The City of Seattle Director's Rule 06-03

Fleets & Facilities Department

Subject:

Rules Regarding:

City Buildings and Premises:

Access, Operating Hours, & Rules of Conduct

Number: 06-03

Effective: June 5, 2006

Supersedes: FFD 05-01

Approved:

Brenda Bauer, Director

1 PURPOSE AND SCOPE

1.1 Purpose

The purposes of these rules are to establish: 1) the hours City buildings and adjacent premises are open to the public; 2) that portions of some City buildings and adjacent premises are not open to the public at any time; 3) the rules of conduct that apply in City buildings and on adjacent premises; 4) that permission to remain in City buildings or on adjacent City premises is conditioned upon compliance with rules of conduct and with all applicable laws; and 5) the Department's administrative process for establishing, modifying, and enforcing public operating hours, access, and rules of conduct for City buildings and premises. These rules supersede Department of Administrative Services (DAS) Rule 96-1 to the extent they are inconsistent.

1.2 Scope

These rules apply to all City owned or occupied buildings and adjacent premises that are subject to the jurisdiction of the Fleets and Facilities Department. These include but are not limited to the following specific buildings and their adjacent premises: City Hall, City Hall Parking Garage, Civic Center Open Space Areas, Justice Center, Seattle Municipal Tower (Key Tower) and SeaPark Garage.

In addition to these rules, the Department may adopt or post rules for specific City buildings and adjacent premises. To the extent that a written or posted rule for a

specific City building or adjacent premises conflicts with one of these general rules, the particular rule shall govern for that building or adjacent premises.

1.3 Enforcement

Enforcement of these rules shall be conducted in a fair and reasonable manner. Seattle Police Officers and other authorized City personnel or designated agents may: 1) intervene to stop activities that violate either applicable laws or these rules; 2) revoke the violator's permission to remain in City-owned or occupied property; and 3) issue an order that the violator not return to specified City property for a specified period of time from one day to up to one year. Seattle Police Department officers or other law enforcement officers may issue citations or arrest a violator for criminal trespass or for other crimes.

2 REFERENCES

2.1 RCW Chapter 9A.52 "Criminal Trespass."

2.2 SMC section 12A.08.040 "Criminal Trespass."

2.3 SMC section 3.18.030.A (authority of Fleets and Facilities Department to manage City property).

2.4 SMC section 3.18.040.D (rule making authority of Director of Fleets and Facilities Department).

3 DEFINITIONS

3.1 "City" means the City of Seattle"

3.2 "City building(s)" means all City owned or occupied buildings that are under the jurisdiction of the Department of Fleets and Facilities or a successor agency, including but not limited to the following:

3.2.3 "City Hall" means the building located at 600 Fourth Avenue, Seattle, Washington.

3.2.4 "City Hall Parking Garage" means the parking garage located on the James Street side of City Hall and the interior loading dock area located on the Cherry St. side of City Hall.

3.2.5 "Justice Center" means the building located at 600 and 610 Fifth Avenue, Seattle, Washington.

3.2.6 "Seattle Municipal Tower" (formerly known as "Key Tower Building") means the building located at 700 Fifth Avenue, Seattle, Washington.

3.2.7 "SeaPark Garage" means the building located at 609 Sixth Avenue, Seattle, Washington.

3.2.8 "Other City buildings" means other buildings and owned or occupied by the City of Seattle and subject to the jurisdiction of the Fleets and Facilities Department or a successor agency.

3.3 "City Property" means both City buildings and adjacent premises, and any other property owned or occupied by the City of Seattle and subject to the jurisdiction of the Fleets and Facilities Department or a successor agency.

3.4 "Civic Center Open Space" means the exterior areas around City Hall, the Justice Center, and the block of City property located between Cherry Street and James Street and Third and Fourth Avenues, excluding the sidewalks and other public rights-of-way.

3.5 "Department" means the City Fleets and Facilities Department, or a successor agency.

3.6 "Designated Agents" means sworn members of the Seattle Police Department, City security employees, and other City employees or contractors authorized by the Director to enforce these rules on City property.

3.7 "Director" means the Director of the Fleets and Facilities Department (or of a successor agency) or his or her designee.

3.8 "Entranceway" means the City premises adjacent to an entrance to a City building, not including areas that are part of the public sidewalk or other public right of way.

3.9 "Adjacent premises" or "adjacent areas" means the City-owned or occupied exterior real property adjacent to a City building and subject to the jurisdiction of the Department. It does not include areas that are part of the public sidewalks or other public rights of way.

3.10 "SMC" abbreviates Seattle Municipal Code.

