



Legislation Text

File #: CB 120335, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to service animals; conforming the definition of “service animal” to federal and state law; establishing a uniform definition for “service animal” by removing similar terms and including the definition in the Parks Code; making technical corrections; and amending Sections 6.310.465, 9.25.023, 9.25.082, 11.40.180, 14.04.030, 14.06.020, 14.06.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 18.12.030, and 18.12.080 of the Seattle Municipal Code.

WHEREAS, in the Seattle Municipal Code (SMC) there are multiple references to “dog guide” or other terms related to service animals; and

WHEREAS, in 2011, Ordinance 123527 defined “service animal” but did not include this definition in the Parks Code and did not amend existing terms related to service animals, such as “dog guide”; and

WHEREAS, addition of the existing definition of “service animal” to the Parks Code and deletion of “dog guide” and other related terms would establish uniform definitions for service animals throughout the Seattle Municipal Code by making every use of “service animal” tie to identical definitions in Sections 9.25.023, 14.04.030, and 18.12.030; and

WHEREAS, this ordinance extends the objective of Ordinance 123527 “to be consistent with Federal and State anti-discrimination law”; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6.310.465 of the Seattle Municipal Code, last amended by Ordinance 124524, is amended as follows:

6.310.465 For-hire driver passenger relations standards

* * *

E. A for-hire driver shall not refuse to transport in the taxicab or for-hire vehicle any passenger's wheelchair which can be folded and placed in either the passenger, driver, or trunk compartment of the taxicab or for-hire vehicle; ~~((, an assist dog or guide dog to assist the disabled or handicapped,))~~ a service animal as defined in Section 9.25.023; groceries, packages, or luggage when accompanied by a passenger (Class B).

Section 2. Section 9.25.023 of the Seattle Municipal Code, last amended by Ordinance 123646, is amended as follows:

9.25.023 Definitions-P-T((:))

As used in this ~~((chapter))~~ Chapter 9.25, except where a different meaning is plainly apparent from the context, the following definitions apply:

* * *

D. "Service animal" means an animal that does work for, performs tasks for, or provides medically necessary support for the benefit of an individual with a disability.

* * *

Section 3. Section 9.25.082 of the Seattle Municipal Code, last amended by Ordinance 119998, is amended as follows:

9.25.082 Offenses relating to safety and sanitation((:))

It is unlawful for an owner to:

A. Allow the accumulation of animal feces in any open area, run, cage, or yard wherein animals are kept and to fail to remove or dispose of feces at least once every ~~((twenty-four (24)))~~ 24 hours;

B. Fail to remove the fecal matter deposited by ~~((his/her))~~ the owner's animal on public property or private property of another before the owner leaves the immediate area where the fecal matter was deposited;

C. Fail to have in ~~((his/her))~~ the owner's possession the equipment necessary to remove ~~((his/her))~~ the owner's animal's fecal matter when accompanied by said animal on public property or public easement;

D. Have possession or control of any animal sick or afflicted with any infectious or contagious disease

and fail to provide treatment for such infection or disease, or suffer or permit such diseased or infected animal to run at large, or come in contact with other animals, or drink at any public or common watering trough or stream accessible to other animals.

Owners of service ~~((dogs))~~ animals shall be exempted from subsections 9.25.082.B and 9.25.082.C. ~~((of this section.))~~

Section 4. Section 11.40.180 of the Seattle Municipal Code, last amended by Ordinance 123420, is amended as follows:

11.40.180 ~~((Standard of care))~~ Precautions for drivers of motor vehicles ~~((Blind pedestrians carrying))~~ approaching a wheelchair user or pedestrian who is using a white cane ~~((or using guide dog.))~~ or service animal

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian using a ~~((guide dog))~~ service animal as defined in Section 9.25.023, a person with physical disabilities using a service animal as defined in Section 9.25.023, or a person with a disability using a wheelchair or a power wheelchair as defined in ~~((RDW))~~ RCW 46.04.415 shall take all necessary precautions to avoid injury to such pedestrian or wheelchair user. ~~((No driver))~~ It shall be unlawful for the operator of any vehicle ~~((shall))~~ to drive into or upon any crosswalk while there is on such crosswalk ~~((any))~~ such pedestrian or wheelchair user ~~((who is))~~ crossing or attempting to cross the roadway, ~~((and))~~ if such pedestrian or wheelchair user is using a white cane, using a ~~((guide dog or))~~ service animal, or using a wheelchair or a power wheelchair as defined in RCW 46.04.415.

The failure of any such pedestrian or wheelchair user so to signal shall not deprive ~~((him/her))~~ the individual of the right-of-way accorded ~~((him/her))~~ to the individual by other laws. ~~((RCW 70.84.040))~~

Section 5. Section 14.04.030 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.04.030 Definitions

When used in this Chapter 14.04, unless the context otherwise requires:

* * *

“Service animal” means an animal that does work for, performs tasks for, or provides medically necessary support for the benefit of an individual with a disability.

* * *

Section 6. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.06.020 Definitions

Definitions as used in this ~~((chapter))~~ Chapter 14.06, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

* * *

“Service animal” means an animal that does work for, performs tasks for, or provides medically necessary support for the benefit of an individual with a disability.

