



SEATTLE CITY COUNCIL

Legislative Summary

CB 118652

Record No.: CB 118652

Type: Ordinance (Ord)

Status: Passed

Version: 1

125027

In Control: City Clerk

File Created: 03/01/2016

Final Action: 04/21/2016

Title: AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent's right to appeal the violation outlined in subsection 14.07.040.C.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	03/14/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	03/16/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	03/18/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						

- 1 Full Council 04/04/2016 referred Civil Rights,
Utilities, Economic
Development, and
Arts Committee
Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts
Committee
Notes:
- 1 Civil Rights, Utilities, 04/12/2016 pass Pass
Economic Development,
and Arts Committee
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 4 Chair Herbold, Vice Chair Sawant, Member O'Brien, González
Opposed: 0
- 1 Full Council 04/18/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember
González , Council President Harrell, Councilmember Herbold,
Councilmember Johnson, Councilmember Juarez, Councilmember
O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 04/19/2016 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 04/21/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 04/21/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 04/21/2016 attested by City
Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125027

COUNCIL BILL 118652

AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent's right to appeal the violation outlined in subsection 14.07.040.C.

WHEREAS, Ordinance 124829, the All-Gender Restroom Ordinance, provides potential respondents with the opportunity to appeal the civil penalty accompanying a notice of violation by requesting a contested hearing through the Hearing Examiner; and

WHEREAS, a contested hearing must apply to the underlying violation along with the civil penalty; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections 14.07.040.D and 14.07.040.E of the Seattle Municipal Code, which section was enacted by Ordinance 124829, are amended as follows:

14.07.040 Enforcement

D. Appeal Period and Failure to Respond. A respondent may appeal the ~~((civil penalty))~~ violation by requesting a contested hearing before the Hearing Examiner in writing within 15 days of the date of the notice of violation. If the respondent fails to timely appeal the ~~((civil penalty))~~ violation, the violation and accompanying civil penalty shall be final and enforceable. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

1 E. Appeal Procedure and Failure to Appear

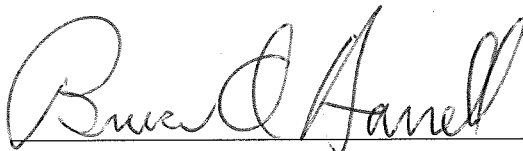
2 1. Contested hearings shall be conducted pursuant to the procedures for
3 hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing
4 Examiner for hearing contested cases. The Director shall have the burden of proof by a
5 preponderance of the evidence before the Hearing Examiner. Failure to appear for a requested
6 hearing will result in an order being entered finding that the ~~((respondent cited))~~ cited respondent
7 committed the violation stated in the Director's notice of violation. For good cause shown and
8 upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order
9 entered upon a failure to appear.

10 2. In all contested cases, the Hearing Examiner shall enter an order
11 affirming, modifying, or reversing the ~~((civil penalty))~~ violation.

12 3. If a respondent fails to comply with any final ~~((penalty))~~ order issued by
13 the Director or the Hearing Examiner, the Director may refer the matter to the City Attorney for
14 the filing of a civil action in superior court, the Seattle Municipal Court, or any other court of
15 competent jurisdiction to enforce such ~~((penalty))~~ order.

1 Section 2. 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 18th day of April, 2016, and
5 signed by me in open session in authentication of its passage this
6 18th day of April, 2016.

7 
8 _____

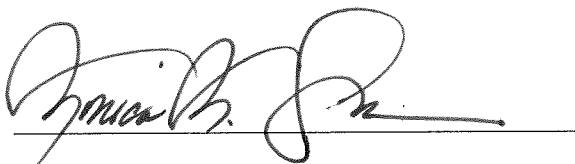
9 President _____ of the City Council

10
11 Approved by me this 21st day of April, 2016.

12 
13 _____

14 Edward B. Murray, Mayor

15
16 Filed by me this 21st day of April, 2016.

17 
18 _____

19 Monica Martinez Simmons, City Clerk

20
21 (Seal)