

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE related to street and sidewalk use; to make permanent programmatic elements of the Temporary Business Recovery Permit program that authorized vending, merchandise display, outdoor cafes, and street closures in the city during the COVID-19 pandemic; adding new Chapter 15.15 and new Sections 11.14.711, 11.14.713, 11.14.714, 11.72.452, 15.17.040, and 15.17.051 to the Seattle Municipal Code; amending Sections 11.14.228, 11.14.712, 11.16.280.G, 11.23.160.F, 11.23.420, 11.23.440, 11.31.121, 11.72.195, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.04.045, 15.04.060, 15.04.070, 15.04.074, 15.04.090, 15.16.040, 15.16.051, 15.16.080, 15.17.005, 15.17.006, 15.17.152, 15.17.200, 15.32.250.F, and 15.91.002 of the Seattle Municipal Code, and repealing Sections 15.17.007, 15.17.008, 15.17.009, 15.17.050, 15.17.080, 15.17.100, 15.17.120, 15.17.130, 15.17.150, and 15.17.250 of the Seattle Municipal Code; and amending the Street Use Fee Schedule.

..body

WHEREAS, a Mayoral Proclamation of Civil Emergency began on March 3, 2020 due to the

COVID-19 pandemic that extended the City’s authority to address emerging needs related to the public health and safety crisis and mitigate the impact of the emergency on the people of Seattle; and

WHEREAS, the Temporary Business Recovery Permit program, also known as the Safe Start Permit Program, was launched in June 2020 to support local business districts unable to operate indoors due to COVID-19 by allowing for expanded outdoor operation beyond building premises. The permit program adapted from its existing permit structure to eliminate fees, remove barriers to participation, and streamline the application process for outdoor business activities including vending, merchandise display, outdoor dining, and street closures; and

WHEREAS, a Racial Equity Toolkit was completed in 2019 on Seattle Municipal Code Title 15 Street and Sidewalk Use that identified opportunities to reduce barriers to permitting,

1 simplify the application process, and improve program management. The Temporary
2 Business Recovery program piloted many of these recommendations; and

3 WHEREAS, the Temporary Business Recovery program aligns with the Transportation and
4 Economic Development goals of the Seattle 2035 Council adopted Comprehensive Plan
5 that states our transportation system should “develop a more vibrant city by creating
6 streets and sidewalks that generate economic and social activity, add to the city’s overall
7 health, prosperity, and happiness”; and

8 WHEREAS, the Temporary Business Recovery program directly supports one of the four goals
9 from the City of Seattle’s Pedestrian Master Plan: “vibrancy,” which is focused on
10 developing a connected pedestrian environment that sustains healthy communities and
11 supports a vibrant economy; and

12 WHEREAS, the program has been well received by the general public and the business
13 community according to a survey completed in Summer 2021 that generated more than
14 10,000 responses and an evaluation performed by an equitable strategies consulting firm
15 in December 2020; and

16 WHEREAS, in May 2021, the City Council passed Ordinance 126339, extending the free permit
17 program through May 31, 2022, and directed the Seattle Department of Transportation
18 (SDOT) to present to Council a plan for permanency for the Temporary Business
19 Recovery Permits; and

20 WHEREAS, in February 2022, the City Council passed Council Bill 120256 to extend the
21 provisions from Ordinance 126339 from May 31, 2022 to January 31, 2023; and

22 WHEREAS, the City Council wishes to extend the free permit program for temporary business
23 uses through April 2, 2023; and

1 WHEREAS, the City Council wishes to allow the fees for existing permit holders to be
2 administered consistent with temporary business use permit holders; and

3 WHEREAS, the City Council wishes to allow, subsequent to the April 2, 2023 program
4 extension date, a one-time-only proration of issuance or renewal fees associated with
5 existing and newly-transitioning long-term permit-holders to accommodate the transition
6 process; and

7 WHEREAS, SDOT now brings before the Council legislative amendments for adoption that
8 would make permanent the successful adaptations from the Temporary Business Recovery
9 Permit program; NOW, THEREFORE,

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

11 Section 1. Section 11.14.228, last amended by Ordinance 123659, is amended as follows:

12 **11.14.228 - Food-vehicle zone**

13 "Food-vehicle zone" means a portion of a public place designated by a sign or other
14 traffic control device that is reserved for the exclusive use of food vehicles and vending vehicles
15 that are permitted to vend in the curb-space portion of the public place.

16 Section 2. A new Section 11.14.711 is added to the Seattle Municipal Code as follows:

17 **11.14.711 – Vending unit**

18 "Vending unit" means a unit used to sell, offer for sale, solicit orders, or otherwise peddle
19 any good, ticket, or service as authorized or prohibited by Title 15.

20 Section 3. Section 11.14.712, last amended by Ordinance 126517 is amended as follows:

21 **11.14.712 – ((~~Vulnerable user of a public way~~**

22 "~~Vulnerable user of a public way~~" means a pedestrian, a person riding an animal, or a
23 person operating or riding any of the following on a public way: a farm tractor or implement of

1 ~~husbandry, without an enclosed shell, a bicycle, an electric-assisted bicycle, an electric personal~~
2 ~~assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter, or a~~
3 ~~motorcycle.))~~

4 **Vending vehicle**

5 “Vending vehicle” means a licensed and operable vehicle used to sell, offer for sale,
6 solicit orders, or otherwise peddle any good, ticket, or service from a fixed location or along a
7 route in a public place as authorized by Title 15.

8 Section 4. A new Section 11.14.713 is added to the Seattle Municipal Code as follows:

9 **11.14.713 - Vending zone**

10 "Vending zone" means a portion of a public place designated by a sign or other traffic
11 control device that is reserved during posted hours for the exclusive use of vendors that are
12 permitted to vend in the designated portion of the public place.

13 Section 5. A new Section 11.14.714 is added to the Seattle Municipal Code as follows:

14 **11.14.714 - Vulnerable user of a public way**

15 "Vulnerable user of a public way" means a pedestrian, a person riding an animal, or a
16 person operating or riding any of the following on a public way: a farm tractor or implement of
17 husbandry, without an enclosed shell, a bicycle, an electric-assisted bicycle, an electric personal
18 assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter, or a
19 motorcycle.

20 Section 6. Subsection 11.16.280.G, last amended by Ordinance 123659, is amended as
21 follows:

22 G. Determine the location of and establish food vehicle zones and vending zones;

1 Section 7. Subsection 11.23.160.F last amended by Ordinance 126486, is amended as
2 follows:

3 F. Free-floating car sharing vehicles shall be prohibited from parking in the following
4 zones or areas: 1) zones designated as bus zones; 2) car share vehicle zones permitted for a
5 different operator; 3) commercial vehicle load zones; 4) emergency zones; 5) food-vehicle zones;
6 6) pedestrian zones; 7) roadway construction zones; 8) school loading zones; 9) taxicab, pedicab,
7 and other for-hire car stands; 10) tow-away zones; 11) truck load zones; 12) vending zones; 13)
8 parking areas adjacent to parking payment device controlled with a service parking meter hood;
9 or ~~((13))~~ 14) any other zone restricted by the Traffic Engineer.

10 Section 8. Section 11.23.420 last amended by Ordinance 123659, is amended as follows:

11 **11.23.420 - Curb space parking permits**

12 The Director of Transportation may authorize curb space parking permits for: charitable,
13 educational, or community events, including medically-related programs, armed-forces-
14 recruiting efforts, or street fairs; ~~((food-vehicle))~~ vending as permitted by Section ~~((15.17.120))~~
15 15.17.040; or curb space parking as permitted by Title 11, Vehicles and Traffic. The Director
16 shall not authorize curb space parking permits for commercial purposes in the roadway.

17 Section 9. Section 11.23.440 last amended by Ordinance 125186, is amended as follows:

18 **11.23.440 - Parking privileges**

19 No person shall be granted a franchise, special privilege, or permit to the exclusion of any
20 other person for parking vehicles on any roadway, except for the following uses:

21 A. Zones may be granted for taxicabs, official career consul vehicles, moving or loading,
22 disabled persons, curb space parking including no parking zones, service parking, carpool
23 parking, car share parking, food vehicles, vending units, or similar uses, or for any restricted

1 parking zone program that may be developed. Establishment of a zone does not constitute a grant
2 of franchise.

3 B. The Director may issue a permit to authorize the use of curb space or other parking
4 spaces for amenities that facilitate useable open space, landscaping, public sanitation, or active
5 recreation, including but not limited to bike-share stations and other bike-share-related facilities
6 that are made available for general public use.

7 Section 10. Section 11.31.121 last amended by Ordinance 125609, is amended as
8 follows:

9 **11.31.121 - Monetary penalties—Parking infractions**

10 The base monetary penalty for violation of each of the numbered provisions of the Seattle
11 Municipal Code listed in the following table is as shown, unless and until the penalty shown
12 below for a particular parking infraction is modified by Local Rule of the Seattle Municipal
13 Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or
14 successor rules to the IRLJ:

15

Municipal Code reference	Parking infraction short description	Base penalty amount
11.23.400	UNAUTHORIZED USE - DISABLED	\$250

11.72.450	TYPE OF VEH.	\$47
<u>11.72.452</u>	<u>VENDING ZONE</u>	<u>\$47</u>
11.72.460	WALL OR FENCE	\$47

18.12.235	RESTRICTIONS IN CERTAIN PARKS (REQ)	\$47

16

17

1 Section 11. Section 11.72.195 last amended by Ordinance 123659, is amended as
2 follows:

3 **11.72.195 - Food-vehicle zone**

4 No vehicle, other than a food vehicle or vending vehicle ~~((displaying))~~ with a valid ~~((food~~
5 ~~vehicle))~~ Street Use vending permit, shall be stopped or parked in a food-vehicle zone during the
6 hours the zone restriction is in effect or unless allowed by a sign or other traffic control device
7 identifying food-vehicle zone time restrictions. Vending from a permitted food vehicle or
8 vending vehicle may only occur in a designated food-vehicle zone during authorized times.

9 Section 12. A new Section 11.72.452 is added to the Seattle Municipal Code as follows:

10 **11.72.452 – Vending zone**

11 No vehicle, other than a food vehicle or vending vehicle with a valid Street Use vending permit,
12 shall be stopped or parked in a vending zone during the hours the zone restriction is in effect or
13 unless allowed by a sign or other traffic control device identifying vending zone time
14 restrictions. Vending from a permitted vending unit may only occur in a designated vending zone
15 during days and times authorized by the permit for use of that vending zone.

16 Section 13. Section 15.02.044, last amended by Ordinance 125946, is amended as
17 follows:

18 **15.02.044 – Definitions D through M**

19 ***

20 L. “Merchandise display” means to display on the public place, goods or wares that are
21 offered for sale by the business on the adjoining property. Sales of the displayed goods or wares
22 shall occur on the adjoining privately owned property. ~~((“Mobile food vending” means to sell,~~
23 ~~offer for sale, solicit orders, display, or otherwise peddle; food that is exempt from acquiring a~~

1 ~~food establishment permit under Title 5 of the King County Board of Health; to the public from~~
2 ~~a public place; as authorized or prohibited in Section 15.17.130.))~~

3 Section 14. Section 15.02.046, last amended by Ordinance 125946, is amended as
4 follows:

5 **15.02.046 – Definitions N through Z**

6 ***

7 L. “Route vending” means to sell, offer for sale, solicit orders, or otherwise peddle from a
8 public place, food that is exempt from acquiring a food-establishment permit under Title 5 of the
9 King County Board of Health.

10 M. "Runoff" means "runoff" as defined in Section 22.801.190.

11 ((M)) N. "Severe crown reduction" means the reduction of the overall size of the tree by
12 altering the tree's natural structure by cutting back to lateral limbs less than 1/3 of the diameter of
13 the limb that is cut.

14 ((N)) O. "Shoreline street ends" means the land portions of street segments that provide
15 or could provide if improved, the public with visual or physical access to a body of water and its
16 shoreline that are listed on Exhibit A to Resolution 29370 that adopted policies guiding the
17 development of public access improvements to shoreline street ends.

18 ((O)) P. "Sign" means any medium, including its structure and component parts that is
19 used or intended to be used out of doors to attract attention to the subject matter for advertising,
20 identification, or informative purposes.

21 ((P)) Q. "SMC" means the Seattle Municipal Code.

22 ((Q)) R. "Street tree" means any tree planted or growing within a public place.

1 ((R)) S. "Street Tree Inventory" means a database or list of trees growing in public places,
2 that includes attributes such as species, size, tree condition, location, and maintenance
3 responsibility, as maintained by the Director of Transportation.

4 ((S)) T. "Street Tree Manual" means the Department of Transportation's Tree Standards
5 Manual for planting, pruning, maintenance, and protection of trees in public places, as adopted
6 by Director's Rule.

7 ((T)) U. "Stormwater" means "stormwater" as defined in Section 22.801.200.

8 ((U)) V. "Superintendent" or "Superintendent of Parks and Recreation" means the City
9 Superintendent of Parks and Recreation or authorized representatives.

