

# SDOT

## Director's Rule 3-2011

<b>Applicant:</b>  CITY OF SEATTLE Seattle Department of Transportation (SDOT)	<b>Page</b> 1 of 33	<b>Supersedes:</b> SDOT 3-2010
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<b>Subject:</b>  Street and Stadium Vending	<b>Code and Section Reference:</b> Seattle Municipal Code (SMC) Chapter 15.17	
	<b>Type of Rule:</b> Legislative	
	<b>Ordinance Authority:</b> SMC 3.12.020 and 15.17.250	
	Approved  (signature on file) Peter Hahn, SDOT Director	Date  8/26/2011
<b>Index:</b>  Street and Sidewalk Use, Vending		

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## **1.0 References**

- 1.1** Seattle Municipal Code (SMC) Title 11, Traffic Code
- 1.2** SMC Title 15, Street and Sidewalk Use
- 1.3** SMC Section 18.12.030, Parks Code
- 1.4** SMC Chapter 23.32, Land Use Maps
- 1.5** SMC Chapter 25.08, Noise Control
- 1.6** SMC Chapter 25.24, Pike Place Market Historical District

## **2.0 Rule and Background**

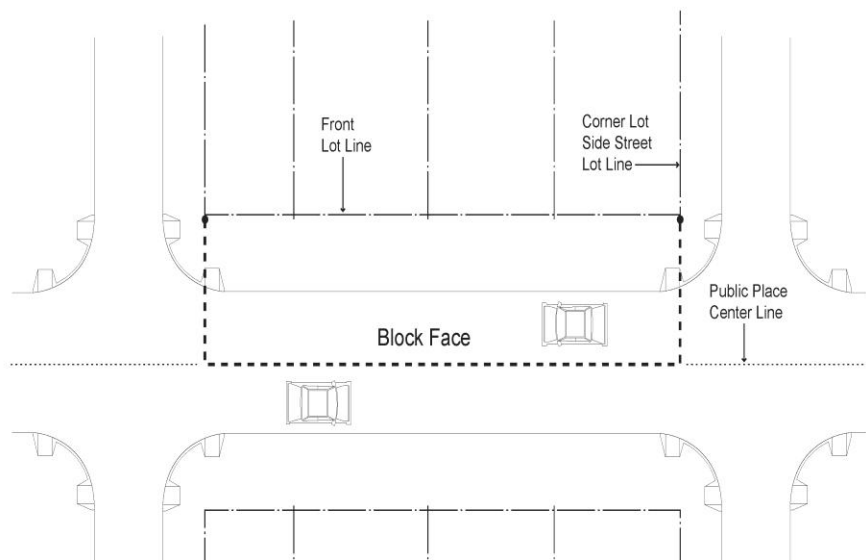
- 2.1** Seattle's street right-of-ways are an important and complex public resource. Seattle Department of Transportation (SDOT) is charged with managing Seattle's transportation system and strives to operate and maintain this system to support the public health and safety for all members of the traveling public of all ages and abilities. SDOT is also responsible for overseeing permit processes for public right-of-ways, including the street and stadium vending permit application process. SMC Chapter 15.17 provides the application procedures and the standards required for issuing vending Street Use permits.

- 2.2** This Rule interprets the provisions of SMC Chapter 15.17, Vending, and provides the standardized procedures and conditions for issuing street and stadium vending Street Use permits, including pedestrian passage and design standards. If the rule is citing existing sections of SMC, the code language will be referenced by a citation to the SMC that follows the heading or section that is citing the code.

### 3.0 Definitions

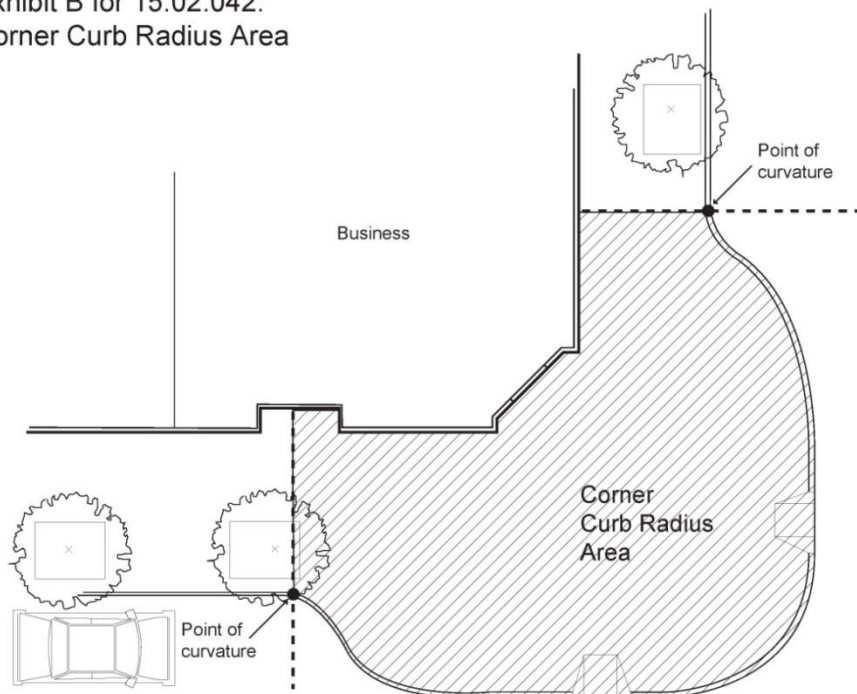
- 3.1** “**Block face**” means the area bounded by: the continuous front lot lines abutting a public place within a block; each corner lot side street lot line as extended to the centerline of the public place abutting the front lot lines; and the centerline of the abutting public place (Exhibit A for 15.02.042: Block Face). (SMC 15.02.042)

Exhibit A for 15.02.042: Block Face



- 3.2** “**Corner curb radius area**” means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner Curb Radius Area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius. (SMC 15.02.042)

Exhibit B for 15.02.042:  
Corner Curb Radius Area



**3.3 “Curb space”** means that portion of the roadway area next to the curb.  
(SMC 11.14.157)

**3.4 “Food service business”** means:

1. The following business or other entities that serve, vend, or provide food for human consumption, including but not limited to:
  - a. Food establishments permitted by the Seattle-King County Department of Public Health;
  - b. Restaurants, snack bars, cafeterias, taverns, bars;
  - c. Stores selling groceries, produce, meat/fish/poultry, baked or delicatessen goods;
  - d. Food services in schools and private higher education learning facilities; or
  - e. Institutions licensed by the Seattle-King County Department of Public Health, such as hospitals, prisons, state-licensed higher education facilities, and child-care facilities;
2. The following businesses or other entities are **not** food service businesses:
  - a. Private homes where food is prepared by or served to household members, their tenants, or guests;
  - b. Wholesale food distributors or food processing plants;
  - c. Food vehicles or vending carts; or

d. Establishments where the sales of nonpotentially hazardous food are incidental to the business. (SMC 15.02.044)

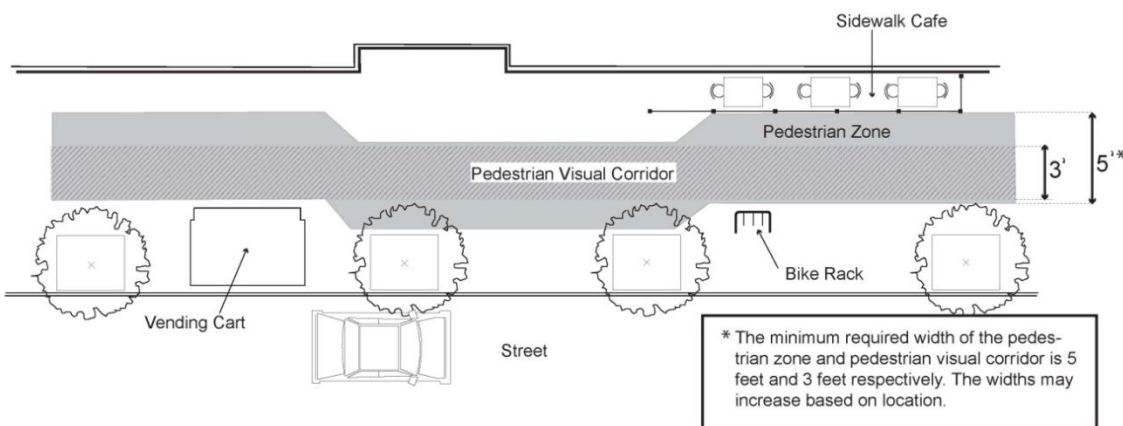
**3.5 “Food vehicle”** means a licensed and operable motor vehicle used to serve, vend, or provide food or nonalcoholic beverages for human consumption from a fixed location or along a route in a public place as authorized by the Seattle-King County Department of Public Health and Chapter 15.17. (SMC 11.14.227)

