



Legislation Text

File #: CB 118663, Version: 1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

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:

Chapter 15.66 TOUR VEHICLE OPERATION

15.66.010 Definitions

For purposes of this Chapter 15.66:

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

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

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

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

15.66.020 Tour narration or entertainment by drivers

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

Section 2. Effective June 1, 2016, subsection 15.91.002.A of the Seattle Municipal Code, which section

was last amended by Ordinance 124598, is amended as follows:

15.91.002 Scope

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

1. Use and Occupation Permits-No permit obtained (Section 15.04.010);
2. Marquees, Awnings, Canopies, and Decorative Elements (Chapter 15.10);
3. Signs, Banners, and Street Clocks (Chapter 15.12);
4. Newsstands (Chapter 15.14);
5. Building Cleaning or Painting (Chapter 15.20);
6. Vending (Chapter 15.17);
7. Warning Lights and Barricades (Chapter 15.40);
8. Debris in Public Places (Chapter 15.46);
9. Snow and ice removal (Section 15.48.010);
10. Barbed wire or electric fence (Section 15.48.020);
11. Obstruction of utility or traffic facilities prohibited (Section 15.22.050);
12. Removal of earth and debris (Section 15.22.060);
13. Mixing of mortar or concrete (Section 15.22.070);
14. Permit to drive over sidewalk or curb (Section 15.22.100);
15. Barricades and warning devices (Section 15.44.010);
16. Dangerous Structures on Adjoining Property (Chapter 15.18);
17. Permit Required - failure to comply with conditions of permit (Section 15.04.010);
18. Sidewalk Cafes (Chapter 15.16);
19. Scaffolds (Chapter 15.24);
20. Backfilling (Chapter 15.26);

21. Building and Equipment Moving (Chapter 15.28);
22. Lifting Heavy Equipment (Chapter 15.36);
23. Crowd Control Event (Chapter 15.52);
24. Tree and Vegetation Management in Public Places (Chapter 15.43);
25. At-grade Communication Cabinets (Section 15.32.200 and 15.32.250) ((-)) ; and
26. Tour Vehicle Operation (Chapter 15.66).

* * *

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

15.91.016 Penalties

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

1. No Street Use permit obtained. The first time a person or entity is found to have violated subsection 15.91.002.A.1, except Street Use vending permits identified in subsection 15.91.016.A.4.a, by not obtaining a Street Use permit before using the public place, the person or entity shall be subject to a penalty of \$500.

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

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

4. Street Use vending first violation.

a. No Street Use vending permit. The first time a person or entity is found to have

violated subsection 15.91.002.A.1 for not being in possession of a Street Use vending permit, identified as subsection 15.91.002.A.6, while using the public place; the person or entity shall be subject to a penalty of \$300.

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

c. Street Use vending permit condition violation. The first time the permittee is found to have violated subsection 15.91.002.A.6 by not adhering to the conditions of their Street Use vending permit, the permittee shall be subject to a penalty of \$150. The Director may, in an exercise of discretion, issue a warning to the vendor if the person or entity has not been previously warned or cited for violating subsection 15.91.002.A.6.

B. Second and subsequent violations

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

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

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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 _____, 2016, and
signed by me in open session in authentication of its passage this
____ day of _____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)