



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118663

Record No.: CB 118663

Type: Ordinance (Ord)

Status: Passed

Version: 1

125031

In Control: City Clerk

File Created: 04/13/2016

Final Action: 05/04/2016

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

**Notes:**

Filed with City Clerk: 5/4/2016

Mayor's Signature: 5/4/2016

Sponsors: Burgess, Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:**

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

**History of Legislative File**

Legal Notice Published:  Yes  No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	04/13/2016	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	04/14/2016	sent for review	Full Council			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Full Council						
	<b>Notes:</b>						
1	Full Council	04/18/2016	referred	Full Council			
	<b>Action Text:</b> The Council Bill (CB) was referred. to the Full Council						
	<b>Notes:</b>						
1	Full Council	04/25/2016	passed				Pass
	<b>Action Text:</b> The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:						
	<b>Notes:</b> Motion was made and duly seconded to pass Council Bill 118663.						

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember  
González , Council President Harrell, Councilmember Herbold,  
Councilmember Johnson, Councilmember Juarez, Councilmember  
O'Brien, Councilmember Sawant

Opposed: 0

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

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

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

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

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May 4, 2016

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

Dear Council President Harrell:

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

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

Sincerely,



Edward B. Murray  
Mayor, City of Seattle

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

**CITY OF SEATTLE**  
**ORDINANCE** 125031  
**COUNCIL BILL** 118663

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

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

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

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

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

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

NOW, THEREFORE,

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

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

1           **Chapter 15.66 TOUR VEHICLE OPERATION**

2           **15.66.010 Definitions**

3           For purposes of this Chapter 15.66:

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

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

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

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

1           **15.66.020 Tour narration or entertainment by drivers**

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

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

7           **15.91.002 Scope**

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

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

- 1 14. Permit to drive over sidewalk or curb (Section 15.22.100);
- 2 15. Barricades and warning devices (Section 15.44.010);
- 3 16. Dangerous Structures on Adjoining Property (Chapter 15.18);
- 4 17. Permit Required - failure to comply with conditions of permit (Section
- 5 15.04.010);
- 6 18. Sidewalk Cafes (Chapter 15.16);
- 7 19. Scaffolds (Chapter 15.24);
- 8 20. Backfilling (Chapter 15.26);
- 9 21. Building and Equipment Moving (Chapter 15.28);
- 10 22. Lifting Heavy Equipment (Chapter 15.36);
- 11 23. Crowd Control Event (Chapter 15.52);
- 12 24. Tree and Vegetation Management in Public Places (Chapter 15.43);
- 13 25. At-grade Communication Cabinets (Section 15.32.200 and
- 14 15.32.250) (~~(-)~~); and
- 15 26. Tour Vehicle Operation (Chapter 15.66).

16 \* \* \*

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

20 **15.91.016 Penalties**

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

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

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

3           2.       Violations of Title 15 or Street Use permit. The first time a person or  
4 entity is found to have violated subsections 15.91.002.A.2 through ~~((15.91.002.A.25))~~  
5 15.91.002.A.26, except Street Use vending permits identified in subsection 15.91.016.A.4.b; or  
6 violated a condition of their Street Use permit; the person or entity shall be subject to a penalty  
7 of \$250.

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

11           4.       Street Use vending first violation.

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

16           b.       Insecure or unsafe vending unit. As provided for in Section  
17 15.04.070, if the City determines that a permitted food vehicle, vending cart, vending trailer, or  
18 other vending-related device (collectively a "vending unit" for this Chapter 15.91) is insecure or  
19 unsafe, the vendor shall immediately cease using the public space and shall be subject to a  
20 penalty of \$300.

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



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

3 B. Second and subsequent violations

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

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

16 \* \* \*

1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 25<sup>th</sup> day of April, 2016, and  
5 signed by me in open session in authentication of its passage this  
6 25<sup>th</sup> day of April, 2016.

7 

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

10

11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2016.

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14 \_\_\_\_\_  
Edward B. Murray, Mayor

15

16 Filed by me this 4<sup>th</sup> day of MAY, 2016.

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19 Monica Martinez Simmons, City Clerk

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21 (Seal)