	D2a
1	CITY OF SEATTLE
2	ORDINANCE 126971
3	COUNCIL BILL 120722
4 5 6 7 8 9	AN ORDINANCE related to street and sidewalk use; expanding the indemnification and hold- harmless requirements, which are currently directed toward permittees, to include all those making use of public place, as use is defined in Seattle Municipal Code 15.02.048; and amending Section 15.04.060 of the Seattle Municipal Code.
10	WHEREAS, Ordinance 126732 revised Seattle Municipal Code (SMC) Section 15.04.010 to
11	allow the authorizing official to waive the permit requirement for certain uses of the
12	public place; and
13	WHEREAS, "use" is defined in SMC Section 15.02.048 as exercising dominion or control over
14	or occupying all or part of a public place with or without the right to do so; and
15	WHEREAS, the City wishes to protect itself from undue liability or loss resulting from both
16	permitted and unpermitted use of the public place; and
17	WHEREAS, current code language limits to "permittees" the requirement for street and sidewalk
18	users to defend, indemnify, and hold harmless The City of Seattle from and against any
19	liability and all loss arising out of the use or occupancy of the public place;
20	NOW, THEREFORE,
21	BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:
22	Section 1. Section 15.04.060 of the Seattle Municipal Code, last amended by Ordinance
23	126732, is amended as follows:
24	15.04.060 Indemnity agreements and covenants
25	A. The permittee, or the ((owner of the object or improvement identified in the permit
26	application if the permittee is not the owner)) individual or entity making use of the public place
27	as defined in Section 15.02.048, whether or not a permit for the use is required or a permit is

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1	required but has not been obtained, shall agree to defend, indemnify, and hold harmless The City
2	of Seattle, its officials, officers, employees, and agents from and against:
3	1. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys'
4	fees, or damages of every kind and description resulting directly or indirectly from any act or
5	omission of the permittee or the individual or entity making use of the public place as defined in
6	Section 15.02.048, whether or not a permit for the use is required or a permit is required but has
7	not been obtained, its subcontractors, anyone directly or indirectly employed by them, and
8	anyone for whose acts or omissions they may be liable, arising out of the ((permittee's)) use or
9	occupancy of the public place; and
10	2. All loss by the failure of the permittee or the individual or entity making use of
11	the public place as defined in Section 15.02.048, whether or not a permit for the use is required
12	or a permit is required but has not been obtained, to fully or adequately perform, in any respect,
13	all authorizations or obligations under permit or Title 15.
14	* * *

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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 <u>12th</u> day of <u>December</u> , 2023,
5 6	and signed by me in open session in authentication of its passage this <u>12th</u> day of <u>December</u> , 2023.
7 8	Debara funer President of the City Council
9	Approved / \Box returned unsigned / \Box vetoed this <u>28th</u> day of <u>December</u> , 2023.
10	Bruce Q. Hanel
11	Bruce A. Harrell, Mayor
12	Filed by me this 28th day of December, 2023.
13	de De
14	Scheereen Dedman, City Clerk
15	(Seal)