The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by:

Committee Action:
9-14-09 BH Pass 9-0
9-21-09 Passed 9-0

This file is complete and ready for presentation to Full Council.

[Signatures]

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Law Department

[Signatures]

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ORDINANCE

AN ORDINANCE related to farmers markets; stating the Seattle City Council’s findings regarding the economic impacts of farmers markets; adopting and authorizing the establishment of a program regarding farmers markets; amending the current Department of Parks and Recreation (Parks) fee schedule (Attachment 1 to Ordinance No. 122850) and the current Seattle Department of Transportation (SDOT) fee schedule (Exhibit A to Ordinance No. 122295) to clarify the appropriate application of certain Parks and SDOT permit fees to farmers markets participating in the program; amending SMC 11.26.260C in order to exempt farmers markets from service parking permits; amending SMC 22.602, Schedule B, Table 22.602.045B, in order to establish certain Seattle Fire Department (SFD) permit codes and fees for farmers markets participating in the program; amending SMC 3.14.620 to clarify that the Director of the Office of Economic Development (OED) has authority to adopt rules; authorizing and directing the OED to adopt rules implementing this ordinance; and ratifying and confirming certain prior acts.

WHEREAS, farmers markets are an important contributor to Seattle's economic and cultural life; and

WHEREAS, due to widespread redevelopment of property in Seattle’s neighborhood business districts, existing farmers markets are experiencing difficulty staging markets on privately owned sites and market sponsors have asked the City to assist them in securing more stable locations on public property; and

WHEREAS, the City owns and operates various real properties and manages public rights of way, including property under the jurisdiction of the Department of Parks and Recreation (Parks), the Seattle Department of Transportation (SDOT), and the Fleets and Facilities Department (FFD); and

WHEREAS Parks, SDOT, the Seattle Fire Department (SFD), and the Office of Economic Development (OED) have adopted administrative rules implementing a program for farmers markets, which clarify how their respective fee schedules are applied to farmers markets participating in the program; and

WHEREAS, several farmers markets have applied for and been granted permits to use property and or public rights of way under Parks’ and SDOT’s jurisdictions to stage and support those farmers markets; and

WHEREAS, SDOT’s and Parks’ current fee schedules do not include specific references to particular permits for farmers markets located on City-owned property within those departments’ jurisdictions; and
WHEREAS, SFD is authorized to charge a variety of permit fees, including those authorized by SMC Section 22.602 and its attached schedules, which do not include a specific reference to particular permits for farmers markets; and

WHEREAS, the City wishes to adopt and authorize the establishment of the program; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council makes the following legislative findings regarding the economic impacts of farmers markets on Seattle.

1. The City has a substantial interest in identifying stable locations for farmers markets because they are extremely popular in the neighborhoods and provide valuable public benefits. The markets provide fresh regionally produced farm products directly to consumers who shop in neighborhood business districts. Other public benefits brought by these simple, popular markets include: improved access to high quality fresh fruits and vegetables; increased use of adjacent City-owned property or rights-of-way for desirable purposes such as pedestrian and recreational uses; the provision of a regular gathering place for people to interact in their neighborhood business districts; increased commerce for adjacent businesses due to greater pedestrian traffic on market days; and preservation of local farm land from redevelopment. Regional small farmers report that neighborhood farmers markets have become a vitally important source of revenue that enables them to keep their farms in production.

2. City-owned properties or rights-of-way located in or near neighborhood business districts are often the most stable sites for farmers markets because they are not subject to redevelopment pressures. Examples of these types of properties include temporary use of Parks properties, SDOT street closures, and properties controlled by FFD and they are the most suitable publicly-owned sites upon which to locate regularly recurring farmers markets.

3. A major barrier to using City-owned property or rights-of-way for such farmers markets has been the manner in which certain fees have been computed for regularly recurring farmers markets. Regularly recurring farmers markets use public property or rights-of-way in substantially the same manner each time, so certain fees should, as provided below, be calculated on an annual rather than a weekly or other “per use” basis.

Section 2. The City hereby adopts and authorizes the establishment of a Farmers Market Program which was first operated as the Farmers Market Pilot Program described in Multi-
Departmental Administrative Rule (MDAR) 09-01 (Attachment A). Parks, SDOT, SFD, and OED are authorized to continue implementing the farmers market program described in MDAR 09-01, including the authority to interpret and apply the applicable fee schedules and to waive or assess certain fees in the manner described in the rule. OED shall have primary responsibility for administering the program. The Director of OED is authorized and directed to adopt, and if necessary amend, additional administrative rules implementing the program. Farmers markets that wish to participate in the program shall submit applications to OED on forms developed for that purpose. OED shall process the applications, determine initial eligibility, coordinate the issuance of necessary permits, and periodically verify participating farmers markets’ ongoing eligibility to participate in the program. Participating farmers markets shall promptly notify OED of any material changes in their operations that might affect their eligibility to participate in the program.

Section 3. Parks Permits. The Parks 2009-2010 Fee Schedule, Attachment 1 to Ordinance No. 122850, is amended as follows:

***

PERMITS

USE PERMITS

Use Permits authorize non-department groups to utilize Department of Parks and Recreation property for special events (i.e., runs, boating, concerts, day camps, community festivals, rallies, commercials, etc.).

• General Provisions

NOTE: Insurance and/or a performance bond may be required except as limited by the First Amendment for political or religious activities as provided by SMC 18.12.045 or by applicable rules. An application fee will be collected upon formal written application. This fee is non-refundable, except when the Department denies a request.
<table>
<thead>
<tr>
<th>2009</th>
<th>2010</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50.00</td>
<td>$50.00</td>
<td>Application fee – First Amendment Events, including political and religious activities.</td>
</tr>
<tr>
<td>$75.00</td>
<td>$75.00</td>
<td>Standard Application fee – Use Permits (i.e., runs, boating, concerts, day camps, community festivals, rallies, commercials, etc.)</td>
</tr>
<tr>
<td>$10.00</td>
<td>$10.00</td>
<td>Booth fee – As part of a special event, a charge of $10.00 per booth or 10% of gross sales, whichever is greater.</td>
</tr>
<tr>
<td>10% of</td>
<td>10% of</td>
<td>If, in the course of the activity/event, charges are levied for admission, sales, or entry fees, the user will be subject to a minimum charge of 10% of the gross receipts.</td>
</tr>
<tr>
<td>gross income</td>
<td>gross income</td>
<td>Load/Unload fee, per vehicle – for short-term access into non-parking areas or those areas accessed through a locked gate or bollard.</td>
</tr>
<tr>
<td>$10.00</td>
<td>$10.00</td>
<td>Utility hook-up fee – for any utility hook-up performed by Department personnel.</td>
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<tr>
<td>$75.00</td>
<td>$75.00</td>
<td>Supplemental Late Application Fee – for requests submitted less than 6 working days before event. (Fee does not apply to First Amendment events)</td>
</tr>
<tr>
<td>$100.00</td>
<td>$100.00</td>
<td>Minimum, per surface (advertising banner, canopy/tent wall, sign, vehicle surface, inflatables, other) per day – for posting commercial signage in a park in conjunction with a special event. (Maximum fees are subject to negotiations.)</td>
</tr>
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</table>

