

WEIGHTS AND MEASURES CODE

Title 10A

WEIGHTS AND MEASURES CODE

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UNIT 1: Introduction to the course

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Chapter 10A.04**GENERAL PROVISIONS****Sections:**

- 10A.04.010 Title and citation of code.
- 10A.04.020 Presumptive evidence.
- 10A.04.030 Separability.
- 10A.04.040 Provisions cumulative.

10A.04.010 Title and citation of code. This title shall be known and designated as the "weights and measures code," may be cited as such, and is referred to herein as "this code." (Ord. 98820 § 1; April 17, 1970).

10A.04.020 Presumptive evidence. For the purposes of this code, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle. (Ord. 98820 § 41; April 17, 1970).

10A.04.030 Separability. If any provision of this code is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the code and the applicability thereof to other persons and circumstances shall not be affected thereby. (Ord. 98820 § 42; April 17, 1970).

10A.04.040 Provisions cumulative. The provisions of this title shall be cumulative and nonexclusive and shall not affect any other remedy available at law. (Ord. 98820 § 43; April 17, 1970).

Chapter 10A.08**DEFINITIONS****Sections:**

- 10A.08.010 City sealer—Deputy sealer.
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10A.08.010—10A.08.060 WEIGHTS AND MEASURES CODE

- 10A.08.090 Definition of specific commodities.
- 10A.08.100 Definitions of special units of measure.
- 10A.08.110 Construction of contracts.

10A.08.010 City sealer—Deputy sealer. “City sealer” and “deputy sealer” when used in this code, mean respectively, a sealer of weights and measures and a deputy sealer of weights and measures of the city. (Ord. 98820 § 2(4); April 17, 1970).

10A.08.020 Commodity in package form. “Commodity in package form” when used in this code, means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this code. An individual item or lot of any commodity not in package form as defined in Sections 10A.08.010 through 10A.08.080, but on which there is marked a selling price based on an established price per unit of weight or measure, shall be construed to be a commodity in package form. (Ord. 98820 § 2(6); April 17, 1970).

10A.08.030 Consumer package — Package of consumer commodity. “Consumer package” or “package of consumer commodity,” when used in this code, means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions. (Ord. 98820 § 2(7); April 17, 1970).

10A.08.040 Intrastate commerce. “Intrastate commerce,” when used in this code, means any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the state of Washington, and the phrase “introduced into intrastate commerce” defines the time and place at which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser. (Ord. 98820 § 2(5); April 17, 1970).

10A.08.050 Nonconsumer package or package of nonconsumer commodity. “Nonconsumer package” or “package of nonconsumer commodity,” when used in this code, means any commodity in a package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only. (Ord. 98820 § 2(8); April 17, 1970).

10A.08.060 Person. When used in this code “person” means both the plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations, and every officer, agent or employee thereof. (Ord. 98820 § 2(1); April 17, 1970).

10A.08.070 Sell—Sale. “Sell” and “sale,” when used in this code, include barter and exchange. (Ord. 98820 § 2(3); April 17, 1970).

10A.08.080 Weight(s) and/or measure(s). “Weight(s) and/or measure(s),” when used in this code, mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, except that the term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), or water when the same are operated in a public utility system. Such electricity, gas, and water meters are hereby specifically excluded from the purview of this code, and none of the provisions of this code shall be construed to apply to such meters or to any appliances or accessories associated therewith. (Ord. 98820 § 2(2); April 17, 1970).

10A.08.090 Definition of specific commodities. For the purpose of this code:

(1) “Meat” means and includes all animal flesh, carcasses, or parts of animals, and includes fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, dried, pickled or processed.

(2) “Poultry” means all fowl, domestic or wild, which is prepared, processed, sold or intended or offered for sale.

(3) “Fish” means any water-breathing animal, including shellfish, such as but not limited to, lobster, clam, crab or other mollusca which is prepared, processed, sold or intended or offered for sale. (Ord. 98820 § 3; April 17, 1970).

10.08.100 Definitions of special units of measure. For the purpose of this code:

“Barrel” when used in connection with fermented liquor means a unit of thirty-one gallons.

“Ton” means a unit of two thousand pounds avoirdupois weight.

“Cord” when used in connection with wood intended for fuel purposes means the amount of wood that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed. (Ord. 98820 § 4; April 17, 1970).

10A.08.110 Construction of contracts. Fractional parts of any unit of weight or measure mean like fractional parts of the value of such unit as prescribed or defined in Sections 10A.08.100 and 10A.12.010 and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement. (Ord. 98820 § 37; April 17, 1970).

Chapter 10A.12
SYSTEMS AND STANDARDS GENERALLY

Sections:

- 10A.12.010 Systems of weights and measures.
- 10A.12.020 City standards of weight and measure.
- 10A.12.030 Office and working standards and equipment.

10A.12.010 Systems of weights and measures. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in the city of Seattle. The definitions of basic units of weight and measures, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, and recognized by the state of Washington, are recognized and shall govern weighing and measuring equipment and transactions in the city of Seattle. (Ord. 98820 § 5; April 17, 1970).

10A.12.020 City standards of weight and measure. Such weights and measures in conformity with the standards of the United States as have been obtained by the city for use as city standards, shall, when the same have been examined and approved by the Director of the Department of Agriculture of the state of Washington, be the official city standards of weight and measure. The city standards shall be kept in a safe and suitable place designated by the city sealer except for repairs or for certification, and they shall be submitted at least once every five years to the Director of the Department of Agriculture of the state of Washington for testing and approval. The official city standards shall be used only in verifying the office of field standards and for scientific purposes. (Ord. 98820 § 6; April 17, 1970).

10A.12.030 Office and working standards and equipment. In addition to the official city standards provided for in Section 10A.12.020, there shall be supplied by the city such "field standards" and such equipment as may be found necessary to carry out the provisions of this code. The field standards shall be verified upon their initial receipt and at least once each year thereafter by direct comparison with the official city standards. (Ord. 98820 § 7; April 17, 1970).

Chapter 10A.16
CITY SEALER—INSPECTION

Sections:

- 10A.16.010 City sealer, deputy sealers.

- 10A.16.020 General powers and duties.
- 10A.16.030 Official guide—Correct or incorrect apparatus.
- 10A.16.040 General testing.
- 10A.16.050 Investigations.
- 10A.16.060 Inspection of packages.
- 10A.16.070 Stop-use, stop-removal, and removal orders.
- 10A.16.080 Disposition of correct and incorrect apparatus.
- 10A.16.090 Duty of owners and incorrect apparatus.
- 10A.16.100 Police powers—Right of entry.
- 10A.16.110 Powers and duties of deputy sealers.
- 10A.16.120 Hindering or obstructing officer; penalties.
- 10A.16.130 Impersonation of officer; penalties.
- 10A.16.140 Special inspection service.

