

Ordinance No. 120976

Council Bill No. 114348

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to the establishment of fees for electronic pricing systems, amending Seattle Municipal Code Chapter 7.04, the weights and measures code therewith, and creating a new Section 7.04.038 and amending Sections 7.04.145, 7.04.175, 7.04.645, and 7.04.690.

11-18-02 Budget

11-16-02 Pass

CF No. \_\_\_\_\_

Date Introduced:	<u>10-14-02</u>	
Date 1st Referred:	<u>10-14-02</u>	
To: (committee)	<u>Budget</u>	
Date Re - Referred:		
To: (committee)		
Date Re - Referred:		
To: (committee)		
Date of Final Passage:	<u>11-18-02</u>	
Full Council Vote:	<u>9-0</u>	
Date Presented to Mayor:	<u>11-19-02</u>	
Date Approved:	<u>NOV 26 2002</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
<u>NOV 26 2002</u>	<u>9 P</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	



This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

Councilmember

## Committee Action:

11-18-02 Budget Committee: Pass 9-0

11-18-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_

(initial/date)

*Department*

Law Dept. Review

OMP  
Review

*W*  
City Clerk  
Review

*W*  
Electronic  
Copy Loaded

Indexed

ORDINANCE 120976

AN ORDINANCE relating to the establishment of fees for electronic pricing systems, amending Seattle Municipal Code Chapter 7.04, the weights and measures code therewith, and creating a new Section 7.04.038 and amending Sections 7.04.145, 7.04.175, 7.04.645, and 7.04.690.

WHEREAS, The City of Seattle Weights and Measures Program protects consumers by enforcing the accuracy of weighing and measuring devices, price scanning systems and package net contents; and

WHEREAS, The City of Seattle Weights and Measures Program is one of the premiere consumer protection programs in the nation; and

WHEREAS, Seattle businesses that have weighing and measuring devices pay annual fees for inspection services, but businesses that have price scanning systems currently do not contribute to covering the cost of price scanning system inspection services; and

WHEREAS, fee schedules for all weighing and measuring devices and all electronic pricing systems should be based on the costs of inspection and enforcement services; and

WHEREAS, the Department of Executive Administration has proposed the establishment of fees for electronic pricing systems based on an analysis of the cost of services;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** A new Section 7.04.038 is added to read as follows:

**SMC 7.04.038 Electronic Pricing System.**



1 "Electronic pricing system" means one or more electronic computational devices that  
2 determine the price of a product using the Universal Product Codes (UPCs or "bar codes," e.g.  
3 price scanning devices), or Price Look-up (PLU) Codes.

4 **Section 2.** Seattle Municipal Code Section 7.04.145 is amended to read as follows:

5 **SMC 7.04.145 General Testing.**

6 A. When not otherwise provided by law, the City Sealer shall have the power to inspect  
7 and test, to ascertain if they are correct, all weights and measures kept, offered, or  
8 exposed for sale. It shall be the duty of the City Sealer to inspect and test, to ascertain  
9 if they are correct, all weights and measures commercially used as often as necessary  
10 to secure compliance with this code. This shall include but not be limited to  
11 commercial use: ~~((A))~~<sup>1</sup> in determining the weight, measurement, or count of  
12 commodities or things sold, or offered or exposed for sale, on the basis of weight or  
13 of measure, ~~((B))~~<sup>2</sup> in computing the basic charge or payment for services rendered on  
14 the basis of weight or measure, or ~~((C))~~<sup>3</sup> in determining weight or measurement when  
15 a charge is made for such determination; provided, that with respect to single-service  
16 devices, that is, devices designed to be used commercially only once and to be then  
17 discarded, and with respect to devices uniformly mass-produced, as by means of a  
18 mold or die, and not susceptible of individual adjustment, the inspection and testing  
19 of each individual device shall not be required and the inspecting and testing  
20 requirements of this section will be satisfied when inspections and tests are made on  
21 representative sample lots of such devices; and the larger lots of which such sample  
22  
23  
24  
25  
26  
27  
28



1 lots are representative shall be held to be correct or incorrect upon the basis of the  
2 results of the inspections and tests on such sample lots.