**Note: Farmers Markets Program.**

The current 2009-2010 fee schedule shall be applied to regularly recurring farmers markets, as that term is defined in applicable rules, as follows:

An annual Standard Application Fee is required at a fee of $75;

An hourly use fee of $10, with a five hour minimum, shall apply;

The fees described above as a “booth fee” and as “10% of gross income” shall not apply;

If Parks reasonably determines that a Parks event staff person is required to be present in order to monitor the use, the standard fee of $20 per hour shall apply; and

Other Parks fees such as for electrical utility hookups shall apply as provided in the table above.
Section 4. **SDOT Street Use Permits. SDOT’s Fee Schedule, Exhibit A to Ordinance No. 122295**, is amended as follows:

**Exhibit A: Street Use Permit Fee Schedule, Effective January 1, 2007**

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Use Description</th>
<th>Base Permit Fee</th>
<th>Franchise and Utility Map Surcharge</th>
<th>Occupation Fee (Long Term)</th>
<th>Use Fee (Short Term)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3A</td>
<td></td>
<td>$101</td>
<td>$30</td>
<td>N/A</td>
<td>ON NON-ARTERIAL</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>mo 1= no fee,</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>mo2&amp;3= $1.10/sf/10d</td>
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<td>mo4&amp;5= $2.20/sf/10d</td>
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<td>mo6&amp;7= $4.40/sf/10d</td>
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<td>mo8&amp;9= $8.30/sf/10d</td>
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<td>mo10=+$1.20/sf/10d</td>
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<td></td>
<td></td>
<td>in mo 10+ up to</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$20/sf/10day credit for mobility mitigation</td>
</tr>
</tbody>
</table>

| 3B**     | Farmers Market Program | $101            | N/A                                | N/A                         | N/A                  |

**Section 5. SDOT Traffic Service Parking Permits. Section 11.26.260 of the Seattle Municipal Code**, which section was last amended by Ordinance 120994, is amended as follows:

11.26.260 Service parking permit – Fee – Time period

** **
C. As to on-street service parking permits, those nonprofit, tax-exempt organizations currently recognized by the United States of America as exempt from federal taxation pursuant to Section 501(c) (1) or (3) of the Internal Revenue Code of 1954, 26 U.S.C., Section 501, as now hereafter amended, deemed by the Traffic Engineer to have a need to occupy street space while performing an on-street service function, shall be exempt from fee payment for on-street service parking permits. Also exempt from fee payment are the Seattle Department of Transportation street and traffic maintenance crews. The Traffic Engineer may also exempt from fee payment a regular recurring Farmers Market as defined by the Multi-Departmental Administrative Rule 09-01 or its successor Rule.

Section 6. **Fire Department Permits.** SMC Chapter 22.602.045, Schedule B, is amended as follows:

**SMC 22.602.045 Fees.**

B. The fees for the following special event permits are established in Schedule B. See Table 22.602.045B.

**Schedule B**
Table 22.602.045 B
Special Event Permits

**Time Charge.** When an inspection or permit application review for a Schedule B permit is requested or is required for Seattle Fire Code compliance to be performed outside regular business hours (Monday through Friday, 8:00 AM to 4:30 PM), a time charge will be added to the Schedule B permit cost. The time charge, when applicable, will be equal to the actual labor cost, including applicable administrative overhead costs and other services.
**Late Fee Applied.** Schedule B permit applications received by the Seattle Fire Department less than 10 business days prior to the event for which they apply shall be assessed a late fee in addition to the permit fee and any applicable time charge. The late fee shall be equal to 50 percent of the original permit fee.

<table>
<thead>
<tr>
<th>Code No.</th>
<th>Permit Title</th>
<th>Original Fee</th>
<th>Renewal Fee</th>
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<tbody>
<tr>
<td>107 SE</td>
<td>Temporary permit</td>
<td>No fee</td>
<td>No fee</td>
</tr>
<tr>
<td>1102</td>
<td>Open flame, temporary, single event</td>
<td>$150.00 +plus time charge</td>
<td>No renewal</td>
</tr>
<tr>
<td>2500 PA</td>
<td>Place of Assembly, temporary, farmers market program where the event alters the existing exit configuration and/or fire lanes.</td>
<td>No fee</td>
<td>No fee</td>
</tr>
<tr>
<td>2500 LPG</td>
<td>LPG, Portable outdoor heating, annual, when issued with a Place of Assembly Permit Code 2500</td>
<td>$277</td>
<td>$277</td>
</tr>
</tbody>
</table>

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Section 7. SMC 3.14.620 is amended as follows:

**SMC 3.14.620 Director -- Powers and authority.**

Under the direction of the Mayor, the duties and powers of the Director of the Office of Economic Development shall be as follows:
A. To appoint, remove, assign, supervise, and control all officers and employees of the Office of Economic Development in accordance with applicable civil service laws and rules;

B. To manage the preparation of the annual budget of the Office of Economic Development, under the guidance of the Director of Finance; authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake authorized activities;

C. To make, modify, alter, and extend loans under the City's business loan programs consistent with the laws and ordinances relating to each program; to accept, release, subordinate, and foreclose on security interests in real and personal property; and to sign and deliver documents and to take other actions as shall be necessary or appropriate for such purposes;

D. To develop programs and seek additional funding sources for economic development;

E. To accept unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars ($1,000);

F. To enter into and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; and execute interdepartmental agreements, and, as authorized by ordinance, intergovernmental agreements;

G. To serve as the City's representative to boards, commissions, and organizations engaged in economic development activities;
H. To serve as the City's representative to the Seattle Small Business Lenders Association;

I. In connection with any project or program now or hereafter coming within the responsibility of the Office of Economic Development but previously vested by ordinance in another City department, to exercise all authority vested in the director of such other department with respect to such project or program, unless otherwise provided by ordinance;

J. To administer all ordinances pertaining to the Office of Economic Development;

K. To exercise such other and further powers and duties as shall be prescribed by ordinance( ); and

L. To adopt, amend, and rescind administrative rules, as provided in the City’s Administrative Code, in order to implement the Director’s powers and authority.