3.11 "Public Communication Activities" means the following activities when engaged in by members of the general public on City property:

3.11.1 Distributing leaflets or other material intended to convey a message;

3.11.2 Gathering signatures on petitions, letters, or other similar materials; and,

3.11.3 Orally communicating a message via amplification or in a voice sufficiently loud to be reasonably understood as intended to generally communicate with

persons in the speakers' vicinity rather than as a conversation with another specific person or persons. It does not include communicating in this manner to the extent necessary to deal with an emergency that endangers or potentially endangers property or personal safety.

4 OPERATING HOURS

4.1 General City Operating Hours. Unless provided otherwise by rule or by posting, City property identified in Section 3.1 of this rule is generally open to the public from 7:00 a.m. to 6:00 p.m. Monday through Friday, except for City holidays. These City properties are generally not open to the public on Saturdays, Sundays, City holidays and on weekdays between 6 p.m. and 7 a.m.

4.2 The Justice Center. The Justice Center's operating hours may differ from the general operating hours as required by the operations of the Seattle Police Department and the Seattle Municipal Courts. Justice Center operating hours, if different from the general operating hours, will be posted at the Justice Center.

4.3 Adjacent Premises and Plazas

4.3.1 On the Fourth and Fifth Avenue sides of City Hall, the adjacent premises located between the building and the public sidewalk are not open to the public from 6:00 p.m. until 7:00 a.m. unless posted otherwise or as authorized by the City. The City Hall garage and the City Hall loading dock are not open to the public without special authorization (i.e. special parking, deliveries).

4.3.2 The adjacent premises located between the building and the public sidewalk on the Fifth Avenue side of the Justice Center are not open to the public from 6:00 p.m. until 7:00 a.m., except when night court is in session or the area is posted otherwise. The Justice Center loading dock is not open to the public at any time without special authorization (i.e. deliveries).

4.3.3 The Civic Center Open Spaces are not open to the public from 6:00 p.m. until 7:00 a.m. unless posted otherwise or authorized by the City (such as during events either sponsored or permitted by the City).

4.4 Building Entranceways

4.4.1 During the hours that a City building is not open to the public, entranceways to the building, including the premises adjacent to entrances, are also not open to the public.

4.4.2 Conditional Permission for Uses Consistent with Intended

Purpose

4.4.2 (1) All entranceways into buildings covered by this rule are designed to help people entering or leaving the building. Any person's permission to remain in these areas is conditional on conduct which is consistent with that purpose.

4.4.2 (2) All fire exits must be kept clear as per Seattle Fire Code, Article 12, Section 1213.1.

4.5 Other Posted Hours. The Director may, by posting: 1) establish other operating hours for any City property; or 3) temporarily close any City property (for example, building lockdowns required to protect public safety).

5 RULES OF CONDUCT

Under the City's Administrative Code, rules may be of two general types: 1) written rules such as these; and, 2) rules which are posted on City property. (See SMC 3.02.020).

5.1 Posted Rules of Conduct. In addition to these written rules, the Director or his/her designee, may post rules of conduct at any City property. Failure to comply with a posted rule of conduct may result in the same consequences as failure to comply with a written rule of conduct.

5.2 General Rules of Conduct. The following are prohibited in any City Building or on other City property:

5.2.1 Any conduct prohibited by federal, state, or local law;

5.2.2 Animals, except disabled persons' service animals or law enforcement animals;

5.2.3 Allowing an animal to be unleashed, to unreasonably disturb others, to interfere with scheduled events or City business, or to leave waste;

5.2.4 Weapons, except as specifically permitted by law;

5.2.5 Smoking, chewing tobacco, or other tobacco use, or carrying a lighted or smoldering pipe, cigar, or cigarette in any City building, or in any adjacent area unless the adjacent area is designated as a smoking area;

5.2.6 Unreasonably disturbing others by engaging in loud or raucous behavior;

5.2.7 Behavior that unreasonably interferes with others' use of the buildings, facilities, or premises;

5.2.8 Abusive or harassing behavior, including obscene language and gestures;

5.2.9 Blocking entrances, exits, fire exits, handicap access areas, public walkways or roadways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of City property;

5.2.10 Sitting anywhere except in seating or areas designated for that purpose;

5.2.11 Entering restrooms for the opposite sex (except young children accompanied by a parent, guardian, or responsible adult);

5.2.12 Spitting, expectorating, urinating, or defecating except in restroom facilities;

5.2.13 Improperly using restrooms (e.g., no bathing, shampooing, washing clothes, sleeping, or eating);

5.2.14 Entering or remaining in City buildings barefooted, without a shirt, or being attired so as to be disruptive to City business;

5.2.15 Entering or remaining in nonpublic areas except while attending to City business or with other authorization (such as attending a City-authorized function, event, or activity to which the person is an invitee). Unless posted otherwise, entry lobbies are generally open to the public. Other areas inside City buildings, including offices, hallways, stairways, and elevators are open only to those attending to City business, or attending a City-authorized function, event, or activity to which the person is an invitee);