10 ((V)) W. "Topping" means the severe and indiscriminate cutting back of limbs to stubs
11 within the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree;
12 or the cutting back of limbs or branches to lateral branches that are not sufficiently large enough
13 to assume the terminal role, or are less than one-half of the diameter of the limb or branch that is
14 cut.

15 ((W)) X. "Tree Service Provider" means any individual or business entity that engages in
16 the business of pruning, removing, or otherwise treating trees for monetary or other
17 compensation.

18 ((X)) Y. "Vend or vending" means to sell, offer for sale, solicit orders, ~~((display,))~~ rent,
19 lease, or otherwise peddle any good, ticket, thing, or service ~~((of any kind; to the public))~~ from a
20 public place~~((;))~~ , as authorized or prohibited in Chapters 15.14 or 15.17.

21 ((Y)) ~~((“Vending cart” means a movable cart that is used to serve, vend, or provide food,~~
22 ~~nonalcoholic beverages, or flowers.))~~ Z. "Vending unit" means a unit used to sell, offer for sale,

1 solicit orders, or otherwise peddle any good, ticket, or service as authorized or prohibited by
2 Title 15.

3
4 Section 15. Section 15.04.010 of the Seattle Municipal Code, last amended by Ordinance
5 124951, is amended as follows:

6 **15.04.010 – ((Permit)) Compliance—Required**

7 A. It is unlawful for anyone to make use, as defined in Section 15.02.048, of any public
8 place without first securing a written permit as authorized in Section 15.04.015 from: the
9 Director of Transportation, the Director of the ((Department of Planning and Development))
10 Seattle Department of Construction and Inspections, or the Superintendent of Parks and
11 Recreation; or without complying with all the provisions of Title 15, except as specified in
12 15.04.010.B. The requirements of obtaining a permit and complying with permit procedures do
13 not apply to street maintenance work performed by the City’s Department of Transportation or
14 street improvement work authorized by ordinance and administered by the Director of
15 Transportation.

16 B. All uses of the public place shall comply with the provisions of Title 15, whether or
17 not a permit is required. At the authorizing official’s discretion, certain uses of the public place
18 that have limited or no mobility impact may not require written permit approval, but shall,
19 however, still conform to established standards for that use as adopted by Director’s Rule.

20 ((B.)) C. All activities in the public place shall implement stormwater best management
21 practices in accordance with the Stormwater Code, Subtitle VIII of Title 22, and any related
22 Director’s Rules. Failure to implement stormwater BMPs shall be a violation of Title 15 and
23 subject to enforcement as described in Chapters 15.90 and 15.91.

1 Section 16. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance
2 125946, is amended as follows:

3 **15.04.035 – ~~((Approval and))~~ Application review considerations**

4 A. If the application conforms to the requirements of Title 15 and the proposed use is
5 consistent with the rights of the public to use the public place, the authorizing official may
6 approve or modify the application; fix the duration and the terms or conditions of the permit; and
7 when required upon the applicant’s furnishing of a deposit, ~~((€))~~ surety bond or other approved
8 form of surety, insurance, covenant, and indemnification, and payment of all required fees, issue
9 the permit. The original permit shall be retained by the City, and a copy shall be ~~((given))~~ made
10 available to the permittee and shall be posted or made available at the site by the permittee.

11 1. The Director of Transportation may, as deemed appropriate, condition the
12 Street Use permit to address the potential impacts associated with the permitted activity.

13 2. The Director of Transportation may require applicants to establish ~~((an~~
14 ~~escrow))~~ a trust account in accordance with Section 15.04.042 or post a surety bond or other
15 approved form of surety in accordance with Section 15.04.044.

16 B. The permit may specify the portion of the public place that may be occupied, the dates
17 or days and hours of use, and the allowed use, and shall only be valid for those specifications as
18 approved by the Director of Transportation. ~~((The permit shall only be valid for the portion of~~
19 ~~the public place, the dates or days and hours of use, and the use as identified on the permit)).~~

20 C. Factors for consideration in ~~((evaluating))~~ reviewing an application ~~((for a permit))~~
21 include, but are not limited to, the applicant’s constitutional rights and the abutter’s property
22 rights; the site and its terrain; the proposed use’s effect on the public ~~((and private benefits of the~~
23 ~~proposed use))~~; and the impact of the proposed use on the following:

- 1 1. The paramount purpose of streets for travel and all modes of transportation;
- 2 2. Utilities; authorized secondary street uses; and any use being made by the
- 3 public of the site;
- 4 3. Fire and medical access and public safety;
- 5 4. Uses under permit; street trees; and other proposed or past uses of the site;
- 6 5. Rights of light, air, and access and lateral support of abutting properties and on
- 7 access or easements of properties dependent upon the public place for access;
- 8 6. The environment, including but not limited to efforts to minimize impervious
- 9 surface, loss of native vegetation, and stormwater runoff;
- 10 7. Drainage, surface, and underground; springs and watercourses; wetlands or
- 11 environmentally critical areas; and the stability of soils; (~~and~~)
- 12 8. Where applicable, City land use, transportation, open space, shoreline, (~~and~~
- 13 ~~beautification~~) gardening, and maintenance policies and approved neighborhood land use
- 14 plans(-); and
- 15 9. The ease of removal of the proposed use or the ability to return or restore the
- 16 public place to original condition.

17 D. In addition to the considerations in subsection 15.04.035.B, where the following

18 situations occur, factors for consideration include:

- 19 1. For public places under the jurisdiction of (~~the Department of~~) Seattle Parks
- 20 and Recreation, their character as a park drive or boulevard, or as open space;
- 21 2. For shoreline street ends, their purpose to provide the public with visual or
- 22 physical access to the water and the shoreline;
- 23 3. For submerged streets, Title 16;

1 4. For environmentally critical areas, the requirements of Chapter 25.09; ~~((and))~~

2 5. For streets or public places in the process of being vacated, the use after the
3 vacation~~((:))~~; and

4 6. For public places located in a Landmark District or Historic District subject to
5 the provisions of Title 23 or 25, a certificate of approval from the appropriate Board or
6 Commission where required.

7 E. The Director of Transportation may grant a deviation from required standards using
8 the process specified in Right-of-Way Improvements Manual or successor rule upon determining
9 that adequate space is provided for pedestrian passage, traffic management, and any other public-
10 use purpose.

11 F. For Street Use permits, the Director of Transportation may determine that an
12 application has expired when the applicant has not responded to a request for additional
13 information within six months of that request, or six months from the date of written notice that
14 the permit is ready to issue, except for Street Use Vending applications subject to 15.17.006.B.
15 These applications may be closed by the Director of Transportation upon expiration.

16
17 Section 17. Section 15.04.045 of the Seattle Municipal Code, last amended by Ordinance
18 125946, is amended as follows:

19 **15.04.045 - Liability insurance**

20 A permittee, excluding permittees whose use types are exempted from this requirement
21 by SDOT Director's Rule, shall at its own expense obtain and maintain in full force and effect,
22 ~~((at its own expense,))~~ public liability insurance in an amount sufficient to protect the City from
23 all potential claims and risks of loss from perils in connection with any activity that may arise

1 from or be related to the permittee’s activity upon or the use or occupation of the public place
2 allowed by the permit and claims and risks in connection with activities performed by the
3 permittee by virtue of the permission granted by the permit. The insurance policy shall: be in
4 effect for the duration of the permit; name the “City of Seattle, its elected and appointed officers,
5 officials, employees, and agents” as additional insureds for primary and non-contributory limits
6 of liability subject to a Separation of Insureds clause; apply as primary insurance regardless of
7 any insurance that the City may carry; and obligate the insurance company to give notice to both
8 the authorizing official and the City’s Risk Manager at least 30-calendar days before any
9 cancellation of the policy. The authorizing official, in consultation with the City Risk Manager,
10 shall establish the amount of the insurance, subject to review or reconsideration according to
11 Section 15.04.112; and unless constitutional liberties prohibit it, shall require that the ~~((insurance~~
12 ~~be provided))~~ applicant have the insurance in place prior to issuance of the permit. The City
13 requires insurance coverage to be placed with an insurer admitted and licensed to conduct
14 business in Washington State or with a surplus lines carrier according to RCW Chapter 48.15,
15 except that if it is infeasible to obtain coverage with the required insurer, the City may approve
16 an alternative insurer.

17 Section 18. Section 15.04.060 of the Seattle Municipal Code, last amended by Ordinance
18 125946, is amended as follows:

19 **15.04.060 - Indemnity agreements and covenants**

20 A. The permittee, or the owner of the object or improvement identified in the permit
21 application if the permittee is not the owner, shall agree to defend, indemnify, and hold harmless
22 The City of Seattle, its officials, officers, employees, and agents from and against:

1 1. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys’
2 fees, or damages of every kind and description resulting directly or indirectly from any act or
3 omission of the permittee, its subcontractors, anyone directly or indirectly employed by them,
4 and anyone for whose acts or omissions they may be liable, arising out of the permittee’s use or
5 occupancy of the public place; and

6 2. All loss by the failure of the permittee to fully or adequately perform, in any
7 respect, all authorizations or obligations under permit.

8 B. Unless exempted from this requirement by an SDOT Director’s Rule, if ((#)) the
9 application is for a permit to use or occupy a public place for more than one year with an
10 areaway, fuel opening or underground storage tank, sidewalk elevator or door, bulkhead,
11 retaining wall, rockery, fixed ground sign, ~~((structure, or other permanent structure extension or~~
12 ~~appurtenance to a structure, or any facility with an anticipated continued occupancy of a public~~
13 ~~place of more than one year;))~~or other structure whether free-standing or built as an extension or
14 appurtenance to another structure, the owner of the adjacent property or other party as approved
15 by the Director of Transportation ~~((and any existing lessee, sublessee, tenant, and subtenant~~
16 ~~using or occupying the part of the premises served or connected to the permitted use))~~ shall, in
17 the manner provided by law for the execution of deeds, execute and deliver to the City upon a
18 form to be supplied by the authorizing official, an agreement in writing signed and
19 acknowledged by the owners and ~~((by any existing lessee, sublessee, tenant, and subtenant;))~~
20 containing an accurate legal description of the premises; covenanting on the part of the owner,
21 ~~((lessee, sublessee, tenant, and subtenant;))~~ for themselves and their heirs, executors,
22 administrators, successors, assigns, lessees, sublessees, tenants, and subtenants; and forever
23 defending, indemnifying, and holding harmless the City, its officials, officers, employees, and

1 agents from and against any and all claims, actions, suits, liability, loss, costs, expense,
2 attorneys' fees, or damages of every kind and description, excepting only damages that may
3 result from the sole negligence of the City; that may accrue to, be asserted by, or be suffered by,
4 any person or property including without limitation damage, death, or injury to members of the
5 public or to the permittee's officers, agents, employees, contractors, invitees, tenants, tenants'
6 invitees, and licensees or its successors and assigns; arising out of or by reason of:

7 1. The existence, condition, construction, reconstruction, modification,
8 maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use,
9 occupation, or restoration of the public place or any portion thereof by the owner, lessee,
10 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns;

11 2. Anything that has been done or may at any time be done by the owner, lessee,
12 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns; or

13 3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors,
14 administrators, successors, or assigns failing or refusing to strictly comply with every provision
15 of the permit; or arising out of or by reason of the permit in any other way.

16 C. If the application is for a permit to construct and maintain an areaway, the agreement
17 shall also contain a covenant on the part of the permittee executing the agreement for themselves
18 and their heirs, executors, administrators, successors, or assigns; assuming the duty of inspecting
19 and maintaining all services, instrumentalities, and facilities installed in the areaway to be
20 constructed or occupied under authority of the permit; and assuming all liability for, and at all
21 times defending, indemnifying, and holding harmless the City, its officials, officers, employees,
22 and agents from and against, all claims, actions, suits, liability, loss, costs, expense, attorneys'
23 fees, or damages of every kind and description, excepting only damages that may result from the

1 sole negligence of the City that may accrue to, be asserted by, or be suffered by any person or
2 property, including without limitation damage, death, or injury to members of the public or to the
3 permittee's officers, agents, employees, contractors, invitees, tenants and tenants' invitees,
4 licensees, or its successors and assigns; arising out of or by reason of:

5 1. The existence, condition, construction, reconstruction, modification,
6 maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use,
7 occupation, or restoration of the public place or any portion thereof by the owner, lessee,
8 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns;

9 2. Anything that has been done or may at any time be done by the owner, lessee,
10 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns by reason
11 of the permit; or

12 3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors,
13 administrators, successors, or assigns failing or refusing to strictly comply with every provision
14 of the permit; or arising out of or by reason of the permit in any other way.

