



Legislation Text

File #: CB 120722, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, Ordinance 126732 revised Seattle Municipal Code (SMC) Section 15.04.010 to allow the authorizing official to waive the permit requirement for certain uses of the public place; and

WHEREAS, “use” is defined in SMC Section 15.02.048 as exercising dominion or control over or occupying all or part of a public place with or without the right to do so; and

WHEREAS, the City wishes to protect itself from undue liability or loss resulting from both permitted and unpermitted use of the public place; and

WHEREAS, current code language limits to “permittees” the requirement for street and sidewalk users to defend, indemnify, and hold harmless The City of Seattle from and against any liability and all loss arising out of the use or occupancy of the public place; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.04.060 of the Seattle Municipal Code, last amended by Ordinance 126732, is amended as follows:

15.04.060 Indemnity agreements and covenants

A. The permittee, or the ~~((owner of the object or improvement identified in the permit application if the permittee is not the owner))~~ individual or entity making use of the public place as defined in Section 15.02.048,

whether or not a permit for the use is required or a permit is required but has not been obtained, shall agree to defend, indemnify, and hold harmless The City of Seattle, its officials, officers, employees, and agents from and against:

1. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the permittee or the individual or entity making use of the public place as defined in Section 15.02.048, whether or not a permit for the use is required or a permit is required but has not been obtained, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the ((~~permittee's~~)) use or occupancy of the public place; and

2. All loss by the failure of the permittee or the individual or entity making use of the public place as defined in Section 15.02.048, whether or not a permit for the use is required or a permit is required but has not been obtained, to fully or adequately perform, in any respect, all authorizations or obligations under permit or Title 15.

* * *

Section 2. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)