.25))~~ 15.91.002.A.26 has been determined to exist, a person or entity is
12 subsequently cited for violating subsections 15.91.002.A.2 through ~~((15.91.002.A.25))~~
13 15.91.002.A.26, except Street Use vending permits identified in subsection 15.91.016.B.3.b, the
14 person or entity shall be subject to a penalty of \$500 for that violation and each subsequent
15 violation.

16 * * *

Section 4. 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 25th day of April, 2016, and signed by me in open session in authentication of its passage this 25th day of April, 2016.



President _____ of the City Council

Approved by me this _____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this 4th day of MAY, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Legislative	Amy Tsai/684-5509	

** 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 related to the operation of open-air tour vehicles; creating a new Chapter 15.66 in the Seattle Municipal Code; and amending Sections 15.91.002 and 15.91.016 of the Seattle Municipal Code.

Summary and background of the Legislation: If passed, this legislation would prohibit tour carriers from operating a tour during which the driver of an open-air tour vehicle engages in tour narration or entertainment while the vehicle is in motion on any public street, road, or highway within the limits of The City of Seattle.

Providing tour narration or entertainment while driving can be a distraction. Distracted driving increases the risk of injury or death. The dangers of distracted driving are more likely to be magnified by the operation of an open-air tour vehicle where the driver entertains and interacts with people inside and outside of the tour vehicle. The risk of injury is significant in such a vehicle due to its size, number of passengers, and other physical characteristics.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

 X 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?

The goal is to reduce the chance of traffic accidents and injury caused by distracted driving in open-air tour vehicles; not implementing the legislation would mean that the risk of such accidents would not be reduced.

c) Does this legislation affect any departments besides the originating department?

The Seattle Department of Transportation, Seattle Police Department, City Attorney's

Office and Seattle Municipal Court could potentially be involved in the course of enforcement of this legislation which carries civil or criminal penalties.

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?

No.

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.

Public safety would be increased by decreasing distracted driving behaviors in open-air tour buses that could contribute to accidents.

j) Other Issues:

None

List attachments/exhibits below:

N/A

STATE OF WASHINGTON -- KING COUNTY

--SS.

337161

No. 125029,030,031,032,033

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.

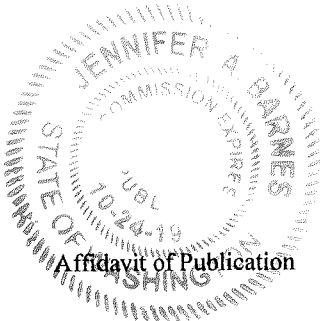
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

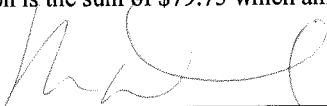
CT:TITLE ONLY ORDINANCES

was published on

05/10/16

The amount of the fee charged for the foregoing publication is the sum of \$79.75 which amount has been paid in full.




Subscribed and sworn to before me on

05/10/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on April 25, 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>. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 125029

AN ORDINANCE relating to the Seattle Youth Commission; amending Sections 3.67.020, 3.67.030, 3.67.050, and 3.67.060 and repealing Section 3.67.070 of the Seattle Municipal Code.

Ordinance 125030

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of an amendment to the existing one-year pilot Activation and Programming Agreement for Westlake Park and Occidental Square Park with DBIA Services; and ratifying and confirming certain prior acts.

Ordinance 125031

AN ORDINANCE related to the operation of open-air tour vehicles; creating a new Chapter 16.66 in the Seattle Municipal Code; and amending Sections 15.91.002 and 15.91.016 of the Seattle Municipal Code.

Ordinance 125032

AN ORDINANCE relating to Legislative Department staff; increasing the number of Legislative Assistant positions; amending Ordinance 118851; and amending the Legislative Assistant Compensation Plan Administrative Guidelines.

Ordinance 125033

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

Date of publication in the Seattle Daily Journal of Commerce, May 10, 2016.

5/10(337161)