15 D. (~~All agreements shall be a covenant running with the land. E.~~) In addition, the
16 agreement shall contain a provision that the permit:

- 17 1. Is wholly of a temporary nature;
- 18 2. Vests no permanent right whatsoever; and
- 19 3. May be revoked, the structures and obstructions removed, and public place
20 restored to the condition that existed prior to use occurring in the public place upon 30 calendar
21 days' notice, posted on the premises, or published in the official newspaper of the City; or
22 without notice if the permitted use is dangerous or the structure is insecure or unsafe, or is not
23 constructed, maintained, or used in accordance with the provisions of this Title 15.

1 E. If the application is made by a condominium or cooperative apartment, the authorizing
2 official may accept an agreement by the condominium or apartment association together with
3 documentation showing its authority to execute the agreement in lieu of executing the agreement
4 by all unit or apartment owners.

5 F. ~~((An agreement, after it))~~ Agreements shall be a covenant running with the land~~((:)),~~
6 with exceptions for permittees or owners who use types are exempted from this requirement by
7 SDOT Director’s Rule.

8 1. After the agreement has been received and recorded with the King County
9 Recorder’s Office, the agreement or a copy of the agreement shall be retained by the City Clerk
10 in the files and records of the Clerk’s office.

11 ~~((G. The authorizing official may waive execution of the signature on an agreement by a~~
12 ~~tenant or subtenant on a month to month lease or on a tenancy at will. If the application is made~~
13 ~~by a condominium or cooperative apartment, the authorizing official may accept an agreement~~
14 ~~by the condominium or apartment association together with documentation showing its authority~~
15 ~~to execute the agreement in lieu of executing the agreement by all unit or apartment owners.))~~

16 Section 19. Section 15.04.070 of the Seattle Municipal Code, last amended by Ordinance
17 125946, is amended as follows:

18 **15.04.070 –Permit and use approval, duration, modification, revocation, and public place**
19 **restoration**

20 A. All uses ~~((use authorizations))~~ approved under the provisions of Title 15 or Chapter
21 23.76, or as to public places under the jurisdiction of the Department of Parks and Recreation
22 under Chapter 18.12, shall be of a temporary nature and shall vest no permanent right, and may
23 in any case be revoked upon 30 calendar days’ notice; or without notice in case any use or

1 occupation is dangerous or any structure or obstruction permitted is insecure or unsafe; or is not
2 constructed, maintained, or used in accordance with the provisions of this Title 15.

3 B. If a permit to use a public place is revoked or terminated or the use authorized by Title
4 15 ceases to exist, the public place shall be restored to the condition that existed prior to use
5 occurring in the public place or to a condition as specified by the Director of Transportation.

6 C. The Director of Transportation may modify the conditions of a Street Use permit after
7 providing the permittee with written notice ten business days before modifying the permit. A
8 copy of the modified Street Use permit shall be (~~mailed by first class mail~~) made available to
9 the permittee (~~at the address listed on the Street Use permit application~~).

10 D. The Director of Transportation may determine that a Street Use permit has expired
11 when the authorized use has not begun within six months of permit issuance. The Director of
12 Transportation may close expired permits if no extension has been authorized by the Director.

13 E. Anyone upon order of the authorizing official shall upon 30 calendar days' notice and
14 at personal cost and expense, move or remove any use that interferes with any local improvement
15 district work or with any construction for street or transportation purposes authorized or ordered
16 by the City, except for uses defined in Section 15.32.120.

17 Section 20. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance
18 125492, is amended as follows:

19 **15.04.074 (~~(Permit--)~~ Fees**

20 A. From time to time, the Director of Transportation shall prepare and recommend for
21 adoption by the City Council a schedule of fees applicable to: reviewing and administering all
22 permits for public under the jurisdiction of the Department of Transportation; reviewing all
23 project permits defined by RCW 36.70B.020; and (~~reviewing and~~) coordinating (~~pre-submittal~~

1 ~~conferences that may be or have been submitted to~~) necessary review and inspection with the
2 Seattle Department of Construction and Inspections ((and are reviewed at any time by the
3 Director of Transportation)) for the use of or impacts to public places, per the fee schedule
4 outlined in Subsection IX of Title 22.

5 1. ~~((Fees for using or occupying the public place may take into consideration the~~
6 ~~undesirability of the use or occupation relative to the rights of the public, such as the City policy~~
7 ~~of discouraging pedestrian skybridges and other encroachments inconsistent with the public right~~
8 ~~of access, including access to the shorelines or other public places, and shall be included in the~~
9 ~~schedule of fees for use of public places under the jurisdiction of the Department of~~
10 ~~Transportation.)) The Director of Transportation may, when preparing and recommending fees
11 for using or occupying the public place, take into consideration the desirability or undesirability
12 of the related uses or occupation relative to the rights of the public, such as the desirability of
13 positive activation of public space to increase safety and vibrancy, or the undesirability of private
14 pedestrian skybridges or encroachments on shoreline street ends that may be inconsistent with
15 the public’s right of access.~~

16 2. The Director of the Department of Transportation is authorized to collect a
17 monetary deposit for services to be conducted related to the review or inspection of a permit
18 prior to or at permit issuance.

19 3. The Department of Transportation is authorized to collect fees for other City
20 Departments that provide services related to the review of a permit for use of the public place.

21 B. The Director of the Office of Economic Development shall prepare and recommend
22 for adoption by the City Council a schedule of fees applicable to master filming permits.

1 1. The rate in the schedule for master filming permits shall identify what, if any,
2 of the factors identified in Section 15.35.020 are taken into consideration in setting the rate and
3 what factors are to be determined with respect to particular applications.

4 2. When a master filming permit under Chapter 15.35 is required and the public
5 place is used without first obtaining a permit or the required component permits, the fee shall be
6 \$500.

7 C. The Superintendent shall prepare and recommend a schedule of fees applicable to
8 permits for use of public places under the jurisdiction of the Department of Parks and Recreation.
9 Fees for use of park drives and boulevards may take into consideration the City policy of
10 discouraging encroachments inconsistent with their park-like character and may be included in
11 the schedule of fees for use of facilities of the Department of Parks and Recreation.

12 D. The fee schedule, when adopted by ordinance, shall govern the fee for applications
13 and permits issued and reviewed. All permit and review fees shall be commensurate with the cost
14 of administering, inspecting, and policing involved in issuing and continuing the permits and
15 with the use and occupation granted by the permits. The fee shall be collected as a condition to
16 issuing or continuing any permit or use except when the permit is issued as a component of a
17 master filming permit according to Section 15.35.010. In order to effectuate collection of fees;
18 the Director of Transportation, the Director of the Office of Economic Development as to master
19 filming permits, or the Superintendent as to public places under the jurisdiction of ~~((the~~
20 ~~Department of~~) Seattle Parks and Recreation; shall promptly notify permittees of outstanding
21 permits issued to pay the applicable fee or the permit will be revoked.

22 E. Upon petition by a public agency for vacating a street area, street use fees for the street
23 area may be suspended if the Director of Transportation finds that the public agency would

1 convey to or permit use by the City, a portion of the public agency's property for street or other
2 public purpose without charge; provided, should the street vacation petition be denied or
3 withdrawn, street use fees shall be payable for the full period of use.

4 F. Fees for using public places under the jurisdiction of ~~((the Department of))~~ Seattle
5 Parks and Recreation shall be deposited in the Park and Recreation Fund; all other fees under the
6 jurisdiction of the Department of Transportation shall be deposited in the Transportation Fund. If
7 the Superintendent of Parks or the Director of Transportation delegates the administration of
8 Title 15 to the other department, fees resulting from permits for using the public place now
9 administered by the Director of Transportation shall be deposited into the Transportation Fund
10 and fees resulting from permits for using the public place now administered by the
11 Superintendent of Parks shall be deposited into the Park and Recreation Fund.

12 ~~((G. Fees for vending activities authorized under Chapter 15.17 shall be deposited in the
13 Transportation Fund. Street Use permit fees for vending activities may be used by other City
14 departments for vending enforcement as authorized by the Director of Transportation and shall
15 be used by the Department of Transportation for the following purposes: administering the
16 vending program, including notifying property owners abutting a proposed vending site
17 designated by the Department of Transportation; verifying property boundaries and square
18 footage of usage; designating pre-approved vending sites by the Department of Transportation;
19 signing and demarcating designated vending sites and food vehicle zones; attending meetings or
20 hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing
21 permitted or illegal vending activity; or engaging in any other vending related activity as
22 directed by the Director of Transportation.))~~

1 Section 21. Section 15.04.090 of the Seattle Municipal Code, last amended by Ordinance
2 123830, is amended as follows:

3 A. Whenever the fee paid for any use or occupation permit is in error for any reason, and
4 an application is made for refund; the authorizing official shall certify the facts justifying the
5 refund, the refund amount, and their approval of the refund; and upon presenting the certificate
6 to the Director of Finance and Administrative Services; a warrant shall be drawn and paid in the
7 amount stated. The necessary appropriations are then made and authorized. If the appropriate
8 fund is solvent at the time payment is ordered, the Director may elect to make payment by check.

9 B. Alternatively, whenever the fee paid for any use or occupation permit is in error for
10 any reason, and an application is made for refund; the authorizing official shall verify the facts
11 justifying the refund and approve a credit for future fees for using or occupying the public place.
12 If the permit is closed any credit balance remaining will be refunded.

13 Section 22. A new Chapter 15.15, which includes new Sections 15.15.010, 15.15.020,
14 15.15.030, 15.15.040, and 15.15.050, is added to the Seattle Municipal Code as follows:

15 **CHAPTER 15.15 MERCHANDISE DISPLAYS IN THE PUBLIC PLACE**

16 **15.15.010 Authorized merchandise displays in the public place**

17 No person shall place or operate a merchandise display in the public place without
18 obtaining a Street Use permit from the Director of Transportation as provided for in Section
19 15.04.010 and this Chapter 15.15; or without fully complying with the relevant Director’s Rule
20 standards for displays allowed in the frontage zone without a permit.

21 **15.15.020 Permit expiration, renewal, and revocation**

22 A. A Street Use permit for merchandise display in the public place expires if: the
23 business changes ownership or the business vacates the premises; the Street Use permit duration

1 expires; or Street Use permit fees are not paid as required by subsection 15.04.074.D. All
2 merchandise display permit-related encroachments shall be removed from the public place when
3 the Street Use permit expires. A Street Use permit to display merchandise shall not be
4 transferable or assignable, unless approved by the Director of Transportation.

5 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice
6 and receiving the renewal fee, renew a merchandise display permit provided: the permittee is in
7 compliance with all Street Use permit conditions; the ownership or business has not changed;
8 and the Director of Transportation determines the space is not needed for transportation, utility,
9 or any other public-use purpose.

10 C. All Street Use permits for merchandise displays in the public place authorized by
11 Chapter 15.15 are of a temporary nature, vest no permanent rights, and are revocable and
12 modifiable as provided for in Section 15.04.070. The Director of Transportation may suspend
13 any merchandise display Street Use permit to: promote transportation mobility or public safety;
14 coordinate with permitted Special Events authorized by Chapter 15.52, parade permits
15 authorized by Chapter 11.25, or any other permitted activity.

16 **15.15.030 Terms and conditions**

17 A. The Director of Transportation may determine appropriate locations for merchandise
18 displays based on factors including, but not limited to, type of activity or land use context, and
19 street type.

20 B. The Director of Transportation may issue a Street Use permit authorizing the use of a
21 public place for merchandise display if the following requirements are met:

22 1. The applicant shall be the adjacent retail business, whether a tenant or owner of
23 the property in which the business is located;

1 2. The business shall obtain and maintain in effect all necessary City and state
2 permits and licenses;

3 3. The applicant shall obtain a certificate of approval for the display in the public
4 place from the appropriate Board or Commission when located in a Landmark District or
5 Historic District subject to the provisions of Title 23 or 25;

6 4. The applicant shall obtain insurance according to Section 15.04.045. Failure to
7 maintain the required insurance coverage is grounds for revoking a Street Use permit;

8 5. The applicant shall indemnify and hold harmless The City of Seattle according
9 to Section 15.04.060;

10 C. If required, the applicant shall provide public notice of a new application in a form
11 approved by the Director of Transportation as provided for in Section 15.04.030. A Street Use
12 permit shall not be issued by the Director of Transportation until after the public notice period
13 has ended.

14 D. Merchandise displays directly abutting the business' frontage that follow standards
15 issued by the Director of Transportation as adopted by Director's Rule do not require a permit
16 and are subject to enforcement as described in Chapters 15.90 and 15.91.

17 E. The City assumes no responsibility for loss of the items on display, whether the loss
18 occurs through accident, collision, vandalism, theft, or otherwise.

19 F. The following conditions apply to all merchandise displays in the public place,
20 including those approved by permit and those authorized by compliance with the relevant
21 Director's Rule:

22 1. All goods or wares displayed in the public place shall be the same as the goods
23 or wares offered for sale in the adjacent retail business;

1 2. The display shall not contain alcoholic beverages, tobacco, firearms or
2 munitions, any article that a minor is prohibited by law from purchasing, or any material
3 restricted by the Fire Code from direct access or handling by the public;

4 3. The display and all good and wares within it shall be removed during those
5 hours that the business is closed;

6 4. The business shall not use amplification or noise-making devices, and shall
7 comply with Chapter 25.08;

8 G. The Director of Transportation may condition a merchandise display Street Use permit
9 to address potential impacts as provided for in Section 15.04.035, including requiring a surety
10 bond in accordance with the provisions of Section 15.04.044 or establishing an escrow account
11 in accordance with the provisions of Section 15.04.042.

