

Amendment 2 to CB 120429 – SDOT Street Activation Permits

Sponsor: Councilmember Pedersen

Retain 50' buffer on food and flower vending

Effect: This amendment would reinstate existing code language to retain the 50' buffer on food and flower vending from similar businesses. This requirement currently exists in SMC 15.17.100.A.7.c.2. The proposed legislation as transmitted (Section 35) would repeal SMC 15.17.100 in its entirety.

Amend Section 31 of CB 120429 as follows:

Section 31. A new Section 15.17.040 is added to the Seattle Municipal Code as follows:

15.17.040 Terms and conditions

A. Vending may be located on a public place as defined in Section 15.02.046 including but not limited to a sidewalk, planting strip, curb space, alley, public plaza, or streets with or without curbs. The Director of Transportation may determine appropriate locations for vending activity based on factors including, but not limited to, type of activity or land use context and street type. The following requirements apply to all vending activity in the public place regardless of location unless otherwise specified.

B. The Director of Transportation may issue a Street Use permit authorizing the use of a public place for vending activity if the following requirements are met:

1. The applicant shall be: the vendor, adjacent tenant, adjacent business, adjacent property owner, or a public entity for vending activity;
2. The business operating the vending unit shall obtain and maintain in effect all necessary City and state permits and licenses;

3. The vending location is at least 50 feet away from a food service business if the permittee is vending food or nonalcoholic beverages and at least 50 feet from a floral business if the permittee is vending flowers. However, a vending Street Use permit may be issued to the owner of a food service business for a site along the food service business's frontage, provided all other vending requirements of this Chapter 15.17 are satisfied;

~~4.3.~~ If selling food or beverages, the applicant shall only sell prepackaged products, produce, or products that are capable of immediate consumption;

~~5.4.~~ The applicant shall obtain insurance according to Section 15.04.045. Failure to maintain the required insurance coverage is grounds for revoking a Street Use permit;

~~6.5.~~ The applicant shall indemnify and hold harmless The City of Seattle according to Section 15.04.060;

~~7.6.~~ Vending from the street shall be subject to Title 11. Signage and traffic control devices may be required depending on the vending site.

C. The Director of Transportation may issue a route vending Street Use permit authorizing mobile route vending of authorized goods, food, or beverages that the Director of Public Health—Seattle & King County or authorized representative has determined are exempt from the food-establishment permit requirement of Title 5 of the King County Board of Health Code or successor rule. Route vending may occur from a vending unit in the public place subject to the following requirements:

1. Route vending from a vending unit located in the curb space shall be subject to Title 11;

2. Route vending permittees shall not stop the vending unit in a curb space or other public place for any longer than necessary to vend to waiting customers;

3. Tables, carts, umbrellas, or other vending-related installations shall not be erected in the public place in association with a route vending activity; and

4. The Director of Transportation has the authority to designate prohibited vending areas for route vending.

D. If required, the applicant shall provide public notice of a new application in a form approved by the Director of Transportation as provided for in Section 15.04.030. A Street Use permit shall not be issued by the Director of Transportation until after the public notice period has ended.

E. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.

F. The Director of Transportation has authority to determine priority use at the time of application and renewal for individual sites in the case of multiple applicants.

G. The Director of Transportation may, as deemed appropriate, condition the Street Use permit to address potential impacts as provided for in Section 15.04.035, including requiring a surety bond in accordance with the provisions of Section 15.04.044 or establishing an escrow account in accordance with the provisions of Section 15.04.042.

H. The Director of Transportation may promulgate rules to implement this Chapter 15.17.