10A.16.010 City sealer, deputy sealer. There shall be a city sealer of weights and measures, referred to in this code as the city sealer. The city comptroller shall be the city sealer for the city of Seattle. There shall be such necessary deputy sealers and technical and clerical personnel, as the city council may from time to time authorize who shall be appointed by the city comptroller subject to civil service laws and regulations and who shall collectively comprise the weights and measures section of the division of licenses and standards. (Ord. 98820 § 8; April 17, 1970).

10A.16.020 General powers and duties. The city sealer shall have the custody of the city standards of weight and measure and of the other standards and equipment provided for by this code, and shall keep accurate records of the same. The city sealer shall enforce the provisions of this code and of the State Weights and Measures Act (RCW Chapter 19.94). He shall have and keep a general supervision over the weights and measures offered for sale, sold, or in use in the city. He may establish rules and regulations consistent with this code for enforcing and carrying out the provisions of said code. (Ord. 98820 § 9; April 17, 1970).

10A.16.030 Official guide—Correct or incorrect apparatus. The city sealer shall use as his official guide in the enforcement of this code the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, and supplements thereto and revisions thereof. For the purpose of this code, apparatus shall be deemed to be "correct" when it conforms to all such applicable specifications, tolerances, and regulations; other apparatus shall be deemed to be "incorrect." (Ord. 98820 § 10 as amended by Ord. 100903 § 1; April 24, 1972).

10A.16.040 General testing. When not otherwise provided by law, the city sealer shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale.

It shall be the duty of the city sealer to inspect and test, to ascertain if they are correct, all weights and measures commercially used as often as necessary to secure compliance with this code. This shall include but not be limited to commercial use: (1) In determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure; (2) In computing the basic charge or payment for services rendered on the basis of weight or measure; or (3) In determining weight or measurement when a charge is made for such determination; provided, that with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lots of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots. (Ord. 98820 § 11; April 17, 1970).

10A.16.050 Investigations. The city sealer shall investigate complaints made to him concerning violations of this code, and shall upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determinations and on possible violations of the provisions of this code and to promote the general objective of accuracy on the determination and representation of quantity in commercial transactions. (Ord. 98820 § 12; April 17, 1970).

10A.16.060 Inspection of packages. The city sealer shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale, or sold in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered, or exposed for sale, or sold in violation of law, the city sealer may order them off sale and may mark or stamp them in a manner as to show them to be "illegal." In carrying out the provisions of this section, the city sealer may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall:

(1) Sell, or keep, offer, or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section unless and until such package or amount of commodity has been brought into full compliance with legal requirements; or

(2) Dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the city sealer. (Ord. 98820 § 13; April 17, 1970).

10A.16.070 Stop-use, stop-removal, and removal orders. The city sealer shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measure being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this code he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section. (Ord. 98820 § 14; April 17, 1970).

10A.16.080 Disposition of correct and incorrect apparatus. The city sealer shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be "correct" as defined in Section 10A.16.030, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be "incorrect" as defined in Section 10A.16.030, but which in his best judgment are susceptible of satisfactory repair; Provided, that the sealing or marking requirements of this section shall not be required with respect to such weights and measures as have been exempted by regulation of the city sealer on the basis that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question. The city sealer shall condemn, and may seize and may destroy, weights and measures found to be incorrect that in his best judgment are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the city sealer if not corrected as required by Section 10A.16.090 or if used or disposed of contrary to the requirements of Section 10A.16.090. (Ord. 98820 § 15; April 17, 1970).

10A.16.090 Duty of owners of incorrect apparatus. Weights and measures that have been rejected under the authority of the city sealer or a deputy sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within ten days or such longer period as may be authorized by the rejecting authority; or, in lieu thereof, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that

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have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority. (Ord. 98820 § 16; April 17, 1970).

10A.16.100 Police powers—right of entry. With respect to the enforcement of this code and any other law dealing with weights and measures that he is, or may be empowered to enforce, the city sealer is hereby vested with the powers of a special policeman, and is authorized to arrest any violator of the said code and to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages or commodity, used, retained, offered or exposed for sale, or sold in violation of law. Upon presentation of proper credentials, the city sealer is authorized with the consent of the occupant or pursuant to a lawfully issued warrant at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes for the purpose of performing any duty imposed upon him by this code. (Ord. 98820 § 17; April 17, 1970).

10A.16.110 Powers and duties of deputy sealers. The powers and duties given to and imposed upon the city sealer by Sections 10A.16.030 through 10A.16.080 and 10A.16.100 are hereby given to and imposed upon the deputy sealers also, when acting under the instructions and at the direction of the city sealer. (Ord. 98820 § 18, April 17, 1970).

10A.16.120 Hindering or obstructing officer; penalties. It is unlawful for any person to hinder or obstruct in any way the city sealer or any deputy sealer in the performance of his official duties, and anyone convicted of a violation of this section shall be punishable by a fine of not less than twenty dollars or more than two hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment. (Ord. 98820 § 38; April 17, 1970).

10A.16.130 Impersonation of officer; penalties. It is unlawful for any person to impersonate in any way the city sealer or deputy sealer by the use of his seal or a counterfeit of his seal, or in any other manner, and anyone convicted of a violation of this section shall be punishable by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. (Ord. 98820 § 39; April 17, 1970).

10A.16.140 Special inspection service. "Special inspection service," as used in this code, denotes all inspection service made on request. Such service shall not be furnished unless and until the applicant presents to the city sealer a receipt from the city treasurer showing payment of the fee

prescribed. The following fees for special inspection service are hereby established:

SCALES	CAPACITY	FEE
Vehicle (beam type)	5 to 30 tons	\$ 5.00
Vehicle (beam type)	Above 30 tons	10.00
Vehicle (automatic-indicating)	5 to 30 tons	10.00
Vehicle (automatic-indicating)	Above 30 tons	20.00
Dormant (beam type)	½ to 6 tons	2.50
Dormant (automatic-indicating)	1000# or less	5.00
Dormant (automatic-indicating)	Above 1000#	10.00
Portable	2000# or less	2.50
Portable	Above 2000#	5.00
OHB (overhead butcher's beam)	600 to 1100#	5.00
Computing	50# or less	1.00
Even balance	1000# or less	1.00
Counter	400# or less	2.00
Spring dial scales	60# or less	1.00
Spring dial scales	60# to 600#	2.00
Hopper	5 tons or less	25.00
Crane	20 tons or less	25.00
Weights—nominal value	Each	1.00
Weights—calibration	Each	2.00
Gasoline Pumps	Each	2.00
Tank truck meters	Each	5.00
Tank truck compartment calibration	Each	25.00
Loading rack meters	Each	15.00
Linear Measures (yard-sticks)	Each	.50
Measuregraphs (cloth measuring)	Each	1.00
Taximeters	Each	2.00
Odometers	Each	2.00
Liquid test measures		
1 pt. to 5 gal. incl.	Each	1.00
Over 5 gal. to 50 gal.	Each	2.00
Over 50 gal. to 300 gal.	Each	10.00
Over 300 gallon	Each	15.00

(Ord. 98820 § 36; April 17, 1970).