12 H. The Director of Transportation may promulgate rules to implement this Chapter 15.15.

13 **15.15.040 Siting standards**

14 A. All merchandise displays and associated elements located on the sidewalk or where
15 pedestrian mobility is impacted, including but not limited to racks, tables, platforms, umbrellas,
16 or decorative elements, shall be sited to provide:

17 1. An unobstructed corner clearance zone;

18 2. An unobstructed pedestrian clearance zone abutting the entire length of the
19 display:

20 a. The width of the pedestrian clear zone is determined by the street type
21 where the display is located as defined by the Right-of-Way Improvements Manual or
22 successor rule; and

1 b. The width of the display shall not be greater than the available
2 pedestrian clear zone width, except where the Director of Transportation determines the
3 pedestrian clear zone can extend into an adjacent public place that is closed to vehicular travel,
4 a public place plaza, or other public space in consultation with the authorizing official for the
5 space;

6 3. An unobstructed 3-foot-wide pedestrian straight path as defined in Section
7 15.02.046 within the designated pedestrian clear zone that extends along the permitted area and
8 for 25 feet on either end of the permitted area's boundaries along the block face.

9 B. The display shall comply with clearances required in the Right-of-Way Improvements
10 Manual or successor rule. The display shall not be sited in a manner that adversely affects
11 pedestrian mobility directly beyond the permitted footprint area or inhibits the operation,
12 maintenance, or functionality of any utilities or street fixtures.

13 C. The Traffic Engineer or Director of Transportation has authority to require dimensions
14 greater than the minimum standards included in subsections 15.15.040.A and 15.15.040.B to
15 provide for pedestrian passage, traffic management, or any other public-use purpose.

16 **15.15.050 Permittee responsibilities for merchandise display operation**

17 A. The permittee shall maintain the merchandise display and adjoining and abutting
18 public place free of all refuse of any kind generated from the operation of their businesses.

19 B. The merchandise display activity shall not violate the Americans with Disabilities Act.

20 C. Amplified sound shall not be used unless authorized by permit and in compliance with
21 Chapter 25.08.

22 D. Unless authorized by Street Use permit, the permittee shall not locate electrical lines
23 overhead or on the ground surface where the public has access to the public place.

1 E. Unless authorized by the Director of Transportation pursuant to Street Use permit, no
2 public place surface shall be broken or disturbed, and no permanent fixture of any kind shall be
3 installed in or on the public place in connection with a merchandise display site.

4 F. Only materials and supplies used by the permittee for the daily operation of the
5 merchandise display may be located within the permitted area. The permittee shall not store
6 other supplies or other materials in the permitted area or public place unless otherwise authorized
7 by a Street Use permit.

8 G. Any component of the merchandise display site shall not be secured to any asset or
9 fixture in the public place unless authorized by a Street Use permit.

10 H. When ordered by the Director of Transportation, the permittee shall temporarily
11 remove the merchandise display activity and clear the public place to accommodate access to
12 abutting properties or utilities.

13 I. The permittee is responsible for ensuring that customers do not cause pedestrians to
14 divert from the abutting pedestrian clear zone.

15 J. The permittee shall not conduct business in such a way that restricts or interferes with
16 access to or egress from the abutting property; or creates a nuisance or hazard to public health,
17 safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire,
18 police, or sanitation vehicles.

19 K. The permittee shall immediately remove the merchandise display when ordered by the
20 Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

21
22 Section 23. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance
23 126509, is amended as follows:

1 **15.16.040 – Terms and conditions**

2 A. A café may be located on a public place as defined in Section 15.02.046 including but
3 not limited to a sidewalk, planting strip, curb space, alley, or public plaza. The following
4 requirements apply to all cafés in the public place regardless of location unless otherwise
5 specified.

6 B. The Director of Transportation may issue a Street Use permit authorizing the use of a
7 public place for a café if the following requirements are met:

8 1. The applicant shall be the owner or occupant of the abutting property;

9 2. ~~((The café shall abut the applicant's business frontage unless an alternative
10 location is approved;))~~

11 ~~((3-))~~ The café shall be operated by a food service business holding all necessary
12 City and state permits and licenses;

13 ~~((4-))~~ 3. The café shall ~~((not))~~ be located in the public place abutting ~~((a lot zoned
14 NR1, NR2, NR3, RSL, LR1, LR2, or LR3 as these zoning designations are defined under
15 subsection 23.30.010.A unless the abutting zone has an RC classification as shown on the
16 Official Land Use Map, Chapter 23.32))~~ a legally-established food service business; and, at the
17 discretion of the authorizing official, may be approved to extend into the public place abutting an
18 adjacent property;

19 ~~((5-))~~ 4. The applicant shall obtain insurance according to Section 15.04.045.
20 Failure to maintain the required insurance coverage is grounds for revoking a Street Use permit
21 for a café in the public place;

22 ~~((6-))~~ 5. The applicant shall indemnify and hold harmless The City of Seattle
23 according to Section 15.04.060;

1 ((7-)) 6. The applicant shall obtain a certificate of approval for the café in the
2 public place from the appropriate Board or Commission when located in a Landmark District or
3 Historic District subject to the provisions of Title 23 or 25; and

4 ((8-)) 7. The applicant shall obtain all applicable permits for installing the café
5 and all associated café elements, including but not limited to platforms and other structures.
6 Platforms or other structures may be approved (~~(when necessary)~~) for site-leveling, accessibility,
7 or (~~(any public use purpose)~~) functionality.

8 C. The applicant shall provide public notice of a new application in a form approved by
9 the Director of Transportation as provided for in Section 15.04.030. A Street Use permit shall not
10 be issued by the Director of Transportation until after the public notice period has ended.

11 D. The Director of Transportation may require additional information from the applicant
12 as provided for in Section 15.04.030.

13 E. The Director of Transportation may(~~(, as deemed appropriate,)~~) condition the Street
14 Use permit to address potential impacts as provided for in Section 15.04.035, including requiring
15 a surety bond in accordance with the provisions of Section 15.04.044 or establishing an escrow
16 account in accordance with the provisions of Section 15.04.042.

17 F. The Director of Transportation may promulgate rules to implement this Chapter 15.16.
18 Section 24. Section 15.16.051 of the Seattle Municipal Code, last amended by Ordinance
19 125946, is amended as follows:

20 **15.16.051 - Siting standards**

21 A. All cafés and associated elements located on the sidewalk or where pedestrian
22 mobility is impacted, including but not limited to fencing, seating, tables, platforms, or
23 umbrellas, shall be sited to provide:

1 1. An unobstructed corner clearance zone;

2 2. An unobstructed pedestrian clearance zone abutting the entire length of the

3 cafe:

4 a. The width of the pedestrian clear zone is determined by the street type
5 where the café is located as defined by the Right-of-Way Improvements Manual or successor
6 rule; and

7 b. The width of the café shall not be greater than the available pedestrian
8 clear zone width, except where the Director of Transportation determines the pedestrian clear
9 zone can extend into an adjacent public place that is closed to vehicular travel, a public place
10 plaza, or other public space in consultation with the authorizing official for the space;

11 3. An unobstructed 3-foot-wide pedestrian straight path as defined in Section
12 15.02.046 within the designated pedestrian clear zone that extends along the permitted area and
13 for 25 feet on either end of the permitted area's boundaries along the block face.

14 B. The café shall comply with clearances required in the Right-of-Way Improvements
15 Manual or successor rule. The café shall not be sited in a manner that adversely affects
16 pedestrian mobility directly beyond the permitted footprint area or inhibits the operation,
17 maintenance, or functionality of any utilities or street fixtures.

18 C. The Traffic Engineer or Director of Transportation has authority to require dimensions
19 greater than the minimum standards included in subsections (~~15.16.050.A and~~
20 ~~15.16.050.B~~) 15.16.051.A and 15.16.051.B to provide for pedestrian passage, traffic
21 management, or any other public-use purpose.
22

1 Section 25. Section 15.16.080 of the Seattle Municipal Code, last amended by Ordinance
2 126509, is amended as follows:

3 **15.16.080 - Permittee responsibilities for café operation**

4 A. The permittee shall maintain the café and adjoining and abutting public place free of
5 all refuse of any kind generated from the operation of the café and their business.

6 B. The café activity shall not violate the Americans with Disabilities Act.

7 C. Amplified sound shall not be used(~~(in the café)~~) unless authorized by permit (~~(and the~~
8 ~~permittee shall comply)~~) and in compliance with Chapter 25.08.

9 D. Unless authorized by Street Use permit, the permittee shall not locate electrical lines
10 overhead or on the ground surface where the public has access to the public place.

11 E. Unless authorized by (~~(the Director of Transportation pursuant to)~~) a Street Use
12 permit, no public place surface shall be broken or disturbed, and no permanent fixture of any
13 kind shall be installed in or on the public place in connection with a café.

14 F. Approved platforms or other site-leveling structures in the public place associated with
15 the café shall be continuously maintained by the permittee (~~(in an as-built condition)~~) as
16 approved on the issued permit, and shall be kept clean, graffiti-free, and in good repair.

17 G. Only materials and supplies used by the permittee for the daily operation of the café
18 may be located within the sidewalk café and the permittee shall not store other supplies or other
19 materials in the café or public place unless otherwise authorized by Street Use permit.

20 H. A café shall not be secured to any (~~(public amenity)~~) asset or fixture in the public
21 place unless authorized by a Street Use permit.

1 I. When ordered by the Director of Transportation, the ~~((The))~~ permittee shall temporarily
2 remove the café and clear the public place ~~((as the Director of Transportation deems necessary))~~
3 to ~~((temporarily))~~ accommodate access to abutting properties or utilities.

4 J. The permittee is responsible for ensuring that the café activity does not cause
5 pedestrians to divert from the pedestrian clear zone.

6 K. The permittee shall not operate the café in a way that restricts or interferes with access
7 to or egress from the abutting property; or creates a nuisance or hazard to public health, safety, or
8 welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or
9 sanitation vehicles.

10 L. The permittee shall immediately remove the café when ordered by the Director of
11 Transportation, the Chief of Police, the Fire Chief, or other City official.

12 M. Liquor, as defined in RCW 66.04.010, as now existing or as amended, may only be
13 used or sold at a café if authorized by: the Street Use permit; the permit issued by the Director of
14 Public Health—Seattle & King County; and the permit issued by the Washington State Liquor
15 and Cannabis Board.

16 Section 26. Section 15.17.005 of the Seattle Municipal Code, last amended by Ordinance
17 126162, is amended as follows:

18 **15.17.005 Authorized vending in the public ~~((places))~~ place**

19 No person shall vend ~~((to the public))~~ in a public place unless authorized as described below:

20 A. The ~~((permittee's))~~ vending activity occurs in an area that is permitted for that type of
21 an activity, for example: as part of a Street Use temporary activation permit which authorizes
22 vending; Chapter 11.25, parade permits; Chapter ~~((s))~~ 15.08, areaways; ~~((and))~~ Chapter 15.16,
23 ~~((areaway or))~~ café Street Use permits; street areas within the Pike Place Market Historical

1 District (Chapter 25.24) that are being administered by the Pike Place Market Preservation and
2 Development Authority; Chapter 15.35, filming permits; Chapter 15.52, Special Event permits;
3 or Chapter 6.310, Taxicabs and For-Hire Vehicles; or

4 B. The permittee has obtained a Street Use permit authorized by Chapter 15.17, if
5 required; or

6 C. The vendor is vending publications as authorized by Chapter 15.14 or expressive items
7 protected under the United States or Washington Constitution; or

8 D. The vendor is vending bicycles, other mobility devices, helmets, or other related
9 merchandise that is made available for general public use and has been authorized by a separate
10 permit; or ((.))

11 E. The vending is authorized by the Director of Transportation for the purpose of public
12 place activation administered by SDOT.

13 Section 27. Section 15.17.006 of the Seattle Municipal Code, last amended by Ordinance
14 126946, is amended as follows:

15 **15.17.006 Permit expiration, renewal, administration, and revocation**

16 A. A Street Use permit for vending (~~((or merchandise display))~~) expires if: the business (~~((;~~
17 ~~food vehicle, or vending cart))~~) changes ownership; the Street Use permit duration expires; or
18 Street Use permit fees are not paid as required by subsection 15.04.074.D. All (~~((carts, objects,~~
19 ~~or))~~) vending units and other Street Use permit-related encroachments shall be removed from the
20 public place when the Street Use permit expires. A Street Use permit to vend (~~((or display~~
21 ~~merchandise))~~) shall not be transferable or assignable, unless approved by the Director of
22 Transportation.