5.2.16 Any act which could result in substantial risk of harm to persons or property;

5.2.17 Sexual misconduct, such as indecent exposure, offensive touching, or sexual harassment;

5.2.18 Possession of flammable liquids, explosives, acid, or any and other article or material capable of causing serious harm to others;

5.2.19 Possession or use of fireworks, firecrackers or any other explosive or incendiary device;

5.2.20 Throwing objects at people or City property;

5.2.21 Discharging a laser-emitting device;

5.2.22 Hanging, swinging, or climbing on City property;

5.2.23 Moving City furniture from where it is placed by City employees;

5.2.24 Camping;

5.2.25 Littering, dumping, or creating unsanitary conditions;

5.2.26 Defacing, destroying, or otherwise vandalizing City property including the building, fixtures, grounds, signs, or other City property;

5.2.27 Tampering, misuse, abuse, or destruction of emergency or security equipment;

5.2.28 Assisting unauthorized access to buildings (for example propping open exterior doors);

5.2.29 Disrupting City business, events, or other City sponsored or authorized activities;

5.2.30 Operating, stopping, or parking a vehicle in any roadway or location restricted for use only by City vehicles;

5.2.31 Possession or use of illegal drugs;

5.2.32 Assaults or threatening behavior;

5.2.33 Unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation;

5.2.34 Lying down or sleeping except in recovery rooms or other areas as authorized by the Director;

5.2.35 Skateboarding, bicycle-riding, rollerblading, roller skating, or operation or possession of any other wheeled device, except for walkers, wheelchairs, or similar devices to assist a disabled person, baby strollers, maintenance equipment, and Citysanctioned use of wheeled devices by City employees for official City business; and,

5.2.36 Entering or placing any material or objects in the exterior fountain or other interior or exterior water features.

5.3 The following activities are prohibited unless permitted or otherwise authorized by the Director or a designee:

5.3.1 Conducting surveys;

5.3.2 Providing food or beverages of any kind to the public;

5.3.3 Alcohol or possessing an open container of an alcoholic beverage;

5.3.4 Product distribution inside City buildings or in adjacent areas;

5.3.5 Parking except in authorized parking areas and subject to all posted rules;

5.3.6 Performing any non-emergency vehicle repairs or cleaning of a vehicle parked on City property;

5.3.7 Storage of any wheeled devices in any City building or adjacent premises except in areas designated for that purpose; and,

5.3.8 Playing musical instruments, utilizing amplified sound, or noise that is loud enough that it reasonably could be expected to disturb others, except for City approved/sponsored concerts and events that will be managed within the interests of the building tenants.

5.4 Public communication activities. Members of the general public may engage in public communication activities on public sidewalks located on the public right of way between City property and the public street, subject to compliance with applicable laws. The areas inside City buildings and on adjacent premises are not generally forums for public communication activities.

Public communication activities inside City buildings or on adjacent City premises: 1) require a permit or other authorization; 2) must be conducted only in areas designated or authorized for that purpose; and 3) must be conducted at times and in a manner consistent with these rules, any rules for the particular City property in question, and with the terms of any applicable permit or authorization.

5.4.1 Public communication activities generally will not be permitted within fifteen (15) feet of any stairway, escalator, elevator, entrance, customer service counter, ticket or automatic teller machine or authorized commercial activity, within five (5) feet of any fire safety system component, telephone, information board, or news vending machine. Public communications activities must not block normal pedestrian paths.

5.4.2 Persons engaged in public communications activities may be required to cease or to move to another specified area within the same or different location if the number of persons engaged in public communication activities, their location, or their manner of conducting the activities creates public safety or security problems, interferes with the free flow of persons, or interferes with the operation, use, and quiet enjoyment of the building or adjacent premises.

5.4.3 Tables. Setting up tables in City buildings and in adjacent areas is prohibited except in areas and at times that may be designated, posted, or otherwise permitted or authorized by the Department.

5.4.4 Signs. Signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial, or graphic material of any kind, structures, banners, and any other objects

may not be posted or affixed to City property or City vehicles. Signs carried by or on a person are permitted, provided the signs are not larger than 36 inches by 36 inches and are handled in a way that does not endanger others and does not obstruct the free flow of pedestrians or the view of participants attending an event.

5.4.5 The Director may modify or suspend these rules in order to accommodate City-sponsored or -approved events.

6 CHANGES TO ACCESS, HOURS, OR RULES OF CONDUCT

6.1 The Director may, by posting pursuant to SMC 3.02.020, close to the public or modify the operating hours of any City building or adjacent area, or a portion of a City building or adjacent area.