Chapter 10A.20 WEIGHMASTER

Sections:

- 10A.20.010 License required.
- 10A.20.020 Appointment—License fee.
- 10A.20.030 Authorization to apply.

10A.20.010—10A.20.040 **WEIGHTS AND MEASURES**

- 10A.20.040 Certificate issuance.
- 10A.20.050 Weighing procedure.
- 10A.20.060 Seal presses—Form.
- 10A.20.070 Reinspection.
- 10A.20.080 Certification authority.
- 10A.20.090 Revocation of appointment
- 10A.20.100 Surrender of license.
- 10A.20.110 Delivery—Certificate required.
- 10A.20.120 Altering weight or certificate prohibited.
- 10A.20.130 Unauthorized measure, ticket or certificate prohibited.

10A.20.010 License required. It is unlawful for any person, firm or corporation, to become, act as, or hold himself out to be a city weighmaster, or a city weigher, without first obtaining and being the holder of a valid and subsisting license so to do, to be known as a "city weighmaster license" and/or a "city weigher license." (Ord. 98820 § 35 (part); April 17, 1970).

10A.20.020 Appointment—License fee. Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the city sealer (city comptroller) to be appointed a licensed city weighmaster. If the scale is approved by the city sealer, he may in his discretion so appoint the applicant. The annual fee for such license shall be ten dollars which shall accompany the application and all such licenses shall expire at midnight April 30th of each year, but may be renewed from year to year by the city sealer upon payment of the annual fee. If the original application for a city weighmaster's license and/or a city weigher's license is made within six months of the date fixed for expiration of the annual license, the fee shall be one-half the annual fee. (Ord. 98820 § 35a (part); April 17, 1970).

10A.20.030 Authorization to apply. Such license shall authorize the holder to apply in writing to the city sealer for appointment of such holder or one or more of his employees or the officers if a corporation, as a licensed city weigher. If the city sealer finds that the prospective appointee has ability to correctly weigh and use the scale and determine the gross, tare and net weights of any article or commodity which he weighs, the city sealer may so appoint. (Ord. 98820 § 35a (part); April 17, 1970).

10A.20.040 Certificate issuance. Such license shall authorize the holder to issue certified weight certificates at the location designated in the license in conformity with the standards of weights and measures authorized and established by this code. The license shall expire at midnight

April 30th of each year; and may be renewed from year to year by the city sealer. Such license shall authorize the licensed city weigher in the name of the licensed city weighmaster to issue certificates of weights only at the location designated in his license and shall not be transferable from one person to another nor from one location to another. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.050 Weighing procedure. Any licensed city weigher shall at any time without charge weigh any article or commodity on the scale for which he is licensed, brought there by the city sealer or any deputy sealer, and issue a certificate of weight therefor; and he shall without charge weigh upon such scale, and issue a certificate of weight therefor, on any article or commodity which he or his licensed city weighmaster is vendor. The delivery or sales ticket required by this code to be delivered to the consumer shall bear thereon a statement which shall be signed by the licensed city weigher for the licensed city weighmaster to the effect that the weight shown thereon is true and correct and shall also bear an impression of a seal of the licensed city weighmaster which shall be placed thereon by the licensed city weigher who actually weighs the article or commodity. The licensed city weighmaster shall by himself or through his licensed city weigher keep a record of each certified weight issued in his name, which record shall be open to inspection by the city sealer or any deputy sealer during all business hours. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.060 Seal presses—Form. The seal presses required to be used for certification shall be the property of the city of Seattle and shall be forfeited and returned to the city sealer upon revocation or termination of the appointment of the licensed city weighmaster. Such seals shall be of a form and design prescribed by the city sealer and secured from him at the expense of the licensed city weighmaster. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.070 Reinspection. The city sealer or any deputy sealer may require the driver of any vehicle containing any commodity that has been weighed by a licensed city weigher to again visit the same scale or another scale and to again weigh such commodity or article and/or vehicle for gross, tare and net weights, and it is unlawful for such driver to refuse so to do. In event the weights certified by such licensed city weigher are found incorrect, the city sealer or his deputy sealer shall retain the delivery ticket thus certified in his possession and require the issuance of a new and correct certified delivery ticket. It is unlawful to issue, use or deliver any false, incomplete or irregular certified delivery ticket. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.080 Certification authority. It is unlawful for any person other

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than the city sealer or deputy sealer or a licensed city weigher to certify the weights of any commodity and no such weigher shall use any motor truck scale and issue a certificate of weight thereon for less than one thousand pounds. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.090 Revocation of appointment. The city sealer may revoke the appointment of any such weighmaster or weigher not conforming to the requirements of this code and no compensation shall be paid by the city to any such weighmaster or weigher. (Ord. 98820 § 35a(part); April 17, 1970).

10A.20.100 Surrender of license. Upon revocation of any city weighmaster's license, such license and all city weigher's licenses issued under said city weighmaster's license, shall be surrendered to the city sealer. A city weighmaster, upon termination of employment of any licensed city weigher, or upon revocation of any city weigher's license, shall surrender such license to the city sealer. (Ord. 98820 § 35(E); April 17, 1970).

10A.20.110 Delivery—Certificate required. It is unlawful to deliver any commodity or article weighed by a licensed city weigher to any consumer unless the certificate of weight thereof on a form approved by the city sealer. A city weigher, upon delivery of any commodity or article weighed by a licensed city weigher to any consumer, shall deliver to the consumer a certificate of weight on a form approved by the city sealer. (Ord. 98820 § 35(B); April 17, 1970).

10A.20.120 Altering weight or certificate prohibited. It is unlawful for any person to alter, vary or lessen the weight or measure of any load of any commodity commonly sold by weight or measure, after the same has been weighed upon the vendor's scale, or has been officially weighed or measured, by abstracting or unloading therefrom any portion of such commodity, except at the place where the same was directed by the buyer to be delivered, or to alter or charge any weight slip or deputy weighmaster's certificate accompanying such delivery. (Ord. 98820 § 35(C); April 17, 1970).

10A.20.130 Unauthorized measure, ticket or certificate prohibited. It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure or statement of weight or measure of any kind on which in whole or in part is impressed or stamped by seal, or otherwise, or printed or written, or set forth thereon in any manner, the words, "city of Seattle," or name of any department or division, office or officer or employee of the city of Seattle, unless authorized by this code. (Ord. 98820 § 35(D); April 17, 1970).

Chapter 10A.24

WEIGHING

Sections:

- 10A.24.010 Sale by net weight.
 10A.24.020 Bulk deliveries sold in terms of weight and delivered by vehicle.

10A.24.010 Sale by net weight. "Weight" as used in this code in connection with any commodity means net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed. (Ord. 98820 § 25; April 17, 1970).