1 B. A Street Use application may be considered abandoned and closed by SDOT if the
2 applicant does not receive an issued permit within 30 days of notification from SDOT that the
3 permit is ready for issuance.

4 ~~((B))~~ C. The Director of Transportation may, upon issuing the annual Street Use permit
5 invoice and receipt of the renewal fee, renew ~~((a merchandise display or))~~ an attended newsstand
6 vending Street Use permit provided: the permittee is in compliance with all Street Use permit
7 conditions; the ownership ~~((and))~~ or business has not changed; and the Director of
8 Transportation determines the space is not needed for transportation, utility, or any other public-
9 use purpose.

10 ~~((C. Vending cart, food vehicle, or stadium and exhibition center event vending Street~~
11 ~~Use permits shall have a duration of no longer than one year from the date the permit is issued;~~
12 ~~provided, a shorter duration may be established by the Director of Transportation.~~

13 ~~D. To reissue a vending cart, food vehicle, or stadium and exhibition center event~~
14 ~~vending Street Use permit for an existing permitted site, the permittee shall submit a new~~
15 ~~complete application at least 30 calendar days before the current Street Use permit expires, if the~~
16 ~~permit is longer than 30 days in duration. The vending Street Use permit may be reissued if a~~
17 ~~timely and complete application is received from an existing permittee.~~

18 ~~1. If multiple complete applications are received for the same vending site before~~
19 ~~the current Street Use permit expires, and if the existing permittee has had two or more Street~~
20 ~~Use citations upheld by the Hearing Examiner within one year before the expiration of the Street~~
21 ~~Use permit, the Department of Transportation may schedule and hold a lottery to determine the~~
22 ~~new permittee.~~

1 2. ~~Only complete applications for the site that are submitted before the current~~
2 ~~application expires shall be included in the lottery.~~

3 3. ~~If a Street Use permit has not been previously issued for a site, only complete~~
4 ~~applications submitted before a public notice period may be included in a lottery to determine the~~
5 ~~vending site permittee.~~

6 E. ~~If the abutting property or business owner applies for a merchandise display Street Use~~
7 ~~permit at least 30 calendar days before the current vending Street Use permit for the vending site~~
8 ~~expires, the merchandise display application will be given priority use of the site and a lottery~~
9 ~~will not be conducted. If a vending Street Use permit has not been previously issued for the site,~~
10 ~~only merchandise display Street Use permit applications submitted before the public notice for a~~
11 ~~complete vending Street Use permit application being submitted shall be given priority use of the~~
12 ~~site.~~

13 F.)) D. All vending ((~~or merchandise display~~)) Street Use permits authorized by Chapter
14 15.17 are of a temporary nature, vest no permanent rights, and are revocable and modifiable as
15 provided for in Section 15.04.070. The Director of Transportation may suspend any vending ((~~or~~
16 ~~merchandise display~~)) Street Use permit to: promote transportation mobility or public safety;
17 coordinate with permitted Special Events authorized by Chapter 15.52, parade permits
18 authorized by Chapter 11.25, or any other permitted activity; or to provide access to property ((~~if~~
19 ~~an access affidavit is withdrawn by the property owner~~)).

20 Section 28. Section 15.17.007 of the Seattle Municipal Code, last amended by Ordinance
21 126946, is repealed:

22 ~~((15.17.007 – Insurance~~

1 ~~An applicant for a vending or merchandise display Street Use permit shall, before a Street Use~~
2 ~~permit is issued, obtain insurance according to Section 15.04.045. Failure to maintain the~~
3 ~~required insurance coverage is grounds for revoking a vending or merchandise display Street Use~~
4 ~~permit.))~~

5 Section 29. Section 15.17.008 of the Seattle Municipal Code, last amended by Ordinance
6 126946, is repealed:

7 ~~**((15.17.008 – Indemnity**~~

8 ~~The permittee shall indemnify and hold harmless The City of Seattle according to Section~~
9 ~~15.04.060.))~~

10 Section 30. Section 15.17.009 of the Seattle Municipal Code, last amended by Ordinance
11 126946, is repealed:

12 ~~**((15.17.009 – Public notice of application**~~

13 ~~A vending Street Use permit applicant shall provide public notice of a new application in a form~~
14 ~~approved by the Director of Transportation as provided for in Section 15.04.030. A vending~~
15 ~~Street Use permit shall not be issued by the Director of Transportation until after the public~~
16 ~~notice period has ended.))~~

17 Section 31. A new Section 15.17.040 is added to the Seattle Municipal Code as follows:

18 **15.17.040 – Terms and conditions**

19 A. Vending may be located on a public place as defined in Section 15.02.046 including
20 but not limited to a sidewalk, planting strip, curb space, alley, public plaza, or streets with or
21 without curbs. The Director of Transportation may determine appropriate locations for vending
22 activity based on factors including, but not limited to, type of activity or land use context and

1 street type. The following requirements apply to all vending activity in the public place
2 regardless of location unless otherwise specified.

3 B. The Director of Transportation may issue a Street Use permit authorizing the use of a
4 public place for vending activity if the following requirements are met:

5 1. The applicant shall be: the vendor, adjacent tenant, adjacent business, adjacent
6 property owner, or a public entity for vending activity;

7 2. The business operating the vending unit shall obtain and maintain in effect all
8 necessary City and state permits and licenses;

9 3. If selling food or beverages, the applicant shall only sell prepackaged products,
10 produce, or products that are capable of immediate consumption;

11 4. The applicant shall obtain insurance according to Section 15.04.045. Failure to
12 maintain the required insurance coverage is grounds for revoking a Street Use permit;

13 5. The applicant shall indemnify and hold harmless The City of Seattle according
14 to Section 15.04.060;

15 6. Vending from the street shall be subject to Title 11. Signage and traffic control
16 devices may be required depending on the vending site.

17 C. The Director of Transportation may issue a route vending Street Use permit
18 authorizing mobile route vending of authorized goods, food, or beverages that the Director of
19 Public Health—Seattle & King County or authorized representative has determined are exempt
20 from the food-establishment permit requirement of Title 5 of the King County Board of Health
21 Code or successor rule. Route vending may occur from a vending unit in the public place subject
22 to the following requirements:

1 1. Route vending from a vending unit located in the curb space shall be subject to

2 Title 11;

3 2. Route vending permittees shall not stop the vending unit in a curb space or
4 other public place for any longer than necessary to vend to waiting customers;

5 3. Tables, carts, umbrellas, or other vending-related installations shall not be
6 erected in the public place in association with a route vending activity;

7 4. The Director of Transportation has the authority to designate prohibited
8 vending areas for route vending.

9 D. If required, the applicant shall provide public notice of a new application in a form
10 approved by the Director of Transportation as provided for in Section 15.04.030. A Street Use
11 permit shall not be issued by the Director of Transportation until after the public notice period
12 has ended.

13 E. The Director of Transportation may require additional information from the applicant
14 as provided for in Section 15.04.030.

15 F. The Director of Transportation has authority to determine priority use at the time of
16 application and renewal for individual sites in the case of multiple applicants.

17 G. The Director of Transportation may, as deemed appropriate, condition the Street Use
18 permit to address potential impacts as provided for in Section 15.04.035, including requiring a
19 surety bond in accordance with the provisions of Section 15.04.044 or establishing an escrow
20 account in accordance with the provisions of Section 15.04.042.

21 H. The Director of Transportation may promulgate rules to implement this Chapter 15.17.

22

1 Section 32. Section 15.17.050 of the Seattle Municipal Code, last amended by Ordinance
2 126659, is repealed:

3 ~~((15.17.050 – Stadium and exhibition center event restricted vending area~~

4 ~~A. No person shall vend to the public in a public place within the area bounded by the~~
5 ~~centerline of South Royal Brougham Way, the center line of First Avenue South, the center line~~
6 ~~of Edgar Martinez Drive South, and the center line of Third Avenue South and on Occidental~~
7 ~~Avenue South between Railroad Way South and South Jackson Street (see Map A of 15.17.050:~~
8 ~~Restricted Stadium Event Vending Area) for the event day, a 24-hour period starting the~~
9 ~~midnight before any event scheduled at the stadiums or exhibition event center begins and~~
10 ~~ending the midnight after the event ends; provided that newspapers, magazines, event programs,~~
11 ~~and other similar publications may be vended on foot as authorized by rules adopted by the~~
12 ~~Director of Transportation.~~



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~~B. The Director of Transportation may adopt rules relating to the vending of newspapers, magazines, event programs, and other similar publications on foot in the Restricted Stadium Event Vending Area. These rules may, among other subjects, address issuance and duration of Street Use permits, number and location of the on foot vendors, advertising and posting of~~

1 ~~prices, display of licenses, documentation to accompany applications for registration, and~~
2 ~~prohibitions against discrimination.)~~)

3 Section 33. A new Section 15.17.051 is added to the Seattle Municipal Code as follows:

4 **15.17.051 – Siting standards**

5 A. All vending activity located on the sidewalk or where pedestrian mobility is impacted
6 shall be sited to provide:

7 1. An unobstructed corner clearance zone;

8 2. An unobstructed pedestrian clear zone abutting the entire length of the
9 permitted area. The width of the pedestrian clear zone is determined by the street type where the
10 permitted area is located as defined by the Right-of-Way Improvements Manual or successor
11 rule; and

12 3. An unobstructed 3-foot-wide pedestrian straight path as defined in Section
13 15.02.046 within the designated pedestrian clear zone that extends along the permitted area and
14 for 25 feet on either end of the permitted area's boundaries along the block face.

15 B. The permitted area shall comply with clearances required in the Right-of-Way
16 Improvements Manual or successor rule. The permitted area shall not be sited in a manner that
17 adversely affects pedestrian mobility directly beyond the permitted footprint area or inhibits the
18 operation, maintenance, or functionality of any utilities or street fixtures.

19 C. The Traffic Engineer or Director of Transportation has authority to require dimensions
20 greater than the minimum standards included in subsections 15.17.051.A and 15.17.051.B to
21 provide for pedestrian passage, traffic management, or any other public-use purpose.
22

1 Section 34. Section 15.17.080 of the Seattle Municipal Code, last amended by Ordinance
2 123668, is repealed:

3 ~~((15.17.080 – Stadium and exhibition center event authorized vending area~~

4 ~~A. The Director of Transportation may issue a Street Use permit authorizing the use of a~~
5 ~~public place for vending within the area bounded by the center line of South Jackson Street, the~~
6 ~~center line of Fifth Avenue South, the center line of Airport Way South, the center line of Sixth~~
7 ~~Avenue South, the center line of South Holgate Street, and the center line of Alaskan Way South~~
8 ~~for the event day, a 24 hour period starting the midnight before any event scheduled at the~~
9 ~~stadiums or exhibition event center begins and ending the midnight after the event ends (see Map~~
10 ~~A of 15.17.080: Stadium Event Vending Area).~~



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~~B. Stadium and exhibition event center vending shall not be permitted on Occidental Avenue South between Railroad Way South and South Jackson Street or the area depicted in Section 15.17.050.~~

1 ~~C. The Director of Transportation may issue a Street Use permit authorizing the use of a~~
2 ~~public place for the vending of goods, things, services, food, or nonalcoholic beverages of any~~
3 ~~kind from a temporary display table, tent, vending cart, or food vehicle stationed at an authorized~~
4 ~~site under the following requirements:~~

5 ~~1. The food vendor permittee shall comply with all Public Health—Seattle &~~
6 ~~King County code requirements, and Seattle Fire Department requirements if propane or a~~
7 ~~combustible fuel is used;~~

8 ~~2. The food vendor permittee shall only sell food and beverages that are capable~~
9 ~~of immediate consumption;~~

10 ~~3. Display tables, vending carts, food vehicles, tents, and all other equipment shall~~
11 ~~only be operated on stadium or exhibition event center event days, a 24-hour period starting the~~
12 ~~midnight before any event scheduled at the stadiums or exhibition event center begins and~~
13 ~~ending the midnight after the event ends;~~

14 ~~4. All stadium and exhibition event center vending activity including vending~~
15 ~~carts, food vehicles, tables, tents, customer queues, accessory units, or signage shall be contained~~
16 ~~within the permitted site use area. If the abutting roadway is closed to vehicular traffic, customer~~
17 ~~queues may be allowed to occupy the abutting roadway;~~

18 ~~5. Stadium and exhibition event center vending sites shall not be located in~~
19 ~~driveways, loading zones, or within 15 feet of a business entrance or exit unless the adjacent~~
20 ~~property owner submits an affidavit stating that access is not needed during the permitted~~
21 ~~vending hours;~~

22 ~~6. The permittee shall not use amplification or noise-making devices and the~~
23 ~~permittee shall comply with Chapter 25.08, Noise Control;~~

1 7. ~~The permittee shall not locate electric lines overhead or on the ground surface~~
2 ~~where the public has access to the public place;~~

