



Legislation Text

File #: CB 118652, Version: 1

CITY OF SEATTLE
ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to violations of the All-Gender Restroom Ordinance; amending Section 14.07.040 of the Seattle Municipal Code to clarify a respondent’s right to appeal the violation outlined in subsection 14.07.040.C.

WHEREAS, Ordinance 124829, the All-Gender Restroom Ordinance, provides potential respondents with the opportunity to appeal the civil penalty accompanying a notice of violation by requesting a contested hearing through the Hearing Examiner; and

WHEREAS, a contested hearing must apply to the underlying violation along with the civil penalty; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections 14.07.040.D and 14.07.040.E of the Seattle Municipal Code, which section was enacted by Ordinance 124829, are amended as follows:

14.07.040 Enforcement

D. **Appeal Period and Failure to Respond.** A respondent may appeal the ~~((civil penalty))~~ violation by requesting a contested hearing before the Hearing Examiner in writing within 15 days of the date of the notice of violation. If the respondent fails to timely appeal the ~~((civil penalty))~~ violation, the violation and accompanying civil penalty shall be final and enforceable. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

E. **Appeal Procedure and Failure to Appear**

1. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases.

The Director shall have the burden of proof by a preponderance of the evidence before the Hearing Examiner.

Failure to appear for a requested hearing will result in an order being entered finding that the ~~((respondent cited))~~ cited respondent committed the violation stated in the Director’s notice of violation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

2. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying, or reversing the ~~((civil penalty))~~ violation.

3. If a respondent fails to comply with any final ~~((penalty))~~ order issued by the Director or the Hearing Examiner, the Director may refer the matter to the City Attorney for the filing of a civil action in superior court, the Seattle Municipal Court, or any other court of competent jurisdiction to enforce such ~~((penalty))~~ order.

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 _____, 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)