10A.24.020 Sale by net weight. "Weight" as used in this code in connection with any commodity means net weight. Whenever any commodity bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or by means of other indelible marking equipment and, in clarity, equal to type of printing, (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds; and if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered, on demand, to the city sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: Provided, that if the purchaser, himself, carries away his purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him. (Ord. 98820 § 32; April 17, 1970).

Chapter 10A.28

GENERAL METHOD OF SALE OF COMMODITIES

Sections:

- 10A.28.010 General.

10A.28.010 General. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this code, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: Provided, that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count

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only if such methods give accurate information as to the quantity of commodity sold: And provided further, that the provisions of this section shall not apply: (1) To commodities when sold for immediate consumption on the premises where sold; (2) To vegetables when sold by the head or bunch; (3) To commodities when in package form or in containers standardized by a law of the state or by federal law; (4) To commodities in package form when there exists a general consumer usage to express the quantity in some other manner; (5) To concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure; or (6) To unprocessed vegetable and animal fertilizer when sold by cubic measure. (Ord. 98820 § 19; April 17, 1970).

Chapter 10A.32

PACKAGES—SALE OF COMMODITIES

Sections:

- 10A.32.010 Declarations of quantity and origin.
- 10A.32.020 Declarations of unit price on random packages.
- 10A.32.030 Misleading packages.
- 10A.32.040 Advertising for sale.
- 10A.32.050 Application of Sections 10A.32.060 through 10A.32.310.
- 10A.32.060 Definitions.
- 10A.32.070 Declaration of identity.
- 10A.32.080 Declaration of responsibility.
- 10A.32.090 Largest whole unit.
- 10A.32.100 Net quantity.
- 10A.32.110 Terms—Weight, liquid measure, or count.
- 10A.32.120 Units—Weight, measure.
- 10A.32.130 Units with two or more meanings.
- 10A.32.140 Prescribed units.
- 10A.32.150 Reduction of fractions.
- 10A.32.160 Supplementary declarations.
- 10A.32.170 Character of declaration: average.
- 10A.32.180 Qualification of declaration prohibited.
- 10A.32.190 Prominence and placement.
- 10A.32.200 Calculation of area of principal display panel for purposes of type size.
- 10A.32.210 General exemptions.
- 10A.32.220 Random packages exempted.
- 10A.32.230 “Penny candy” exempted.
- 10A.32.240 Individual servings exempted.
- 10A.32.250 Cuts, plugs and twists of tobacco and cigars exempted.
- 10A.32.260 Reusable (returnable) glass containers exempted.

- 10A.32.270 Containers standardized by device regulation exempted.
- 10A.32.280 Commodities with labeling requirements specified in federal law exempted.
- 10A.32.290 Fluid dairy products, ice cream, and similar frozen desserts exempted.
- 10A.32.300 Packaging variations.
- 10A.32.310 Magnitude of permitted variations.

10A.32.010 Declarations of quantity and origin. Except as otherwise provided in this code, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce, shall bear on the outside of the package definite, plain, and conspicuous declarations of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure, or count, and (3) in the case of any package kept, offered, or exposed for sale, or sold, any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor: Provided, that in connection with the declaration required under clause (2), neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in a package, shall be used. (Ord. 98820 § 20; April 17, 1970).

10A.32.020 Declarations of unit price on random packages. In addition to the declarations required by Section 10A.32.010, any commodity in package form, the package being one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count. (Ord. 98820 § 21; April 17, 1970).

10A.32.030 Misleading packages. No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package. (Ord. 98820 § 22; April 17, 1970).

10A.32.040 Advertising for sale. Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package: Provided, that where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or mea-

sure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement: And provided further, that there shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package. (Ord. 98820 § 23; April 17, 1970).

10A.32.050 Application of Sections 10A.32.060 through 10A.32.310. Sections 10A.32.060 through 10A.32.310 shall apply to commodities in package form except those

(a) In inner wrappings not intended to be individually sold to the consumer;

(b) In auxiliary containers not intended to be sold to the consumer intact, bearing no printed matter pertaining to any commodity, and enclosing packages that are individually marked in conformance with the requirements of this section;

(c) In containers used for retail tray pack displays when the container is not intended to be sold; or

(d) Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold; or

(e) Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this code. (Ord. 98820 § 24(part); April 17, 1970).

10A.32.060 Definitions.

(1) "Package" means any container or wrapper in which any commodity is enclosed for use in the delivery or display for sale of that commodity, but does not include shipping containers or wrappers used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, processors, or distributors.

(2) "Random package" means a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(3) "Multi-unit package" means a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this code.

(4) "Label" means any written, printed, or graphic matter affixed

to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package.

(5) "Principal display panel or panels" means that part, or those parts, of a label that is, or are, so designed as to be most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels." (Ord. 98820 § 24(A); April 17, 1970).

10A.32.070 Declaration of identity. A declaration of identity shall appear on the principal display panel and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

(1) A declaration of identity shall appear generally parallel to the base on which the package rests as it is designed to be displayed. (Ord. 98820 § 24(B); April 17, 1970).

10A.32.080 Declaration of responsibility. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by", "Distributed by", or any other wording of similar import that expresses the facts. (Ord. 98820 § 24(C); April 17, 1970).

10A.32.090 Largest whole unit. Where sections 10A.32.050 through 10A.32.310 require that the quantity declaration be in terms of the largest

whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

(a) Common or decimal fractions of such largest whole unit; or in

(b) The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration. (Ord. 98820 § 24(D1); April 17, 1970).

10A.32.100 Net quantity. The principal display panel of the package shall bear a declaration of the net quantity of the commodity in the package exclusive of wrappers and any other material packed with such commodity: Provided, that the declaration of quantity on an aerosol package shall disclose the net quantity of the commodity (including propellant) that will be expelled when the instructions for use as shown on the container are followed: And provided further, that the term "net weight" shall be used when stating the net quantity of contents in terms of weight: And provided further, that a quantity declaration may appear on more than one line of print or type. (Ord. 98820 § 24(D2); April 17, 1970).

10A.32.110 Terms—Weight, liquid measure or count. The declaration of the quantity of a particular commodity shall be expressed in such terms of weight, measure, or count, or a combination of count and weight, measure, or size, as have been firmly established in general consumer usage and trade custom and as give accurate and adequate information as to the quantity of the commodity: Provided, that if there exists no firmly established general consumer usage and trade custom with respect to the terms used in expressing such declaration of quantity, the declaration shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid: And provided further, that if the commodity is packaged in an aerosol container, the declaration shall be in terms of weight (including the propellant).