**3.6 “Food vehicle zone”** means a portion of a public place designated by a sign or other traffic control device that is reserved for the exclusive use of food vehicles that are permitted to vend in the curb space portion of the public place. (SMC 11.14.228)

**3.7 “Mobile food vending”** means to sell, offer for sale, solicit orders, display, or otherwise peddle; food that is exempt from acquiring a food establishment permit under Title 5 of the King County Board of Health; to the public from a public place; as authorized or prohibited in Sections 15.17.010, or 15.17.130. (SMC 15.02.044)

**3.8 “Pedestrian zone”** means the area or space of the public place or roadway that is reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). (SMC 15.02.046)

Exhibit A for 15.02.046  
Pedestrian Zone / Pedestrian Visual Corridor



- 3.9 "Pedestrian visual corridor"** means a continuous and straight corridor within the designated pedestrian zone that provides pedestrians with a clear visual indication of the location of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this corridor. (SMC 15.02.046)
- 3.10 "Public place"** means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles, plazas, and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved. (SMC 15.02.046)
- 3.11 "Vend or vending"** means to sell, offer for sale, solicit orders, display, rent, lease, or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public place; as authorized or prohibited in Chapters 15.14 or 15.17. (SMC 15.02.046)
- 3.12 "Vending cart"** means a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers. (SMC 15.02.046)

#### **4.0 Types of Street Vending**

The SMC Chapter 15.17 authorizes the Director of Transportation to issue several different types of Street Use vending permits for the public right-of-way. Primarily, only food from a vending cart or a food vehicle or flowers from a vending cart are allowed to be vended in the public right-of-way. Vending of other types of items may only be allowed under a Stadium Event Vending Street Use permit or First Amendment Vending Street Use permit. For the minimum required setback and clearance standards see Section 5.0. Additional conditions may also be applied to a vending permit depending on site characteristics and public comment received on a site-specific basis. For a list of applicable vending permit conditions see Section 7.0.

The different types of vending Street Use permits are described below:

- 4.1 Public Sidewalk or Plaza Vending (SMC 15.17.100).** Vending of food or flowers from a vending cart is allowed on a public sidewalk or plaza with a valid Street Use vending permit for a specific location. There is a maximum limit of two vending carts at an authorized public sidewalk per block face. In addition, vending of food from a food vehicle may also occur on a public plaza with a valid Street Use permit for a specific location. This type of permit is valid for one year and is issued based on daytime (6 AM – 8 PM) or nighttime (8 PM – 6 AM) use. (Street Use permit use codes 19E and 19F.)

**4.2 Curb Space Vending (SMC 15.17.120).** Vending of food from a food vehicle is allowed in a curb space with a valid Street Use vending permit for a specific location and time period. The curb space vending may occur from a designated Food-Vehicle Zone or as a temporary special activity associated with an event on the adjoining property. The food vehicle shall obey all traffic rules, Title 11. The food vending shall only occur on the side of the food vehicle that is parked abutting and parallel to the curb and is not allowed in commercial loading zones.

**4.2.1 Designated Food-Vehicle Zone.** A food vehicle vendor may vend from a curb space that has been signed and designated by SDOT as a Food-Vehicle Zone. The vendor may only vend from the Food-Vehicle Zone during the allowable times on their Street Use permit. This type of permit is issued in 4-hour weekly increments. (For example, every Monday, Wednesday, and Friday from 10 AM – 2 PM.) The allowable hours for each Food-Vehicle Zone may vary depending on the parking and transportation needs of the area. This type of Street Use permit is valid for one year and is issued based on daytime (6 AM – 8 PM) or nighttime (8 PM – 6 AM) use. The SDOT Director may designate a maximum of one food-vehicle zone per block face and no more than two food vehicles may be allowed in any one food-vehicle zone. The Director of Transportation may, however, increase the size of the food-vehicle zone if the Director determines that additional food vehicles can be accommodated without negatively impacting existing businesses on the block face, for example, where there are few or no occupied buildings on the block face. Increasing the size of a food-vehicle zone does not prevent the Director from exercising the inherent authority to regulate uses of the public place and reduce the size of the food-vehicle zone at a later date. (Street Use permit use codes 19G and 19H.)

**4.2.2 Temporary Curb Space Activity.** A food-vehicle vendor may vend from a curb space in conjunction with an event located on private property abutting the curb space or an event occurring in the public place. The vendor may only vend from the curb space during the allowable times on their Street Use permit. This type of Street Use permit may be obtained by the vendor, adjacent property owner, or a public entity for no more than four days during a 6-month period for the adjoining address in commercial zones or for no more than one day during a calendar year for a block in a residential zone. Additional Street Use permits may be required if the adjoining public place (sidewalk or street) is proposed to be closed for the special activity. (Street Use permit use code 19I.)

**4.3 Stadium and Event Center Vending (SMC 15.17.050 and 15.17.080).** A vendor may vend goods, things, services, food, or nonalcoholic beverages



of any kind from a temporary display table, tent, vending cart, or food vehicle during event days at the stadiums or event center at a specific site in the authorized stadium event vending area (see map Section 12.1, Stadium Event Vending Area). An event day is the 24-hour period starting at midnight before any event scheduled at the stadiums or exhibition event center begins and ending the midnight after the event ends. Within the Stadium Event Area, there are areas where vending is restricted (see map Section 12.2, Restricted Stadium Event Vending Area). This type of Street Use permit may be issued on a monthly basis or for a 6-month season (April-September or October-March). (Street Use permit use codes 19C and 19D.)

- 4.4 Mobile-Food Vending (SMC 15.17.130).** A food vehicle or vending cart vendor may vend food that is exempt from a King County Health Department Mobile Food Unit permit in the public place. This type of Street Use vending permit is not location specific and the vendor is allowed to move around from place to place, but is restricted from certain parts of the city (See section 12.3 and 12.4, maps of Prohibited Mobile Food Vending – Greater Downtown and University District.) In addition, mobile-food vending is not allowed within 50 feet of any public park, as defined in SMC Chapter 18.12; 1,000 feet of any public or private school containing a Kindergarten through 12<sup>th</sup>-grade class; 50 feet from any food-service business; or within loading zones. The mobile-food vendor shall obey all traffic rules, Title 11, and comply with the Noise Ordinance, SMC Chapter 25.08. The mobile food vendor shall not stop the food vehicle or vending cart in a curb space or other public place for any longer than necessary to vend to waiting customers. This type of Street Use permit is valid for one calendar year. (Street Use permit use code 19J.)
- 4.5 First Amendment Vending (SMC 15.17.200).** A nonprofit organization may vend merchandise in which the organization's political, religious, sociological, or ideological message is inextricably intertwined. The vending may be from a specific site designated by SDOT, the Parks Department, or Seattle Center. For more information regarding the requirements for applying for this type of permit, review Director's Rule 94-2, or its successor rule. (Street Use permit use code 19B.)

## **5.0 Vending Setback and Clearance Standards**

The following setback and clearance standards apply to all vending activity in the public place. SDOT has the discretion to increase the standards or add specific conditions to the Street Use permit based on site characteristics.

### **5.1 Americans with Disabilities Act (ADA) Guidelines**

The vending area shall be accessible and detectable as required by ADA guidelines. Mobility and access shall be maintained for the public around

the vending area. Vending accessories shall be movable and not permanently affixed.

