



Legislation Details (With Text)

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On agenda: 2/8/2022

Final Action: 2/18/2022 **Ord. No.** Ord 126534

Title: AN ORDINANCE relating to permits in parks; stating a maximum term for permits in parks; clarifying the nature of permissible commercial activities in parks; and amending Sections 18.12.030, 18.12.042, and 18.12.160 of the Seattle Municipal Code.

Sponsors: Andrew Lewis

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Presentation, 3. Signed Ordinance 126534, 4. Affidavit of Publication

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|------------------------------------|--------|
| 2/18/2022 | 1 | City Clerk | attested by City Clerk | |
| 2/18/2022 | 1 | Mayor | returned | |
| 2/18/2022 | 1 | Mayor | Signed | |
| 2/10/2022 | 1 | City Clerk | submitted for Mayor's signature | |
| 2/8/2022 | 1 | City Council | passed | Pass |
| 2/2/2022 | 1 | Public Assets and Homelessness Committee | pass | Pass |
| 2/1/2022 | 1 | City Council | referred | |
| 1/27/2022 | 1 | Council President's Office | sent for review | |
| 1/25/2022 | 1 | City Clerk | sent for review | |
| 1/25/2022 | 1 | Mayor | Mayor's leg transmitted to Council | |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to permits in parks; stating a maximum term for permits in parks; clarifying the nature of permissible commercial activities in parks; and amending Sections 18.12.030, 18.12.042, and 18.12.160 of the Seattle Municipal Code.

WHEREAS, in the last ten years, the City of Seattle has seen an increase in requests to use Seattle Parks and Recreation (“Department”) properties for commercial activities, including fitness boot camps, outdoor educational classes, and food vending; and

WHEREAS, concession contracts and use permits are awarded through a competitive process, with park activation and enhancement as the primary criteria; and

WHEREAS, the City seeks to further clarify permit and concession contract requirements while confirming the department's authority and responsibility to maintain City parks as safe and welcoming spaces for all park users; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 18.12.030 of the Seattle Municipal Code, last amended by Ordinance 118607, is amended as follows:

18.12.030 Definitions-Rules of construction((;-))

A. Unless clearly inconsistent with the context in which used, the following definitions apply:

1. "Adequate leash" means a leash of ~~((eight (8)))~~ 8 feet in length or shorter.
2. "Aquarium" means a facility with artificial habitats containing aquatic or other forms of life for purposes of research, recreation, conservation, education, or viewing.
3. "At large" means a dog or other animal inside ~~((The City of))~~ Seattle, off the premises of the owner, and not under control by adequate leash.
4. "Camp" means: to remain overnight((;-)) ; to erect a tent or other shelter((;-)) ; or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such a way as will permit remaining overnight.
5. "City park zone" means:
 - a. A group of parks determined by the Superintendent to be so related to one another geographically or by function, 2 or both, that the Superintendent determines that, generally, exclusion from one park would be ineffective without exclusion from the other or others. A park can be part of more than one City park zone.
 - b. A city park that is not included in a City park zone defined in subsection 18.12.030.A.5

a is itself a City park zone.

6. “Commercial activity” means any activity conducted for monetary or commercial gain including the sale of all goods, liquids, edibles (including food vending), or services, and the marketing of those goods or services. “Commercial activity” includes, but is not limited to, providing individual or group lessons, classes, or activities that have a fee or other monetary barrier to entry. Commercial activity also includes any lesson, class, or commercial activity taking place on department property that is associated with any trade, occupation, profession, business, or franchise or are offered to promote products or services. “Commercial activity” does not include activities conducted on the City’s behalf or in conjunction with the City, such as those provided pursuant to a concession agreement or agreement for services. Examples of commercial activity include but are not limited to boot camps, running clubs, and workout groups offered only to paying participants.

~~((6))~~ 7. “Felony violation” means the violation of a criminal law, the conviction of which would:

- a. Carry a maximum sentence in excess of one ~~((4))~~ year’s imprisonment; or
- b. Constitute a felony in Title 9A of the Revised Code of Washington.

~~((7))~~ 8. “Knowingly” means to act when:

a. One is aware of a fact, facts, circumstances, or result described by a statute or ordinance defining an offense; or

b. One has information ~~((which))~~ that would lead a reasonable person in the same situation to believe that facts exist, which facts are described by a statute or ordinance defining an offense.

~~((8))~~ 9. “Off-leash area” means an area designated in subsection ~~((B of Section))~~ 18.12.080.B where dogs, and no other animal, shall be allowed to run at large.