(1) **COMBINATION DECLARATION: WEIGHT OR MEASURE.** A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless the declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(2) **COMBINATION DECLARATION: COUNT.** A declaration of quantity in terms of count shall be supplemented by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(3) **MULTI-UNIT PACKAGES.** Any package containing more than one individual "commodity in package form" of the same commodity shall bear on the outside of the package a declaration of

- (a) the number of individual units,
 - (b) the quantity of each individual unit, and
 - (c) the total quantity of the contents of the multi-unit package:
- Provided, that the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective with respect to those labels revised after January 1, 1970. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower thirty percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

(4) **COMBINATION PACKAGES.** Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

(5) **VARIETY PACKAGES.** Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

(6) **CYLINDRICAL CONTAINERS.** In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that forty percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. (Ord. 98820 § 24(D3); April 17, 1970).

10A.32.120 Units—weight, measure. A declaration of quantity

(a) In units of weight, shall be in terms of the avoirdupois pound or ounce;

(b) In units of liquid measure, shall be in terms of the United States gallon of two hundred thirty-one cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at sixty-eight degrees Fahrenheit (20 degrees centigrade), except in the case of petroleum products, for which the declaration shall express the volume at sixty degrees Fahrenheit (fifteen and six-tenths degrees centigrade), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at forty degrees Fahrenheit (four degrees centigrade);

(c) In units of linear measure, shall be in terms of the yard, foot, or inch;

(d) In units of area measure, shall be in terms of the square yard, square foot, or square inch;

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(e) In units of dry measure, shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

(f) In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, that in the case of drugs, in lieu of any requirement to the contrary, the declaration of quantity may be in terms of a unit of the metric system of weight or measure: And provided further, that in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of a system of weight or measure in common use in the country to which such shipment is to be exported: And provided further, that when packages of fluid dairy products and packages of ice cream and similar frozen desserts are put up for sale in quantities of eight, sixteen, thirty-two, or sixty-four fluid ounces, the quantity declaration may be expressed as "½ pint," "1 pint," "1 quart," "½ gallon," "1 gallon," respectively.

(1) **ABBREVIATIONS.** Any of the following abbreviations, and none other, may be employed in the quantity statement of a commodity or package of commodity:

avoirdupois	avdp	ounce	oz	cubic centi-	
cubic	cu	pint	pt	meter	cc
feet or foot	ft	pound	lb	gram	g
fluid	fl	quart	qt	kilogram	kg
gallon	gal	square	sq	microgram	mcg
inch	in	weight	wt	milligram	mg
liquid	liq	yard	yd	milliliter	ml

(There normally are no periods following, nor plural forms, of, these abbreviations. For example, the abbreviation is "oz" for both "ounce" and "ounces.") (Ord 98820 § 24(D4); April 17, 1970).

10A.32.130 Units with two or more meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in 1 pt. 4 ounces), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry." (Ord. 98820 § 24(D5); April 17, 1970).

10A.32.140 Prescribed units.

(1) **LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND OR ONE PINT.** The declaration of quantity shall be expressed in terms of

(a) in the case of length measure of less than one foot, inches and fractions of inches;

(b) in the case of area measure of less than one square foot, square inches and fractions of square inches;

(c) in the case of weight or fluid measure of less than one pound or one pint, ounces and fractions of ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(2) **FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS, ONE GALLON, OR MORE.** In the case of

(a) length measure of four feet or more,

(b) area measure of four square feet or more, and

(c) weight or fluid measure of four pounds or more, or one gallon or more,

the declaration of quantity shall be expressed in terms of the largest whole unit.

(3) **WEIGHT OR FLUID MEASURE; DUAL QUANTITY DECLARATION.** On packages containing one pound or more but less than four pounds, or one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration, presented in parentheses, in terms of the largest whole unit: Provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(4) **LENGTH MEASURE; DUAL QUANTITY DECLARATION.** On packages containing one foot or more but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed in parentheses by a declaration expressed in terms of the largest whole unit: Provided, the the quantity declaration appearing on a random package may be expressed in terms of feet and decimal fractions of the foot carried out to not more than two decimal places.

(5) **AREA MEASURE; DUAL QUANTITY DECLARATION.** On packages containing one square foot or more but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed in parentheses by a declaration expressed in terms of the largest whole unit: Provided, that the quantity declaration appearing on a random package may be expressed in terms of square feet and decimal fractions of the square foot carried out to not more than two decimal places.

(6) **BIDIMENSIONAL COMMODITIES.** For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(a) if less than one square foot, in terms of linear inches and fractions of linear inches;

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(b) if at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: Provided, that

(1) no square inch declaration is required for a bidimensional commodity of four inches width or less, and

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection (7) COUNT; PLY) require a declaration of unit area but not a declaration of total area of all such units;

(c) if four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole units: Provided, that

(1) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less,

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) no declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(7) COUNT; PLY. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this section, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

(a) total area measurement, and

(b) number of ply,

(c) count of usable units, and

(d) dimensions of a single usable unit. (Ord. 98820 § 24(D6); April 17, 1970).

10A.32.150 Reduction of fractions. Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places: Provided, that, if there exists with respect to a particular commodity a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth above, for the reduction of

a common fraction to its lowest terms, the declaration may be made in accordance with such usage and custom: And provided further, that, in the case of drugs, a decimal fraction may be carried out to three places. (Ord. 98820 § 24(D7); April 17, 1970).

10A.32.160 Supplementary declarations.

(1) **SUPPLEMENTARY QUANTITY DECLARATIONS.** The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such as declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).

(2) **METRIC SYSTEM DECLARATIONS.** A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. (Ord. 98820 § 24 (D8); April 17, 1970).

10A.32.170 Character of declaration: average. The average quantity of contents in the packages of a particular lot, shipment or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery or lot compensate for such shortage. (Ord. 98820 § 24(D9); April 17, 1970).

10A.32.180 Qualification of declaration prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity. (Ord. 98820 § 24(D11); April 17, 1970) .

10A.32.190 Prominence and placement.

GENERAL. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(1) **LOCATION.** The declaration or declarations of quantity of the contents of a package shall appear in the bottom thirty percent of the principal display panel or panels, except as otherwise provided in subdivision (6) of Section 10A.32.110, **CYLINDRICAL CONTAINERS.**

(2) **STYLE OF TYPE OR LETTERING.** The declaration or declara-

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tions of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously present with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

(3) **COLOR CONTRAST.** The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(4) **FREE AREA.** The area surrounding the quantity declaration shall be free of printed information

(a) above and below, by a space equal to at least the height of the lettering in the declaration, and

(b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration. (Ord. 98820 § 24(E1); April 17, 1970).

10A.32.200 **Calculation of area of principal display panel for purposes of type size.** The square-inch area of the principal display panel shall be:

(a) In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, forty percent of the product of the height of the container times the circumference; or

(c) In the case of any other shaped container, forty percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

(1) **MINIMUM HEIGHT OF NUMBERS AND LETTERS.** The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

Table 1. Minimum Height of Numbers and Letters

Square-inch area of principal display panel	Minimum height of numbers and letters	Minimum height; label information blown, formed, or molded into surface of container
5 square inches and less.	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

(Ord. 98820 § 24(E2); April 17, 1970).