3 B. The City Sealer shall have the power to inspect and test, to ascertain if they are  
4 correct, all electronic pricing systems, as often as necessary to secure compliance with  
5 this code. Electronic pricing systems will be inspected following procedures  
6 contained in National Conference on Weights and Measures (NCWM) Publication 19  
7 Examination Procedure for Price Verification (August 1995) as revised.

9 **Section 3.** Seattle Municipal Code Section 7.04.175 is amended to read as follows:

10 **SMC 7.04.175 Police powers – Right of entry.**

11  
12 With respect to the enforcement of this code and any other law dealing with weights and  
13 measures, packaging, or electronic pricing systems that ~~((he))~~the City Sealer is, or may be  
14 empowered to enforce, the City Sealer is vested with the powers of a special policeman, and is  
15 authorized to arrest any violator of the code and to seize for use as evidence incorrect or unsealed  
16 weights and measures or amounts or packages or commodity, used, retained, offered or exposed  
17 for sale, or sold in violation of law. Upon presentation of proper credentials, the City Sealer is  
18 authorized with the consent of the occupant or pursuant to a lawfully issued warrant at reasonable  
19 times during the normal business hours of the person using the weights and measures or  
20 electronic pricing system to enter into or upon any structure or premises where weights and  
21 measures or electronic pricing systems are used or kept for commercial purposes for the purpose  
22 of performing any duty imposed upon ~~((him))~~the City Sealer by this code.

23  
24 **Section 4.** Seattle Municipal Code Section 7.04.645 is amended to read as follows:

25  
26 **SMC 7.04.645 Registration – Fees.**



1 A. Except as provided in subsection ((E))F of this section, no weighing or measuring  
2 instrument or device, or electronic pricing system, may be used for commercial  
3 purposes in the city unless its commercial use is registered annually with The City of  
4 Seattle Department of ((Finance))Executive Administration.

5  
6 B. The annual registration with The City of Seattle Department of ((Finance))Executive  
7 Administration for weighing or measuring instruments or devices is accomplished as  
8 part of the State of Washington master license system under RCW Chapter 19.02.  
9 Payment of an annual registration fee for a weighing or measuring instrument or  
10 device under the State of Washington master license system constitutes the  
11 registration required by this section. The annual registration with The City of Seattle  
12 Department of Executive Administration for electronic pricing systems is  
13 accomplished as part of the City of Seattle annual business license requirement under  
14 Seattle Municipal Code 5.55.030. Payment of the registration fee with the annual  
15 business license application or renewal constitutes the registration required by this  
16 section.

17  
18  
19 C. The following annual City registration fees must be paid for each weighing or  
20 measuring instrument or device used for commercial purposes in The City of Seattle:

21  
22 1. Weighing devices:

- 23 a. Small scales "zero to four hundred (400) pounds capacity" \$5.00  
24 b. Intermediate scales "four hundred one (401) pounds to five thousand (5,000)  
25 pounds capacity" \$20.00  
26 c. Large scales "over five thousand (5,000) pounds capacity" \$52.00  
27  
28

1 d. Large scales with supplemental devices \$52.00

2 e. Railroad track scales \$800.00

3 2. Liquid fuel metering devices:

4 a. Motor fuel meters with flows of less than twenty (20) gallons per minute \$ 5.00

5 b. Motor fuel meters with flows of twenty (20) but not more than one hundred  
6 fifty (150) gallons per minute \$16.00

7 c. Motor fuel meters with flows over one hundred fifty (150) gallons per minute  
8 \$25.00

9 3. Liquid petroleum gas meters:

10 a. With one inch (1") diameter or smaller dispenser \$10.00

11 b. With greater than one inch (1") diameter dispensers \$30.00

12 4. Fabric meters \$5.00

13 5. Cordage meters \$5.00

14 6. Mass flow meters \$14.00

15 7. Taxi meters \$5.00

16  
17 D. The following annual City registration fees must be paid for each electronic pricing  
18 system used for commercial purposes in the City of Seattle:

19 1. Electronic pricing systems with three (3) or fewer

20 electronic pricing devices \$105.00

21 2. Electronic pricing systems with more than three (3)

22 electronic pricing devices \$205.00

23  
24 ((D))E. The fees established in subsection C for registering a weighing or measuring  
25 instrument or device ((must))shall be paid to the State of Washington Department of  
26 Licensing concurrently with a master application or with the annual renewal of a  
27



1 master license under RCW Chapter 19.02. The fees established for electronic pricing  
2 systems in subsection D shall be paid with the City of Seattle annual business license  
3 application or renewal.