## **5.2 Zoning**

5.2.1 The vending cart or food vehicle types of vending activity described in Section 4.1 and 4.2.2 shall not be located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as shown on the Official Land Use Map, SMC Chapter 23.32. (SMC 15.17.100 and 15.17.120)

The City of Seattle zoning map can be viewed at:

<http://www.seattle.gov/dclu/Research/gis/webplots/smallzonemap.pdf>

5.2.2 The following exceptions to the zoning restriction apply:

5.2.2.1 Temporary curb space vending described in Section 4.2.2 may occur in the zones listed in 5.2.1, however, the vending activity shall end by 10 PM. (SMC 15.17.120)

5.2.2.2 Mobile food vending described in Section 4.4 may occur in the zones listed in 5.2.1 if the zone is not in a prohibited mobile food vending area (See section 12.3 and 12.4, maps of Prohibited Mobile Food Vending –Greater Downtown and University District.) (SMC 15.17.130)

## **5.3 Clear Pedestrian Zone Area (SMC 15.17.100 and 15.17.120)**

5.3.1 A designated pedestrian zone with a linear-pedestrian-visual corridor is required adjacent to all vending activity. The pedestrian zone diagram may be viewed in Exhibit A of SMC 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor under definition 3.5 of this rule. The pedestrian zone is measured from the outside edge of the vending area to the nearest obstruction; for example, a tree pit, parking pay station, bike rack, sign post, or other similar object. If no obstruction exists, the pedestrian zone is measured to the back of the curb. The pedestrian visual corridor is within the pedestrian zone and dictates that the pedestrian zone shall be generally straight and with no sharp or jagged turns that impair pedestrian circulation.

5.3.1.1 In the Downtown Urban Center (see map Section 12.5, Downtown Urban Center), a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual corridor is required.

- 5.3.1.2 Outside the Downtown Urban Center, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor is required.
- 5.3.1.3 The Director may require more than the minimum pedestrian zone or pedestrian visual corridor widths in order to provide for pedestrian passage, traffic management, or any other public use purpose. Examples of where the Director may require more than the minimum pedestrian zone width include, but are not limited to:
  - 5.3.1.3.1 Areas with high peak-period pedestrian volumes;
  - 5.3.1.3.2 When specific planning and analysis suggests a wider pedestrian zone is necessary;
  - 5.3.1.3.3 When approved street design plans calling for additional width; or
  - 5.3.1.3.4 When transit loading zones, public plazas, art installations, and access points are present and large volumes of pedestrians circulate.
- 5.3.1.4 Vending areas may not encroach into tree pits or the corner-curb-radius area, depicted in Exhibit B for 15.02.042: Corner-Curb-Radius Area definition 3.2.
- 5.3.1.5 Free-standing umbrellas or canopies, A-frame signs, portable signs, planters, or any other encroachment is not allowed in the pedestrian zone or pedestrian visual corridor. Umbrellas with a minimum clearance of 8 feet above the sidewalk grade may project over the pedestrian zone.
- 5.3.1.6 Electrical cords or strings of lights may not be strung over or be placed on the pedestrian zone.

#### **5.4 Setbacks (SMC 15.17.100 and 15.17.120)**

- 5.4.1 Setbacks are required from the following elements, depicted in Exhibit A for 15.17.100: Vending Cart Location and Exhibit A for 15.17.120: Food Vehicle Location, and must be clearly identified on the required site plan for the Street Use permit application:

Exhibit A for 15.17.100:  
Vending Cart Location

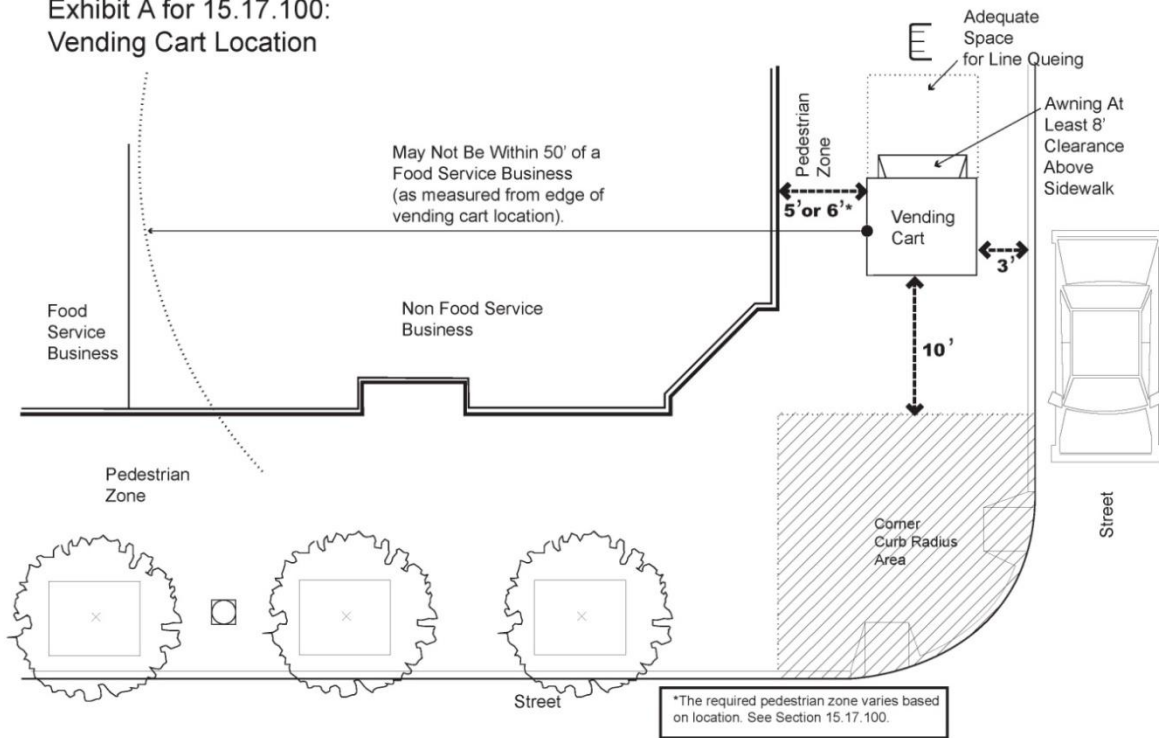
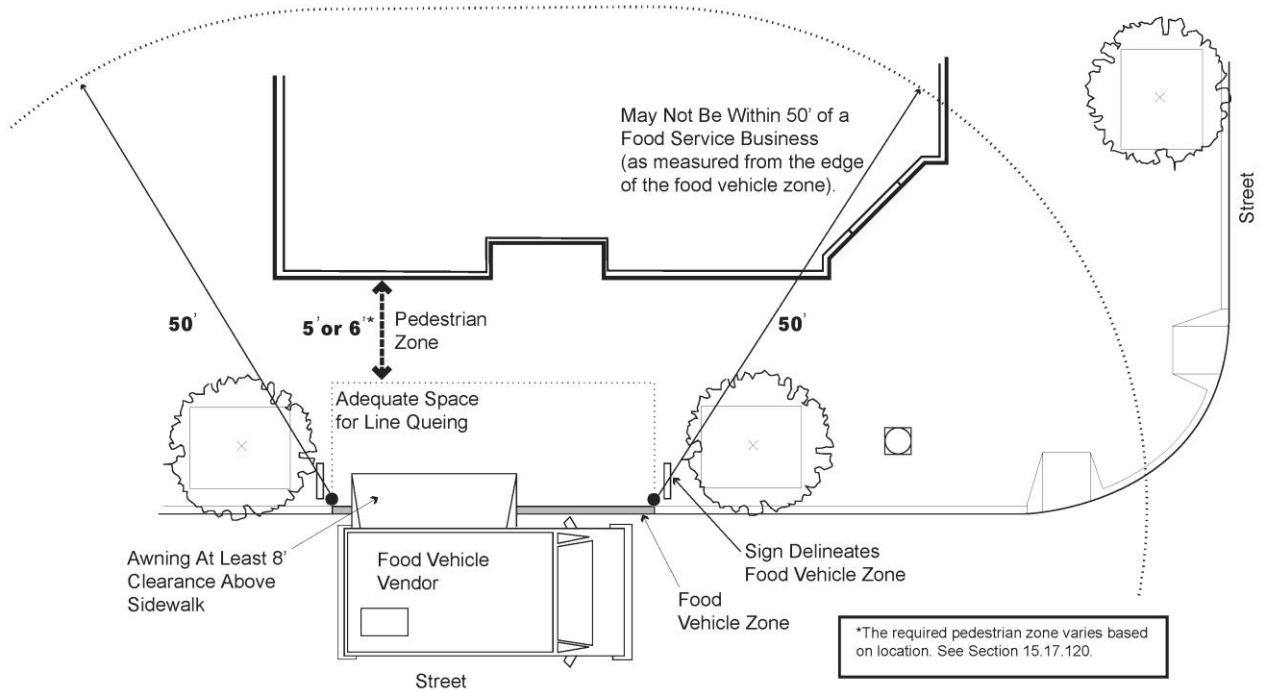