6.2 The Director may, by posting, modify the rules of conduct for a City building, adjacent area, or a portion of a building or adjacent area.

6.3 The Director may, by posting, establish access, public hours, or rules of conduct for particular City buildings, adjacent premises or property.

7 PERMITS AND OTHER AUTHORIZATION

7.1 The Director may develop and approve application and other forms for requesting a permit or authorization required by these rules. Such forms may be requested from the Fleets and Facilities Department Facility Operations Division.

7.2 The Department shall respond in writing to an application within a reasonable time by granting, denying, modifying, or adding reasonable conditions. In making the decision, the Department shall consider the following factors regarding the proposed event or activity's impact upon:

7.2.1 The safety of employees, members of the public, and the event participants;

7.2.2 The ability of the City to conduct City business;

7.2.3 The ability of members of the public to access City services;

7.2.4 Other City-sponsored events or activities;

7.2.5 Other permitted events or activities; and

7.2.6 Public property.

7.3 The Department shall respond to the written request in writing within a reasonable time by granting, denying, modifying, or adding reasonable conditions.

7.4 If the decision is to deny, to modify, or to issue the permit with conditions, the Department shall explain in writing its reasons, explaining how the permit as

requested would create an unreasonable risk to or adverse impact upon one or more of the factors described above.

7.5 Applications for permits to conduct any activities on the public sidewalk that require a permit should be directed to the Seattle Department of Transportation (SDOT) Street Use Permit Counter.

8 ENFORCEMENT

8.1 Engaging in any activity which requires a permit or authorization without such a valid permit or authorization constitutes a violation of these rules.

8.2 Any violation of these rules or other applicable rules or law may result in: 1) revocation of a person's permission to remain in City Buildings and/or on the adjacent premises; 2) issuance of a Notice of Exclusion; and/or 3) arrest or citation.

9 CRIMINAL TRESPASS AREAS NOT OPEN TO THE PUBLIC

Any person who enters or remains on City property when such areas are not open to the public is subject to arrest and prosecution for criminal trespass (SMC 12A.08.040).

10 CRIMINAL TRESPASS NOTICES OF EXCLUSION

10.1 Notices of Exclusion. The Director or his/her designated agent(s) may issue a notice of exclusion revoking any person's permission to remain on or in any City property, or imposing certain conditions under which such person may return to any City property, if that person violates any rule of conduct or any applicable law. Such an exclusion notice may be for a period of one day up to one year. The length of the period of exclusion may depend upon such factors as the seriousness of the violation, the number of violations, and the individual's prior record regarding conduct on property owned or operated by the City of Seattle, including but not limited to City property subject to the jurisdiction of the Department.

10.2 Criminal Trespass. Any person who fails to comply with an exclusion notice is subject to arrest for criminal trespass. (SMC 12A.08.04)

10.3 Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that his/her privileges to enter upon City property have been revoked. Receipt of the notice is also construed

to have been accomplished two (2) days after an exclusion notice is placed in the U.S. mail to an individual's last known address.

10.4 The Department hereby delegates to sworn Seattle Police Department personnel the authority to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

10.5 In addition, the Director may delegate to others the authority to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

11 ADMINISTRATIVE REVIEW OF NOTICES OF EXCLUSION.

11.1 A person who receives a Notice of Exclusion for a period greater than five (5) days may, within 14 business days of issuance of the notice, submit a written request for an administrative review. The person seeking the review shall include in the request any written documentation he or she seeks to have considered in the review process. The notice of exclusion shall remain in effect pending administrative review.

11.2 If a person timely requests an administrative review, the Director shall designate a Review Officer to conduct the administrative review. The administrative review is an informal process designed to give the individual the chance to explain his or her side of the events surrounding the alleged violation. Administrative reviews are typically confined to the written record and generally do not include witnesses or sworn testimony. The Review Officer may, at his or her discretion, allow the excluded individual the opportunity to meet with the Review Officer to orally present his/her side of the story.

11.3 Decision.

11.3.1 The Review Officer shall provide a written recommendation to the Director within 10 business days after the administrative review is completed. In making the recommendation, the Review Officer shall review the exclusion order, consider the written record, the individual's written administrative review request, and other information gathered by the Review Officer. The Review Officer may at his or her discretion conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion.

11.3.2 The Director shall consider the Review Officer's Recommendation and may then affirm, modify, terminate, or reverse the exclusion order. The Director's decision is final and may not be appealed.

12 PROCEDURES

The Director is authorized to issue procedures regarding the implementation of this rule, including but not limited to:

12.1 Developing and approving application or other forms for the permitting or approval process;

12.2 Developing special guidelines or procedures regarding permit applications and permit issuance for specific locations;

12.3 Developing special guidelines or procedures regarding specific buildings, locations and portions of buildings.

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