10A.32.210 General exemptions.

Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit. (Ord. 98820 § 24(F1); April 17, 1970).

10A.32.220 Random packages exempted. A random package bearing a label conspicuously declaring

- (a) the net weight,
- (b) the price per pound, and
- (c) the total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package of food packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail. (Ord. 98820 § 24(F2); April 17, 1970).

10A.32.230 "Penny candy" exempted. When individually wrapped pieces of "penny candy" or individually wrapped pieces of candy of less than one-half ounce net weight are shipped or delivered in containers that conform to the labeling requirements of Section 10A.32.050 through 10A.32.310, such individual pieces shall be exempt from such labeling requirements. (Ord. 98820 § 24(F3); April 17, 1970).

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10A.32.240 Individual servings exempted. Individual - serving - size packages of foods containing less than one-half ounce or less than one-half fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in Sections 10A.32.050 through 10A.32.310. (Ord. 98820 § 24(F4) ; April 17, 1970).

10A.32.250 Cuts, plugs, and twists of tobacco and cigars exempted. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of Section 10A.32.050 through 10A.32.310, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements. (Ord. 98820 § 24(F5) ; April 17, 1970).

10A.32.260 Reusable (returnable) glass containers exempted. Nothing in Sections 10A.32.050 through 10A.32.310 shall be deemed to preclude the continued use of reusable (returnable) glass containers: Provided, that such glass containers ordered after the effective date of this code shall conform to all requirements of Section 10A.32.050 through 10A.32.310. (Ord. 98820 § 24(F6) ; April 17, 1970).

10A.32.270 Containers standardized by device regulation exempted. Containers such as milk bottles, lubricating-oil bottles, and measure-containers, for which standards are established and specifications are set forth in National Bureau of Standards Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, shall be exempt from the requirements as set forth in Sections 10A.32.190 and 10A.32.200. (Ord 98820 § 24(F7) ; April 17, 1970).

10A.32.280 Commodities with labeling requirements specified in federal law exempted. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, prescription drugs, alcoholic beverages, and seed shall be exempt from the requirements set forth in Sections 10A.32.090 through 10A.32.180, declaration of quantity, and Sections 10A.32.190 and 10A.32.200, prominence and placement: Provided, that quantity labeling requirements for such products are specified in federal law or regulations issued pursuant to federal law, so as to follow reasonably sound principles of providing consumer information. (Ord. 98820 § 24(F8) ; April 17, 1970).

10A.32.290 Fluid dairy products, ice cream, and similiar frozen desserts exempted. When packages of fluid dairy products and packages of ice cream and similar frozen desserts are standardized by law or regulation of the state of Washington, such packages shall be exempt from the requirements in Sections 10A.32.050 through 10A.32.310 for

(a) Location subsection 10A.32.190(1) ;

(b) Dual quantity declaration (subsection 10A.32.140(3)). (Ord. 98820 § 24(F9) ; April 17, 1970).

10A.32.300 Packaging variations.

(1) **VARIATIONS FROM DECLARED NET QUANTITY.** Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity comprising either a shipment or other delivery of the commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations show the declared quantity shall not be unreasonably large.

(2) **VARIATIONS RESULTING FROM EXPOSURE.** Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: Provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, and delivery being either

(a) directly to the purchaser or to his agent, or

(b) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted. (Ord. 98820 § 24(G1) ; April 17, 1970).

10A.32.310 Magnitude of permitted variations. The magnitude of variations permitted under Section 10A.32.300 shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case. (Ord. 98820 § 24(G2) ; April 17, 1970).

Chapter 10A.26
SPECIFIC FOODS

Sections:

- 10A.36.010 Meat, poultry, and seafood.
- 10A.36.020 Bread.
- 10A.36.030 Butter, oleomargarine, and margarine.

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- 10A.36.040 Fluid dairy products.
- 10A.36.050 Flour, corn meal, and hominy grits.
- 10A.36.060 Berries and small fruits.

10A.36.010 Meat, poultry, and seafood. Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and all seafood including shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight. (Ord. 98820 § 27; April 17, 1970).

10A.36.020 Bread. No person shall manufacture for sale, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weight at least twelve hours after baking: "standard small loaf," which shall weigh not less than fifteen ounces and not more than seventeen ounces; "standard large loaf," which shall weigh not less than twenty-two and one-half ounces and not more than twenty-five and one-half ounces; or multiples of the foregoing weights for the "standard small loaf" and "standard large loaf": Provided, that variations at the rate of one ounce over and one ounce under the foregoing, per "standard small loaf," or one and one-half ounce over or under the foregoing, per "standard large loaf," or any multiple of the foregoing variations per each multiple type loaf, in the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any kind of loaf shall not be less than the weight hereinabove prescribed. It is unlawful to sell or expose for sale bread in a loaf of such form that it has the appearance and size of a loaf of greater weight. (Ord. 98820 § 28; April 17, 1970).

10A.36.030 Butter, oleomargarine, and margarine. Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight, and only in units of one-fourth pound, one-half pound, one pound, or multiples of one pound, avoirdupois weight. (Ord. 98820 § 29; April 17, 1970).

10A.36.040 Fluid dairy products. All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallons, two gallons, two and one-half gallons, or multiples of one gallon: Provided that packages in units of less than one gill shall be permitted. (Ord. 98820 § 30; April 17, 1970).

10A.36.050 Flour, corn meal, and hominy grits. When in package form, and when packed, kept, offered or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of two, five, ten, twenty-five, fifty or one hundred pounds, avoirdupois weight: Provided, that packages in units of less than two pounds or more than one hundred pounds shall be permitted. (Ord. 98820 § 31; April 17, 1970).

10A.36.060 Berries and small fruits. Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half dry pint, one dry pint, or one dry quart: Provided, that the marking provisions of Section 10A.32.010 shall not apply to such containers. (Ord. 98820 § 34; April 17, 1970).

Chapter 10A.40

FURNACE AND STOVE OIL

Sections:

10A.40.010 Sale by liquid measure or net weight.

10A.40.010 Sale by liquid measure or net weight. All furnace and stove oil shall be sold by liquid measure or by net weight in accordance with the provisions of Section 10A.28.010. In the case of each delivery of such liquid fuel not in package form and in an amount greater than ten gallons in the case of sale by liquid measure or one hundred pounds in the case of sale by weight, there shall be rendered to the purchaser, either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or by means of other indelible marking equipment and, in clarity, equal to type or printing, there shall be clearly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, (3) the identity of the type of fuel comprising the delivery, (4) the unit price (that is, the price per gallon or per pound, as the case may be) of the fuel delivered, (5) in the case of sale by liquid measure, the liquid volume of the delivery, together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions, and (6) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois. (Ord. 98820 § 33; April 17, 1970).

Chapter 10A.44
OFFENSES

Sections:

- 10A.44.010 Designated.
- 10A.44.020 Misrepresentation of price.

