

EFFECTIVE DATE: May 24, 1995

CITY OF SEATTLE REGULATIONS
FIRST AMENDMENT VENDING OF MERCHANDISE

SEATTLE ENGINEERING DEPARTMENT
SEATTLE CENTER
SEATTLE DEPARTMENT OF PARKS AND RECREATION

1.0 PURPOSE

To regulate vending of merchandise by non-profit organizations in "public places" and to establish registration and permit procedures.

2.0 ORGANIZATIONS AFFECTED

2.1 Non-profit organizations that wish to vend in "public places" merchandise that has the organization's political, religious, philosophical, or ideological message "inextricably intertwined" in the product.

2.2 The Seattle Engineering Department as to public places under its administration.

2.3 The Seattle Department of Parks and Recreation as to parks, park drives and boulevards.

2.4 The Seattle Center Department as to public places within the Center.

3.0 REFERENCES

3.1 Gaudiya Vaishnava Society v. City of San Francisco, 900 F.2d 1369 (9th Cir. 1992), interpreting and applying the First Amendment to the United States Constitution to vending on sidewalks and in public plazas by non-profit organizations of merchandise with the organization's message "inextricably intertwined" in the product.

3.2 First Amendment to the United States Constitution.

3.3 Article I, Sections 3, 5 and 11 of the Washington Constitution.

3.4 Title 15, Seattle Municipal Code (Street Use Ordinance, Ordinance 90047, as amended).

3.5 Chapter 18.12, Seattle Municipal Code (Parks Code, Ordinance 113436, as amended).

3.6 Chapter 17.04, Seattle Municipal Code (Seattle Center Ordinance, Ordinance 94446, as amended).

3.7 SMC Section 3.12.010 (rule making authority of Director of Engineering); Sections 3.26.040 and 18.12.040 (rule making authority of Superintendent of Parks); Section 17.04.040 (rule making authority of Seattle Center Director).

4.0 POLICY; SCOPE

4.1 These regulations set restrictions upon the time, place, and manner of exercising by non-profit organizations the "First Amendment liberties" of vending merchandise on sidewalks and in public plazas as recognized by the United States Court of Appeals for the Ninth Circuit in Gaudiya Vaishnava Society v. City of San Francisco, 900 F.2d 1369 (9th Cir. 1992). These regulations are designed and intended to accommodate these important public interests: (a) maintaining the use of sidewalks, City streets, and boulevards for reasonably unimpeded travel and transportation, utility purposes, incidental authorized uses, and for other public purposes, such as parades, street fairs, celebrations, demonstrations, and recreation; (b) respecting the rights of owners and occupants of adjoining properties to light, air, access, and view, and to conduct various activities under permit; (c) assisting cleaning and maintenance of the right-of-way and of street facilities; (d) preserving the safety and aesthetic appearance of "public places" as inviting areas for pedestrians; boulevards as park-like drives; plazas as places for public gathering; landscaping, street trees and greenery as amenities that contribute to the quality of the environment; and (e) providing an opportunity for a diversity of activities, views, or opinions where two or more people request the use of the same site. These regulations acknowledge that open space along sidewalks is sometimes needed for "breathing room" for people to meet, stand and rest; and to exercise civil liberties that are not subject to permits.

4.2 Distinguishing vending subject to these rules from activities protected by the First Amendment that do not require registration: A good, service, or benefit is considered to be "received in return for" a payment and to be a sale (vending) if the recipient is obliged or expected to make payment therefor. However, it is a donation if the recipient may take the merchandise and, in his or her sole discretion, determine whether to pay, and if so, how much. It is free distribution if the recipient is not expected to make any donation or other payment. Of the various

activities protected by the First Amendment, only vending is covered by these rules.

5.0 DEFINITIONS

5.1 "City" means the Superintendent of Parks and Recreation as to parks and park drives and boulevards; the Seattle Center Director as to public areas located within the Seattle Center; and the Director of Engineering as to other "public places;" and as to each of them, a duly authorized designee.

5.2 "Designated site" means a site identified by the City as an appropriate location for First Amendment vending to occur, consistent with the important public interests specified in 4.1.

