Ordinance No. $\underline{-121449}$

Council Bill No. <u>114889</u>

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases, amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending SMC 7.20.150 to change the penalties for noncompliance.

The City of Seattl Council Bill/Ordina

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CE No.

Date APR 2 • 2004	
Date 1st Referred: APR 2 + 2004	To: (committee) Licens Develop
Date Ro - Referred:	E Planning // To: (committee)
Date Re-Referred:	Te: (committee)
Date of Final Passage:	Full Council Vote:
5-3-04 Date Presented to Mayor:	Pate Approved:
5-4-04 Date Returned to City Clerks	Date Published: T.O. ET.
SI 14104 Date Vetoed by Meyor:	2 pg2 DateVeto Published:
Date Passed Over Velp:	Veto Sustained:

5-3-04 Yassed

This file is complete and ready

Law Dept. Review



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ORDINANCE <u>121468</u>

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases, amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending SMC 7.20.150 to change the penalties for noncompliance.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.20.080 of the Seattle Municipal Code, which was last amended by Ordinance 120794, is amended as follows:

SMC 7.20.080 Moorage fee increases -- Hearing.

A. A moorage owner seeking a moorage fee increase shall give the floating home owners affected thereby a written notice, at least thirty (30) days before the increase will go into effect, stating the amount of the increase, financial computations demonstrating the need for the increase, and the effective date of the increase. If the proposed moorage fee increase is to be based, in whole or in part, on a cost basis established by a sale, lease or other transaction concerning the moorage property or facilities, then the notice shall include identification of the parties to the transaction, all material terms of the transaction and an explanation as to whether and how the transaction resulted in a genuine change in control of the property or facilities so as to justify the use of a new cost basis.

B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%) believe that the demanded fee increase is unreasonable, they



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may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within fifteen (15) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review 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 Director of Executive Administration, which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

C. The Hearing Examiner's review shall to the extent possible be based upon written memoranda, sworn statements, and affidavits submitted by the parties. The moorage owner shall, as soon after the filing of the petition as practicable, file with the Hearing Examiner and serve upon the petitioning floating home moorage site lessees or their representative, a memorandum and any necessary affidavits or sworn statements in support of the proposed increase. The floating home moorage site lessees shall submit a responsive memorandum and affidavits within fifteen (15) days of receipt of the moorage owners' submission. The Hearing Examiner shall review the memoranda, affidavits, and sworn statements and advise the parties in writing of: (1) the legal and factual issues to be resolved; (2) the time and place for the hearing; and (3) the length of time that each party will have to present his or her case. In connection with such review 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.

D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a fair and reasonable return to the moorage owner and shall order such increase as is found necessary to assure a fair and reasonable return. In making the determination, the Hearing Examiner, in addition to any other factors deemed relevant, shall consider the following factors: (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to establish the cost basis for the moorage; (b ((1))) increases or decreases since the last moorage fee increase in the expenses of operation and maintenance of the floating home moorage; 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; (c ((2))) 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; (d ((3))) 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; (e ((4))) substantial deterioration since the last



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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; ($\underline{f}((5))$) comparability with moorage fees charges for other floating home moorage sites in the City; and ($\underline{g}((6))$) a reasonable return on leased land.

2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the moorage are cited as a factor in demonstrating that a rent increase or any part thereof is necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing Examiner may rely on this factor as supporting a rent increase or any part thereof only if the moorage owner demonstrates at hearing that the sale or other transaction relied upon resulted in a genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

E. 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 from the date of the notice of the increase, with interest at the prevailing rate for United States Treasury bills on the date of the decision, such increases as are found reasonable by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand, charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner for a period of one (1) year from the effective date of any permitted fee increase, unless the moorage owner can show either 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, or that the floating home owner has rented the floating home to another at



a profit; provided, that moorage owners may increase fees in the amount of any increases in state lease or City license fees whenever such increases are incurred, and may increase fees for the purpose of recovering the costs of capital improvements authorized by Section 7.20.090 whenever such improvements are required. Any fee increase necessitated by extraordinary damage shall be subject to Hearing Examiner review whenever such review is requested by at least one-half (1/2) of the floating home moorage site lessees affected, any other provision in this chapter to the contrary notwithstanding.

Section 2. Section 7.20.130 of the Seattle Municipal Code, which was enacted by Ordinance 11526, is amended as follows:

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SMC 7.20.130 Notices.

<u>A.</u> It is unlawful to sell, lease or rent a floating home or moorage facility without advising the prospective purchaser, lessee, or renter, in writing of the existence 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, sale, or rental of a floating home located at the moorage at least fifteen (15) days in advance of the proposed change in occupancy.

16B.It is unlawful for a moorage owner to fail to notify each floating home moorage17site lessee at that moorage that the moorage is being offered for sale. This notification shall be in18writing and shall be provided at least ninety (90) days but not more than one year prior to the19date the moorage owner takes any action to offer the moorage for sale. Actions triggering the20notice requirement of this subsection include, but are not limited to, entering into a listing21agreement with respect to the moorage or advertising the moorage for sale in any public forum.

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RRH NewFHOrdinance Ver 1.doc April 19, 2004

V #1a It is unlawful for a new moorage owner to fail to give, within seven (7) days of a C. 1 2 3 4 5 6 7 А. 8 9 10 11 Β. 12 13 14 15 16 17 18 19 \mathbf{C} 2021 22 23

change in ownership of the moorage, notice to each floating home moorage site lessee of the change of ownership and address and telephone number of the new moorage owner. Section 3. Section 7.20.150 of the Seattle Municipal Code, which was last amended by Ordinance 115390, is amended as follows: SMC 7.20.150 Violation — Penalty—Additional Remedies

Civil Penalty. Any person who violates or fails to comply with any of the provisions of this chapter is subject to a civil penalty in the amount of One Hundred Dollars (\$100) per day for each violation or failure to comply. Each day a person violates or fails to comply with any of the provisions of this chapter may be considered a separate violation for which a penalty may be imposed.

Alternative Criminal Penalty. Any person who violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply, and none of the mental states described in Section 12A.04.030 need be proved. Each day a person violates or fails to comply with any of the provisions of this chapter may be considered a separate violation. The City Attorney may prosecute such violation or failure to comply criminally as an alternative to the civil penalty provided by this section.

Additional remedies. Commission of any of the acts made unlawful by the provisions of Sections 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100, 7.20.110, 7.20.115 or 7.20.130, or the intentional misrepresentation of any material fact in any statement required by this chapter, ((shall)) entitles persons injured thereby to recover actual

RRH NewFHOrdinance Ver 1.doc April 19, 2004

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damages <u>and reasonable attorney's fees</u> incurred as a result of the violation or misrepresentation;
shall be available as a ground for injunctive relief, and <u>shall be available</u> as a defense in actions
concerning the right to possession, where appropriate_((; and shall constitute a violation subject
to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code, and any
person-convicted thereof may be punished by a civil fine or forfeiture not to exceed Five

Hundred Dollars (\$500). Each week's violation shall constitute a separate offense.))

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Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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2	Section 5. This ordinance shall take effect and be in force thirty (30) days from and
3	after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
4	days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
5	Passed by a majority vote of all the members of the City Council the 3^{124} day of
6	m_{out} , 20 <u>04</u> , and signed by me in open session in authentication of its passage this
7	<u>3</u> day of <u>mary</u> , 20 <u>04</u> .
8	Van Dena
9	President of the City Council
10	Approved by me this 1 day of 4 ay 2004 .
11	$-\frac{1}{2}$
12	Mayor
13	Filed by me this 14 day of May , 2004
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15	City Clerk
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ACTING CITY CLERK Author's Name: Rebecca Herzfeld Date: Feb.12, 2004 Name of Companion Legislation: Floating Home Moorage Version #:1

Form revised December 30, 2003

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/615-1674	Not Applicable

Legislation Title:

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases and amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending 7.20.150 to change the penalties for noncompliance.

• <u>Summary of the Legislation:</u>

This bill would require that floating home owners be given advance notice that their floating home moorage facility is being offered for sale. In addition, if a transaction is used to establish a new cost basis which justifies a moorage fee increase, notice of the fee increase must include the terms of the transaction and explain how it justifies the use of a new cost basis. If the rent increase is subject to a Hearing Examiner petition, the Hearing Examiner shall also review and consider the terms of any transaction relied upon to establish the cost basis for the moorage. The penalty section for Chapter 7.20 is also updated by this ordinance to include the potential for civil penalties as well as the current criminal ones, and to provide for recovery of reasonable attorney's fees.

• **<u>Background</u>**: (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

In 2001, the State Supreme Court made a decision that invalidated the City's requirement that floating home owners be given the right of first refusal if their moorage is offered for sale. In light of this decision, the intent of this bill is to maintain the balance of interests between floating home owners and their moorage owning landlords by providing advanced notice of actions that may affect moorage rental rates, and ensuring that moorage fee increases are justified by actual increases in the cost basis of the moorage.

• Please check one of the following:

<u>X</u> <u>This legislation does not have any financial implications.</u> (Stop here and delete the remainder of this document prior to saving and printing.)

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<u>This legislation has financial implications.</u> (Please complete all relevant sections that follow.)

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ORDINANCE

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases, amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending SMC 7.20.150 to change the penalties for noncompliance.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.20.080 of the Seattle Municipal Code, which was last amended by Ordinance 120794, is amended as follows:

SMC 7.20.080 Moorage fee increases -- Hearing.

A. A moorage owner seeking a moorage fee increase shall give the floating home owners affected thereby a written notice, at least thirty (30) days before the increase will go into effect, stating the amount of the increase, financial computations demonstrating the need for the increase, and the effective date of the increase. If the proposed moorage fee increase is to be based, in whole or in part, on a cost basis established by a sale, lease or other transaction concerning the moorage property or facilities, then the notice shall include identification of the parties to the transaction, all material terms of the transaction and an explanation as to whether and how the transaction resulted in a genuine change in control of the property or facilities so as to justify the use of a new cost basis.

B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%) believe that the demanded fee increase is unreasonable, they



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may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within fifteen (15) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review 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 Director of Executive Administration, which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

C. The Hearing Examiner's review shall to the extent possible be based upon written memoranda, sworn statements, and affidavits submitted by the parties. The moorage owner shall, as soon after the filing of the petition as practicable, file with the Hearing Examiner and serve upon the petitioning floating home moorage site lessees or their representative, a memorandum and any necessary affidavits or sworn statements in support of the proposed increase. The floating home moorage site lessees shall submit a responsive memorandum and affidavits within fifteen (15) days of receipt of the moorage owners' submission. The Hearing Examiner shall review the memoranda, affidavits, and sworn statements and advise the parties in 19 writing of (1) the legal and factual issues to be resolved; (2) the time and place for the hearing; 20and (3) the length of time that each party will have to present his or her case. In connection with 21 such review the Hearing Examiner may require any party to the proceedings to provide any 22

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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.

D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage 6 fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser 7 amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a 8 fair and reasonable return to the moorage owner and shall order such increase as is found 9 necessary to assure a fair and reasonable return. In making the determination, the Hearing 10 Examiner, in addition to any other factors deemed relevant, shall consider the following factors: 11 (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to 12 establish the cost basis for the moorage; (b((1))) increases or decreases since the last moorage 13 fee increase in the expenses of operation and maintenance of the floating home moorage; 14 provided, that such expenses are for services, repairs, property maintenance, or any other 15 expenses which are reasonable and necessary for the continued operation of a floating home 16 moorage; (\underline{c} ((2))) the reasonable costs of capital improvements since the last moorage fee 17 increase to the floating home moorage property which benefit the floating home owners 18 occupying moorage sites at the floating home moorage; (d(3)) increases or decreases since the 19 last moorage fee increase in necessary or desirable services furnished by the floating home 20moorage owner or operator where such increased or decreased services affect the person or 21 persons initiating the fact-finding proceedings; (\underline{e} ((4))) substantial deterioration since the last 22



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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; ($\underline{f}((5))$) comparability with moorage fees charges for other floating home moorage sites in the City; and ($\underline{g}((6))$) a reasonable return on leased land.

2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the
 moorage are cited as a factor in demonstrating that a rent increase or any part thereof is
 necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient
 time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing
 Examiner may rely on this factor as supporting a rent increase or any part thereof only if the
 moorage owner demonstrates at hearing that the sale or other transaction relied upon resulted in a
 genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

No contested moorage fee increase shall take effect until approved by the Hearing Е. 13 Examiner's written decision; provided that the moorage owner or operator may recover 14 retroactively from the date of the notice of the increase, with interest at the prevailing rate for 15 United States Treasury bills on the date of the decision, such increases as are found reasonable 16 by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand, 17 charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner 18 for a period of one (1) year from the effective date of any permitted fee increase, unless the 19 moorage owner can show either that extraordinary damage to the moorage occurring after the 20 decision has necessitated cost increases which make it impossible to realize a reasonable return 21 without a fee increase, or that the floating home owner has rented the floating home to another at 22



a profit; provided, that moorage owners may increase fees in the amount of any increases in state lease or City license fees whenever such increases are incurred, and may increase fees for the purpose of recovering the costs of capital improvements authorized by Section 7.20.090 whenever such improvements are required. Any fee increase necessitated by extraordinary damage shall be subject to Hearing Examiner review whenever such review is requested by at least one-half (1/2) of the floating home moorage site lessees affected, any other provision in this chapter to the contrary notwithstanding.

Section 2. Section 7.20.130 of the Seattle Municipal Code, which was enacted by Ordinance 11526, is amended as follows:

SMC 7.20.130 Notices.

It is unlawful to sell, lease or rent a floating home or moorage facility without Α. advising the prospective purchaser, lessee, or renter, in writing of the existence 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, sale, or rental of a floating home located at the moorage at least fifteen (15) days in advance of the proposed change in occupancy.

B. It is unlawful for a moorage owner to fail to notify each floating home moorage site lessee at that moorage that the moorage is being offered for sale. This notification shall be in writing and shall be provided at least ninety (90) days but not more than one year prior to the date the moorage owner takes any action to offer the moorage for sale. Actions triggering the notice requirement of this subsection include, but are not limited to, entering into a listing agreement with respect to the moorage or advertising the moorage for sale in any public forum. 21





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C. It is unlawful for a new moorage owner to fail to give, within seven (7) days of a change in ownership of the moorage, notice to each floating home moorage site lessee of the change of ownership and address and telephone number of the new moorage owner.

Section 3. Section 7.20.150 of the Seattle Municipal Code, which was last amended by Ordinance 115390, is amended as follows:

SMC 7.20.150 Violation — Penalty—Additional Remedies

A. Civil Penalty. Any person who violates or fails to comply with any of the provisions of this chapter is subject to a civil penalty in the amount of One Hundred Dollars (\$100) per day for each violation or failure to comply. Each day a person violates or fails to comply with any of the provisions of this chapter may be considered a separate violation for which a penalty may be imposed.

B. Alternative Criminal Penalty. Any person who violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply, and none of the mental states described in Section 12A.04.030 need be proved. Each day a person violates or fails to comply with any of the provisions of this chapter may be considered a separate violation. The City Attorney may prosecute such violation or failure to comply criminally as an alternative to the civil penalty provided by this section.

<u>C. Additional remedies.</u> Commission of any of the acts made unlawful by the provisions of Sections 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100, 7.20.110, 7.20.115 or 7.20.130, or the intentional misrepresentation of any material fact in any statement required by this chapter, ((shall)) entitles persons injured thereby to recover actual



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damages <u>and reasonable attorney's fees</u> incurred as a result of the violation or misrepresentation; shall be available as a ground for injunctive relief, and <u>shall be available</u> as a defense in actions concerning the right to possession, where appropriate.((; and shall constitute a violation subject to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code, and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500). Each week's violation shall constitute a separate offense.))

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by a majority vote of all the members of the City Council the _____ day of _____, 20___, and signed by me in open session in authentication of its passage this ______ day of ______, 20___.

President of the City Council

Approved by me this _____ day of _____, 20___.

Mayor

RRH NewFHOrdinance Ver 1.doc April 19, 2004 V #1 Filed by me this _____ day of _____, 20_ City Clerk (SEAL)

STATE OF WASHINGTON - KING COUNTY

--ss.

172340 CITY OF SEATTLE,CLERKS 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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:121468 ORD IN FULL

was published on

5/20/2004



Subscribed and sworn to before me on 5/20/2004

Notary public for the State of Washington, residing in Seattle

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STATE OF WASHINGTON – KING COUNTY --ss.

172325 CITY OF SEATTLE, CLERKS OFFICE No. ORDINANCE TITLE ONLY

Affidavit of Publication

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

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

CT:121458-464,466-470

was published on

5/20/2004



Subscribed and sworn to before me on 5/20/2004

Notary public for the State of Washington, residing in Seattle

City of Seattle

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