Exhibit A for 15.17.120:  
Food Vehicle Location



- 5.4.1.1 3 feet from the front of the curb for vending carts on the sidewalk;
  - 5.4.1.2 5 feet from alleys, driveways, bus zone areas, disabled person parking zones, food-vehicle zones, and commercial loading zones;
  - 5.4.1.3 5 feet from curb ramps, parking meters or parking pay stations, traffic signs, SDOT and utility poles, fire hydrants, bike racks, and other street fixtures;
  - 5.4.1.4 10 feet along the curb line from the point where the radius of the corner-curb area intersects the curb line;
  - 5.4.1.5 15 feet from any business entrance or exit;
  - 5.4.1.6 50 feet 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. A vending Street Use permit may, however, be issued to the owner of a food service business for a site along the food service business's frontage;
  - 5.4.1.7 1,000 feet from any public or private school containing a 9<sup>th</sup> grade through 12<sup>th</sup> grade class if the permittee's vending cart or food vehicle is located in a public place abutting a lot in land use zones listed in Section 5.2.1.
  - 5.4.1.8 A larger setback distance may be required by the Director to provide for pedestrian passage, traffic management, or any other public-use purpose.
- 5.4.2 Vending sites shall not be located in driveways or within 15 feet of a business entrance or exit unless the abutting property owner submits an affidavit stating that access is not needed during the proposed vending hours.
- 5.4.3 If the proposed vending activity described in Section 4.1 or 4.2 is proposed within 50 feet of a park as defined in SMC Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director of Transportation whether the vending site should be approved or denied based on the following considerations:
- 5.4.3.1 Public safety or access within the park;

- 5.4.3.2 Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the park; or
- 5.4.3.3 The need to encourage park activation.
- 5.4.4 Vending is allowed on public places located in the Pike Place Market Historical District, as depicted in Section 12.5, Pike Place Market Historic District Map, only if:
  - 5.4.4.1 The Pike Place Market Preservation and Development Authority is the applicant and obtains a Street Use vending permit; or
  - 5.4.4.2 A business located in the Pike Place Market Historic District, licensed by the City to do business and permitted to do business in the Pike Place Market Historic District by the Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street Use vending permit; and
  - 5.4.4.3 The applicant has obtained a Certificate of Approval for the vending activity from the Historic Commission subject to the provisions of SMC Chapter 25.24.

## 6.0 Permit Application and Review

**6.1 Application to SDOT.** Applicants for a Street Use vending permit must complete and sign the Street Use Vending Permit Application. By signing the permit application, the applicant agrees to defend, indemnify and hold harmless the City as provided by SMC 15.17.008.

6.1.1 To submit a complete Street Use permit vending application, the applicant must provide the following information to SDOT along with their signed application:

- Three copies of a legible site plan including the following:
  - North arrow;
  - Name and location of adjoining street(s) or alley(s);
  - Width of adjacent sidewalk(s);
  - Location of existing improvement (e.g., utility poles, parking pay stations, bus shelters, sign posts, tree pits) detailing distance of each from nearest edge of the proposed vending area;
  - Location of property lines and dimensions of the public place area proposed for vending use, including vending unit, customer queuing area, and accessories;

- If fencing or other delineating barrier is proposed by the applicant or required by the Director for customer queuing, fencing detail including materials and dimensions;
  - Sidewalk width remaining for pedestrian zone and pedestrian visual corridor;
  - Location and dimensions of any proposed installations in the sidewalk area associated with the vending activity;
    - **Note:** Installations such as tables and chairs shall require a separate Street Use review and permit(s);
  - Location of abutting building exits and entrances; and
  - Location and description of adjacent parks, adjacent streets that are closed to traffic, or adjacent public plazas available for pedestrian travel.
- Use description including the following:
- The anticipated periods of use during the year;
  - The proposed hours of daily use;
  - Photo of vending cart or food vehicle including description of the dimensions;
  - Copy of menu approved by the Seattle-King County Department of Health; and
  - License plate number of food vehicle or trailer.
- Copy of Seattle-King County Department of Health Mobile Food Unit permit, proof of permit exemption, or receipt of pending permit;
- Copy of Seattle Business License or receipt of pending permit;
- Copy of Seattle Fire Marshall permit, if using an open-flame or liquid petroleum gas (LPG) or receipt of pending permit; and
- Field review fee deposit as established by the current Street Use Fee Schedule hourly rate. A vending site field review fee deposit is collected for 2 hours of work by the permit reviewer. If review time is less than 2 hours, the remaining balance will be refunded after the permit is issued. If the review time is more than 2 hours, an invoice will be sent for the additional review fees not covered by the field review fee deposit. Field review fee deposits cannot be applied to the permit fee at the time of issuance. The current Street Use Fee Schedule can be viewed at:  
[http://www.seattle.gov/transportation/stuse\\_permitlist.htm](http://www.seattle.gov/transportation/stuse_permitlist.htm)
- If the proposed site is in a driveway or within 15 feet of a business entrance or exit, an Access Affidavit from the adjacent property owner

is required stating that access is not needed during the permitted vending hours.

- If the proposed site is within the Pike Place Market Historic District (see section 12.6, Pike Place Market Historic District Map), a Certificate of Approval from the Historic Commission subject to the provisions of SMC Chapter 25.24.

**6.2 Field Review.** An SDOT Street Use inspector will conduct an on-site field review within two weeks of a complete application submittal as described in Section 6.1. The field review is to verify compliance with all setback and clearance requirements of Section 5.0. A SDOT inspector may require modifications to the site plan or resubmittal of a new site plan prior to the posting of the public notice of application comment period.

6.2.1 If the application is to designate a curb space Food-Vehicle Zone, the SDOT Street Use inspector, will forward the application to the SDOT Traffic Management Division for additional review. Traffic will review the following curb space requirements:

- 6.2.1.1 Parking impacts;
- 6.2.1.2 Hours and days of use;
- 6.2.1.3 Proximity of other Food-Vehicle zones; and
- 6.2.1.4 Other potential impacts to traffic and mobility.

6.2.2 NOTE: If multiple applications are received for the same location prior to the posting of the public comment period, the proposed vending site may be subject to a Permit Lottery as described in Section 8.2.

**6.3 Public Notice of Application Comment Period (SMC 15.17.009).** Once the field review inspections have been approved, SDOT will prepare a public notice form for the applicant. The notice form will include information regarding the proposed vending site dimensions and location, proposed dates and hours of use, comment period dates, as well as provide information on how the public can comment on the pending application and how to request a review or reconsideration of a Street Use permit decision. SDOT will provide the applicant with the notice form to be mailed by the applicant and SDOT may provide the applicant a list of the contacts based on data provided by the King County Tax Assessor. The applicant shall be responsible for complying with the notice requirements of SMC Section 15.17.009. The public notice period shall run for 10 business days.

6.3.1 The applicant shall send all required notices three calendar days before the start of the public notice period by first-class mail to:



6.3.1.1 All street-level business entities, public entities, and residences located:

6.3.1.1.1 Within a 100-foot radius of the vending site, and

6.3.1.1.2 On the adjacent and opposing block face of the vending site, and

6.3.1.1.3 On the adjoining block face around the corner if the vending site is located within 10 feet of a corner-curb-radius area.

6.3.1.2 The property manager, homeowner's association, or apartment manager of all residential units located above:

6.3.1.2.1 The adjacent and opposing block face of the proposed vending site, and

6.3.1.2.2 On the adjoining block face around the corner if the vending site is located within 10 feet of a corner-curb-radius area.

6.3.2 SDOT shall also post notice of the pending applications on the SDOT vending webpage at:  
[http://www.seattle.gov/transportation/stuse\\_vend.htm](http://www.seattle.gov/transportation/stuse_vend.htm)

6.3.3 Written comments concerning the application shall be postmarked or emailed to the Director of Transportation no later than ten business days after the first day of the public notice period. SDOT encourages that all submitted comments identify specific issues or concerns. Based on identified issues or concerns, SDOT may condition the permit or require the applicant relocate the proposed vending site based on the impacts listed in Section 7.0.

6.3.4 Notice of application is not required if: a permittee with an existing vending Street Use permit applies to renew the same type of vending Street Use permit for the same vending site, or the stadium and exhibition center event site has already been designated or permitted by the Director of Transportation.

**6.4 Final Submissions.** The applicant shall submit the following prior to the end of the public comment period:

- \$1,000,000 Liability Insurance with the City of Seattle as an additional policy holder. (For more information, see Client Assistance Memo (CAM) 2102, *Certificate of Liability Insurance*) or in an amount otherwise determined by the Director (SMC 15.17.007); and

- Contact list of all the business entities, public entities, residences, property managers, home owner's association, and apartment managers that were sent a notice as required in 6.3.1. This contact list shall be signed by the applicant verifying all entities within the required public notice area were sent the notice by first-class mail within three calendar days before the start of the public notice period; and
- Copies of Seattle Business License, Seattle-King County Department of Health Mobile Food Unit permit, proof of permit exemption, or Seattle Fire Marshall permit, if receipt was submitted with initial application.

**6.5 Final SDOT Review and Permit Decision.** After the public notice of application comment period has ended, SDOT will: compile all the comments received, verify that all required documents have been submitted, and verify that the site plan meets the minimum requirements as established in SMC Chapter 15.17.

6.5.1 After the close of the comment period, SDOT will review all comments and documents and make a final decision to approve, approve with additional site-specific conditions, or deny the permit based on the following:

6.5.1.1 Proposal meets standards established in SMC Chapter 15.17 and this rule; and

6.5.1.2 Requested conditions from public comments are consistent with Section 7.2 of this rule.

## 7.0 Vending Permit Conditions

**7.1 Standard Conditions (SMC 15.17.080, 15.17.100, and 15.17.120).** All SDOT vending Street Use permits shall be conditioned with the following requirements:

7.1.1 Compliance with all of the SMC Chapter 15.17 Vending standards;

7.1.2 Compliance with this rule;

7.1.3 Compliance with the Seattle-King County Department of Public Health requirements and Seattle Fire Department requirements if propane or a combustible fuel is used;

7.1.4 Obtain and maintain in effect all required permits and business licenses;

- 7.1.5 Proper display of a valid Street Use Vending decal while vending in the public place;
- 7.1.6 Provide a copy of the Street Use vending permit and approved site plan on-site at all times. This permit and site plan shall be available for anyone to view if requested;
- 7.1.7 Sell only food and beverages that are capable of immediate consumption;
- 7.1.8 All vending permit-related encroachments shall be removed from the public place when the Street Use permit expires;
- 7.1.9 Use of amplification or noise-making devices are not allowed by vending cart and food truck vendors and the permittee shall comply with Chapter 25.08, Noise Control;
- 7.1.10 The vending cart or food vehicle shall not be left unattended in the public place for longer than 30 minutes;
- 7.1.11 The vending cart wheels shall be safely secured while the permittee is conducting business, and the vending cart or food vehicle shall be removed from the public place by the end of authorized business hours; and
- 7.1.12 Garbage, recycling, and composting receptacles shall be supplied by the permittee for the public use and are capable of accommodating all refuse generated by the vending activity. The containers shall be maintained and emptied regularly. The adjoining and abutting public place shall be free of all refuse of any kind generated from the vending activity.

**7.2 Director Conditions (SMC 15.17.100 and 15.17.120).** In addition to the standard vending permit conditions, the Director may, as deemed appropriate, condition the vending cart or food vehicle Street Use permit to address:

- 7.2.1 Design and placement of food-vending equipment and umbrellas;
- 7.2.2 Hours of operation and dates of use;
- 7.2.3 Impacts associated with the vending activity from:
  - 7.2.3.1 Lighting;
  - 7.2.3.2 Noise;
  - 7.2.3.3 Air emissions; or

7.2.3.4 Placement of signage, furniture, or equipment;

7.2.4 Impacts to the abutting business displays, business signage, or intake vents from the proposed vending activity;

7.2.5 Need for repairs or improvements to the public place in order to accommodate the vending activity; or

7.2.6 Pedestrian circulation, traffic management, or any public use purpose.

**7.3 Vending Decal.** A Street Use Vending decal is required to be affixed to any vending cart or food vehicle permitted to operate in the public place. This decal shall be prominently displayed at all times and shall be viewable by the public while the vending activity is occurring. SDOT shall provide this decal to the permittee at the time of permit issuance. The decal shall include the following information:

7.3.1 Vending site reference number;

7.3.2 SDOT contact phone number and email address to submit comments regarding the vending-related activity or site; and

7.3.3 SDOT vending website where permit specific information can be accessed by the public.

## **8.0 Permit Administration (SMC 15.17.006)**

**8.1 Site Priority.** Certain uses of the public place may be given Street Use permit priority over a vending site location. These include, but are not limited to:

8.1.1 If a vending Street Use permit has not been previously issued for the site, only merchandise display Street Use permit applications submitted before the public notice for a complete vending Street Use permit application being submitted shall be given priority use of the site; and

8.1.2 If the abutting property or business owner applies for a merchandise display Street Use permit at least 30 calendar days before the current vending Street Use permit for the vending site expires, the merchandise display application will be given priority use of the site.

8.1.3 If an existing permittee submits a complete application for a renewal of their Street Use vending permit at least 30 calendar days before the expiration of their Street Use vending permit and they have not

had two or more Street Use citations upheld by the Hearing Examiner within the last year, they will have priority for the vending site and shall not be subject to a lottery.

**8.2 Lottery.** There may be instances when a lottery for a vending Street Use permit may be necessary to equitably determine the permittee for the site. These include, but are not limited to when:

8.2.1 SDOT posts an on-line request for applications for a specific location. The lottery will be conducted for all applicants that submit a complete application by the posted due date.

8.2.2 Multiple complete applications are received for a new vending site before a public notice period has commenced.

8.2.3 Multiple complete applications are received for an existing vending site at the time of permit expiration and the existing permittee does not submit a complete application for a renewal of their Street Use vending permit at least 30 calendar days before the expiration of their Street Use vending permit.

8.2.4 Multiple complete applications are received for an existing vending site location at least 30 calendar days before the current Street Use permit expires and if the existing permittee has had two or more Street Use citations upheld by the Hearing Examiner within one year before the expiration of the Street Use permit.

**8.3 Issuance and Modification.** After the final SDOT review determination that an application is approved or approved with conditions, the applicant can obtain their Street Use vending permit at the Street Use permit counter. The applicant shall pay all required fees, sign the permit, and pick up their Vending Decal.

8.3.1 All vending Street Use permits authorized by SMC Chapter 15.17 are of a temporary nature, vest no permanent rights, and are revocable as provided for in SMC Section 15.04.070.

8.3.2 The Director may modify the conditions of a vending Street Use permit, including permitted hours or days of operation, after providing the permittee with written notice 10 calendar days before modifying the Street Use permit. A copy of the modified Street Use permit shall be mailed by first-class mail to the permittee at the address listed on the Street Use permit. The permittee may request a Director's review of the decision to modify the conditions of the Street Use permit as provided for in SMC Section 15.04.112.

8.3.3 The Director of Transportation may suspend any vending Street Use permit to:

- 8.3.3.1 Promote transportation mobility or public safety; or
- 8.3.3.2 Coordinate with permitted Special Events authorized by SMC Chapter 15.52, or parade permits authorized by SMC Chapter 11.25; or
- 8.3.3.3 Coordinate with any other permitted activity; or
- 8.3.3.4 Provide access to property if an access affidavit is withdrawn by the property owner.

**8.4 Renewal.** All Street Use vending permits have an expiration date and do not automatically renew.

8.4.1 To reissue a public place vending, food-vehicle zone, or stadium and exhibition center event vending Street Use permit for an existing permitted site, the permittee shall submit a new complete application at least 30 calendar days before the current Street Use permit expires, if the permit is longer than 30 days in duration.

8.4.2 The vending Street Use permit may be reissued if a timely and complete application is received from an existing permittee.

8.4.3 Failure of the existing permittee to submit a complete application at least 30 calendar days before the expiration of their existing Street Use permit, may subject the vending location to a lottery as described in Section 8.2.3.

**8.5 Expiration.**

8.5.1 A Street Use permit for vending expires if:

- 8.5.1.1 The business, food vehicle, or vending cart changes ownership;
- 8.5.1.2 The Street Use permit duration expires; or
- 8.5.1.3 Street Use permit fees are not paid as required by SMC subsection 15.04.074.B.

8.5.2 All carts, objects, or other Street Use permit-related encroachments shall be removed from the public place when the Street Use permit expires. A Street Use permit to vend shall not be transferrable or assignable.

## **9.0 Permittee Responsibilities (SMC 15.17.152)**

- 9.1** The permittee shall maintain the vending site and the adjoining and abutting public place free of all refuse of any kind generated from the operation of their businesses.
- 9.2** All materials and supplies used by the permittee shall be contained in the vending cart or food vehicle; and the permittee shall not store supplies or other materials in the public place.
- 9.3** The surface of the public place shall not be altered and permanent fixtures of any kind shall not be installed in the public place unless authorized by a Street Use permit.
- 9.4** A vending cart or food vehicle shall not be secured to any public amenity unless authorized by a Street Use permit. A vending cart or food vehicle shall not be unattended in the public place for longer than 30 minutes.
- 9.5** The permittee shall temporarily clear the public place as the Director of Transportation deems necessary to temporarily accommodate access to abutting properties or utilities.
- 9.6** The permittee is responsible for ensuring that customer queues, displays, or vending activity do not encroach into the roadway; or cause pedestrians to divert from the abutting pedestrian zone.
- 9.7** The permittee shall not conduct business in such a way as to: restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a nuisance or hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an obstruction to adequate access to fire, police, or sanitation vehicles.
- 9.8** The permittee shall immediately remove the vending activity or merchandise display when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

## **10.0 Enforcement**

- 10.1 Penalties. (SMC 15.91.016)** Street Use violation citations and penalties may be assessed for not having a Street Use vending permit, for insecure or unsafe vending activity, or for being in violation of the Street Use vending permit conditions, or for any other violation of SMC Chapter 15.17. The Director may, in an exercise of discretion, issue a warning to the vendor if the person or entity has not been previously warned or cited for violating

SMC Chapter 15.17. The following citation amounts will be assessed accordingly per SMC Chapter 15.91.016:

10.1.1 No Street Use vending permit. If a person or entity does not have a Street Use vending permit while using the public place, the vendor shall immediately cease operations and be subject to a penalty of:

10.1.1.1 First violation: \$300

10.1.1.2 Second violation (within one year of first violation): \$600

10.1.1.3 Third violation (within one year of first violation): \$1,200 and subject to abatement as described in Section 10.3

10.1.2 Insecure or unsafe vending activity. As provided for in SMC Section 15.04.070, if the City determines that a permitted food vehicle, vending cart, vending trailer, or other vending-related device is insecure or unsafe, the vendor shall immediately cease using the public space and shall be subject to a penalty of:

10.1.2.1 First violation: \$300

10.1.2.2 Second violation (within one year of first violation): \$600

10.1.2.3 Third violation (within one year of first violation): \$1,200, Street Use permit revocation, and subject to abatement as described in Section 10.3

10.1.3 Street Use vending permit condition violation. If the permittee is found to have not adhered to the conditions of their Street Use vending permit, the permittee shall immediately comply with permit conditions and be subject to a penalty of:

10.1.3.1 First violation: \$150

10.1.3.2 Second violation (within one year of first violation): \$300

10.1.3.3 Third violation (within one year of first violation): \$600

10.1.3.4 Fourth violation (within one year of first violation): \$1,200.

## **10.2 Permit Revocation. (SMC 15.91.016)**

10.2.1 A Street Use vending permit may be revoked in the following scenarios:

10.2.1.1 A third violation of an insecure or unsafe vending activity as described in Section 10.1.2.3.

10.2.1.2 The permittee's failure to comply with their Street Use vending permit conditions after three vending-related citations being upheld by the Hearing Examiner in a one-year period.



10.2.2 If a Street Use vending permit is revoked, the vendor shall not be issued a Street Use vending permit for the revoked-permit location for one-year from the date the permit was revoked or most recent violation upheld, whichever is longer.

**10.3 Abatement. (SMC 15.91.025)** The Director, or delegee, may order the immediate removal of any vending unit that is located in the public place and that the Director determines is a threat to public health or safety.

10.3.1 The Director may also order the immediate removal of any vending unit located in a public place if:

10.3.1.1 The Director determines that a violation of Chapter 15.17 exists and the vendor has not taken immediate corrective action; or

10.3.1.2 The vendor has previously received two upheld citations for violating Chapter 15.17 for not being in possession of a Street Use vending permit as provided for in subsection 15.91.002.A.1 within a one-year period from the date the Director determines a new violation exists for not being in possession of a valid Street Use vending permit; or

10.3.1.3 The vendor has previously received two upheld citations for operating a vending unit that the City determines is insecure or unsafe as provided for in 15.04.070 within a one-year period from the date the Director determines that a new violation exists where the vending unit is insecure or unsafe; or

10.3.1.4 A person or entity is found operating a vending unit after a Street Use vending permit has been revoked as provided for in subsection 15.91.016.B.3.a.

10.3.2 An abatement warning may be issued to the person or entity that owns or operates the vending unit if there is not an immediate threat to public health or safety. The warning may be mailed to the owner of the vending unit by first-class mail if the Director can determine by reasonable investigation the owner's mailing address. A warning may alternatively be hand-delivered to the operator of the vending unit; or if the operator is not present, the warning may be posted in a conspicuous manner on the vending unit. The warning shall include:

10.3.2.1 The Seattle Municipal Code provisions violated;

10.3.2.2 The date and time of the violation;

- 10.3.2.3 The location of the vending unit;
- 10.3.2.4 A statement giving 24-hours to remedy the violations and the potential for future abatement for subsequent violations; and
- 10.3.2.5 A statement that if the vending unit is removed for violating Chapter 15.17, any food in the vending unit that may pose a health or safety risk if the food remains in the unit and the unit is removed from the public place, will be disposed of if the vendor fails to remove the food from the vending unit and the public place before the vending unit being removed by the City.

10.3.3 Payment for costs to remove or store. The owner of the vending unit shall pay to the City all costs associated with removing and storing the vending unit. The vending unit owner shall pay all unpaid penalties for violating Chapter 15.17 and all costs incurred by the City to remove or store the vending unit before the vending unit is released to the owner according to a Director's order to release the vending unit.

10.3.4 Street Use permit denial following abatement. If a vending unit owner has had a vending unit abated, the vendor shall be denied a Street Use vending permit for one-year from the date of abatement or the date of the most recently-upheld violation, whichever is most recent.

## **11.0 Requests for Review or Reconsideration**

**11.1** A request for review or reconsideration of a vending permit decision may be made to the SDOT Director by filing a written request within ten calendar days of the date of the SDOT decision (SMC 15.04.112). The request must identify the decision for which review or reconsideration is requested, grounds for objecting to the decision based on City standards, and the specific remedy being proposed. The Director will designate a review officer who will make a recommendation to the Director. The Director may, at the Director's discretion, stay implementation of a decision pending review or reconsideration. The Director's decision on review or reconsideration is final.

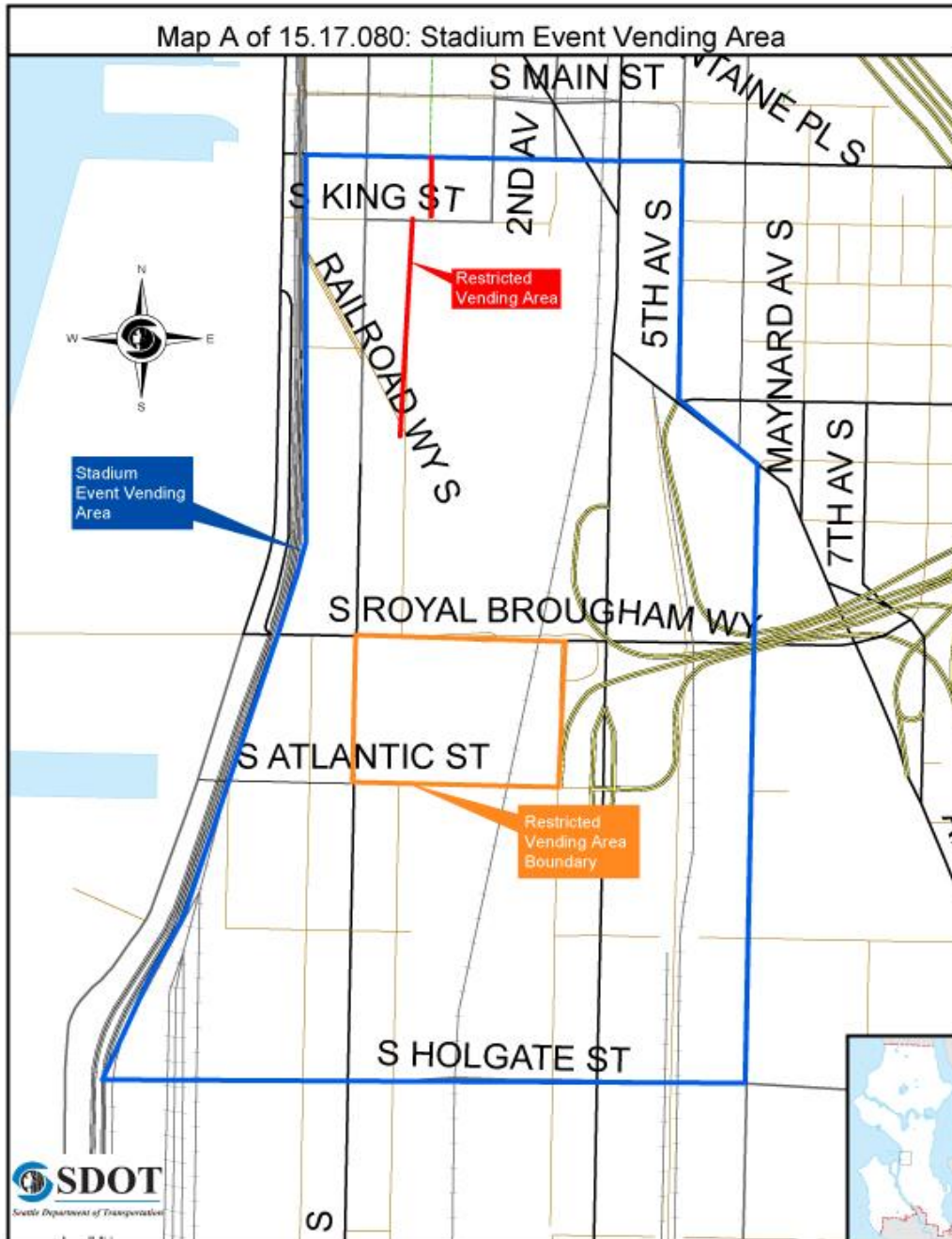
**11.2** The request for review or reconsideration is to be submitted to:

Director of Transportation  
Seattle Department of Transportation  
700 Fifth Avenue, Suite 3900  
PO Box 34996  
Seattle WA 98124-4996

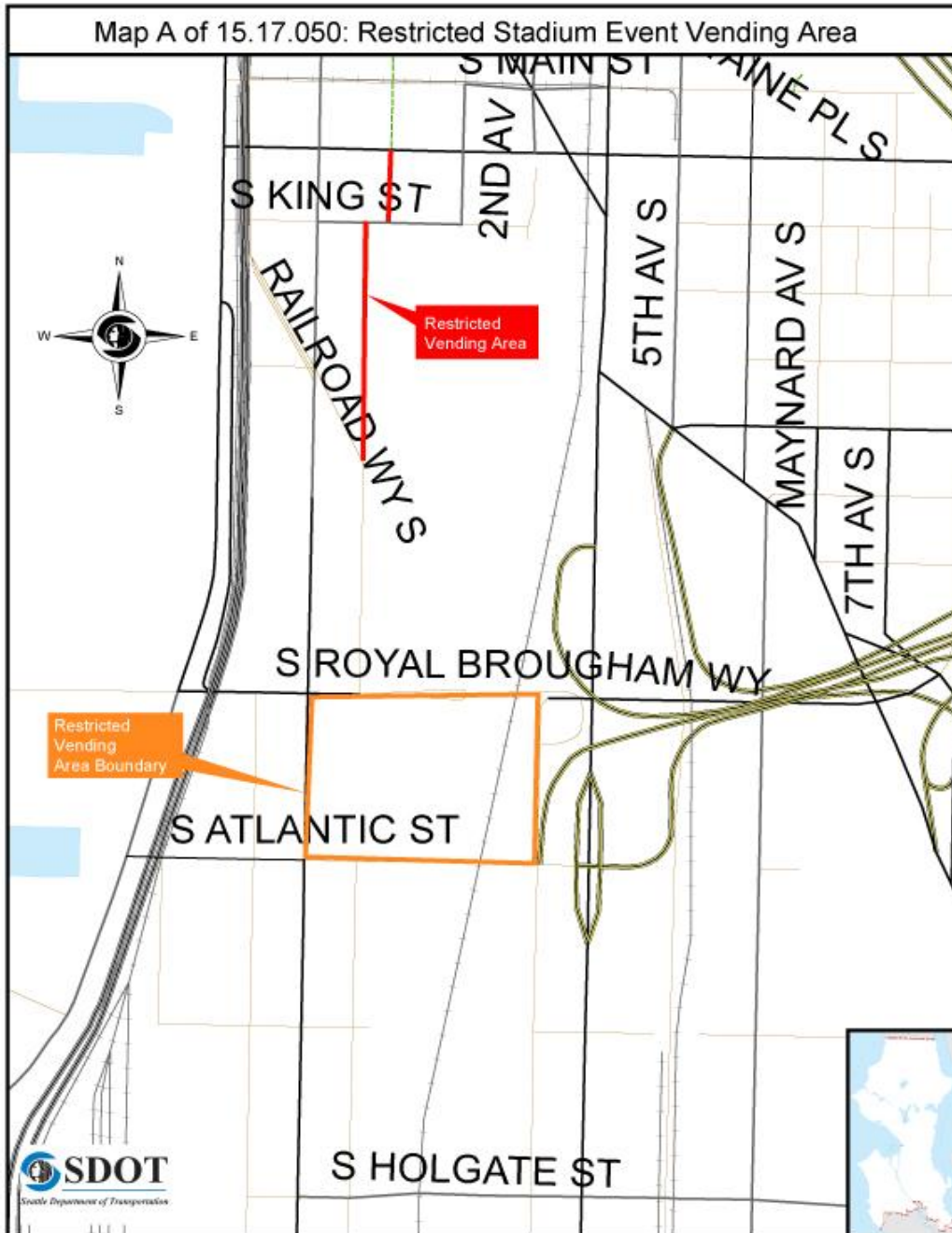
With a copy to:  
Division Director  
Street Use and Urban Forestry Division  
700 Fifth Avenue, Suite 2300  
PO Box 34996  
Seattle WA 98124-4996

## 12.0 Maps

### 12.1 Stadium Event Vending Area



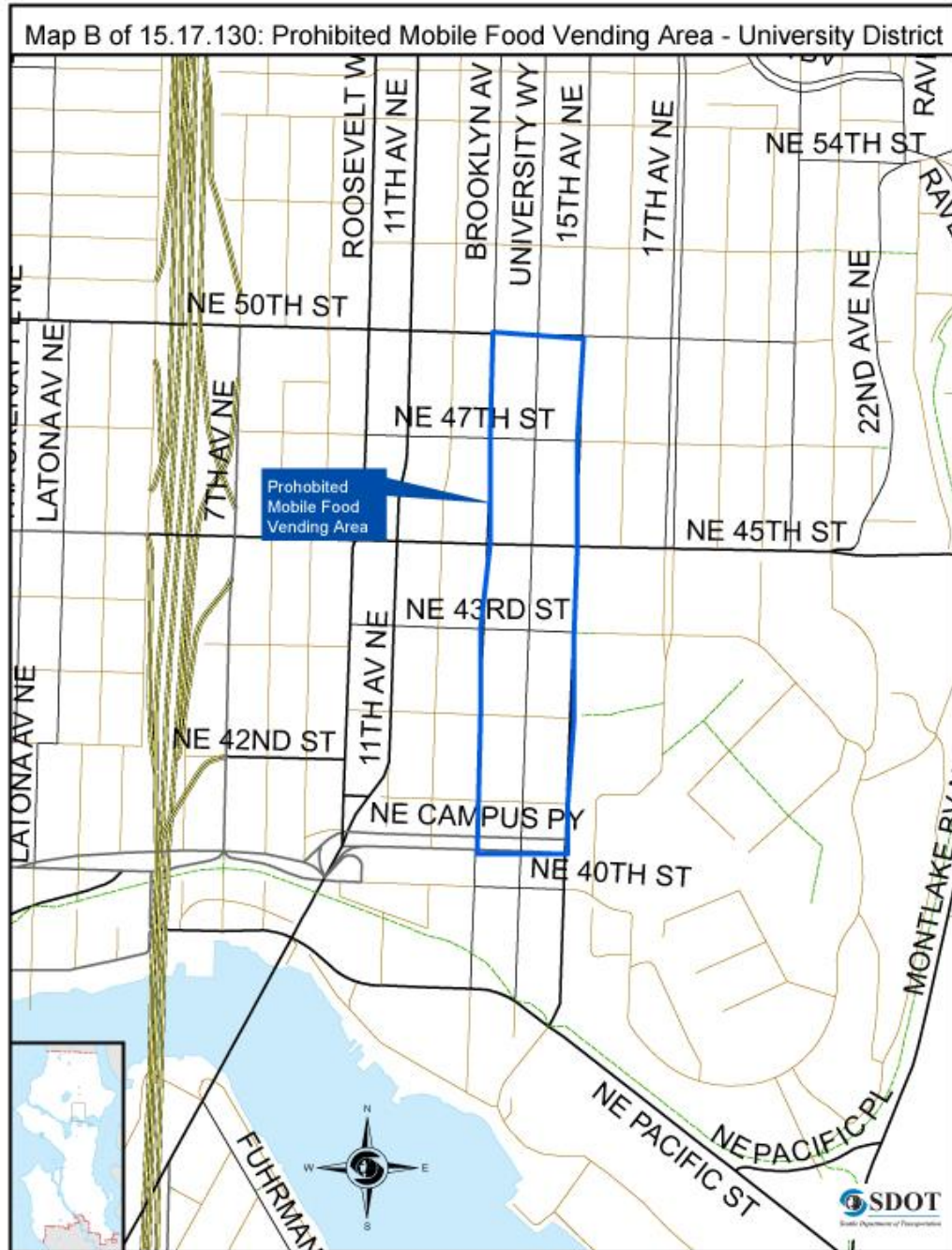
### 12.2 Restricted Stadium Event Vending Area



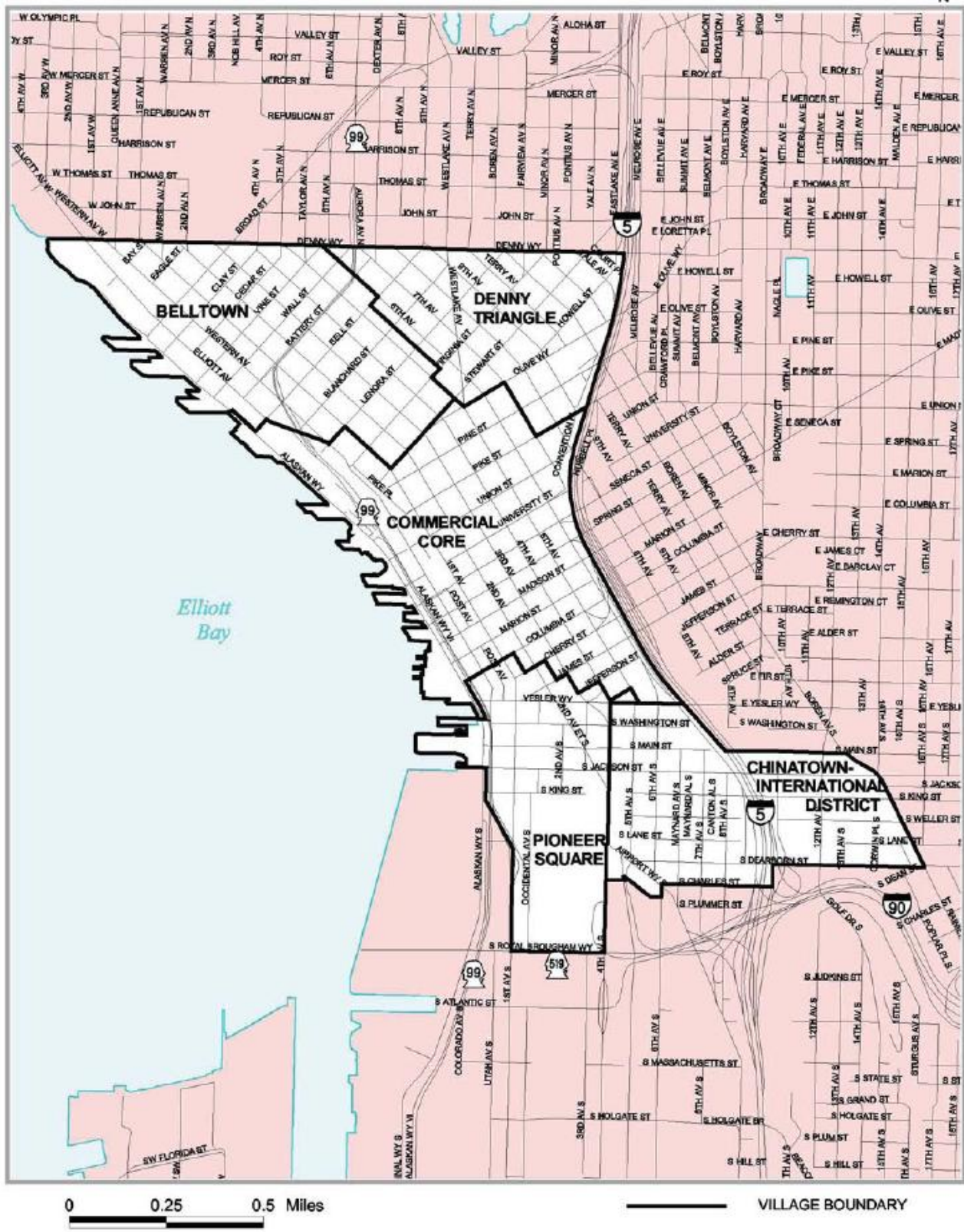
### 12.3 Prohibited Mobile Food Vending Area-Greater Downtown



### 12.4 Prohibited Mobile Food Vending Area-University District



### 12.5 Downtown Urban Center





### 12.6 Pike Place Market Historic District