5.3 "First Amendment" means the First Amendment to the United States Constitution and its counterpart in the Washington Constitution, Article I, Sections 3, 5, and 11.

5.4 "First Amendment vending" means the sale or offering for sale of merchandise in a "public place" that is protected by the First Amendment.

5.5 "Hawking" means offering merchandise for sale by calling or crying out to passersby in louder than a conversational voice.

5.6 "Location" means each area of the City in which the departments have designated sites for First Amendment vending. The location maps as they appear as of the adoption of these rules are attached as Attachment E.

5.7 "Merchandise" covers all manner of goods, wares, and items, including apparel such as T-shirts, buttons, documents, jewelry, papers, photographs, posters, and other articles of commerce.

5.8 "Non-designated site" means a site in a public place that has not been identified for First Amendment vending on a location maps.

5.9 "Non-profit organization" means a corporation which is:

(a) incorporated under RCW Chapters 24.03 or 24.06 or the equivalent laws of another state or the United States and is in good standing with its incorporating authority and, to the extent applicable, with the State of Washington; and

(b) is a tax exempt organization under 26 USC Section 501(c)(1), (3), or (4), 26 USC Section 501(d), or 26 USC Section

527, or has filed with the State Public Disclosure Commission under RCW Chapter 42.17 and is in good standing as a "political committee" or a "continuing political committee."

5.10 "Permit period" means, with regard to designated or non-designated sites, a period of one (1) calendar month, or portion thereof, as described in Section 8.4.

5.11 "Public place" means a place dedicated or acquired for public use, such as a park, drive, street, avenue, boulevard, sidewalk or Seattle Center grounds.

5.12 "RCW" abbreviates Revised Code of Washington.

5.13 "SMC" abbreviates Seattle Municipal Code.

5.14 "Site" means an area no greater than sixty (60) square feet for which a non-profit organization has a permit to conduct First Amendment vending, which area shall be ten (10) feet by six (6) feet unless other dimensions are specified in a particular site permit.

5.15 "USC" abbreviates United States Code.

6.0 ELIGIBLE ORGANIZATIONS/REGISTRATION

6.1 Eligibility: A non-profit organization may register and secure a permit to exercise its First Amendment right to vend merchandise in which the organization's political, religious, philosophical or ideological message is inextricably intertwined (First Amendment merchandise). Other individuals or organizations may not register or secure permits under these rules. These regulations permit an eligible First Amendment organization to vend merchandise (as defined in Sections 7.1 - 7.4) only at the time and location provided in a valid permit. All vending must also be conducted in compliance with the rules contained in these regulations.

This regulation does not permit vending by individuals or organizations other than non-profit organizations, nor does it permit vending of merchandise other than that in which the non-profit organization's political, religious, philosophical or ideological message is inextricably intertwined.

6.2 Registration: In order to be eligible to secure a permit to vend at a particular location, a non-profit organization must first register with the Seattle Engineering Department, which issues Certificates of Registration which are valid from the date issued through December 31 of that year.

6.3 Application for registration; fee: To register, each applicant must complete an application form (in the form of Attachment "A") with all required supporting documentation and include payment of all fees required by ordinance of the City. Such fees are intended to reimburse the City for part of the costs incurred in administering these rules.

The application form requires the applicant: (a) to promise to obey the rules in Sections 6 through 12; (b) to inform the City of any changes in the information provided, including its eligibility as a tax-exempt organization under the Internal Revenue Code or its incorporation; (c) to hold the City and its officers or employees harmless from any lawsuits on account of its activities; and (d) to pay applicable state and City taxes.

6.4 Documentation: To establish its eligibility for a Certificate of Registration, an applicant must provide the City a copy of:

- (a) its articles of incorporation;
- (b) a current certificate of good standing from the State of Washington;
- (c) its current Seattle business license;
- (d) its Unified Business Identifier number; and,
- (e) either a document from the Internal Revenue Service (IRS) designating the organization as a tax-exempt organization or, for organizations that are not required by IRS regulations to obtain such designation from the IRS, a Declaration of Status of Non-Profit Tax Exempt Organization in the form attached hereto as Attachment A.

~~6.5 Certificate of Registration: If the application is approved, the City shall issue a Certificate of Registration. A copy of the the Certificate as of the adoption date of these rules is attached as Attachment B. The Certificate shall incorporate by reference the representations and promises in the application. Special terms and conditions may be included. The City will determine eligibility for registration within five (5) business days after receiving a complete application (including supporting documentation).~~

7.0 MERCHANDISE STANDARDS

7.1 General: The vending of merchandise must be a bona fide exercise of a First Amendment liberty within the spirit and scope

of the Gaudiya Vaishnava case. A non-profit organization may not use the First Amendment as a cover to engage in "purely commercial activity." The merchandise may not contain any articles which a minor is prohibited from purchasing or which is restricted by the Fire Code for handling by the public. The merchandise must meet the criteria in Sections 7.2 through 7.4.

7.2 Nature of the message: The message must be a religious, political, philosophical or ideological message that is relevant to the purposes of the organization (see Section 7.4). The message may not simply be a manufacturer's trademark or a pretty design or print. The mere placement of an organization's name or logo does not meet the requirements of these rules unless the name or logo itself conveys a political, philosophical, religious or ideological message. Words, in English or other languages, may express an eligible message. Words in combination with symbols may do so. A symbol alone may convey a political, philosophical, religious or ideological message if it is readily recognized as doing so. For example, a T-shirt with a Thomas Nast cartoon of a donkey or an elephant may convey a statement that the wearer is a Democrat or Republican. A product that is readily understood by the public as intrinsically conveying a message (e.g., a crucifix) generally would qualify; food, sunglasses, or flowers generally would not.

The message must also convey a point of view of a religious, political, philosophical, or ideological nature with intellectual content. A reasonable person should, by observing the product, be able to discern a particular and recognizable religious, political, philosophical, or ideological message. The committee described in Sections 7.5 is intended to collectively serve as a reasonable observer in making these determinations.

For example, the word "Seattle", by itself, is not a religious, political, philosophical, or ideological message, although it may be included on merchandise as part of the organization's name or as part of its message. If the word "Seattle", for example, is included in the name of the organization or as part of the organization's message, the size of the lettering shall not be greater than the size of the lettering of the rest of the organization's name or message.

7.3 Message inextricably intertwined with merchandise: The message must be "inextricably intertwined" with the merchandise, that is, so integrated into the product itself that it can not be removed without damaging the merchandise. The message must be a prominent part of the merchandise and readily discernible in the context of the size of the lettering, the color scheme, the location of the message, and the graphics involved and may not be camouflaged.

The following are examples of the type of "messages" that would not qualify: a peel-off label; an inside label on apparel where the message is not visible when the apparel is worn in its customary fashion; lettering or symbols so small or printed with a such lack of contrast that they cannot be readily seen; a message on a container such as a printing on a paper cup for liquid, a paper bag for edibles, or a plastic wrap of a package; or a stamping or mark on an article that is readily washed off.

7.4 Message relevant to the purposes of the organization: The message must be relevant to the purposes of the organization, as described on the organization's application.

7.5 Merchandise review: Vending merchandise which does not meet the standards set forth in Sections 7.1 - 7.4 constitutes a violation of these rules and of the location permit and subjects the vending organization to suspension or revocation of its permit in accordance with Section 10. Before vending, therefore, organizations are urged (but are not required) to submit the merchandise they propose to vend for review by an interdepartmental committee. The committee, consisting of representatives of the Engineering, Parks, and Seattle Center Departments, will determine whether merchandise meets the standards set forth in Sections 7.1 - 7.4 and notify the organization accordingly. If an organization is engaged in First Amendment vending and wishes to change its merchandise, substituting, adding, or modifying items, the organization is urged, but not required, to obtain review by the committee before vending the items. The committee will make its determination within five (5) business days after receipt of the merchandise.

An organization seeking merchandise review shall provide the City (through the Engineering Department) with a sample or full-size color photocopy of each item of merchandise that it intends to offer for sale. Samples may be collected from the Engineering Department seven (7) business days after receipt, or if there is a dispute as to the eligibility of an item, three (3) business days after resolution of the dispute, as provided in Section 7.6.

7.6 Dispute resolution: In the event of a dispute over the eligibility of merchandise, the interdepartmental committee shall provide the applicant notice, an opportunity to be heard, and after the hearing, make its recommendation to the heads of the Engineering, Parks and Seattle Center Departments.

7.7 Committee record: The committee shall maintain for public inspection a record of its recommendations and of the departments' acceptance, modification or rejection thereof.

8.0 LOCATIONS; ALLOCATION OF SITES; FEE

8.1 Designated locations and sites: Each Department may designate sites within areas under their jurisdiction, and may, pursuant to these rules, add, delete, or modify designated sites. The department with jurisdiction over the location may designate sites for First Amendment vending in those locations where its experience suggests that organizations are most likely to request permission to vend. The sites so designated as of the date of these rules are shown on the location maps attached as Attachment E. In designating sites, the departments considered various factors, including pedestrian and vehicular traffic flow, building access and width of sidewalk, impact on the aesthetics of the area, other uses of "public places," the natural setting, the effect on plantings and landscaping, and the public interests identified in 4.1. The departments recognize that the number of requests for sites for First Amendment vending will be greatest when the potential audience is largest, which is also likely to be when pedestrian traffic is at a maximum, and shall consider site applications accordingly.

Subject to these rules, registered organizations whose merchandise meets the standards set forth in Sections 7.1 through 7.4, or organizations engaged in other activity protected by the First Amendment, may engage in such activities at designated sites.

8.2 Non-designated sites: A registered organization may request the department with jurisdiction to designate an additional site for First Amendment vending. Requests for non-designated sites shall be approved or disapproved and non-designated site permits issued, by the department with jurisdiction, on the basis of the same criteria used to identify designated sites (see Sections 4.1 and 8.1).

After the first site permit for each non-designated site is issued, that site shall become a designated site and allocated in accordance with the procedures for other designated sites. If at any time the department with jurisdiction over a site determines that its continued use would be inconsistent with the criteria for First Amendment vending sites, the department may de-designate or modify the site.

8.3 Permits; fees: A registered non-profit organization may apply for a permit to engage in First Amendment vending at a designated or non-designated site(s) in a public place. Each permit authorizes First Amendment vending only at one site during one permit period. The fee for each permit for each site shall be

set by ordinance of the City. An example of a site permit is shown in Attachment D.

No organization shall vend anywhere other than at the site specified in its permit, nor shall it vend or solicit sales off-site in the area.

A permit for a designated site is valid for a period of one (1) month beginning on the first (1st) calendar day of the designated month, or portion thereof. A permit for a non-designated site may be issued for the remainder of the current month.

8.4 Allocation of sites: Applications for site permits shall be made as follows:

(a) Designated sites: Designated sites within a location shall be allocated on a random basis. Each organization requesting a permit within a location shall submit an Application for Site Permit, substantially in the form of Attachment C, to the Engineering Department, Street Use and Permits, Municipal Building Room 501, 600 Fourth Avenue, Seattle, WA 98104 (684-5267). An organization may submit only one entry in the random allocation for a location, requesting only one site per location, but may indicate acceptable alternative sites within that location.

Only those Applications for Site Permits received by the Street Use and Permits division of the Engineering Department on or before 8:00 a.m. on the fourth Tuesday of a month will be eligible for the random allocation of site permits for the next permit period. In order to be able to provide access to some sites to organizations which do not request or obtain a site in the random allocation, the department may reserve a specified number of sites within a location (excluding them from the random allocation) for assignment to organizations which may apply for a permit later during the permit month.

After the initial random allocation of designated sites, if additional sites remain (neither assigned nor reserved) in a location, an organization with a permit for a site in the location may request a second site permit directly from the department with jurisdiction over the site. The City takes no responsibility for retaining applications for site permits for more than seven (7) days.

Designated site permits shall be issued by and obtained from the department with jurisdiction over the site, at the addresses shown in (b) below, after 1:00 p.m. on the fourth (4th) Thursday of a month, upon payment of all fees as set by ordinance. An

organization that has applied for designated sites may contact the Street Use and Permits division of the Engineering Department after 8:00 a.m. on the fourth (4th) Wednesday of a month to find out which site(s) have been allocated to that organization.

Organizations desiring sites upon which to exercise First Amendment rights that do not involve vending (e.g., distributing religious literature free of charge, gathering signatures for petitions, or soliciting bona fide donations) also may apply for designated sites and shall be included in the allocation for designated sites described in this subsection (a).

The Engineering Department may designate a different schedule for the first random allocation conducted after these rules are adopted or amended.

(b) Non-designated sites: Requests for non-designated site permits for City streets shall be made to the Engineering Department, Street Use and Permits, Municipal Building Room 501, 600 Fourth Avenue, Seattle, WA 98104 (684-5267). Requests for non-designated site permits at the Seattle Center shall be made to the Seattle Center, Contracts and Concessions, 305 Harrison Street, 2nd floor, Seattle, WA 98109 (684-7114). Requests for non-designated site permits in parks, park drives and boulevards shall be made to the Department of Parks and Recreation, Contract and Business Resources, 100 Dexter Avenue North, Seattle, WA 98109 (684-8008).

In order for the department to review the request and conduct any investigation necessary to determine if the proposed site is an appropriate one, the department shall approve or deny a request within ten (10) business days. A non-designated site permit shall be effective for the duration of the current permit period. Non-designated site permits shall be obtained from the applicable department upon payment of all fees as may be set by ordinance of the City.

8.5 No transfer: Registration certificates and site permits are valid only for the organization and the site respectively. Registration certificates and site permits are not transferable.

8.6 Crowd control events and emergencies: Any permits for vending may be suspended during crowd control events authorized under Seattle Municipal Code Chapter 15.52. In addition, the Fire or Police chief and the authorizing department may at any time suspend a site permit and require vending to cease immediately if required to preserve the public safety, e.g., a fire; cordoning off the scene of a crime or incident; movement of oversized loads,

construction in progress, or maintenance of a ground clearance for activities or dangers overhead; or an unsafe sidewalk.

8.7 Superseding events: Due to unexpected events such as nearby construction, rerouting of traffic, a political demonstration or a threat to public safety, the exact site or hours of permitted vending may be modified for certain dates during the permit period.

9.0 EQUIPMENT; MANNER OF VENDING

9.1 Each organization shall display at each site: (a) a copy of its City business license; (b) a copy of its Certificate of Registration; and (c) the original site permit. The organization also shall have available, for inspection upon request, the name and address of a person whom the public may contact with respect to its vending activities or for more information about the organization. Organizations are requested, but not required, to have available to the public for examination materials showing the purpose of the organization and documentation establishing its non-profit status.

9.2 Signs: Each organization shall display at all times an 8½ inch by 11 inch sign, laminated (or otherwise waterproofed), legibly lettered, typed or machine printed in lettering at least one-quarter inch in height, stating as follows:

(name of organization) is exercising its First Amendment liberties and is not associated with The City of Seattle or any of its departments. The messages on its merchandise express the views of (name of organization) and not necessarily those of The City of Seattle.

No other information shall be on the sign, unless the organization chooses to include a statement of its corporate purpose and/or give names, addresses and/or phone numbers of persons to contact for further information.

An organization may display other signs on the side of or on top of the table, provided that the content of the sign(s) is part of the message of the organization. One sign, no larger than 8½ by 11 inches, conveying other information (such as price of merchandise offered for sale) also may be displayed. No sign may extend higher than the top of the table. Signs may not be attached to City facilities.

9.3 Tables: At any one site, an organization may have only one table and two chairs. A table shall be portable, sturdy and

not greater than three (3) feet by six (6) feet by three (3) feet high (although the department with jurisdiction may limit some sites to smaller tables due to the width of the sidewalk and traffic flow). No structures shall be attached to the table.

Tables shall be placed so that the length is parallel with the sidewalk, and chairs may be placed behind or next to (but not in front of) tables, unless otherwise provided in a particular permit. The tables may be used only for display of First Amendment merchandise, the organization's literature, signs permitted or required by these rules, and the identification required by Sections 9.1 and 9.2.

9.4 Other equipment: Canopies, umbrellas, sandwich board signs ("A" frames) on the ground, amplification equipment, or moving or flashing lights are prohibited. No structure may be attached to the table.

9.5 Hours: Display and vending may only occur during the hours specified in the site permit. The site must be cleared at all times other than those specified.

9.6 Merchandise storage: Merchandise may be stored only under the table, and shall not be stored or piled alongside of, behind, or in front of the table.

9.7 Appearance: The organization shall keep its location clean while vending, and shall deposit rubbish in proper receptacles regularly during the day and prior to departing the site each day.

9.8 Attendants: The site shall be attended at all times. No more than two individuals may be engaged in vending at a site at any one time. No hawking or outcry may occur on-site. No sales solicitation, hawking or outcry may occur off-site. The individuals vending at a site shall be presumed to be members, employees, or agents of, or otherwise associated with, the non-profit organization. Whatever the relationship of such individuals to the organization, the organization shall be responsible for the conduct of those individuals attending the site.

9.9 Non-discrimination: While vending in a public place, organizations shall not discriminate against any person because of race, color, age, sex, marital status, sexual orientation, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap.

9.10 Compliance with laws: Vending is subject to compliance with other applicable statutes and City ordinances, such as health and safety codes.

9.11 Vendor's risk: The City assumes no responsibility for any loss of the vendor's merchandise or equipment, regardless of whether the loss occurs through accident, collision, vandalism, theft, action of weather, or otherwise.

10.0 DENIAL OF REGISTRATION OR SITE PERMIT

10.1 Denial of registration: The City may deny a registration request because: (a) the application is incomplete; (b) the applicant made a material misrepresentation of fact in documents or materials presented or statements made to the City and relevant to this regulation; (c) the applicant lacks a required license or other document, or has lost its status as an eligible non-profit tax-exempt organization; or (d) all required fees have not been paid.

10.2 Suspension or revocation of registration: The City may suspend or revoke a registration if (a) the applicant made a misrepresentation of material fact in documents or materials presented or statements made to the City pursuant to this regulation; (b) the applicant lacks a required license or other document, or has lost its status as an eligible non-profit tax-exempt organization; or (c) a check given in payment of a required registration fee has been returned without payment.

10.3 Denial of site permit: The City may deny a site permit because: (a) another street, boulevard, park or Seattle Center use has been scheduled for the site at the time requested; (b) another organization received a permit for the site in accordance with Section 8.4; (c) the applicable fee has not been paid or a check given in payment has been returned without payment; or (d) the registration of the organization has been suspended, canceled or revoked.

10.4 Suspension or revocation of site permit: In addition to the reasons specified elsewhere in these rules, the City may suspend or revoke a site permit if (a) the registration of the organization has been suspended or canceled; (b) the permittee violates any section of these rules; or (c) a check given in payment of the fee has been returned without payment.

10.5 Hearing: In the case of a denial, suspension or revocation based upon (a) a material misrepresentation in the Application for Certificate of Registration or Application for Site Permit, (b) transfer of a site permit or (c) vending merchandise

that does not comply with the requirements of Sections 7.1-7.4 of these rules, the site permit or registration certificate (as applicable) may be temporarily suspended pending a hearing. Such hearing shall be granted within two (2) business days of receipt of a written appeal to the head of the City department responsible for the disputed action. In the event that an organization has violated other of these rules, the applicable department shall, upon timely request, conduct a hearing prior to implementing a suspension or revocation.

All hearings held pursuant to this section shall be conducted by the applicable department head or his/her designee, who shall permit the organization to present evidence and arguments on its behalf and shall render a written decision within one (1) business day of the hearing. The decision shall be a final City determination.

10.6 Vending without or in violation of the terms of a site permit: Vending without a valid site permit or in violation of the terms of a valid site permit is a violation of the Seattle Municipal Code, as follows: (a) as to public places under the jurisdiction of the Engineering Department, a criminal violation pursuant to SMC 15.50.040; (b) as to parks, park drives and boulevards, a criminal violation pursuant to SMC 18.12.290 and (c) as to public places within the Seattle Center, a criminal violation pursuant to SMC 17.04.050.

11.0 GENERAL PROVISIONS

11.1 Severability: The provisions of these regulations are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of these regulations, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of these regulations, or the validity of its application to other persons or circumstances.

11.2 Review: Prior to January, 1995, the Engineering, Seattle Center and Parks and Recreation Departments shall review these First Amendment vending rules and shall modify them as necessary.

11.3 Amendments: These rules may be amended from time to time, pursuant to the applicable provisions of the Seattle Administrative Code. In the event that any such amendment affects an organization's eligibility to engage in First Amendment vending or its eligibility for vending site permits, the amendment shall apply only upon its effective date. Certificates of Registration or Site Permits issued to an organization pursuant to these rules

prior to the effective date of an amendment are deemed provisional and the organization shall comply with the amended rules before receiving a new Certificate of Registration or Site Permit issued pursuant to the amended rules. The City shall not charge any fee for a new Certificate of Registration or Site Permit if the organization has already paid the applicable fee pursuant to the prior rules.

12.0 ATTACHMENTS

- A. Form of Application for Certificate of Registration and Declaration of Status of Tax Exempt Organization
- B. Form of Certificate of Registration
- C. Form of Application for Site Permit
- D. Form of Site Permit
- E. Location Maps Showing Designated Sites

13.0 SPECIAL RULES FOR THE DEPARTMENT OF PARKS AND RECREATION

13.1 First Amendment Vending within Parks: In accordance with Rule 8.5(a), applications for permits for First Amendment vending in a designated site in a Seattle park shall be sent to the Engineering Department, but the designated site permits shall be issued by the Department of Parks and Recreation and may be obtained from the office of the Department of Parks and Recreation. In accordance with Rule 8.5(b), applications for non-designated park sites shall be made directly to the Department of Parks and Recreation. Any Seattle Department of Parks and Recreation site permit issued for First Amendment vending in a park is subject to the rules and policies applicable for regular concession activity and to Sections 1-12 of these Rules.

13.2 Appearance: The table and type of vending should be compatible with the character of the park as a place for recreation and relaxation; and in parks and open spaces that feature natural settings, the overall appearance should blend with the surroundings.

13.3 Identification of personnel. Each organization shall supply a current list identifying, by name and address, each person who will be vending on its behalf. The organization may amend the list from time to time. The Seattle Department of Parks and Recreation reserves the authority to require vendors to wear an identification badge; if the Department issues such a badge, the person to whom it is issued shall wear the badge while vending.

13.4 Fees. Vending in parks is subject to the fee schedule adopted by SMC § 18.28.010. That schedule contemplates a base fee and a fee measured by a minimum of ten percent (10%) of gross revenues from activities within parks, as distinct from park drives or boulevards. The fees apply to the sale of products such as T-shirts, coffee mugs, key chains, and jewelry. The schedule excludes from the measure of gross revenues bona fide donations. Organizations vending in parks shall pay the 10% fee on a weekly basis as specified in the permit.

13.5 Record keeping and accounting. To measure gross revenue for the purpose of collecting the fee from vending in parks, vendors in parks must, where feasible, use a cash register capable of providing a Z-read and, where that is not feasible, utilize a Department-approved inventory-based accounting system. The vendor

must provide purchasers with receipts for all sales. The vendor must also provide the Department with a tabulation of the gross revenues and an assurance that sales taxes are being paid. The register of receipts must be open to inspection by the City at all times while vending is occurring in a park. Records and applicable payments must be submitted to the Department on approved report forms on a weekly basis as specified in the permit.

These Rules are hereby adopted pursuant to the City Administrative Code.

SEATTLE ENGINEERING DEPARTMENT

BY John Chanwo
TITLE

DATE 5/24/95

SEATTLE DEPARTMENT OF PARKS AND RECREATION

BY _____
TITLE

DATE _____

SEATTLE CENTER DEPARTMENT

BY _____
TITLE

DATE _____

FILED WITH THE CLERK OF THE CITY OF SEATTLE

DATE _____