4 ((E))E. A weighing or measuring instrument or device, or electronic pricing system,  
5 ((must))shall be initially registered with the City of Seattle Department of  
6 ((Finance))Executive Administration as follows: A weighing or measuring device is  
7 initially registered through the State of Washington Department of Licensing at the  
8 time the owner applies for a master license for a new business or at the first renewal  
9 of the license that occurs after the instrument or device is first placed into commercial  
10 use. An electronic pricing system is initially registered through the City of Seattle  
11 Department of Executive Administration when the owner applies for an initial  
12 business license or the first renewal of the business license after the instrument or  
13 device is first placed into commercial use. ((Any instrument or device that is in  
14 commercial use on January 1, 1996, must be initially registered with The City of  
15 Seattle at the time of the instrument or device owner's first renewal of their state of  
16 Washington master license.))

17 ((F))G. The State of Washington Department of Licensing shall remit to the City of  
18 Seattle, through the State of Washington Department of Agriculture, all fees collected  
19 under this section less reasonable collection expenses.

20 ((G))H. With the exception of Section 7.04.650, no person shall be required to pay more  
21 than the fee adopted under this section for any weighing or measuring instrument or  
22 device, or electronic pricing system, in one year.  
23  
24  
25  
26  
27  
28



1 ((H))I. A person who owns a weighing or measuring instrument or device, or electronic  
2 pricing system, and uses or permits ~~((the))~~its use ~~((of the instrument))~~for commercial  
3 purposes without registration as provided in subsection A is subject to a civil penalty  
4 of Fifty Dollars (\$50) per occurrence for each instrument or device, or system, used or  
5 permitted to be used.  
6

7 **Section 5.** Subsection 7.04.690(A) of the Seattle Municipal Code is amended to read as  
8 follows:

9 **SMC 7.04.690 Offenses and penalties.**

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

- 12
- 13 1. Use, or have in possession for the purpose of using, for any commercial purpose  
14 specified in Section 7.04.145, or sell, offer, or expose for sale or hire, or have in  
15 possession for the purpose of selling or hiring, an incorrect weight or measure or any  
16 device or instrument used to or calculated to falsify any weight or measure, or  
17 electronically scanned price;
  - 18 2. Use, or have in possession for the purpose of current use, for any commercial purpose  
19 specified in Section 7.04.145, a weighing or measuring instrument or ~~((weight or~~  
20 ~~measure))~~device, or electronic pricing system, that does not bear a seal or mark such  
21 as is specified in Section 7.04.165, unless ~~((such weight or measure))~~it has been  
22 exempted from testing by the provisions of Section 7.04.145;
  - 23 3. Dispose of any rejected or condemned weight or measure, or electronic pricing  
24 system, in a manner contrary to law;
- 25  
26  
27  
28

- 1 4. Remove from any weight or measure, or electronic pricing system, contrary to law,  
2 any tag, seal, or mark placed thereon by the appropriate authority;
- 3 5. Sell or offer or expose for sale, less than the quantity (~~he represents~~)represented of  
4 any commodity, thing, or service;
- 5 6. Take more than the quantity (~~he represents~~)represented of any commodity, thing or  
6 service when, as buyer, (~~he~~)the person furnishes the weight or measure device by  
7 means of which the amount of the commodity, thing, or service is determined;
- 8 7. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any  
9 commodity, thing, or service in a condition or manner contrary to law;
- 10 8. Use in retail trade except in the preparation of packages put up in advance of sale and  
11 of medical prescriptions, a weight or measure that is not so positioned that its  
12 indications may be accurately read and the weighing or measuring operation observed  
13 from some position which may reasonably be assumed by a customer;
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

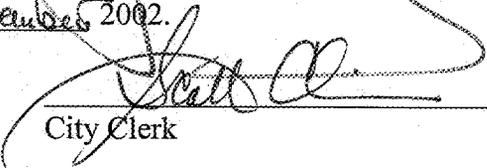
\*\*\*

**Section 6.** This ordinance shall take effect and be in force on January 1, 2003.

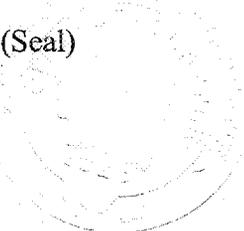
Passed by the City Council the 18<sup>th</sup> day of November, 2002, and signed by me in open session in authentication of its passage this 18<sup>th</sup> day of November, 2002.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 25 day of November, 2002.  
  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 27<sup>th</sup> day of November, 2002.  
  
\_\_\_\_\_  
City Clerk

(Seal)





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

September 23, 2002

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance amends the Seattle Municipal Code to recognize the City's authority to inspect and test electronic pricing systems, and establishes an annual fee in order to recover the costs of providing the service.

As you are aware, Seattle's Weights and Measures Program, established in 1911, is one of the most effective municipal consumer protection programs in the country. Although the program has traditionally focused on ensuring the accuracy of devices such as scales and gas pumps, starting in 1981 program managers instituted inspection of electronic pricing systems (price scanners). The pervasive use of these devices has rendered enforcement of their accuracy an important component of consumer protection.

Up to now, the City has had no mechanism for recovering the cost of inspection of electronic pricing systems. Our weights and measures fees are based on those established by the State, which does not currently provide price scanner inspections. As a result, the General Fund subsidizes the full cost of enforcing accurate electronic pricing systems, which we estimate to total approximately \$72,500 annually. The proposed annual fees of \$105 for electronic pricing systems with three or fewer pricing devices, and \$205 for pricing systems with more than three pricing devices, are designed to cover these inspection costs. This is consistent with the current practice of charging fees for enforcement of weighing and measuring devices (although such fees are currently out-of-date, and we are pursuing State legislation to permit the City to fully recover costs). Please also see the companion Temporary Business License Surcharge Ordinance regarding full fee-based funding of Weights and Measures.

Thank you for your consideration of this legislation. Should you have questions please contact Ken Nakatsu, Director of Executive Administration, at 684-0505, or Mel McDonald, Director of Revenue and Consumer Affairs, at 233-0071.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a large, stylized circular flourish.

GREG NICKELS  
Mayor of Seattle

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



## Fiscal Note

Each piece of legislation that is financial in nature requires a fiscal note. The fiscal note should be drafted by department staff and should identify operating, capital, revenue, and FTE impacts of the legislation. After preparation by departmental staff, the Department of Finance (DOF) will review and make necessary revisions before transmittal to Council.

<b>Department:</b> Executive Administration	<b>Contact Person/Phone:</b> Mel McDonald/233-0071	<b>DOF Analyst/Phone:</b> Sherri Crawford/4-8075
--	---	---

**Legislation Title:** An ordinance relating to the establishment of fees for electronic pricing systems, amending Seattle Municipal Code Chapter 7.04, the weights and measures code therewith, and creating a new Section 7.04.038 and amending Sections 7.04.145, 7.04.175, 7.04.645, and 7.04.690.

**Summary of the Legislation:** The proposed Ordinance would amend the Municipal Code to specifically recognize the City's authority to inspect and test electronic pricing systems, and would establish annual fees of \$105 for electronic pricing systems with three or fewer electronic pricing devices, and \$205 for electronic pricing systems with more than three electronic pricing devices. Such fees would be paid with the City of Seattle annual business license application or renewal.

**Background (Include justification for the legislation and funding history, if applicable):** The Weights and Measures Program instituted inspection of electronic pricing systems (price scanners) in 1993, as program managers realized that ensuring the accuracy of such devices had become an important component of consumer protection. However, the City has had no mechanism for recovering the cost of inspection of electronic pricing systems. Our existing Weights and Measures fee schedule is based on the fee schedule included in RCW19.94.015. Because the State weights and measures program does not provide inspection of electronic pricing systems, State code does not include a device registration fee for them. As a result, the General Fund subsidizes the full cost of enforcing accurate electronic pricing systems—approximately \$72,500 annually, as determined by allocation of total program costs among different types of inspections based on the relative time per inspection weighted by the total number of each type of device.

Given the current fiscal conditions, it is no longer feasible for the General Fund to fully support this non-mandated service. Establishment of the proposed fees is a reasonable way to pass on the cost of enforcement of accurate electronic pricing systems to the businesses and consumers that use the systems. This is consistent with the current practice of charging fees for enforcement of weighing and measuring devices such as scales and gas pumps (although such fees are currently



out-of-date, and the City is pursuing State legislation to permit the program to fully recover costs).

There are approximately 300 business establishments that have price scanning systems with three or fewer devices, and approximately 200 business establishments that have price scanning systems with more than three devices. Estimated revenue is as follows:

Type of Electronic Pricing System	Estimated Number of Systems	Average Time per Inspection (Hours)	Proposed Fee	Projected Annual Revenue
Three or fewer devices	300	1.5	\$105	\$31,500
More than three devices	200	3.0	\$205	\$41,000
Total	500			\$72,500

**Public Private Partnership Review Status:**

Is the project referenced in the legislation subject to P4 review? If yes, identify P4 review to date.

Not Applicable.

**Is the legislation subject to public hearing requirements?** If yes, what public hearings have been held to date?

No.

**Fiscal Sustainability Issues (related to grant awards):**

The proposed ordinance does not present fiscal sustainability issues, but rather addresses the fiscal sustainability of the City's enforcement of accuracy in electronic pricing systems by providing an appropriate source of funding for this activity.



**Estimated Expenditure Impacts:**

FUND (List # and/or Account)	2002	2003	2004
<b>TOTAL</b>			

One-time \$ 0

On-going \$ 0

**Estimated Revenue Impacts:**

FUND (List # and/or Account)	2002	2003	2004
General Fund		72,500	72,500
<b>TOTAL</b>		<b>\$72,500</b>	<b>\$72,500</b>

One-time \$ \_\_\_\_\_

On-going \$ 72,500

**Estimated FTE Impacts:**

FUND (List # and/or Account)	2002	2003	2004
<b>TOTAL</b>			

# Full Time 0

# Part Time 0

# TES 0

**Do positions sunset in the future? If yes, identify sunset date? Not applicable.**

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



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

152257  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

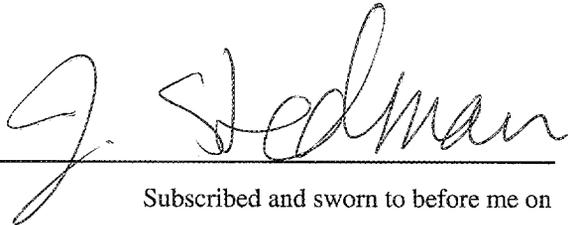
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

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

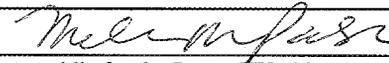
CT:ORDINANCE 120976

was published on

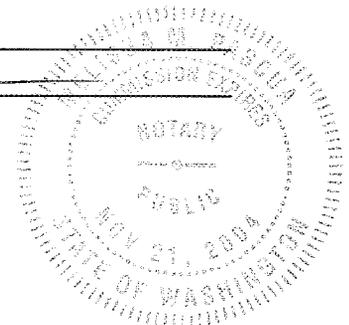
12/4/2002

  
Subscribed and sworn to before me on

12/4/2002

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King

## City of Seattle

### ORDINANCE 120976

AN ORDINANCE relating to the establishment of fees for electronic pricing systems, amending Seattle Municipal Code Chapter 7.04, the weights and measures code therewith, and creating a new Section 7.04.038 and amending Sections 7.04.145, 7.04.175, 7.04.645, and 7.04.690.

WHEREAS, The City of Seattle Weights and Measures Program protects consumers by enforcing the accuracy of weighing and measuring devices, price scanning systems and package net contents; and

WHEREAS, The City of Seattle Weights and Measures Program is one of the premiere consumer protection programs in the nation; and

WHEREAS, Seattle businesses that have weighing and measuring devices pay annual fees for inspection services, but businesses that have price scanning systems currently do not contribute to covering the cost of price scanning system inspection services; and

WHEREAS, fee schedules for all weighing and measuring devices and all electronic pricing systems should be based on the costs of inspection and enforcement services; and

WHEREAS, the Department of Executive Administration has proposed the establishment of fees for electronic pricing systems based on an analysis of the cost of services;

#### NOW, THEREFORE

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 7.04.038 is added to read as follows:

##### SMC 7.04.038 Electronic Pricing System.

"Electronic pricing system" means one or more electronic computational devices that determine the price of a product using the Universal Product Codes (UPCs or "bar codes," e.g. price scanning devices), or Price Look-up (PLU) Codes.

Section 2. Seattle Municipal Code Section 7.04.145 is amended to read as follows:

##### SMC 7.04.145 General Testing.

A. 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: (A) 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; (B) in computing the basic charge or payment for services rendered on the basis of weight or measure; or (C) 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, 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.

B. The City Sealer shall have the power to inspect and test, to ascertain if they are correct, all electronic pricing systems that are

2. Electronic pricing systems with more than three (3) electronic pricing devices -- \$205.00.

(D)E. The fees established in subsection C for registering a weighing or measuring instrument or device (~~shall~~) shall be paid to the State of Washington Department of Licensing concurrently with a master application or with the annual renewal of a master license under RCW Chapter 19.02. The fee established for electronic pricing systems in subsection D shall be paid with the City of Seattle annual business license application or renewal.

(E)E. A weighing or measuring instrument or device, or electronic pricing system, (~~shall~~) shall be initially registered with the City of Seattle Department of Executive Administration as follows: A weighing or measuring device is initially registered through the State of Washington Department of Licensing at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. An electronic pricing system is initially registered through the City of Seattle Department of Executive Administration when the owner applies for an initial business license or the first renewal of the business license after the instrument or device is first placed into commercial use. (~~A weighing or measuring instrument or device that is in commercial use must be initially registered with the City of Seattle at the time of the instrument or device owner's first commercial use. A weighing or measuring instrument or device that is in commercial use must be initially registered with the City of Seattle at the time of the instrument or device owner's first commercial use.~~)

(F)G. The State of Washington Department of Licensing shall remit to the City of Seattle, through the State of Washington Department of Agriculture, all fees collected under this section less reasonable collection expenses.

(G)H. With the exception of Section 7.04.650, no person shall be required to pay more than the fee adopted under this section for any weighing or measuring instrument or device, or electronic pricing system, in one year.

(H)I. A person who owns a weighing or measuring instrument or device, or electronic pricing system, and uses or permits (~~the~~) its use (~~for~~) for commercial purposes without registration as provided in subsection A is subject to a civil penalty of Fifty Dollars (\$50) per occurrence for each instrument or device, or system, used or permitted to be used.

Section 5. Subsection 7.04.690(A) of the Seattle Municipal Code is amended to read as follows:

##### SMC 7.04.690 Offenses and penalties.

A. 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 7.04.145, 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, or electronically scanned price;
2. Use, or have in possession for the purpose of current use, for any commercial purpose specified in Section 7.04.145, a weighing or measuring instrument or (~~weight or measure~~) device, or electronic pricing system, that does not bear a seal or mark such as is specified in Section 7.04.165, unless (~~each weight or measure~~) it has been exempted from testing by the provisions of Section 7.04.145;
3. Dispose of any rejected or condemned weight or measure, or electronic pricing system, in a manner contrary to law;
4. Remove from any weight or measure, or electronic pricing system, 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 (~~the~~) represented of any commodity, thing, or service;
6. Take more than the quantity (~~the~~) represented of any commodity, thing, or service when, as buyer, (~~the~~) the person furnishes the weight or measure device by means of which 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 provision of this code for which a specified penalty has not been prescribed.

Section 6. This ordinance shall take effect and be in force from the date of its passage.