* * *

Section 7. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance 124829, is amended as follows:

14.06.030 Unfair practices~~((=))~~

* * *

B. It is an unfair practice for any person to discriminate in a place of public accommodation by:

1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform rates;

or

2. Refusing or withholding admission, patronage, custom, presence, frequenting, dwelling,

staying, or lodging; or

3. Denying, directly or indirectly, the full enjoyment of any available goods, services,

accommodations, facilities, privileges, or advantages; or

4. Printing, circulating, issuing, displaying, posting, mailing, or otherwise causing, directly or indirectly, to be published a statement, advertisement, or sign (~~(which)~~) that indicates directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations will be refused, withheld, denied, or in some manner limited or restricted or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable; or

5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a (~~trained dog guide or~~) service animal by a disabled person, or a mother breastfeeding her child with the purpose or effect of denying to such person the rights granted in this Chapter 14.06; or

6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person complied with or proposed to comply with this Chapter 14.06 or any order issued under this Chapter 14.06, or filed a charge or complaint, testified, or assisted in any investigation, proceeding, or hearing under this Chapter 14.06; or

7. Coercing, intimidating, threatening, or otherwise interfering with any person in the exercise or enjoyment of or on account of such person having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this Chapter 14.06; or

8. Applying any economic sanctions or denying membership privileges because of compliance with this Chapter 14.06; or

9. Aiding, abetting, inciting, compelling, or coercing the doing of any act defined in this Chapter 14.06 to be an unfair practice; or

10. Attempting to commit any act defined in this Chapter 14.06 to be an unfair practice; or

11. Denying, directly or indirectly, an individual's right to use gender-specific restrooms and other gender-specific facilities in places of public accommodation including but not limited to dressing rooms, locker rooms, homeless shelters, and group homes that are consistent with the individual's gender identity or expression.

C. Compliance with conditions and limitations established by law and applicable to all persons regardless of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 program, the presence of a disability, or the use of a ((~~trained dog guide or~~)) service animal by a disabled person is not an unfair practice under this ((~~section~~)) Section 14.06.030.

* * *

Section 8. Section 14.08.015 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.015 Seattle Open Housing Poster

All persons required to post a fair housing poster pursuant to 24 CFR 110 shall also post a Seattle Open Housing Poster at the same locations required in the federal regulation. A person who fails to post a Seattle Open Housing Poster as required in this Section 14.08.015 is subject to a fine of \$125 for a first violation and a fine of \$500 for each subsequent violation. The Seattle Open Housing Poster shall provide a notice that it is illegal in ((~~The City of~~)) Seattle to discriminate against any person because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 or other subsidy program, alternative source of income, the presence of any disability, or the use of a ((~~trained dog guide or~~)) service animal by a disabled person. The Department shall adopt a rule or rules to enforce this Section 14.08.015 that shall include the availability of such posters from the Department.

Section 9. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is

amended as follows:

14.08.020 Definitions

Definitions as used in this Chapter 14.08, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

* * *

“Service animal” means an animal that does work for, performs tasks for, or provides medically necessary support for the benefit of an individual with a disability.

* * *

Section 10. Section 14.08.045 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.045 Retaliation, harassment, or coercion

* * *

B. It is an unfair practice for any person, whether or not acting for profit, to harass, intimidate, discriminate against, or otherwise abuse any person or person’s friends or associates because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, the presence of any disability, or the use of a (~~trained dog guide or~~) service animal by a disabled person with the purpose or effect of denying to such person the rights granted in this Chapter 14.08 or the right to quiet or peaceful possession or enjoyment of any real property.

* * *

Section 11. Section 14.08.070 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.070 Unfair inquiries or advertisements

It is an unfair practice for any person to:

A. Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 or other subsidy program, the presence of any disability, or the use of a ((~~trained dog guide or~~)) service animal by a disabled person in connection with a real estate transaction unless used solely:

1. For making reports required by agencies of the federal, state, or local government to prevent and eliminate discrimination or to overcome its effects or for other purposes authorized by federal, state, or local agencies or laws or rules adopted thereunder,

2. As to “marital status,” for the purpose of determining applicability of community property law to the individual case, or

3. As to “age,” for the purpose of determining that the applicant has attained the age of majority, or in the case of housing exclusively for older persons as described in subsection 14.08.190.E, for the purpose of determining the eligibility of the applicant;

* * *

Section 12. Section 14.08.190 of the Seattle Municipal Code, last amended by Ordinance 125114, is amended as follows:

14.08.190 Exclusions

Nothing in this Chapter 14.08 shall:

* * *

B. Be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity,

political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, the presence of any disability, or the use of a ~~((trained dog guide or))~~ service animal by a disabled person where such factors are not designed, intended, or used to discriminate;

* * *

Section 13. 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, 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 ~~((A5a))~~

18.12.030.A.5.a is itself a City park zone.

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

- a. Carry a maximum sentence in excess of one ~~((1))~~ year's imprisonment; or
- b. Constitute a felony in Title 9A ~~((of the Revised Code of Washington))~~ RCW.

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

9. "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. "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. "Recreation program" means any program or activity conducted, sponsored, or assisted by the Department of Parks and Recreation, whether or not it occurs in a park.

12. "Service animal" means an animal that does work for, performs tasks for, or provides medically necessary support for the benefit of an individual with a disability.

~~((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 the

Department of 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 or use of a weapon in violation of ~~((Chapter))~~ chapter 9.41 ~~((of the Revised Code of Washington))~~ RCW 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 14. Section 18.12.080 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

18.12.080 Animals running at large prohibited ~~((:))~~

A. Except as expressly allowed in subsection 18.12.080.B, ~~((hereof,))~~ it is unlawful for any person to allow or permit any dog or other pet to run at large in any park, or to permit any dog or other pet with or without a leash, except ~~((Seeing Eye or Hearing Ear dogs))~~ service animals or dogs used by public law

enforcement agencies and under control of a law enforcement officer, to enter any public beach, swimming or wading area, pond, fountain, stream, organized athletics area, or designated children's play area. The Superintendent may ban dogs and other pets, or a specific dog or other pet, from areas of any park where ((he or she)) the Superintendent determines the same may be a nuisance.

* * *

Section 15. 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)

Attachments: