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108934

Herein

Title 7

CONSUMER PROTECTION

Chapter 7.12

DISCLOSURE OF UNIT PRICES

Sections:

7.12.040 Units of measure to be used.

7.12.040 Units of measure to be used.

A. 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
2. Commodities whose net quantity is expressed in units of liquid ounces, quarts or gallons. . . . .	Pint
3. Commodities whose net quantity is expressed in numerical count . .	One hundred items
4. Commodities whose net quantity is expressed in units of area. . . . .	Square yard
5. Commodities whose primary declaration of net weight is expressed in the metric system . . . . .	Kilogram (kg)
6. Commodities whose net quantity is expressed in units of linear feet or inches . . . . .	Linear foot
7. Commodities whose primary declaration of length is expressed in the metric system. . . . .	meter (m)
8. Commodities whose primary declaration of volume is expressed in the metric system . . . . .	liter (l)

7.020.....6.214.010  
 7.024.....6.214.020  
 7.030.....6.214.030  
 7.035.....6.214.040  
 7.100.....6.214.050  
 7.140.....6.214.060  
 7.170.....6.214.070  
 7.180.....6.214.080  
 7.210.....6.214.090  
 7.215.....6.214.100  
 7.220.....6.214.110  
 7.225.....6.214.120  
 7.230.....6.214.130  
 7.231.....6.214.140  
 7.235.....6.214.150  
 7.250.....6.214.160  
 7.260.....6.214.170  
 7.270.....6.214.180  
 30.020.....6.260.010  
 30.022.....6.260.020  
 30.024.....6.260.030  
 30.030.....6.260.040  
 30.140.....6.260.050  
 30.150.....6.260.060  
 30.200.....6.260.070  
 30.210.....6.260.080  
 30.215.....6.260.090  
 30.220.....6.260.100  
 30.230.....6.260.110  
 30.310.....6.260.120  
 40.020.....6.280.010  
 40.025.....6.280.020  
 40.030.....6.280.030  
 40.040.....6.280.040  
 40.045.....6.280.050  
 40.050.....6.280.060  
 40.060.....6.280.070  
 40.070.....6.280.080  
 40.080.....6.280.090

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- 9. Commodities whose primary declaration of cubic area is expressed in the metric system . . . . . cubic meter (m<sup>3</sup>)
- 10. Commodities whose primary declaration of square area is expressed in the metric system . . . . . square meter (m<sup>2</sup>)

B. Provided, commodities which weigh one liquid ounce, one ounce avoirdupois or 28.35 grams or less shall not be required to be unit priced;

C. 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. 108996 § 1, 1980: Ord. 100708 § 4, 1972.)

Chapter 7.16

REAL PROPERTY TRANSFER CERTIFICATES

Sections:

- 7.16.010 Delivery of certificate to grantee—Information required—Exceptions.
- 7.16.020 Enforcement—Violation and penalty.

7.16.010 Delivery of certificate to grantee—Information required—Exceptions.

A. The grantor of any fee title or beneficial interest in real property in a transaction subject to the tax on conveyances provided in RCW Chapter 28A.45 shall, prior to transmitting the instrument of conveyance to the County Department of Records and Elections for recording, deliver or cause to be delivered to the grantee a certificate on a form prepared by the Director of Construction and Land Use and signed by the real estate broker representing the grantor, or by the grantor if not so represented, which states:

- 1. The existing zoning classification of the property conveyed;
- 2. The established permitted use of said property, if any, as shown by the records of the Department of Construction and Land Use;

3. The date and description of the most recent building or use permit, if any, issued for the property conveyed;

4. The amount of any proposed assessments for local improvements against the property conveyed as shown on any preliminary assessment roll therefor in the records of the Director of Engineering; and

5. The amount of any existing assessments for local improvements against the property conveyed, as shown on any assessment roll therefor in the records of the City Treasurer.

B. Provided, no such certificate shall be required where the property conveyed is improved only with a single-family dwelling and accessory structures, and the grantor or his agents do not represent to the grantee that the property may be lawfully used as a site for more than one dwelling unit; nor shall such certificate be required in any transaction where the grantee has expressly waived such requirement by a written instrument to such effect separate and apart from any agreement to purchase the property conveyed.

(Ord. 109125 § 10(part), 1980: Ord. 101941 § 1, 1973.)

7.16.020 Enforcement—Violation and penalty.

This chapter shall be enforced by the Director of Construction and Land Use, and anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a civil penalty in a sum not exceeding Five Hundred Dollars (\$500.00); and in any action brought by the grantee to rescind a conveyance or agreement therefor, a final judgment of conviction of the grantor under this chapter shall be prima facie evidence against said grantor that the matters contained in subsection 7.16.010 41, 2, 3, 4 and 5 were not known to the grantee at the time of the agreement or conveyance.

(Ord. 109125 § 10(part), 1980: Ord. 101941 § 2, 1973.)

1980 updates to the Seattle Municipal Code certified and adopted by the Office of the City Clerk



Chapter 7.20

FLOATING HOME MOORAGES

Sections:

- 7.20.010 Purpose.
- 7.20.020 Definitions.
- 7.20.030 Grounds for eviction or removal.
- 7.20.040 Reprisal or retaliatory action prohibited.
- 7.20.050 Moorage fee increase—Appeal.
- 7.20.060 Moorage fee increase—Factors to be considered.
- 7.20.070 Moorage fee increase—Hearing.
- 7.20.080 Disputes Resolution Board.
- 7.20.090 Fact-finding hearing.
- 7.20.100 Notice of change in occupancy—Notice of chapter.
- 7.20.110 Appeals under previous provisions.
- 7.20.120 Violation—Penalty.
- 7.20.130 Continuation of provisions.

Severability: The provisions of this chapter are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 109280 § 14, 1980.)

7.20.010 Purpose.

The purpose of this chapter is to prevent the eviction of floating homes from floating home moorages through arbitrary actions or unreasonable rent increases. (Ord. 109280 § 1, 1980.)

7.20.020 Definitions.

The following terms used in this chapter shall have the meanings set forth below:

A. "Consumer Price Index" means the Consumer Price Index for all Urban consumers (CPI-U) for the Seattle-Everett area, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

B. "Floating home" means a building constructed on a float used in whole or in part for human habitation as a single-family dwelling, which is moored, anchored or otherwise secured in waters within the city limits.

C. "Floating home moorage" or "moorage" means a waterfront facility for the moorage of one or more floating homes, and the land and water premises on which such facility is located.

D. "Hearing Examiner" means the office of Hearing Examiner as established by Ordinance No. 102228.<sup>1</sup>

E. "Moorage fee" means the periodic payment for the use of a floating home moorage site.

F. "Moorage site" means a part of a floating home moorage, located over water, and designed to accommodate one floating home. (Ord. 109280 § 2, 1980.)

1. Editor's Note: Provisions on the Hearing Examiner are codified in Chapter 3.02 of this Code.

7.20.030 Grounds for eviction or removal.

It is unlawful for a floating home moorage owner or operator to give notice to a floating home owner to remove his or her floating home from its moorage site, or to attempt to evict or complete the eviction of a floating home from its moorage site even though notice to remove such floating home from its moorage site was given to the owner of such floating home prior to the effective date of the ordinance codified in this chapter,<sup>1</sup> except for the following reasons:

A. The floating home owner fails to pay the moorage fee which he is legally obligated to pay;

B. The floating home owner refuses or otherwise fails to comply with reasonable written terms or conditions of tenancy, other than the obligation to surrender possession of the floating home moorage site, after service of a written notice to comply or vacate as provided in RCW 59.12.030(4). Moorage owners may require written acknowledgment by floating home owners of such terms and conditions. Such acknowledgment shall not constitute approval of or agreement by the floating home owner with such terms and conditions, nor shall it constitute an acknowledgment by the floating home owner that such terms or conditions are reasonable or the same as those required of similarly situated floating homes. Except for moorage fees, similarly situated floating homes within a floating home moorage shall be subject to the same moorage terms and conditions. Floating home owners shall be given thirty days' written notice in advance of any new term or condition or of any change in an existing term or condition. No floating home owner shall be evicted for failure to comply with a term or condition not uniformly applied, unless the floating home owner has specifically



agreed to the term or condition in writing;

C. The floating home owner repeatedly violates the same term or condition of tenancy and has received three or more notices to comply or vacate, as provided in Subsection B for the same violation in a twelve-month period;

D. The floating home owner, after receiving written notice of objection from the floating home moorage owner or operator, fails to abate a nuisance on such person's floating home, or causes substantial damage to the floating home moorage property, or substantially interferes with the comfort, safety or enjoyment of other floating home owners at the floating home moorage;

E. The floating home moorage owner or operator elects to change the use of the entire moorage property to a commercial use other than a floating home moorage and gives at least six months' advance notice to the owners of floating homes moored at such floating home moorage to vacate their moorage sites, and prior to eviction, manifests such determination to change the use of the property to a use different than that of a floating home moorage by obtaining all permits which are necessary to change the use to which the property is devoted, including but not limited to shoreline substantial development permits and building permits, and by taking one or more of the following actions:

1. Entering into one or more contracts or leases with new tenants or users for the new use of the property,

2. Obtaining financing from a lending institution or from other sources for the purpose of paying all or a portion of the cost of converting the property for the new use,

3. Obtaining architect's drawings or other substantial plans for converting the property to the new use,

4. Taking other actions reasonably related to the conversion of the moorage site property to a new use;

F. The floating home owner is directed by the moorage owner to remove his or her home from its moorage site by a written notice given at least four months prior to the demanded date of removal where the purpose of such demand for removal is to permit the moorage owner to convert the moorage site to a personal or other noncommercial use or to personally occupy such moorage site with a floating home to be used as such owner's residence, provided

that such demand for removal is not contrary to any existing lease agreement between the moorage owner and such floating home owner and that such moorage owner locates another lawful moorage site within the city for the displaced floating home owner.  
(Ord. 109280 § 3, 1980.)

1. Editor's Note: Ord. 109280 became effective September 21, 1980.

#### 7.20.040 Reprisal or retaliatory action prohibited.

A. The owner or operator of a floating home moorage shall not take or threaten to take reprisals or retaliatory action against a floating home owner because of any good faith exercise of such floating home owner's legal rights in relation to his or her floating home.

B. "Reprisal or retaliatory action" within the meaning of this section means and includes but is not limited to any of the following actions by the floating home moorage owner or operator when such actions are initiated primarily because of the floating home owner's good faith acts:

1. Demanding removal of the floating home from its moorage site;

2. Increasing the moorage fee required of the floating home owner;

3. Reducing services to the floating home owner;

4. Increasing the obligations of the floating home owner;

5. Otherwise interfering with the quiet enjoyment of the floating home.

C. This section may be enforced pursuant to Section 7.20.120 by asserting such reprisal or retaliatory action as an affirmative defense in any action by a floating home moorage owner or operator against a floating home owner, or by an action for damages or injunctive relief by a floating home owner against a floating home moorage owner or operator.  
(Ord. 109280 § 4, 1980.)

#### 7.20.050 Moorage fee increase—Appeal.

A. If at least one-half of the floating home owners in a floating home moorage who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point) believe that the demanded fee increase is unreasonable, they may collectively file a petition for fact-finding with the Hearing



Examiner. The petition shall list separately the name of each floating home owner appealing and shall be filed within fifteen days of receipt by such floating home owner or owners of written notification of the moorage fee increase. The person or persons filing a petition for fact-finding shall pay a filing fee of Twenty-five Dollars (\$25.00) per petitioner, with a maximum fee of Seventy-five Dollars (\$75.00) to the City Treasurer, which shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions of floating home owners contesting moorage fee increases at the same moorage.

B. Moorage owners or operators shall be permitted to increase the moorage fee demanded of a floating home owner without fact-finding in an amount not exceeding: (1) the floating home owner's proportional share of increased property taxes, utility fees, state land lease fees, city street use or other permit fees incurred by the moorage owner which benefit the floating home owners and result in increased operating expenses; or (2) the CPI factor, whichever is greater. Moorage fee increases attributable to the cost increases listed above may not be assessed until actually incurred. Before assessing any fee increase, moorage owners shall provide floating home owners at least thirty days' notice of the increase which shall explain the specific reasons for the increase and the apportionment formula used.

C. The CPI factor for a floating home moorage shall be determined by multiplying the percentage increase in the CPI since the last moorage fee increase by the current moorage fee, and by multiplying the product thereof by a fraction, the numerator of which shall be the number of square feet of land at the subject moorage owned by the moorage owner and the denominator of which shall be the total number of square feet of land in the moorage (privately owned land plus leased land). Floating home owners may petition for a fact-finding whenever a proposed moorage fee increase exceeds the moorage owner's actual increase in operating expenses as listed above or the CPI factor described above, whichever is greater. (Ord. 109280 § 5, 1980.)

#### 7.20.060 Moorage fee increase—Factors to be considered.

The Hearing Examiner shall conduct a public hearing for the purpose of making a factual

determination as to whether a demanded moorage fee increase is reasonable in amount; that is, whether such moorage fee increase is necessary to assure a fair and reasonable return to the moorage owner. In making the determination, the Hearing Examiner, in addition to any other factors deemed relevant, shall consider the following factors:

A. Increases or decreases since the last moorage fee increase in the expenses of operation and maintenance of the floating home moorage since the last fee increase provided that such expenses are for services, repairs, property maintenance, or any other expenses which are reasonable and necessary for the continued operation of a floating home moorage;

B. The reasonable costs of capital improvements since the last moorage fee increase to the floating home moorage property which benefit the floating home owners occupying moorage sites at the floating home moorage;

C. Increases or decreases since the last moorage fee increase in necessary or desirable services furnished by the floating home moorage owner or operator where such increased or decreased services affect the person or persons initiating the fact-finding proceedings;

D. Substantial deterioration since the last moorage fee increase in the facilities provided for the occupants of moorage sites at such floating home moorage due to failure of the moorage owner or operator to perform ordinary repairs, replacement and maintenance of the floating home moorage property and improvements;

E. Comparability with moorage fees charged for other floating home moorage sites in the city;

F. Increases or decreases in the Consumer Price Index;

G. A reasonable return on leased land. (Ord. 109280 § 6, 1980.)

#### 7.20.070 Moorage fee increase—Hearing.

The Hearing Examiner shall give all concerned parties at least fifteen days' notice of the date, time and place of the public hearing and shall adopt and publish such rules and procedures governing the conduct of the hearings as shall be deemed necessary. In connection with such hearing the Hearing Examiner may require any party to the proceedings to provide any information needed to determine whether the demanded moorage fee increase is reasonable. Either



party's failure to provide information requested by the Hearing Examiner may, at the Hearing Examiner's discretion, result in a finding or findings against the party refusing to provide the information as regards facts that could be proved or disproved by the requested information. No contested moorage fee increase shall take effect until approved by the Hearing Examiner's written decision; provided that the moorage owner or operator may recover retroactively to the date of the notice of the increase, such increases as are found reasonable by the Hearing Examiner. It is unlawful for a moorage owner or operator to demand, charge, or collect any moorage fee in excess of the amount found reasonable by the Hearing Examiner for a period of one year from the date of the Hearing Examiner's decision, unless the moorage owner can show that extraordinary damage to the moorage occurring after the decision has necessitated cost increases which make it impossible to realize a reasonable return without a fee increase. Any fee increase necessitated by extraordinary damage shall be subject to Hearing Examiner review whenever such review is requested by at least one-half of the floating homeowners affected, any other provision in this chapter to the contrary notwithstanding.  
(Ord. 109280 § 7, 1980.)

#### 7.20.080 Disputes Resolution Board.

Within sixty days of the passage of the ordinance codified in this chapter, the Mayor shall appoint, with the confirmation of the Council, a Disputes Resolution Board (the Board) which shall comprise seven members; three floating home moorage owners, three floating home owners and one person who shall chair the Board who is neither a floating home or moorage owner. Each person shall serve for a term of three years provided that the initial appointments shall be arranged so that one home owner and one moorage owner shall serve for one year, one home owner and one moorage owner shall serve for two years and the other three persons shall serve an initial term of three years. No two of the floating home owners may be moored at the same floating home moorage. No two moorage owners shall have a financial interest in the same floating home moorage. The members of the Board shall serve without pay. Immediately upon receiving the petition for fact-finding pursuant to

Section 7.20.050 the Hearing Examiner shall notify the chair of the Board who shall bring together the involved parties with the Board for the purpose of attempting to resolve the moorage fee dispute voluntarily. A period of three weeks from the date of notification of the chair of the Board shall be allowed for the Board to achieve a voluntary solution. After the three-week period has passed, the proceeding may be terminated by the written request of either the parties or by the written request of the Board chair.

(Ord. 109280 § 8, 1980.)

1. Editor's Note: Ord. 109280 was passed August 11, 1980.

#### 7.20.090 Fact-finding hearing.

No later than seven days after submitting a petition for fact-finding pursuant to Section 7.20.050, each petitioning floating home owner shall, individually or as a group, submit to the moorage owner a written offer stating the amount of increase in the moorage fee that the floating home owner or owners believe to be reasonable. The moorage owner shall, within five days of receiving the offer, accept or reject it in writing or make a counter offer. Within three days of receiving the counter offer the floating home owner shall deliver to the moorage owner, in writing, a final offer, a photographic copy of which shall be simultaneously delivered to the Hearing Examiner. The envelope containing the photographic copy shall be clearly marked "Final Offer of Floating Home Owner" and shall indicate the name of the person or persons submitting the offer. Any floating home owners or moorage owners who have participated in the three-week Board review provided in Section 7.20.080 need only submit a "final offer" to each other and to the Hearing Examiner. Within three days of receiving the floating home owner's final offer the moorage owner shall deliver to the floating home owner, in writing, a final offer, a photographic copy of which shall be simultaneously delivered to the Hearing Examiner in an envelope clearly marked "Final Offer of Moorage Owner" and shall indicate the name of the person or persons submitting the offer. The Hearing Examiner shall not commence the fact-finding hearing until final offers have been received from all parties. The Hearing Examiner shall not open the envelopes until after the written fact-finding decision has been mailed to the parties. After



mailing the decision, the Hearing Examiner shall examine the offers and shall assess reasonable attorney fees: (1) against the moorage owner or operator if the moorage fee increase permitted is equal to or less than the floating home owner's offer; or (2) against the floating home owner(s) if the permitted increase is equal to or greater than the moorage owner's offer. In all other cases each party shall bear his or her own attorney fees. The award of attorney fees shall be made in a separate decision by the Hearing Examiner. Any party who fails to pay assessed attorney fees within sixty days of the Hearing Examiner's decision shall be subject to the enforcement penalties provided in Section 7.20.120.

(Ord. 109280 § 9, 1980.)

**7.20.100 Notice of change in occupancy—  
Notice of chapter.**

It is unlawful to sell, lease or rent a floating home without advising the prospective purchaser, lessee, or renter of the provisions of this chapter, and it is unlawful to fail to provide the owner or operator of a floating home moorage with written notice of a proposed change in occupancy of a floating home located at such moorage at least fifteen days in advance of such proposed change in occupancy.

(Ord. 109280 § 10, 1980.)

**7.20.110 Appeals under previous provisions.**

Any moorage fee increase appealed pursuant to Ordinance No. 107012<sup>1</sup> which has not been reviewed by a fact-finder in a fact-finding hearing on or before August 18, 1980, shall, at the election of either party, be subject to a binding review by the Hearing Examiner under this chapter, but only if such increase exceeds the increase permitted by Section 7.20.050. The party seeking review under this chapter shall submit a notice of appeal as required by Section 7.20.050 and comply with all other appeal procedures. Floating home owners may appeal, pursuant to this chapter, any moorage fee increase which was found unreasonable by a fact-finder pursuant to Ordinance No. 107012 after June 1, 1979, but which was imposed by the moorage owner despite such finding, but only if such increase exceeds the increase permitted by Section 7.20.050. A petition for Hearing Examiner review in such cases shall be filed according to the terms of Section 7.20.050. Such petitions shall be filed within fifteen days of the im-

sition of the fee increase or thirty days from the effective date of this chapter,<sup>2</sup> whichever is later. Should the Hearing Examiner determine that the moorage fee is unreasonable in such cases, the fee shall be reduced to the amount found reasonable by the Hearing Examiner from the date of the Hearing Examiner's decision.

(Ord. 109280 § 11, 1980.)

1. Editor's Note: Ord. 107012 on floating home moorage fees was repealed by Ord. 109280, codified in this chapter.
2. Editor's Note: Ord. 109280 became effective September 21, 1980.

**7.20.120 Violation—Penalty.**

Commission of any of the acts made unlawful by the provisions of Sections 7.20.030, 7.20.040, 7.20.070, 7.20.080, 7.20.090, 7.20.100 or 7.20.110 shall constitute a violation subject to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code,<sup>1</sup> and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00). Each week's violation shall constitute a separate offense.

(Ord. 109280 § 15, 1980.)

1. Editor's Note: The Criminal Code is codified in Title 12A of this Code.

**7.20.130 Continuation of provisions.**

The City Council declares its intention that the provisions of the ordinance codified in this chapter shall be construed and applied as a continuation of the provisions of Ordinance 107012 and the repeal of Ordinance 107012 by this chapter shall not be construed as affecting such continuous application.

(Ord. 109280 § 13, 1980.)