~~((9))~~ 10. “Park” means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers~~((:))~~, and other park, recreation, and open space areas, ((

and)) buildings, and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent.

((10)) 11. “Park rule” for purposes of Section 18.12.278 means those particular rules or codes of conduct the Superintendent has adopted and has designated, by rule, as those for which a violation may lead to exclusion from a park under Section 18.12.278.

((11)) 12. “Recreation program” means any program or activity conducted, sponsored, or assisted by Seattle Parks and Recreation, whether or not it occurs in a park.

((12)) 13. “Superintendent” means the Superintendent of Parks and Recreation of the City and authorized agents of the Superintendent, who may include, without limitation, the Chief of Police of The City of Seattle and ((his or her)) the Chief’s subordinate officers, Seattle Animal Control Officers, and staff of Seattle Parks and Recreation.

((13)) 14. “Superintendent’s Hearing Officer” means the individual who is the Superintendent of Parks and Recreation and each person or panel of persons on whom the Superintendent has conferred responsibility to conduct the hearing authorized in ((Section)) subsection 18.12.278.E.

((14)) 15. “Violation” means an act or omission or combination thereof that is contrary to any park rule or any civil or criminal provision of the Revised Code of Washington or the Seattle Municipal Code proven by a preponderance of the evidence.

((15)) 16. “Weapon violation” means possession ((of)) or use of a weapon in violation of Chapter 9.41 of the Revised Code of Washington or Chapter 12A.14 of the Seattle Municipal Code.

((16)) 17. “Zoo” means a zoological garden where animals are kept for purposes of research, recreation, conservation, education, or viewing.

((17)) 18. “Zoo exhibit” means an area in the Zoo reserved for the purpose of exhibiting Zoo animals.

B. Wherever consistent with the context of this ((chapter)) Chapter 18.12, words in the present, past, or

future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, and words in the masculine gender shall apply to the feminine and neuter genders.

Section 2. Section 18.12.042 of the Seattle Municipal Code, enacted by Ordinance 113860, is amended as follows:

18.12.042 Permit system((:))

The Superintendent may establish a permit system and require a permit for:

A. Reserving any room or part of a community center, athletic field, picnic facility, stage, or other defined area of a park for a certain time or series of times; and granting the exclusive use thereof during the time reserved;

B. Posting any signs, posters, or notices; placing or erecting any structure or obstruction of any kind within a park, whether temporary or permanent; engaging in competitions involving a vehicle, boat, aircraft, or animal, or launching or landing aircraft or airborne conveyance; or cutting or removing any tree or plant material;

C. Making any improvement to or in a park or constructing a public work;

D. Conducting a commercial activity of any type, including providing a service, product, or activity within a park;

E. ((using)) Using any outdoor electrical power outlet; or laying cables or extending wires in or over a park; or using any park or facility during the hours it is closed to the public;

~~((E))~~ E. Making any use of a park or recreational facility for an event that differs in kind from the use and enjoyment of the park or recreational facilities by the general public of the premises.

No permit is required of park employees acting in the scope and course of their duties. Exemptions may be made for abutting owners, who maintain park boulevards, with respect to the area maintained; for concessionaires as to the area under concession; and as to governmental officials acting under authority of law.

Issuance of a permit shall be subject to payment of such fees or charges as required by ordinance or authorized by resolution of the City Council.

A permit for an event may authorize the placing of temporary signs, posters, or notices reasonably related thereto.

All permits shall be wholly of a temporary nature, shall ~~((best))~~ vest no permanent right, and may be removed upon ~~((thirty (30)))~~ 30 days' notice or, if the permit so states, upon shorter notice. The Superintendent is authorized to issue permits consistent with this Section 18.12.042 for a term not to exceed one year.

Section 3. Section 18.12.160 of the Seattle Municipal Code, enacted by Ordinance 106615, is amended as follows:

**18.12.160 ~~((Sale of merchandise))~~ Commercial activity in parks-Concession contract or permit required~~((~~
~~))~~**

~~((It is unlawful to sell or attempt to sell any merchandise, liquid, edible, or any other tangible or intangible thing, right, privilege or claim in any park without having an authorized concession contract or use permit to do so.))~~ It is unlawful to conduct any commercial activity as defined in Section 18.12.030, or provide any service, product, or activity for which there is a charge, in any park, without having an authorized concession contract or use permit to do so, signed or issued by the Superintendent.

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

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

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

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)