3 8. ~~The permittee shall obtain and maintain in effect all required permits and~~
4 ~~business licenses and display the Stadium Event vending Street Use permit at the vending site in~~
5 ~~a manner approved by the Director of Transportation; and~~

6 9. ~~The permittee is responsible for ensuring that customer queues do not encroach~~
7 ~~into the abutting roadway when the street is open for vehicular traffic.~~

8 C. ~~All vending and merchandise display authorized under Sections 15.17.100, 15.17.120,~~
9 ~~and 15.17.150 that is permitted in the public place on nonevent days in the stadium and~~
10 ~~exhibition center event vending area shall be removed for event days, the 24 hour period starting~~
11 ~~the midnight before any event scheduled at the stadiums or exhibition event center begins and~~
12 ~~ending the midnight after the event ends.~~

13 D. ~~The permittee shall not leave any display tables, vending carts, food vehicles, tents, or~~
14 ~~any other vending related equipment unattended for longer than 30 minutes.~~

15 E. ~~The permittee shall satisfy all the conditions of the Stadium Event vending Street Use~~
16 ~~permit and other requirements the Director of Transportation may establish by rule.))~~

17 Section 35. Section 15.17.100 of the Seattle Municipal Code, last amended by Ordinance
18 126509, is repealed:

19 **~~15.17.100 Food and flower vending from a public place sidewalk or plaza~~**

20 A. ~~The Director of Transportation may issue a Street Use permit authorizing the use of a~~
21 ~~public place sidewalk or plaza for vending food, flowers, or nonalcoholic beverages from a~~
22 ~~vending cart, a food vehicle stationed at an authorized public place plaza site, or an attended~~
23 ~~newsstand under the following requirements:~~

1 1. ~~The permittee shall comply with all requirements established by Public~~
2 ~~Health—Seattle & King County, the King County Board of Health, and the Seattle Fire~~
3 ~~Department if propane or a combustible fuel is used;~~

4 2. ~~The permittee shall only sell food and beverages that are capable of immediate~~
5 ~~consumption;~~

6 3. ~~The permittee shall obtain and maintain in effect all required permits and~~
7 ~~business licenses and display the vending Street Use permit at the vending site in a manner~~
8 ~~approved by the Director of Transportation;~~

9 4. ~~The permittee’s vending cart or food vehicle shall not be located in the public~~
10 ~~place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning~~
11 ~~designations are defined under subsection 23.30.010.A if the abutting zoning does not have an~~
12 ~~RC classification as shown on the Official Land Use Map, Chapter 23.32;~~

13 5. ~~The permittee’s vending cart or food vehicle shall not be located in the curb~~
14 ~~space of the public place, unless authorized under Section 15.17.120~~

15 6. ~~A proposed vending cart, food vehicle, or attended newsstand, and all~~
16 ~~associated)) vending activity shall not impair pedestrian passage and shall be sited to provide:~~

17 a. ~~An unobstructed corner clearance zone;~~

18 b. ~~An unobstructed pedestrian clear zone abutting the entire length of the~~
19 ~~vending cart, food vehicle, or attended newsstand. The width of the pedestrian clear zone is~~
20 ~~determined by the street type where the permitted area is located as defined by the Right of Way~~
21 ~~Improvements Manual or successor rule; and~~

1 ~~e. An unobstructed 3-foot wide pedestrian straight path as defined in~~
2 ~~Section 15.02.046 within the designated pedestrian clear zone that extends along the permitted~~
3 ~~area and for 25 feet on either end of the permitted area's boundaries along the block face;~~

4 ~~7. The vending cart, food vehicle, or attended newsstand shall comply with~~
5 ~~clearances required in the Right of Way Improvements Manual or successor rule. In addition to~~
6 ~~any other required setbacks, the vending cart, food vehicle, or attended newsstand:~~

7 ~~a. Shall not be sited in a manner that adversely affects pedestrian mobility~~
8 ~~directly beyond the permitted footprint area or inhibits the operation, maintenance, or~~
9 ~~functionality of any utilities or street fixtures;~~

10 ~~b. Shall not be located in the furniture zone when the curb space is~~
11 ~~designated as a bus zone area, disabled person parking zone, food vehicle zone, or commercial~~
12 ~~loading zone;~~

13 ~~c. Shall be located:~~

14 ~~1) At least 1,000 feet from any public or private school containing~~
15 ~~a ninth to twelfth grade class;~~

16 ~~2) At least 50 feet from a food service business if the permittee is~~
17 ~~vending food or nonalcoholic beverages and at least 50 feet from a floral business if the~~
18 ~~permittee is vending flowers. However, a vending Street Use permit may be issued to the owner~~
19 ~~of a food service business for a site along the food service business's frontage, provided all other~~
20 ~~vending requirements of this Chapter 15.17 are satisfied;~~

21 ~~3) At least 10 feet from the corner clearance zone when located in~~
22 ~~the furniture zone; and~~

1 ~~D. The Director of Transportation may, as deemed appropriate, condition the vending~~
2 ~~cart or food vehicle Street Use permit to address potential impacts as provided for in Section~~
3 ~~15.04.035.~~

4 ~~E. The permittee shall keep the vending cart wheels safely secured while the permittee is~~
5 ~~conducting business, and the vending cart or food vehicle shall be removed from the public place~~
6 ~~after authorized business hours.~~

7 ~~F. If the proposed vending will occur within 50 feet of a park as defined in Section~~
8 ~~18.12.030, the Superintendent of the Parks Department may recommend to the Director of~~
9 ~~Transportation whether the vending site should be approved or denied based on the following~~
10 ~~considerations:~~

- 11 ~~1. Public safety or access within the park;~~
12 ~~2. Conflicts with existing businesses and concessionaires, permitted events,~~
13 ~~or other special activities occurring in the park; or~~
14 ~~3. The need to encourage park activation.~~

15 ~~G. Vending is allowed on public places located in the Pike Place Market Historical~~
16 ~~District, as depicted in Chapter 25.24 Exhibit A: Pike Place Market Historical District Map, only~~
17 ~~if:~~

- 18 ~~1. The Pike Place Market Preservation and Development Authority is the~~
19 ~~applicant and obtains a Street Use vending permit; or~~
20 ~~2. A business located in the Pike Place Market Historic District, licensed by~~
21 ~~the City to do business and permitted to do business in the Pike Place Market Historic District by~~
22 ~~the Pike Place Market Preservation and Development Authority, is the applicant and obtains a~~
23 ~~Street Use vending permit.~~

1 H. ~~If an existing vending site conflicts with the setback requirements of subsection~~
2 ~~15.17.100.A.7, the Director of Transportation shall not issue a new vending Street Use permit~~
3 ~~when the existing Street Use permit expires.~~

4 Section 36. Section 15.17.120 of the Seattle Municipal Code, last amended by Ordinance
5 126509, is repealed:

6 **~~15.17.120 Food vending from a curb space~~**

7 A. ~~The Director of Transportation may issue a Street Use permit authorizing use of a curb~~
8 ~~space for vending food or nonalcoholic beverages from a food vehicle. Vending from the food~~
9 ~~vehicle shall be subject to Title 11 and the following requirements:~~

10 1. ~~Vending shall only occur from a curb space if the vending has been authorized~~
11 ~~by a:~~

12 a. ~~Food vehicle zone vending Street Use permit that allows vending if the~~
13 ~~curb space is delineated by a sign or other traffic control device as a food vehicle zone; or~~

14 b. ~~Temporary curb space vending Street Use permit that allows vending~~
15 ~~from a curb space the Director of Transportation has approved for a vending activity that shall~~
16 ~~only occur in conjunction with an event located on private property abutting the curb space or an~~
17 ~~event occurring in the public place;~~

18 2. ~~The permittee shall comply with all requirements established by Public~~
19 ~~Health—Seattle & King County, the King County Board of Health, and the Seattle Fire~~
20 ~~Department if propane or a combustible fuel is used;~~

21 3. ~~The permittee shall only sell food and beverages that are capable of immediate~~
22 ~~consumption;~~

1 4. ~~The permittee shall obtain and maintain in effect all required permits and~~
2 ~~business licenses and display the food vehicle zone or temporary curb space vending Street Use~~
3 ~~permit at the vending site in a manner approved by the Director of Transportation;~~

4 5. ~~A food vehicle and all associated vending activity shall not impair pedestrian~~
5 ~~passage and shall be sited to provide:~~

6 a. ~~An unobstructed pedestrian clear zone along the entire length of the~~
7 ~~permitted area. The width of the pedestrian clear zone is determined by the street type where the~~
8 ~~permitted area is located as defined by the Right of Way Improvements Manual or successor~~
9 ~~rule; and~~

10 b. ~~An unobstructed 3 foot wide pedestrian straight path as defined in~~
11 ~~Section 15.02.046 within the designated pedestrian clear zone that extends along the permitted~~
12 ~~area and for 25 feet on either end of the permitted area's boundaries along the block face;~~

13 6. ~~The food vehicle and associated activities shall comply with clearances~~
14 ~~required in the Right of Way Improvements Manual or successor rule. The food vehicle and~~
15 ~~associated activities shall not be sited in a manner that adversely affects pedestrian mobility~~
16 ~~directly beyond the permitted footprint area or inhibits the operation, maintenance, or~~
17 ~~functionality of any utilities or street fixtures;~~

18 7. ~~The Traffic Engineer or Director of Transportation has authority to require~~
19 ~~dimensions greater than the minimum standards included in subsections 15.17.120.A.5 and~~
20 ~~15.17.120.A.6 to provide for pedestrian passage, traffic management, or any other public use~~
21 ~~purpose;~~

1 8. ~~Food vehicle zone vending and temporary curb space vending Street Use~~
2 ~~permit vending sites shall not be located in driveways or loading zones, or within 15 feet of a~~
3 ~~business entrance or exit;~~

4 9. ~~The vending activity shall not violate the Americans with Disabilities Act;~~

5 10. ~~The permittee shall not use amplification or noise making devices and the~~
6 ~~permittee shall comply with Chapter 25.08;~~

7 11. ~~Unless authorized by Street Use permit, the permittee shall not locate~~
8 ~~electrical lines overhead or on the ground surface where the public has access to the public place;~~
9 ~~and~~

10 12. ~~The vending shall only occur from the side of a food vehicle that is parked~~
11 ~~abutting and parallel to the curb.~~

12 B. ~~The Director of Transportation may designate a maximum of one food vehicle zone~~
13 ~~per block face and no more than two food vehicles may be allowed in any one food vehicle zone.~~
14 ~~The Director of Transportation may, however, increase the size of the food vehicle zone if the~~
15 ~~Director determines that additional food vehicles can be accommodated without negatively~~
16 ~~impacting existing businesses on the block face, for example, where there are few or no occupied~~
17 ~~buildings on the block face. Increasing the size of a food vehicle zone does not prevent the~~
18 ~~Director from exercising the inherent authority to regulate uses of the public place and reduce the~~
19 ~~size of the food vehicle zone at a later date.~~

20 C. ~~The Seattle Department of Transportation may designate a food vehicle zone subject~~
21 ~~to the following requirements:~~

22 1. ~~The proposed location is:~~

1 a. ~~At least 50 feet from a food service business when vending food or~~
2 ~~nonalcoholic beverages;~~

3 b. ~~Not located in the public place abutting a lot zoned RSL, SF 5000, SF~~
4 ~~7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection~~
5 ~~23.30.010.A if the abutting zoning does not have an RC classification as shown on the Official~~
6 ~~Land Use Map, Chapter 23.32; and~~

7 c. ~~At least 1,000 feet from any public or private school containing a ninth-~~
8 ~~to twelfth grade class; and~~

9 2. ~~If an existing food vehicle zone conflicts with the setback requirements of~~
10 ~~subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food vehicle zone~~
11 ~~vending Street Use permit when the existing Street Use permit expires.~~

12 D. ~~The Director of Transportation may issue to a vendor, property owner, or public entity~~
13 ~~a temporary curb space vending Street Use permit that authorizes vending from a curb space that~~
14 ~~is not designated as a food vehicle zone. The permit shall be effective for no more than four days~~
15 ~~during a six month period if the curb space abuts a lot with a zoning designation other than those~~
16 ~~listed in subsection 15.17.120.C.1.b, or it shall be effective for no more than one day during a~~
17 ~~calendar year for the block that abuts a lot with a zoning designation listed in subsection~~
18 ~~15.17.120.C.1.b. The temporary curb space vending Street Use permit may be issued under the~~
19 ~~following requirements:~~

- 20 1. ~~The permittee shall reserve the curb space as required in Title 11;~~
21 2. ~~The permittee shall comply with the requirements in subsection 15.17.120.A;~~
22 3. ~~The temporary curb space vending Street Use permit shall only be issued for~~
23 ~~an event located on private property abutting the curb space or an event located in the adjoining~~

1 ~~public place. If the event requires a Special Event as permitted and authorized under Chapter~~
2 ~~15.52, the Director of Transportation shall not issue a temporary curb space vending Street Use~~
3 ~~permit; and~~