Section 8. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
Passed by the City Council the 21st day of September, 2009, and signed by me in open session in authentication of its passage this 21st day of September, 2009.

[Signature]
President of the City Council

Approved by me this 24th day of September, 2009.

[Signature]
Gregory J. Nickels, Mayor

Filed by me this 24th day of September, 2009.

[Signature]
City Clerk

(Seal)

Attachment A: Multi-Departmental Administrative Rules MDAR 09-01
ATTACHMENT A

| Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES | No. MDAR 09-01 |
| Rules Regarding: | Effective Date: |
| Farmers Markets Permitting Process-2009 Pilot Program | |

| Approved: | |
| Superintendent, Seattle Dept. of Parks and Recreation | 6/21/09 |

| Director, Seattle Department of Transportation | 6/16/09 |

| Fire Chief, Seattle Fire Department | 6/15/09 |

| Director, Office of Economic Development | 6/25/09 |

1.0 INTRODUCTION AND FINDINGS

1.1 Introduction

The City owns and operates various real properties, including property under the jurisdiction of the Seattle Parks and Recreation Department ("Parks"), the Seattle Department of Transportation ("SDOT"), and the Department of Fleets and Facilities ("FFD"). The City permits a variety of uses on some of its properties, as provided in the Seattle Municipal Code ("SMC"). The Seattle Fire Department ("SFD") issues certain permits for farmers markets that occur on public or private property.

Several farmers markets have applied for and been granted permits to use property within Parks and SDOT jurisdiction to stage and support regularly recurring farmers markets. Questions have arisen regarding the application procedure and applicable fees for this particular use. The Parks, SDOT, and SFD fee schedules do not presently contain specific references to permits for farmers markets. The purpose of this Pilot Program and
implementing rule is to clarify the permitting procedures and the fees applicable to farmers markets.

1.2 Findings

The City finds:

1.2.1 Due to widespread redevelopment of property in Seattle’s neighborhood business districts, existing farmers markets are experiencing difficulty staging markets on privately owned sites. Market sponsors have asked the city to assist them in securing more stable locations on public property. For example, in 2008 OED coordinated the relocation of the Lake City Market to Albert Davis Park.

1.2.2 The City has a substantial interest in identifying stable locations for farmers markets because they are extremely popular in the neighborhoods and provide valuable public benefits. The markets provide fresh regionally produced farm products directly to consumers who shop in neighborhood business districts. Other public benefits brought by these simple, popular markets include: improved access to high quality fresh fruits and vegetables; increased use of adjacent City property for desirable purposes such as pedestrian, park and recreational uses; a regular gathering place for people to interact in their neighborhood business districts; increased commerce for adjacent businesses due to greater pedestrian traffic on market days; and preservation of local farm land from redevelopment. Regional small farmers report that neighborhood farmers markets have become a vitally important source of revenue that enables them to keep their farms in production.

1.2.3 City property offers the best opportunity to locate more stable sites for regularly recurring farmers markets that are in or near neighborhood business districts and that provide a pleasing atmosphere for a festive community event. Property under the jurisdiction of Parks and SDOT are among the most suitable publicly owned sites upon which to locate regularly recurring farmers markets.

1.2.4 Regularly recurring farmers markets use public property in substantially the same manner each time, so certain fees should, as provided below, be calculated on an annual rather than a weekly or other “per use” basis.

1.2.5 Waiver of some Parks Department fees furthers Parks Department purposes, because it encourages and enhances park uses as identified in paragraph 1.2.2 above.
2.0 REFERENCES AND AUTHORITY

These rules are proposed under the authority of SMC chapter 3.02 and sections 3.12.020, 18.12.040, 22.600.020, as well as 2006 Seattle Fire Code Section 104.1.

3.0 DEFINITIONS

3.1 “Farmers Market” means a market that meets the conditions contained in Attachment I to these rules.

3.2 “Regularly recurring” means a farmers market:

3.2.1 Is scheduled to occur at the same location on public property at approximately the same time of day and on the same day or days of the week during at least fifteen (15) weeks per year; and,

3.2.2 Uses approximately the same amount and layout of public property such that it is appropriate to apply the fees as specified below on an annual rather than a per use basis;


4.0 DEPARTMENT OF PARKS AND RECREATION

4.1 The Superintendent is authorized to charge fees as provided in the Parks and Recreation Fee Schedule. That schedule lists a variety of uses and permits, and corresponding fees. The current 2009 schedule does not list a permit for farmers markets and does not delineate a fee for that particular type of use of Park’s property.

4.2 The Superintendent of Parks and Recreation therefore determines that the appropriate manner in which to apply the current 2009 schedule to regularly recurring farmers markets that use Parks property is as follows:

4.2.1 An annual standard application is required for a regularly recurring farmers markets at an annual application fee of $75;

4.2.2 An hourly use fee of $10 shall apply to each hour of use;
4.2.3 Based on the findings included in this Rule, the Superintendent hereby finds that a waiver of the booth fee; or the fee computed as 10% of gross sales income is in the overall public interest as applied to regularly recurring farmers markets (See SMC 18.28.030);

4.2.4 If Parks reasonably determines that a Parks event staff person is required to be present in order to monitor the use, the standard fee of $20 per hour shall apply;

4.2.5 Other Parks fees such as for electrical utility hook ups shall apply as provided in the Fee Schedule.

5.0 SEATTLE DEPARTMENT OF TRANSPORTATION

5.1 The Director of SDOT is authorized to charge fees as provided in the SDOT Fee Schedule. That schedule lists a variety of uses and permits, and corresponding fees. The current 2009 schedule does not delineate a permit for farmers markets and does not delineate a fee for that particular type of use of SDOT property.