10A.44.010 Designated. It is unlawful for any person, by himself or by his servant or agent, or as the servant or agent of another person, to:

(1) Use, or have in possession for the purpose of using, for any commercial purpose specified in Section 10A.16.040, or sell, offer or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure;

(2) Use or have in possession for the purpose of current use, for any commercial purpose specified in Section 10A.16.040, a weight or measure that does not bear a seal or mark such as is specified in Section 10A.16.080, unless such weight or measure has been exempted from testing by the provisions of Section 10A.16.040;

(3) Dispose of any rejected or condemned weight or measure in a manner contrary to law;

(4) Remove from any weight or measure, contrary to law, any tag, seal, or mark placed thereon by the appropriate authority;

(5) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service;

(6) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

(7) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law;

(8) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer;

(9) Violate any provisions of this code for which a specific penalty has not been prescribed.

Anyone convicted of a violation of this section shall upon a first conviction thereof, be punishable by a fine of not less than twenty dollars or more than two hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment; and upon a second

or subsequent conviction thereof, shall be punishable by a fine of not less than fifty dollars or more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. (Ord. 98820 § 40; April 17, 1970).

10A.44.020 Misrepresentation of price. Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents. (Ord. 98820 § 26; April 17, 1970).

Chapter 10A.48 UNIT PRICING

Sections:

- 10A.48.010 Definitions.
- 10A.48.020 Disclosure of unit price required.
- 10A.48.030 Unit priced commodities described.
- 10A.48.040 Determination of standard unit of measure.
- 10A.48.050 Computation of unit price.
- 10A.48.060 Method of identification.
- 10A.48.070 Effect of "sale prices."
- 10A.48.080 Exemptions.
- 10A.48.090 Enforcement—City sealer authority to issue orders.
- 10A.48.100 Enforcement—Arrest authority of city sealer.
- 10A.48.110 Penalty for violation.
- 10A.48.120 Severability.

10A.48.010 Definitions. As used in this chapter, unless the context indicates otherwise:

(1) "Grocery store" or "grocery department" means any retail establishment or department thereof, selling food and food-related consumer commodities, the gross receipts from which constitute more than fifty percent of its business;

(2) "Consumer" means any person who purchases consumer commodities at retail;

(3) "Seller" means any person, by himself, or by his servant or agent, or as the servant or agent of another, who sells consumer commodities at retail at a grocery store or grocery department;

(4) "Consumer commodity" means any article, product, or commodity of any kind or class produced or distributed for retail sale, for consumption by individuals or for use by individuals for purposes of personal care, or in the performance of services rendered within the household, and which is used or expended in the course of such consumption;

(5) "Unit price" means the retail price of a consumer commodity expressed in terms of the retail price of such commodity per such unit of net weight, standard measure, or standard number of units as provided herein;

(6) "City sealer" means the city of Seattle sealer of weights and measures or his authorized agent;

(7) "Central warehouse" means the primary and principal source of supply for a particular grocery store or grocery department of the consumer commodities designated in Section 10A.48.030;

(8) "Gourmet or exotic food" means a consumer commodity which is not commonly or widely used, is the sole item of the type sold, or has such special, distinct, unusual, or unique features, that price is of minor consideration to the purchaser. (Ord. 100708 § 1 as amended by Ord. 100960 § 1; May 3, 1972).

10A.48.020 Disclosure of unit price required. It is unlawful for any grocery store or grocery department which sells, offers for sale, or displays for sale consumer commodities designated in Section 10A.48.030 to fail to disclose to the consumer the appropriate unit price for such commodities as provided by this chapter. The price disclosed shall be the price at which the consumer commodity is being sold at the time of purchase, and shall be referred to in any advertising or other display only as the unit price. Conspicuous and prominent explanations of the use of unit pricing shall be provided and displayed by each grocery store or grocery department, which explanation shall include an enlarged sample unit price stamp, tag, sign, or label and such additional information as may be required by the city sealer by regulation consistent herewith. (Ord. 100708 § 2; February 14, 1972).

10A.48.030 Unit priced commodities described. As of August 1, 1972, the following consumer commodities shall be unit priced as provided herein in the appropriate unit of measure established by the city sealer in accordance herewith;

(1) Cereals, including cold, dried, prepared, powdered or instant cereals;

(2) Grains, meals, rices, lentils, pastas, flour, cornstarch, and all mixes or dried foods containing such products or byproducts thereof;

- (3) Frozen, bottled and canned vegetables, including vegetable products and bottled and canned sauces derived therefrom;
- (4) Frozen, bottled and canned fruits, including fruit products and bottled and canned sauces derived therefrom;
- (5) Cooking oils, shortening, and salad oils, including derivations and imitations thereof;
- (6) Packaged, canned and bottled prepared food mixes, including but not limited to, pastry mixes, pancake mixes, pizza mixes and dessert mixes;
- (7) Canned and bottled food sauces not heretofore mentioned, including but not limited to gravies, dessert sauces, mixes, mustard and tartar sauce;
- (8) Instant food products, including but not limited to instant breakfast, instant powdered milk, and liquid diet foods;
- (9) Canned and bottled jams, jellies, preserves, syrups, honey and honey products, and derivatives thereof, but excluding honey comb;
- (10) Peanut butter;
- (11) Packaged foods not heretofore mentioned, including but not limited to nuts, raisins, dried and candied fruit;
- (12) Frozen foods, excluding prepared meals, ice cream, ice milk, sherberts, ice cream novelties, and imitations thereof;
- (13) Cheeses, prepared party dips, prepared salads, prepared salad dressings and toppings, and derivatives thereof;
- (14) Bottled and canned seafoods, seafood products and imitations thereof;
- (15) Bottled and canned meat, meat products, and imitations thereof;
- (16) Bottled and canned poultry, poultry products and imitations thereof;
- (17) Canned, bottled, packaged and prepared baby foods;
- (18) Bottled and canned soups;
- (19) Sugar, salt, pepper, tenderizers, vinegar, baking powder, and all derivatives and imitations thereof, but excluding other spices and herbs;
- (20) Pet foods;
- (21) Toilet tissue, paper towels, paper napkins, facial tissue, paper cups, paper plates, sanitary napkins, waxed paper and other food wrappings or bags of any composition, shelf paper and contact paper;
- (22) Laundry and cleaning products, including detergents, soaps, bleaches, scouring pads and powders, and all other household cleaning products;
- (23) Air fresheners, disinfectants, waxes, household polishes and polish removers;
- (24) Coffee, tea, and cocoa or chocolate, including instant, powdered and dried forms thereof;
- (25) Powdered and instant drink products;
- (26) Such other consumer commodities as the city sealer shall de-

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termine after public hearing to be similar to any of the above. Provided, that no consumer commodity determined by the city sealer after public hearing to be a gourmet or exotic food, or not available to the seller through a central warehouse, shall be unit priced; provided further, that specific consumer commodities not available to a grocery store or grocery department through a central warehouse shall nevertheless be unit priced if the city sealer shall determine after public hearing, that such consumer commodity is commonly and widely used, or is not the sole item of the type sold. (Ord. 100708 § 3 as amended by Ord. 100960 § 2; May 3, 1972).