4 ~~4. The vending activity shall end by 10 p.m. if located in the public place abutting~~
5 ~~a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations~~
6 ~~are defined under subsection 23.30.010.A if the abutting zoning does not have an RC~~
7 ~~classification as shown on the Official Land Use Map, Chapter 23.32.~~

8 ~~E. The Director of Transportation may require additional information from the applicant~~
9 ~~as provided for in Section 15.04.030.~~

10 ~~F. The Director of Transportation may, as deemed appropriate, condition the food vehicle~~
11 ~~zone or temporary curb space vending Street Use permit to address potential impacts as provided~~
12 ~~for in Section 15.04.035.~~

13 ~~G. If the proposed temporary curb space vending or food vehicle zone vending will~~
14 ~~occur within 50 feet of a park, as defined in Section 18.12.030, the Superintendent of Parks and~~
15 ~~Recreation may recommend to the Director of Transportation whether the vending site should be~~
16 ~~approved or denied based on the following considerations:~~

- 17 ~~1. Public safety or access within the park;~~
18 ~~2. Conflicts with existing businesses and concessionaires, permitted events, or~~
19 ~~other special activities occurring in the park; or~~
20 ~~3. The need to encourage park activation.~~

21 ~~H. Vending is allowed on public places located in the Pike Place Market Historical~~
22 ~~District, as depicted in Chapter 25.24 Exhibit A: Pike Place Market Historical District Map, only~~
23 ~~if:~~

1 1. ~~The Pike Place Market Preservation and Development Authority is the~~
2 ~~applicant and obtains a Street Use vending permit; or~~

3 2. ~~A business located in the Pike Place Market Historic District, licensed by the~~
4 ~~City to do business and permitted to do business in the Pike Place Market Historic District by the~~
5 ~~Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street~~
6 ~~Use vending permit.~~

7 Section 37. Section 15.17.130 of the Seattle Municipal Code, last amended by Ordinance
8 125946, is repealed:

9 ~~((15.17.130 Mobile food vending from a public place~~

10 A. ~~The Director of Transportation may issue a mobile food vending Street Use permit~~
11 ~~authorizing mobile vending of food and beverages that the Director of Public Health—Seattle &~~
12 ~~King County or authorized representative has determined are exempt from the food-~~
13 ~~establishment permit requirement of Title 5 of the King County Board of Health Code.~~

14 B. ~~Mobile food vending may occur from a vending cart or food vehicle in the public~~
15 ~~place subject to the following requirements:~~

16 1. ~~Mobile food vending from a food vehicle or vending cart located in the curb~~
17 ~~space shall be subject to Title 11;~~

18 2. ~~Mobile food vending permittees shall not stop the food vehicle or vending cart~~
19 ~~in a curb space or other public place for any longer than necessary to vend to waiting customers;~~

20 3. ~~Mobile food vending permittees shall comply with all applicable requirements~~
21 ~~of Title 5 of the Code of the King County Board of Health;~~

1 4. ~~Mobile food vending permittees shall obtain and maintain in effect all required~~
2 ~~permits and business licenses and display the mobile food vending Street Use permit on the~~
3 ~~vending cart or food vehicle in a manner approved by the Director of Transportation;~~

4 5. ~~Mobile food vending permittees shall comply with Chapter 25.08;~~

5 6. ~~Tables, carts, umbrellas, or other vending related installations shall not be~~
6 ~~erected in the public place in association with a mobile food vending activity;~~

7 7. ~~The mobile food vending activity shall not violate the Americans with~~
8 ~~Disabilities Act;~~

9 8. ~~A vending cart or food vehicle and all associated mobile food vending activity~~
10 ~~shall neither impair pedestrian passage nor inhibit the operation, maintenance, or functionality of~~
11 ~~any utilities or street fixtures;~~

12 9. ~~Mobile vending carts and food vehicles not located in the curb space shall be~~
13 ~~sited to provide:~~

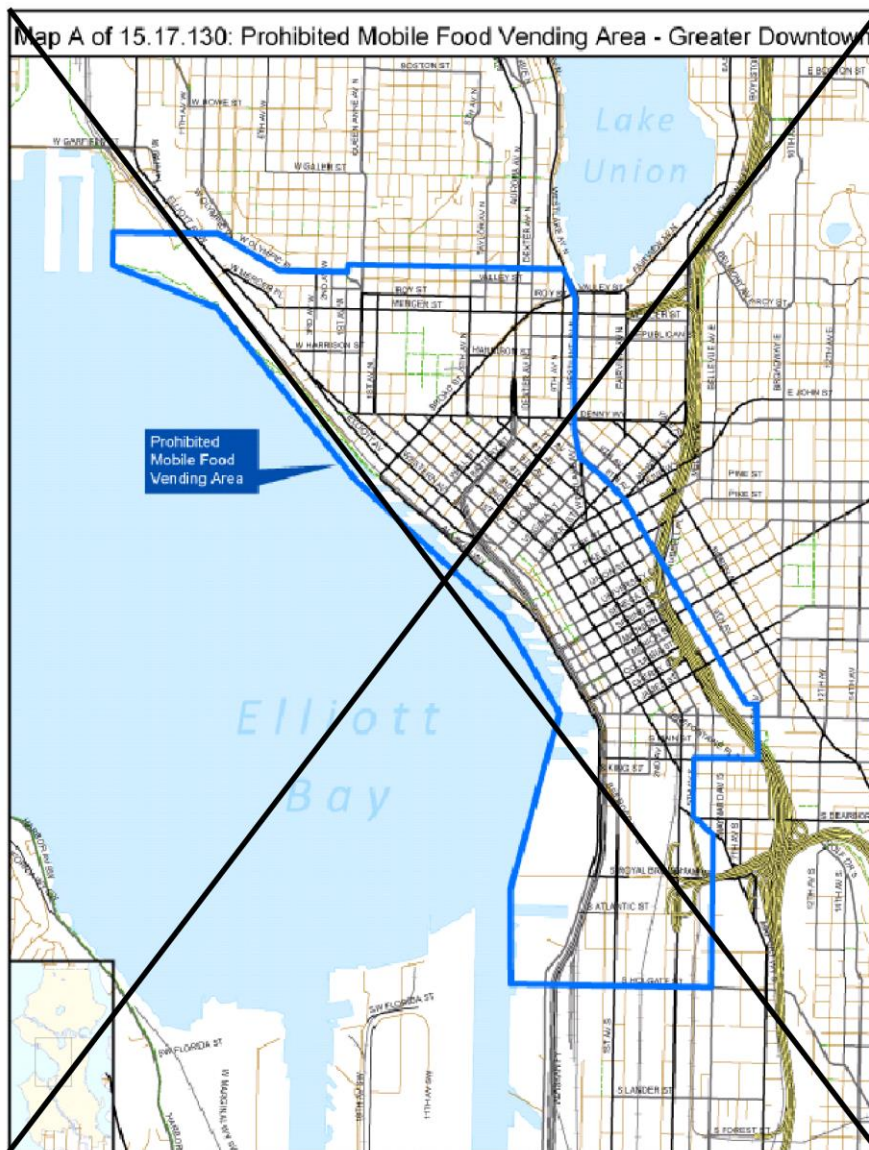
14 a. ~~An unobstructed corner clearance zone; and~~

15 b. ~~Appropriate clearances as required in the Right of Way Improvements~~
16 ~~Manual or successor rule, or any other applicable rule.~~

17 C. ~~In addition to the restrictions on vending in the public place identified in Section~~
18 ~~15.17.005, mobile food vending is prohibited in the following areas:~~

19 1. ~~Beginning at the waterfront on Elliott Bay in a direct line with West Prospect~~
20 ~~Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue~~
21 ~~West; then north along First Avenue West to West Aloha Street; then east along West Aloha and~~
22 ~~Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and~~
23 ~~Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street;~~

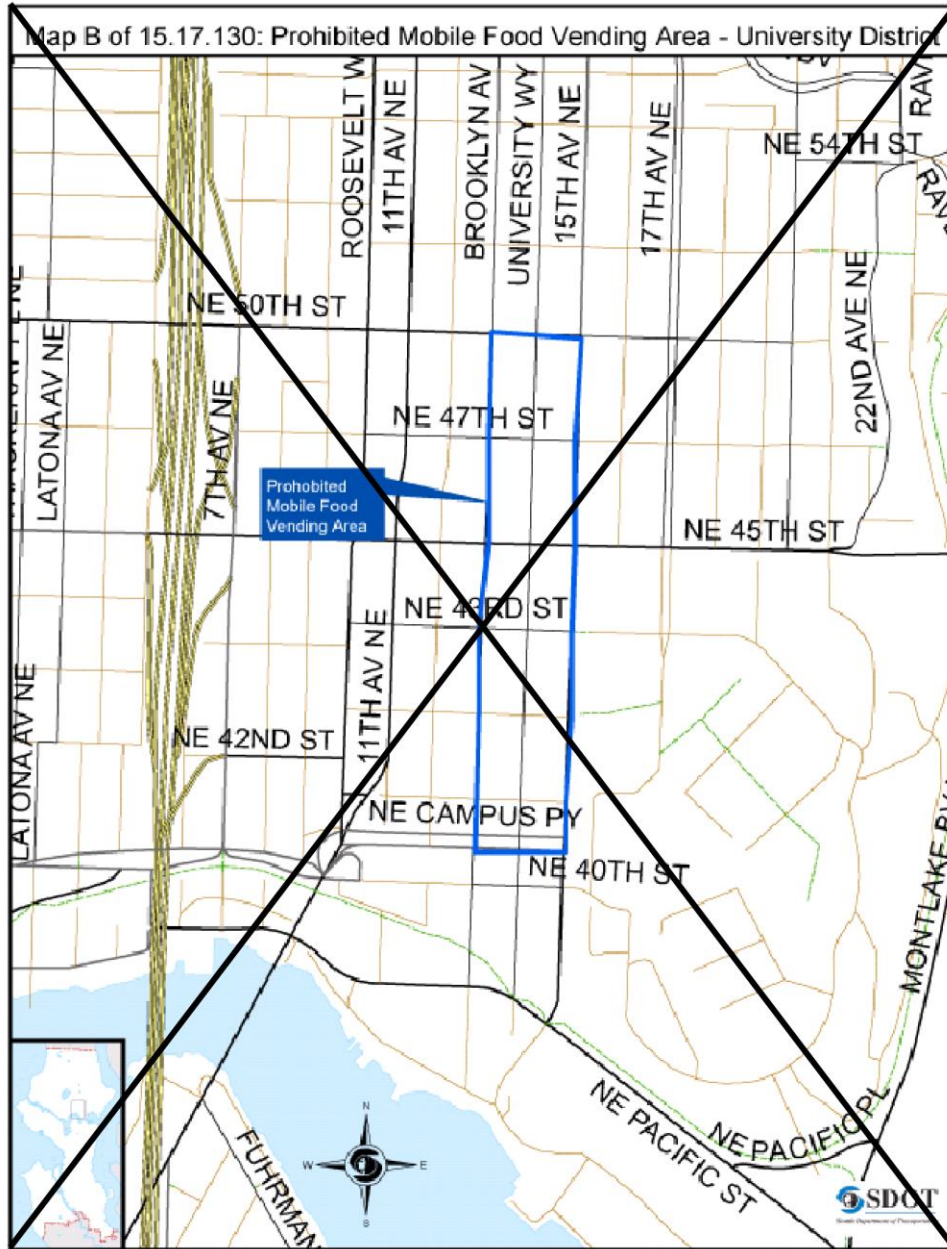
1 then west along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue
2 South to Airport Way South; then southeast along Airport Way South to Sixth Avenue South;
3 then south along Sixth Avenue South to South Holgate Street; then west along South Holgate
4 Street to Elliott Bay on the waterfront; then north along the waterfront to a point in direct line
5 with West Prospect Street, the place of beginning, including both sides of the above identified
6 public places (see Map A of 15.17.130: Prohibited Mobile food vending Area - Greater
7 Downtown).