5.2 The Director therefore determines that the appropriate manner in which to apply the current 2009 schedule to regularly recurring farmers markets that participate in the pilot program is as follows:

5.2.1 The “Field Review and Traffic Control Plan” fee of $150 shall be computed on an annual basis for a regularly recurring farmers market;

5.2.2 The application fee of $101 shall be computed on an annual basis for a regularly recurring farmers market; and,

5.2.3 SDOT may also charge the regular inspection fee of $75 per inspection if an inspection is reasonably required under the circumstances, for example to determine if a farmers market is in compliance with the terms of its use permit.

5.2.4 SDOT may issue on-street parking service permits, including parking meter hoods, without additional charge if necessary to enable a regularly recurring farmers market to use City parking spaces for the farmers market itself. SDOT shall not issue parking meter hoods under this section for vendor or patron parking (SMC 11.26.260).
6.0 SEATTLE FIRE DEPARTMENT

6.1 SFD requires and charges for a variety of fire code permits and inspection fees as provided in SMC Chapter 22.602 and its attached schedules.

6.2 Chapter 22.602 and the schedules do not specifically address farmers markets. SFD interprets that chapter and its schedules as follows as applied to regularly recurring farmers markets that participate in the pilot program:

6.2.1 Permit 8206 – “LPG, Place of Assembly, Temporary”, as described in Schedule B to SMC 22.602. SFD may issue this permit to a regularly recurring farmers market as a blanket annual permit for the farmers market as a whole, but only for LPG used for heating purposes. The permit fee shall be as currently provided in that section of the schedule. Individual vendors who use LPG for cooking purposes must each obtain the applicable permit and pay the applicable fee.

7.0 OFFICE OF ECONOMIC DEVELOPMENT

7.1 The Director of OED will facilitate the processing of permit applications from farmers markets for permits issued by Parks, SDOT, and SFD.

7.2 Markets that wish to participate in the pilot program shall submit applications to OED on forms developed for that purpose. OED shall process the applications, determine initial eligibility, coordinate the issuance of necessary permits, and periodically verify participating farmers markets ongoing eligibility to participate in the pilot program. Participating farmers markets shall promptly notify OED of any material changes in their operations that might affect their eligibility to participate in the pilot program.
ATTACHMENT I
Definition of an Eligible Farmers Market

The eligibility criteria for city assistance is modeled after existing rules and guidelines from the United States Department of Agriculture, the Washington State Farmers Market Association, the Neighborhood Farmers Market Alliance and other well established organizations who support healthy eating, improved access to food, and small farmers.

Markets are eligible to participate in the city program if at least 70% of the market’s vendors are Washington State farms and businesses selling items from the following five categories listed below:

Fresh Farm Products: Includes fresh fruits and vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish and shellfish. Also included in this category are fresh cut flowers, nursery stock, and plants. All fresh farm products must be grown or produced in Washington State. All fresh farm products must be grown or produced by the seller. Only farmers, ranchers, fishers, apiaries, nurseries, and foragers may sell fresh farm products. Vendors must be active owners and operators of the farming operation and may not be operating the business under a franchise agreement. Farmers must propagate all plants and flowers from seed, cuttings, bulbs or plant division. Farmers must be the owner-operators of bee hives from which they sell honey.

Value Added Farm Foods: Includes preserves, jams and jellies, cider, wine, distilled spirits, syrups, salsas, smoked or canned meats or fish, dried fruit, flours, salad dressings, and limited on-site processed farm food such as roasted peppers & roasted peanuts. All value added farm foods must be made from raw products/ingredients, a majority of which are grown and produced by the seller. The seller must also be the creator of the value added farm foods he/she is selling (personally doing the cooking, canning, baking, preserving, etc to create the product or supervising his/her raw product with their own recipes produced in a permitted facility). Vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement. Wines allowable for sale at the Market must use grapes and fruit grown in the five wine appellations of Washington State.

Dried Flowers, Crafted Farm Products: Allowed are: bouquets, wreaths, roping, arrangements and displays of fresh and dried flowers, vines and gourds. Beeswax candles are allowed by honey producers only. Only vine and woven wood baskets from farmers are allowed. These items must be grown, foraged and produced by vendor on vendor’s own farm. Vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement.

Processed Foods: Includes juices, wines, preserved foods, salad dressings, jams, wines, pastries, pasta, granola, cookies, muffins, breads, pies and related take home desserts; not prepared on site. Vendor must be an active owner/operator of the business and may not be operating under a franchise agreement. Processed foods must be produced by the vendor from raw ingredients. Vendors in this category are those who have cooked, baked or otherwise treated the product they sell. No commercially prepared dough mixes,
crusts, shells or fillings are allowed. The intent is to support local agriculture. It is expected that the vendor will use raw ingredients that are grown in Washington, as appropriate for the product, and when possible, use products from participating market farmers. Wines allowable for sale at the Market must use grapes and fruit grown in the five wine appellations of Washington State.

**Prepared Foods:** Allowed are freshly made foods available for sale and immediate consumption on-site. Vendor must be active owner/operator of the business and may not be operating under a franchise agreement. Priority will be given to vendors preparing food from raw ingredients and using ingredients grown and/or produced in Washington State and by participating market farmers.
FISCAL NOTE FOR NON-CAPITAL PROJECTS

<table>
<thead>
<tr>
<th>Department:</th>
<th>Contact Person/Phone:</th>
<th>DOF Analyst/Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Economic</td>
<td>Nancy Yamamoto</td>
<td>Amanda Allen</td>
</tr>
<tr>
<td>Development</td>
<td>684-8189</td>
<td>684-8894</td>
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</table>

Legislation Title: AN ORDINANCE related to farmers markets; stating the Seattle City Council’s findings regarding the economic impacts of farmers markets; adopting and authorizing the establishment of a program regarding farmers markets; amending the current Department of Parks and Recreation (Parks) fee schedule (Attachment 1 to Ordinance No. 122850) and the current Seattle Department of Transportation (SDOT) fee schedule (Exhibit A to Ordinance No. 122295) to clarify the appropriate application of certain Parks and SDOT permit fees to farmers markets participating in the program; amending SMC 11.26.260C in order to exempt farmers markets from service parking permits; amending SMC 22.602, Schedule B, Table 22.602.045B, in order to establish certain Seattle Fire Department (SFD) permit codes and fees for farmers markets participating in the program; amending SMC 3.14.620 to clarify that the Director of the Office of Economic Development (OED) has authority to adopt rules; authorizing and directing the OED to adopt rules implementing this ordinance; and ratifying and confirming certain prior acts.

- Summary of the Legislation:

This legislation will amend the applicable fee schedules to reduce permitting fees required by the Seattle Department of Transportation (SDOT), Seattle Department of Parks and Recreation (DPR) and Seattle Fire Department (SFD) to site regularly recurring farmers markets on public and private property. The legislation will also designate the Office of Economic Development (OED) to develop the eligibility criteria and administrative rules for program participation and coordinate the permitting process with the other departments.

- Background: (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

The City has a substantial interest in farmers markets because of the public benefits to consumers, local farmers and businesses in the adjacent neighborhood business districts. These benefits include providing:

- Improved access to high quality fresh fruits and vegetables (over $10 million in sales for the 2008 season with more than 70,000 pounds of food donated to local food banks);
- An important source of revenue for local farmers;
- A regular gathering place for people to interact in their neighborhoods (over 535,000 shoppers in 11 local markets in 2008); and
- Increased commerce for adjacent businesses on market days.
However, due to widespread redevelopment of property in Seattle’s neighborhood business districts, existing farmers markets are experiencing difficulty staging markets on privately owned sites. Market sponsors have asked the City to assist them in securing more stable locations on public property. For example, OED has facilitated the relocation of the Queen Anne Farmers Market to West Crockett Street. One of the impediments to using City-owned property for farmers markets is the frequency and expense of obtaining the required permits. There are also permitting costs and fees associated with the staging of farmers markets on private property.

A recently adopted multidepartment (SDOT, DPR, OED, SFD) Director’s Rule began to implement a streamlined permitting process as an interim farmers market pilot program for 2009. This legislation will formally legislate the permit fees contained in the Director’s Rule, address an additional SFD public assembly permit fee, and establish an ongoing program to support the city’s farmers markets, especially those markets that need to be relocated to public property due to redevelopment pressure. Eligible farmers markets will also qualify for annual permits coordinated by OED. Specifically, this legislation will:

- allow market operators to apply for permits once per year instead of every week or month;
- reduce fees for street and parks use permits;
- waive SDOT on-street parking service permit fees, including parking meter hood fees for markets staged on public streets;
- allow a blanket annual permit for the use of Liquified Petroleum Gas (LPG) for heating purposes at a reduced fee; and
- waive the assembly use inspection fee required by the Fire Department.

Please check one of the following:

- This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

- This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Note: There are no changes in 2009 appropriations or revenues as a result of this legislation. DPR, SDOT, and SFD fee schedules do not presently contain specific references to permits for farmers markets. This legislation will clarify the applicable fees. The proposed fee structure for the use of DPR parks property, SFD LPG – fueled heater permits, and SDOT street closures associated with farmers markets will be used annually beginning in 2009 to reflect the reduction in fees. Additionally, SDOT parking meter hood permit fees and SFD assembly use permit inspection fees will be waived for qualifying farmers markets.

Neither DPR nor SFD projected revenues from these sources in 2009, resulting in no change to
budgeted revenues to DPR or SFD in 2009. However, the estimated loss in future revenue for the SFD assembly use permit inspection fee is approximately $23,800. SDOT estimates a reduction of approximately $11,500 in the historic street use permit fees charged by the Department, which is considered an immaterial project revenue impact.

Individual vendors at a farmers market who use LPG for cooking must each continue to obtain the currently required annual or single event permit and pay the applicable fee, as provided in the SFD Fee Schedule B. The individual vendors who obtain an annual LPG permit for cooking are able to utilize the permit at other fairs, festivals, and public events, as well as at the farmers markets.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

  There is no financial cost for not implementing the legislation. The cost would be measured in terms of unachieved public benefits. This is due to the fact that some farmers markets would not be able to be relocated and remain sustainable without the fee reductions proposed.

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc), and indicate which staff members in the other department(s) are aware of this Bill.*

  This legislation changes the fee schedule for SDOT, DPR and SFD. In some cases the fees are reduced, in other cases the frequency of fee collection is decreased, though the actual cost of the fee remains the same. The table below reflects possible charges that may be applied to a farmers market under the existing and proposed fee schedules. The figures estimated represent the potential cost to one farmers market lasting 28 weeks. The figures presented do not represent what farmers markets have actually been charged in 2009, because of the differences between markets. For example, farmers markets that are not located on street closures or parks property would not incur those fees. Additionally, it is important to note that not all current fees should be interpreted to be ‘forgone revenue’, because the market would not relocated to a public property were the fees in place. This is because the existing fees would be cost prohibitive.

<table>
<thead>
<tr>
<th>Department Fee Title</th>
<th>2009 Fee Structure</th>
<th>Proposed Fee Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Week</td>
<td>Per Season</td>
</tr>
</tbody>
</table>

3
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Week</td>
<td>Per Season</td>
</tr>
<tr>
<td>SDOT Permit for Farmers Market Street Closures May – October (28 weeks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field Review and Traffic Control Plan</td>
<td>$150</td>
<td></td>
</tr>
<tr>
<td>Base Permit Fee (Administrative Cost for Issuing Permit)</td>
<td>$101</td>
<td>$2,828</td>
</tr>
<tr>
<td>Final Inspection (if necessary)</td>
<td>$75</td>
<td>$2,100</td>
</tr>
<tr>
<td>Additional Inspection Charge ($75 per inspection, as needed)</td>
<td>$75</td>
<td>$2,100</td>
</tr>
<tr>
<td>SDOT Metered/Paid Parking Reservation Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Parking Meter Hood One-Time Hooding Charge</td>
<td>$18.50</td>
<td>per metered space</td>
</tr>
<tr>
<td>Yellow Service Parking Meter Hood Lost Revenue Charge (to reserve Monday – Saturday; 7 am – 6 pm)</td>
<td>$15 per metered space per day</td>
<td>$15 per metered space x 28 weeks</td>
</tr>
<tr>
<td>Red Service Parking Meter Hood Lost Revenue fee (to reserve 24 hours/day)</td>
<td>$18 per metered space per day</td>
<td>$18 per metered space x 28 weeks</td>
</tr>
<tr>
<td>Truck permit (to stand a truck in metered space)</td>
<td>$16</td>
<td>$16 per metered space x 28 weeks</td>
</tr>
<tr>
<td>Park Event Use Fees for Farmers Market Season May – October (28 weeks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks Application Fee (one-time for season)</td>
<td>$75</td>
<td></td>
</tr>
<tr>
<td>10% of vendor revenues</td>
<td>Waived</td>
<td></td>
</tr>
<tr>
<td>Parks Rental Hourly Fees, $10/hr for a minimum of 5 hours (including set-up and tear down)</td>
<td>$50</td>
<td>$1,400</td>
</tr>
<tr>
<td>Staffing Fee – to open and close markets</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Department Fee Title</td>
<td>2009 Fee Structure</td>
<td>Proposed Fee Structure</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td></td>
<td>Per Week</td>
<td>Per Season</td>
</tr>
<tr>
<td>$20/hr for 5 hours</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Load/Unload fee (if necessary)</td>
<td>$10 per</td>
<td>$10 per</td>
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<tr>
<td></td>
<td>vehicle</td>
<td>vehicle</td>
</tr>
<tr>
<td>Electrical/Water Hookup (if necessary)</td>
<td>$55</td>
<td>$55</td>
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<tr>
<td>Supplemental Late Application Fee (if necessary)</td>
<td>$75</td>
<td>$75</td>
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<tr>
<td>Commercial Signage (if necessary)</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>SFD Permit for Farmers Market Street Closures May – October (28 weeks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Assembly Permit</td>
<td>$1,702</td>
<td>$0</td>
</tr>
<tr>
<td>LPG Permit – propane heaters</td>
<td>$396</td>
<td>$277</td>
</tr>
</tbody>
</table>

In addition to the fee schedule changes, OED will accept applications from farmers markets that wish to participate in the program and convene an annual permitting meeting between the market operator and applicable departments. The individual departments will continue to collect the relevant fees and issue the necessary permits directly with the market operator.

Department contacts:
Seattle Department of Transportation, Angela Steele, 684-5967
Seattle Department of Parks and Recreation, Joanne Orsucci, 233-3948
Seattle Fire Department, Diane Hansen, 386-1451

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

  None.

- **Is the legislation subject to public hearing requirements?** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

  No, there are no public hearing requirements.

- **Other Issues** *(including long-term implications of the legislation):*
None.

- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document’s name (e.g., DOF Property Tax Fisc Att A)*

  None.
July 28, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that streamlines and reduces fees for permitting farmers markets. The legislation will amend the applicable fee schedules to reduce permitting fees required by the Seattle Department of Transportation, Department of Parks and Recreation, and Seattle Fire Department to site farmers markets on public and private property. The legislation also designates the Office of Economic Development with primary responsibility for developing eligibility criteria and administrative rules for program participation and coordinating the permitting process with the other departments.

Farmers markets provide many public benefits, including improving access to fresh regionally produced farm products, and stimulating the local economy. In 2008, Seattle's farmers markets generated more than $10 million in sales, providing our regional farmers with an important source of revenue to help keep local farm land in production. Farmers markets also increase pedestrian traffic, resulting in greater commerce in the neighborhood business districts where they are located. In 2009, an interdepartmental Directors Rule authorized a streamlined permitting process as an interim pilot program. This legislation further reduces permitting fees and establishes an ongoing program to support the city's farmers markets, especially those that need to be relocated to public property due to redevelopment of their existing sites.

These new permitting requirements will support the continued operation of the 14 farmers markets operating across the city. Thank you for your consideration of this legislation. Should you have questions, please contact Nancy Yamamoto at 684-8189.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749
Tel: (206) 684-4000, TDD: (206) 615-0476  Fax: (206) 684-5360, Email: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.
FISCAL NOTE FOR NON-CAPITAL PROJECTS

<table>
<thead>
<tr>
<th>Department:</th>
<th>Contact Person/Phone:</th>
<th>DOF Analyst/Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Economic Development</td>
<td>Nancy Yamamoto 684-8189</td>
<td>Amanda Allen 684-8894</td>
</tr>
</tbody>
</table>

Legislation Title: AN ORDINANCE related to farmers markets; stating the Seattle City Council’s findings regarding the economic impacts of farmers markets; adopting and authorizing the establishment of a program regarding farmers markets; amending the current Department of Parks and Recreation (Parks) fee schedule (Attachment 1 to Ordinance No. 122850) and the current Seattle Department of Transportation (SDOT) fee schedule (Exhibit A to Ordinance No. 122295) to clarify the appropriate application of certain Parks and SDOT permit fees to farmers markets participating in the program; amending SMC 11.26.260C in order to exempt farmers markets from service parking permits; amending SMC 22.602, Schedule B, Table 22.602.045B, in order to establish certain Seattle Fire Department (SFD) permit codes and fees for farmers markets participating in the program; amending SMC 3.14.620 to clarify that the Director of the Office of Economic Development (OED) has authority to adopt rules; authorizing and directing the OED to adopt rules implementing this ordinance; and ratifying and confirming certain prior acts.

- **Summary of the Legislation:**

This legislation will amend the applicable fee schedules to reduce permitting fees required by the Seattle Department of Transportation (SDOT), Seattle Department of Parks and Recreation (DPR) and Seattle Fire Department (SFD) to site regularly recurring farmers markets on public and private property. The legislation will also designate the Office of Economic Development (OED) to develop the eligibility criteria and administrative rules for program participation and coordinate the permitting process with the other departments.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The City has a substantial interest in farmers markets because of the public benefits to consumers, local farmers and businesses in the adjacent neighborhood business districts. These benefits include providing:

- Improved access to high quality fresh fruits and vegetables (over $10 million in sales for the 2008 season with more than 70,000 pounds of food donated to local food banks);
- An important source of revenue for local farmers;
- A regular gathering place for people to interact in their neighborhoods (over 535,000 shoppers in 11 local markets in 2008); and
- Increased commerce for adjacent businesses on market days.
However, due to widespread redevelopment of property in Seattle’s neighborhood business districts, existing farmers markets are experiencing difficulty staging markets on privately owned sites. Market sponsors have asked the City to assist them in securing more stable locations on public property. For example, OED has facilitated the relocation of the Queen Anne Farmers Market to West Crockett Street. One of the impediments to using City-owned property for farmers markets is the frequency and expense of obtaining the required permits. There are also permitting costs and fees associated with the staging of farmers markets on private property.

A recently adopted multidepartment (SDOT, DPR, OED, SFD) Director’s Rule began to implement a streamlined permitting process as an interim farmers market pilot program for 2009. This legislation will further reduce permitting fees and establish an ongoing program to support the city’s farmers markets, especially those markets that need to be relocated to public property due to redevelopment pressure. Eligible farmers markets will also qualify for annual permits coordinated by OED. Specifically, this legislation will:

- allow market operators to apply for permits once per year instead of every week or month;
- reduce fees for street and parks use permits;
- waive SDOT on-street parking service permit fees, including parking meter hood fees for markets staged on public streets;
- allow a blanket annual permit for the use of Liquified Petroleum Gas (LPG) for heating purposes at a reduced fee; and
- waive the assembly use inspection fee required by the Fire Department.

Please check one of the following:

- This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

- X This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Note: There are no changes in 2009 appropriations or revenues as a result of this legislation. DPR, SDOT, and SFD fee schedules do not presently contain specific references to permits for farmers markets. This legislation will clarify the applicable fees. The proposed fee structure for the use of DPR parks property, SFD LPG – fueled heater permits, and SDOT street closures associated with farmers markets will be used annually beginning in 2009 to reflect the reduction in fees. Additionally, SDOT parking meter hood permit fees and SFD assembly use permit inspection fees will be waived for qualifying farmers markets.

Neither DPR nor SFD projected revenues from these sources in 2009, resulting in no change to budgeted revenues to DPR or SFD in 2009. However, the estimated loss in future revenue for
the SFD assembly use permit inspection fee is approximately $23,800. SDOT estimates a reduction of approximately $11,500 in the historic street use permit fees charged by the Department, which is considered an immaterial project revenue impact.

Individual vendors at a farmers market who use LPG for cooking must each continue to obtain the currently required annual or single event permit and pay the applicable fee, as provided in the SFD Fee Schedule B. The individual vendors who obtain an annual LPG permit for cooking are able to utilize the permit at other fairs, festivals, and public events, as well as at the farmers markets.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

  There is no financial cost for not implementing the legislation. The cost would be measured in terms of unachieved public benefits.

- **Does this legislation affect any departments besides the originating department?** *(If so, please list the affected department(s), the nature of the impact (financial, operational, etc), and indicate which staff members in the other department(s) are aware of this Bill.)*

  Yes, the departments listed below have agreed to the following fee schedule changes for various permits associated with regularly recurring farmers markets.

<table>
<thead>
<tr>
<th>Department Fee Title</th>
<th>Current 2009 Fees</th>
<th>Proposed Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Week</td>
<td>Per Season</td>
</tr>
<tr>
<td>SDOT Permit for Farmers Market Street Closures May – October (28 weeks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field Review and Traffic Control Plan</td>
<td>$150</td>
<td>$150</td>
</tr>
<tr>
<td>Base Permit Fee (Administrative Cost for Issuing Permit)</td>
<td>$101</td>
<td>$2,828</td>
</tr>
<tr>
<td>Final Inspection</td>
<td>$75</td>
<td>$2,100</td>
</tr>
<tr>
<td>Additional Inspection Charge ($75 per inspection, as needed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SDOT Metered/Paid Parking Reservation Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Parking Meter Hood One-Time Hooding Charge</td>
<td>$18.50</td>
<td>$0</td>
</tr>
<tr>
<td>per metered space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Fee Title</td>
<td>Current 2009 Fees</td>
<td>Proposed Fees</td>
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<tr>
<td>-------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td></td>
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<td>$18 per metered space per day</td>
<td>$0</td>
</tr>
<tr>
<td>Truck permit (to stand a truck in metered space)</td>
<td>$16</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Park Event Use Fees for Farmers Market Season May – October (28 weeks)**

| Parks Application Fee (one-time for season)                                         | $75               | $75            |
| 5% if vendor revenues (e.g. Broadway Revenues for 2006 season = $327,738)            | $16,387           |               |
| Parks Rental Hourly Fees, $10/hr for a minimum of 5 hours (including set-up and tear down) | $50              | $1,400        | $50      | $1,400      |
| Staffing Fee – to open and close markets $20/hr for 5 hours                           |                   |               | $100     | $2,800      |
| Electrical/Water Hookup (if necessary)                                              | $55               | $1,540        | $55      | $1,540      |
| **Total**                                                                            | **$105**          | **$19,402**   | **$205** | **$5,815** |

**SFD Permit for Farmers Market Street Closures May – October (28 weeks)**

| Public Assembly Permit                                                              | $1,702            | $0             |
| LPG Permit – propane heaters                                                        | $396              | $277           |
| **Total**                                                                            | **$2,098**        |               |

Department contacts:
Seattle Department of Transportation, Angela Steele, 684-5967
Seattle Department of Parks and Recreation, Joanne Orsucci, 233-3948
Seattle Fire Department, Diane Hansen, 386-1451
• **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

None.

• **Is the legislation subject to public hearing requirements?** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)

No, there are no public hearing requirements.

• **Other Issues** (including long-term implications of the legislation):

None.

• **List attachments to the fiscal note below:** (Please include headers with version numbers on all attachments, as well footers with the document’s name (e.g., DOF Property Tax Fisc Att A)

None.
STATE OF WASHINGTON – KING COUNTY

245612
CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12ᵗʰ day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: ORD 123090

was published on

10/06/09

The amount of the fee charged for the foregoing publication is the sum of $1,286.00, which amount has been paid in full.

Subscribed and sworn to before me on

10/06/09

Notary public for the State of Washington,
residing in Seattle
SEATTLE CITY NOTICES

ORDINANCE 120944

AN ORDNANCE to relate to farmers markets, revising the Seattle City Council’s findings regarding the economic impacts of farmers markets; adopting and amending the establishment of a program regarding farmers markets; amending the current Department of Parks and Recreation (Parks) fee schedule (Attachment 1 to Ordinance No. 122952) and the current Seattle Department of Transportation (SDOT) fee schedule (Exhibit A to Ordinance No. 122295) to clarify the appropriate application of certain Parks and SDOT permit fees to farmers markets participating in the programs; amending SMC 11.28.200C (01) in order to exempt farmers markets from service parking permits, amending SMC 23.60.050, Schedule B, Table 22.60.050, in order to establish certain Seattle Fire Department (SFD) permit codes and fees for farmers markets participating in the program; amending SMC 23.14.020 to clarify that the Director of the Office of Economic Development (OED) has authority to adopt rules; authorizing and directing the OED to adopt rules implementing this ordinance; and analyzing and certifying certain impact areas.

WHEREAS, farmers markets are an important contributor to Seattle’s economic and cultural life; and

WHEREAS, due to widespread redevelopment of property in Seattle’s neighborhood business district, existing farmers markets are experiencing difficulty staging markets on privately-owned sites and market sponsors have asked the City to assist them in retaining certain valuable locations on public property; and

WHEREAS, the City owns and operates various real properties and manages public rights of way, including property under the jurisdictions of the Department of Parks and Recreation (Parks), the Seattle Department of Transportation (SDOT), and the Parks and Facilities Department (PFD); and

WHEREAS Parks, SDOT, the Seattle Fire Department (SFD), and the Office of Economic Development (OED) have adopted administrative rules implementing a program for farmers markets, which clearly state how their respective schedules are applied to farmers markets participating in the program; and

WHEREAS, several farmers markets have applied for and been granted permits to use property owned or public rights of way under Parks’ and SDOT’s jurisdictions to stage and solicit goods; and

WHEREAS, SDOT’s “in Parks” current fee schedules do not include specific references to permit fees for market stalls or public rights of way under City-owned property within those department’s jurisdictions; and

WHEREAS, the City wishes to adopt and authorize the establishment of the program; NOW

BE IT ORDAINED by the CITY OF SEATTLE as follows:

Section 1. The City Council makes the following legislative findings regarding the economic impacts of farmers markets on Seattle.

1. The City has a substantial interest in identifying suitable locations for farmers markets because they are extremely popular in the neighborhoods and provide valuable public benefits. The market provides fresh regionally produced food products directly to consumers who shop in neighborhood business districts. Other public benefits brought by these farmers markets include, but are not limited to, the following: improved access to high-quality fresh foods due to increased use of all-farmers market or rights-of-way for display purposes such as vendors and patrons; the provision of a regular gathering place for people to interact in their neighborhood business districts; increased commerce for adjacent business districts due to increased access to farmers market patrons on market days; and preservation of local food businesses. Small farmers report that neighborhood farmers markets have become a vital source of revenue for vendors who maintain their farms in production.

2. City-owned properties or rights-of-way located in or near neighborhood business districts are often the most suitable sites for farmers markets because they are not subject to development pressures. Examples of these types of properties include temporary use of Parks properties, SDOT streets closures, and properties controlled by PFD and are the most suitable publicly-owned sites upon which to locate regularly occurring farmers markets.

A. Major change in using Existing or rights-of-way right for such farmers markets has been the manner in which certain fees have been computed for regularly holding such events. Farmers markets are regularly holding such events multiple times each week, so as in certain fees charged, as provided below, be calculated on an overall rather than a weekly or “per use” base.

Other Parks fees such as for electrical utility hookups shall apply as provided in the table below.

Section 4. SDOT Street Use Permits. SDOT’s Fee Schedule, Exhibit A to Ordinance No. 122295, is amended as follows:

Exhibit A: Street Use Permit Fee Schedule, Effective January 1, 2007

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Per Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Use Permit</td>
<td>$40</td>
</tr>
</tbody>
</table>

Section 5. SDOT Traffic Service Parking Permits. Section 11.26.260 of the Seattle Municipal Code, which section was last amended by Ordinance 120944, is amended as follows:

11.26.240 Service parking permit — Fee — Time period

Section 6. Fire Department Permits. SMC Chapter 22.60.041, Schedule B is amended as follows:

22.60.041 Fees.

B. The fees for the following special event permits are established in Schedule B. See Table 22.60.041.

<table>
<thead>
<tr>
<th>Permits</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood D</td>
<td>Table 22.60.041 D</td>
</tr>
<tr>
<td>Special Event Permits</td>
<td>Table 22.60.041 B</td>
</tr>
</tbody>
</table>

Time Charges. When an inspection or permit review application for Schedule B permit is requested, it is required the Seattle Fire Code compliance to be performed outside regular business hours (Monday through Friday, 8:00AM to 4:30PM), a time charge will be added to the Schedule B permit cost. The time charge will be added to the actual labor cost, including applicable administrative and on-site costs and services.

Other permits such as for electrical utility hookups shall apply as provided in the table above.

The City of Seattle has been granted a Federal ID# 75-1138472 by the Internal Revenue Service. The City is exempt from Federal income and state income taxes. The City meets all the requirements of the Internal Revenue Code of 1986, for determining the charitable status of organizations that are exempt from federal income taxes.

Ferry raspillyan, 11395, 11394 NE 50th Pl, Kirkland, WA 98033, 206-998-0060, Fax: 206-998-0061, info@seatles.org.
Section 3. The City hereby adopts and authorizes the establishment of a Farmers Market Program which shall first operate as the Farmers Market Pilot Program described in Multi-Departmental Agreement (MDA) 09-01 (Attachment A). Parks, IDOT, SPD, SPD, and OED are authorized to continue implementing the farmers market program described in MDA 09-01, including the authority to integrate and apply the applicable fee schedule and to waive or assess certain fees in the manner described in the rule. The OED shall have primary responsibility for administering the program. The Director of OED is authorized and directed to adopt, and if necessary amend, additional administrative rules implementing the program. Farmers markets that wish to participate in the program shall submit applications to OED in forms developed for this purpose. OED shall process the applications, determine initial eligibility, coordinate the issuance of necessary permits, and periodically verify farmers markets' ongoing eligibility to participate in the program. Participating farmers markets shall promptly notify OED of any material changes in their operations that might affect their eligibility to participate in the program.

Section 5. Parks Permit. The Parks 2009-2010 Fee Schedule, Attachment 1 to Ordinance No. 122850, is amended as follows: Section 7. SMC 3.14:420 is amended to read as follows: SMC 14.44B Discussion – Powers and authority: Under the direction of the Mayor, his duties and powers of the Director of the Office of Economic Development shall be as follows: A. To appoint, remove, assign, superintend, and control all officers and employees of the Office of Economic Development in accordance with applicable Civil Service rules and laws: B. To manage the preparation of the annual budget of the Office of Economic Development, under the guidance of the Director of Finance; authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake audited activities; C. To make, modify, alter, and amend laws under the City's business law programs consistent with the laws and ordinances relating to such programs; to accept, release, subordinate, and foreclose on security interests in real and personal property; and to sign and deliver documents and to take such actions as shall be necessary or appropriate for such programs; D. To develop programs and take additional funding sources for economic development; E. To accept unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars ($1,000); F. To enter into and execute contracts (including agreements for expert and consultant services) subject to applicable bidding and bidding ordinances; and execute intergovernmental agreements, and, as authorized by ordinance, intergovernmental agreements; G. To serve as the City's representative to boards, commissions, and organizations engaged in economic development activities; H. To serve on the City's representative to the Small Business Leadership Association.