10A.48.040 Determination of standard unit of measure. The city sealer shall determine as to all consumer commodities required to be unit priced the appropriate standard unit of measure which shall be the same for all sizes in which a commodity is sold or available for sale, and shall be based upon typical sizes or quantities of such commodities and consistent with the following:

Type of Commodity	Unit of Measure
(1) Commodities whose net quantity is expressed in units of ounces or pounds	Pound or ounce
(2) Commodities whose net quantity is expressed in units of liquid ounces, quarts or gallons	Pint or liquid ounce
(3) Commodities whose net quantity is expressed by numerical count	One hundred items
(4) Commodities whose net quantity is expressed in units of area	square foot or linear foot
(5) Commodities whose net quantity is expressed in units of kilograms or grams	one hundred grams
(6) Commodities whose net quantity is expressed in units of linear feet or inches	linear foot or inch

Provided, commodities which weigh on liquid ounce, one ounce (avoirdupois), or twenty-eight and thirty-five hundredths grams, or less shall not be required to be unit priced;

Provided further, that as to any unit of measure so determined, the city sealer shall cause to be held a public hearing upon receipt of written objections thereto stating the reasons therefor filed with the city sealer by not less than twenty-five citizens. (Ord. 100708 § 4; February 14, 1972).

10A.48.050 Computation of unit price. The unit price disclosed shall be computed to the nearest one-hundredth of one cent and:

(1) If computed to be between one-hundredth of one cent and four-hundredths of one cent, inclusive of both figures, shall be rounded to the next lowest one-tenth of one cent for display purposes; or

(2) If computed to be between five-hundredths of one cent and nine-hundredths of one cent, inclusive of both figures, shall be rounded to the

next highest one-tenth of one cent for display purposes. (Ord. 100708 § 5; February 14, 1972).

10A.48.060 Method of identification. (1) Unit prices shall be in English and, at the option of the seller, any additional languages used by the patrons of the retail establishment.

(2) All unit prices shall be displayed clearly and conspicuously at the point of the product display in the following manner:

(a) By attachment of a stamp, tag, sign, or label to the shelf on which the commodity is displayed and directly adjacent to the point of display; or

(b) If no shelf is available for conspicuous display of the unit price, by attachment of a stamp, tag, sign, or label at the closest available location to the commodity; or

(c) By attachment of a stamp, tag, sign, or label directly to each commodity; or

(d) By attachment of a stamp, tag, sign, or label in accord with regulations of the city sealer consistent herewith.

(3) The stamp, tag, sign, or label used to display the unit price shall contain at least the following information: brand name, total price of the commodity, unit price, and quantity or size of the product by weight, measure or count. (Ord. 100708 § 6; February 14, 1972).

10A.48.070 Effect of "sale prices." All consumer commodities required to be unit priced shall be properly unit priced as provided in this chapter at all times during which such consumer commodities are offered for sale; provided, that during such times as any such commodity is offered for sale at a "special" or "sale" price which is lower than the regularly advertised price, such commodities need not be unit priced in accordance with such "special" or "sale" price in the following circumstances:

(1) Such "sale" or "special" price is not in effect for more than twenty-one consecutive days;

(2) The stamp, tag, sign, or label stating the regular unit price is affixed as provided in this chapter; and

(3) Such "sale" or "special" price is offered pursuant to a bona fide sale or special and not for the purpose of avoiding the requirements of this chapter. (Ord. 100708 § 7; February 14, 1972).

10A.48.080 Exemptions. This chapter shall not apply to any grocery store(s) or grocery department(s) which:

(a) Comprise a single ownership wherein gross receipts are less than seven hundred fifty thousand dollars per year; or

(b) Receives more than thirty percent of its gross receipts from the sale of imported foods or food-related commodities.

For purposes of this section, grocery stores or grocery departments

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owned or controlled by different persons, partnerships, corporations, or other organizations, but associated together for the purpose of sharing a trade name or advertising expenses only, shall be considered as separate establishments. (Ord. 100708 § 8; February 14, 1972).

10A.48.090 Enforcement—City sealer authority to issue orders. The city sealer shall enforce the provisions of this chapter, and he may establish rules and regulations consistent with this chapter for the purpose of enforcing and carrying out the provisions thereof.

The city sealer shall have power to issue stop-sale orders, stop-removal orders, and removal orders with respect to packages or amounts of consumer commodities kept, offered, sold, or exposed for sale in violation of this chapter. Such an order shall take effect unless the affected grocery store or grocery department within forty-eight hours, excluding Saturdays, Sundays and holidays, shall file with the city sealer a written request for a hearing. Any hearing shall be conducted by a hearing examiner appointed by the mayor and confirmed by the city council. Upon the filing of a request for hearing the city sealer shall immediately notify the hearing examiner who shall immediately set a date for a hearing not later than twenty days from the issuance of the order unless a later date is agreed to by all parties and the hearing examiner. After such hearing which shall be conducted pursuant to the rules promulgated by the hearing examiner and filed with the city clerk, the hearing examiner shall sustain, modify or withdraw such order based on his findings as to whether there has been compliance with the requirements of this chapter; provided, the decision of the hearing examiner shall be rendered no later than ten days after the date of the hearing. Whenever the city sealer issues an order pursuant to this section the order shall include notice of the hearing rights of the affected grocery store or grocery department granted herein.

It is unlawful for any person to sell, remove from the premises specified, or fail to remove from the premises specified any consumer commodity contrary to the terms of a stop-sale order, a stop-removal order, or a removal order issued under the authority of this section. (Ord. 100708 §9; February 14, 1972).

10A.48.100 Enforcement—Arrest authority of city sealer. With respect to the enforcement of this chapter the city sealer is vested with the powers of a special policeman, and is authorized to arrest any violator of this chapter and to seize for use as evidence any incorrect unit price stamp, tag, sign or label or any consumer commodity offered or exposed for sale or sold in violation of this chapter; provided, that an arrest shall be made for a violation of a stop-renewal, stop-sale or removal order only if such a violation continues after a request for a hearing has not been filed within forty-eight hours pursuant to Section 10A.48.090 or after a decision of the hearing examiner has been rendered pursuant to Section 10A.48.090.

It is unlawful for any person to hinder or obstruct in any way the city sealer in the performance of his official duties. (Ord. 100708 § 10; February 14, 1972).

10A.48.110 Penalty for violation. Any person convicted of a violation of this chapter shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment in the city jail for not more than six months, or by both such fine and imprisonment. (Ord. 100708 § 11; February 14, 1972).

10A.48.120 Severability. The invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 100708 § 12; February 14, 1972).

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