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1 ~~2. Within 50 feet of any public park, as defined in Chapter 18.12; 1,000 feet of~~
2 ~~any public or private school containing a Kindergarten through 12th grade class; and 50 feet of~~
3 ~~any food service business; or within loading zones.~~

4 ~~3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west~~
5 ~~on N.E. 40th Street to Brooklyn Avenue N.E.; then north on Brooklyn Avenue N.E. to N.E. 50th~~
6 ~~Street; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to~~
7 ~~N.E. 40th Street, the place of beginning, including both sides of the above identified public~~
8 ~~places (see Map B of 15.17.130: Prohibited Mobile food vending Area University District).~~



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~~D. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.~~

~~E. The Director of Transportation may, as deemed appropriate, condition the mobile food vending Street Use permit to address potential impacts as provided for in Section 15.04.035.))~~

Section 38. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance 126509, is repealed:

1 ~~((15.17.150 Merchandise display from a public place~~

2 A. ~~The Director of Transportation may issue a merchandise display Street Use permit to a~~
3 ~~retail sales business allowing the same goods or wares offered for sale by the business to be~~
4 ~~displayed on the adjoining public place. Merchandise displays shall be subject to the following~~
5 ~~requirements:~~

6 1. ~~The proposed merchandise display shall be sited to provide:~~

7 a. ~~An unobstructed corner clearance zone;~~

8 b. ~~An unobstructed pedestrian clear zone abutting the entire length of the~~
9 ~~merchandise display. The width of the pedestrian clear zone is determined by the street type~~
10 ~~where the merchandise display is located as defined by the Right of Way Improvements Manual~~
11 ~~or successor rule; and~~

12 c. ~~An unobstructed 3 foot wide pedestrian straight path as defined in~~
13 ~~Section 15.02.046 within the designated pedestrian clear zone that extends along the permitted~~
14 ~~area and for 25 feet on either end of the permitted area's boundaries along the block face;~~

15 2. ~~The merchandise display shall comply with clearances required in the Right of~~
16 ~~Way Improvements Manual or successor rule. In addition to any other required setbacks, the~~
17 ~~merchandise display:~~

18 a. ~~Shall not be sited in a manner that adversely affects pedestrian mobility~~
19 ~~directly beyond the permitted footprint area or inhibits the operation, maintenance, or~~
20 ~~functionality of any utilities or street fixtures;~~

21 b. ~~Shall not be located in the furniture zone when the curb space is~~
22 ~~designated as a bus zone area, disabled person parking zone, food vehicle zone, or commercial~~
23 ~~loading zone;~~

1 e. ~~Shall be located:~~

2 1) ~~At least 10 feet from the corner clearance zone when located in~~
3 ~~the furniture zone; and~~

4 2) ~~At least 5 feet from curb ramps, curb ramp landings, alleys, and~~
5 ~~driveways;~~

6 3. ~~The Traffic Engineer or Director of Transportation has authority to require~~
7 ~~dimensions greater than the minimum standards included in subsections 15.17.150.A.1 and~~
8 ~~15.17.150.A.2 to provide for pedestrian passage, traffic management, or any other public use~~
9 ~~purpose.~~

10 4. ~~The merchandise display shall not be located in the public place abutting a lot~~
11 ~~zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are~~
12 ~~defined under subsection 23.30.010.A if the abutting zoning does not have an RC classification~~
13 ~~as shown on the Official Land Use Map, Chapter 23.32;~~

14 5. ~~The display shall be removed during those hours that the business is closed;~~

15 6. ~~The merchandise display activity shall not violate the Americans with~~
16 ~~Disabilities Act;~~

17 7. ~~Sales of goods or merchandise displayed shall occur on the adjoining privately~~
18 ~~owned property;~~

19 8. ~~The display shall not contain alcoholic beverages, tobacco, firearms or~~
20 ~~munitions, any article that a minor is prohibited by law from purchasing, or any material~~
21 ~~restricted by the Fire Code from direct access or handling by the public;~~

22 9. ~~The permittee shall not use amplification or noise-making devices, and the~~
23 ~~permittee shall comply with Chapter 25.08; and~~

1 ~~10. Unless specifically authorized by Street Use permit, the permittee shall not~~
2 ~~locate electrical lines overhead or on the ground surface where the public has access to the public~~
3 ~~place.~~

4 ~~B. The City assumes no responsibility for loss of the items on display, whether the loss~~
5 ~~occurs through accident, collision, vandalism, theft, or otherwise.~~

6 ~~C. The Director of Transportation may require additional information from the applicant~~
7 ~~as provided for in Section 15.04.030.~~

8 ~~D. The Director of Transportation may, as deemed appropriate, condition the~~
9 ~~merchandise display Street Use permit to address potential impacts as provided for in Section~~
10 ~~15.04.035.))~~

11 Section 39. Section 15.17.152 of the Seattle Municipal Code, last amended by Ordinance
12 126509, is amended as follows:

13 **15.17.152 – ((~~Maintaining public place conditions~~)) Permittee responsibilities for vending**
14 **operation**

15 A. The permittee shall maintain the vending site((~~, merchandise display,~~)) and adjoining
16 and abutting public place free of all refuse of any kind generated from the operation of their
17 business((es)). If food is served, the permittee shall supply a refuse container for public use that
18 is capable of accommodating all refuse generated by the vending activity and that shall be
19 maintained and emptied regularly.

20 B. ((~~All materials and supplies used by the permittee shall be contained in the vending~~
21 ~~cart, food vehicle, attended newsstand, or merchandise display; and the permittee shall not store~~
22 ~~supplies or other materials in the public place.~~

1 ~~C. The surface of the public place shall not be altered and permanent fixtures of any kind~~
2 ~~shall not be installed in the public place unless authorized by a Street Use permit.~~

3 ~~D. A vending cart, food vehicle, or merchandise display shall not be secured to any~~
4 ~~public amenity unless authorized by a Street Use permit. A vending cart or food vehicle shall not~~
5 ~~be unattended in the public place for longer than 30 minutes.~~

6 ~~E. The permittee shall temporarily clear the public place as the Director of Transportation~~
7 ~~deems necessary to temporarily accommodate access to abutting properties or utilities.~~

8 ~~F. The permittee is responsible for ensuring that customer queues, displays, or vending~~
9 ~~activity do not encroach into the roadway or cause pedestrians to divert from the abutting~~
10 ~~pedestrian clear zone.~~

11 ~~G. The permittee shall not conduct business in such a way as to: restrict or interfere with~~
12 ~~the ingress or egress of the abutting property owner or tenant; create or become a nuisance or~~
13 ~~hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an~~
14 ~~obstruction to adequate access to fire, police, or sanitation vehicles.~~

15 ~~H. The permittee shall immediately remove the vending activity or merchandise display~~
16 ~~when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City~~
17 ~~official.~~

18 ~~I. The permittee shall display a Street Use authorized vending decal on the vending cart~~
19 ~~or food vehicle. The decal shall be clearly visible from the abutting sidewalk and shall provide~~
20 ~~information to the public on how they can report Street Use violations that may be associated~~
21 ~~with the vending activity and other information as determined by rule.))The vending activity~~
22 ~~shall not violate the Americans with Disabilities Act.~~

1 C. Amplified sound shall not be used unless authorized by permit and in compliance with
2 Chapter 25.08.

3 D. Unless authorized by Street Use permit, the permittee shall not locate electrical lines
4 overhead or on the ground surface where the public has access to the public place.

5 E. Unless authorized by a Street Use permit, no public place surface shall be broken or
6 disturbed, and no permanent fixture of any kind shall be installed in or on the public place in
7 connection with a vending site.

8 F. Only materials and supplies used by the permittee for the daily operation of vending
9 may be located within the permitted area. The permittee shall not store other supplies or other
10 materials in the permitted area or public place unless otherwise authorized by a Street Use
11 permit.

12 G. Any component of the vending site shall not be secured to any asset or fixture in the
13 public place unless authorized by a Street Use permit.

14 H. When ordered by the Director of Transportation, the permittee shall temporarily
15 remove the vending activity and clear the public place to accommodate access to abutting
16 properties or utilities.

17 I. The permittee is responsible for ensuring that customer queues and vending activity do
18 not cause pedestrians to divert from the abutting pedestrian clear zone.

19 J. The permittee shall not conduct business in such a way that restricts or interferes with
20 access to or egress from the abutting property; or creates a nuisance or hazard to public health,
21 safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire,
22 police, or sanitation vehicles.

1 K. The permittee shall immediately remove the vending activity when ordered by the
2 Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

3 Section 40. Section 15.17.200 of the Seattle Municipal Code, last amended by Ordinance
4 125946, is amended as follows:

5 **15.17.200 – First Amendment Vending**

6 A. The Director of Transportation, the Superintendent of Parks and Recreation, and the
7 Director of the Seattle Center are authorized to adopt rules relating to the time, place, and
8 manner in which a person may vend merchandise (~~(in which the person's political, religious,~~
9 ~~sociological, or ideological message is inextricably intertwined)~~) if the sale exercises the
10 permittee's rights guaranteed by the United States or Washington Constitution. These rules may
11 address the issuance and duration of permits, the size and placement of tables and other
12 equipment used, their siting and location on the public place or public property, the type of
13 merchandise offered for sale, advertising and posting of prices, the display of licenses, the
14 exclusion of ineligible merchandise, the documentation to accompany applications for
15 registration, and the prohibitions against discrimination, among other subjects.

16 B. An authorizing official may authorize vending in a public place as part of a street fair,
17 carnival, athletic activity, or other public event authorized by and in accordance with a permit
18 issued by the Special Events Committee under Chapter 15.52.

19 Section 41. Section 15.17.250 of the Seattle Municipal Code, last amended by Ordinance
20 125946, is repealed:

21 ~~((15.17.250 – Director's rules~~

1 ~~The Director of Transportation may promulgate rules to implement this Chapter 15.17.~~
2 ~~The rules may address the subjects identified in this Chapter 15.17 and other subjects the~~
3 ~~Director believes may aid in the implementation of this Chapter 15.17.))~~

4 Section 42. Subsection 15.32.250.F, last amended by Ordinance 125946, is amended as
5 follows:

6 F. The communication cabinet shall comply with clearances required in the Right-of-Way
7 Improvements Manual or successor rule. In addition to any other required setbacks, the
8 communication cabinet:

9 1. Shall not be sited in a manner that adversely affects pedestrian mobility directly
10 beyond the permitted footprint area or inhibits the operation, maintenance, or functionality of
11 any utilities or street fixtures;

12 2. Shall not be located in the furniture zone when the curb space is designated as a
13 bus zone area, disabled person parking zone, food-vehicle zone, vending zone, or commercial
14 loading zone;

15 3. Shall be located:

16 a. At least 15 feet from any business entrance or exit;

17 b. At least 10 feet from the corner clearance zone when located in the
18 furniture zone; and

19 c. At least 5 feet from curb ramps, curb ramp landings, alleys, driveways;

20 Section 43. Section 15.91.002 of the Seattle Municipal Code, last amended by Ordinance
21 125031, is amended as follows:

22 **15.91.002 - Scope**

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

3 1. Use and Occupation Permits—No permit obtained (Section 15.04.010);

4 2. Permit Required - failure to comply with conditions of permit (Section
5 15.04.010);

6 3. Failure to comply with SDOT Director's Rules (SMC 15.04.010.B)

7 ~~((3))~~ 4. Marquees, Awnings, and Decorative Elements (Chapter 15.10);

8 ~~((4))~~ 5. Signs, Banners, and Street Clocks (Chapter 15.12);

9 ~~((5))~~ 6. Newsstands (Chapter 15.14);

10 ~~((6. Sidewalk Cafes))~~ 7. Cafes in the Public Place (SMC 15.16);

11 ~~((7))~~ 8. Vending (Chapter 15.17);

12 ~~((8))~~ 9. Dangerous Structures on Adjoining Property (Chapter 15.18);

13 ~~((9))~~ 10. Building Cleaning or Painting (Chapter 15.20);

14 ~~((10))~~ 11. Obstruction of utility or traffic facilities prohibited (Section 15.22.050);

15 ~~((11))~~ 12. Removal of earth and debris (Section 15.22.060);

16 ~~((12))~~ 13. Mixing of mortar or concrete (Section 15.22.070);

17 ~~((13))~~ 14. Permit to drive over sidewalk or curb (Section 15.22.100);

18 ~~((14))~~ 15. Scaffolds (Chapter 15.24);

19 ~~((15))~~ 16. Backfilling (Chapter 15.26);

20 ~~((16))~~ 17. Building and Equipment Moving (Chapter 15.28);

21 ~~((17))~~ 18. At-grade Communication Cabinets (Section 15.32.200 and 15.32.250);

22 ~~((18))~~ 19. Lifting Heavy Equipment (Chapter 15.36);

23 ~~((19))~~ 20. Warning Lights and Barricades (Chapter 15.40);

- 1 ((20)) 21. Tree and Vegetation Management in Public Places (Chapter 15.43);
- 2 ((21)) 22. Barricades and warning devices (Section 15.44.010);
- 3 ((22)) 23. Debris in Public Places (Chapter 15.46);
- 4 ((23)) 24. Snow and ice removal (Section 15.48.010);
- 5 ((24)) 25. Barbed wire or electric fence (Section 15.48.020);
- 6 ((25)) 26. Crowd Control Event (Chapter 15.52); and
- 7 ((26)) 27. Tour Vehicle Operation (Chapter 15.66).

8

9 Section 44. This ordinance shall take effect and be in force 30 days after its approval by

10 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it

11 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

12 Passed by the City Council the _____ day of _____, 2022,

13 and signed by me in open session in authentication of its passage this _____ day of

14 _____, 2022.

15 _____

16 President _____ of the City Council

17 Approved / returned unsigned / vetoed this _____ day of _____, 2022.

18 _____

19 Bruce A. Harrell, Mayor

20 Filed by me this _____ day of _____, 2022.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachments: