

Ordinance No. 121861

Council Bill No. 115304

YUC

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard J. McIver
Councilmember

AN ORDINANCE related to unit price regulation; allowing additional units of measure for unit pricing; revising the manner in which unit prices are computed and displayed; and amending Sections 7.12.010, 7.12.020, 7.12.030, 7.12.040, and 7.12.050 of the Seattle Municipal Code.

Committee Action:

Pass 7/16/05 RM, RC

7/11/05 7-0 Passed (Excused: Della, Steinbrueck)

CF No. _____

Date Introduced: JUN 27 2005		
Date 1st Referred: JUN 27 2005	To: (committee)	Finance & Budget
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: 7-11-05	Full Council Vote: 7-0	
Date Presented to Mayor: 7-11-05	Date Approved: 7/16/05	
Date Returned to City Clerk: 7/21/05	Date Published: 10pp	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

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ORDINANCE 121861

AN ORDINANCE related to unit price regulation; allowing additional units of measure for unit pricing; revising the manner in which unit prices are computed and displayed; and amending Sections 7.12.010, 7.12.020, 7.12.030, 7.12.040, and 7.12.050 of the Seattle Municipal Code.

WHEREAS, unit prices displayed in grocery retailers provide information necessary for consumers to make value comparisons; and

WHEREAS, revisions to the City's Unit Price Code (SMC Chapter 7.12) are desirable to maintain consistency with the Uniform Unit Pricing Regulations adopted by the National Conference on Weights and Measures; and

WHEREAS, the proposed revisions will provide more flexibility for the grocery industry in unit pricing practices, and simplify compliance by retailers with the Unit Price Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.12.010 of the Seattle Municipal Code is hereby amended as follows:

7.12.010 Definitions.

As used in this chapter, unless the context indicates otherwise:

~~((A. "Central warehouse" means the primary and principal source of supply for a particular grocery store or grocery department of the consumer commodities designated in Section 7.12.030.))~~

~~((B))~~A. "City Sealer" means The City of Seattle Sealer of Weights and Measures or his authorized agent.

~~((C))~~B. "Consumer" means any person who purchases consumer commodities at retail.

~~((D))~~C. "Consumer commodity" means any article, product, or commodity of any kind or class produced or distributed for retail sale, for consumption by individuals or for use by



1 individuals for purposes of personal care, or in the performance of personal care, or in the
2 performance of services rendered within the household, and which is used or expended in the
3 course of such consumption.

4 ((E))D. "Convenience store" means any grocery store or grocery department which as a
5 regular business practice displays or offers for sale at the same time only one (1) brand and one
6 (1) package size for at least ninety percent (90%) of the consumer commodities which are
7 offered for sale at such store or department and which are designated in Section 7.12.030.

9 ((F))E. "Gourmet or exotic food" means a consumer commodity which is not commonly
10 or widely used, is the sole item of the type sold, or has such special, distinct, unusual, or unique
11 features, that price is of minor consideration to the purchaser.

12 ((G))F. "Grocery store" or "grocery department" means any retail establishment or
13 department thereof, selling food and food-related consumer commodities, the gross receipts from
14 which constitute more than fifty percent (50%) of its business.

16 ((H))G. "Seller" means any person, by himself, or by his servant or agent, or as the
17 servant or agent of another, who sells consumer commodities at retail at a grocery store or
18 grocery department.

19 ((I))H. "Unit price" means the retail price of a consumer commodity expressed in terms
20 of the retail price of such commodity per such unit of net weight, standard measure, or standard
21 number of units as provided in this chapter.
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1 D. Laundry and cleaning products.

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

3 ~~((2. Grains, meals, rice, lentils, pastas, flour, cornstarch, and all mixes or dried foods~~
4 ~~containing such products or byproducts thereof;))~~

5 ~~((3. Frozen, bottled and canned vegetables, including vegetable products and bottled and~~
6 ~~canned sauces derived there from;))~~

7 ~~((4. Frozen, bottled and canned fruits, including fruit products and bottled and canned~~
8 ~~saucers derived there from;))~~

9 ~~((5. Cooking oils, shortening, and salad oils, including derivations and imitations thereof;))~~

10 ~~((6. Packaged, canned and bottled prepared food mixes, including but not limited to pastry~~
11 ~~mixes, pancake mixes, pizza mixes and dessert mixes;))~~

12 ~~((7. Canned and bottled food sauces not heretofore mentioned, including but not limited to~~
13 ~~gravies, dessert sauces, mixes, mustard and tartar sauce;))~~

14 ~~((8. Instant food products, including but not limited to instant breakfast, instant powdered~~
15 ~~milk, and liquid diet foods;))~~

16 ~~((9. Canned and bottled jams, jellies, preserves, syrups, honey and honey products, and~~
17 ~~derivatives thereof, but excluding honeycomb;))~~

18 ~~((10. Peanut butter;))~~

19 ~~((11. Packaged foods not heretofore mentioned, including but not limited to nuts, raisins,~~
20 ~~dried and candied fruit;))~~



1 ~~((12. Frozen foods, excluding prepared meals, ice cream, ice milk, sherbets, ice cream~~
2 ~~novelties, and imitations thereof;))~~

3 ~~((13. Cheeses, prepared party dips, prepared salads, prepared salad dressings and toppings,~~
4 ~~and derivatives thereof;))~~

5 ~~((14. Bottled and canned seafood, seafood products and imitations thereof;))~~

6 ~~((15. Bottled and canned meat, meat products, and imitations thereof;))~~

7 ~~((16. Bottled and canned poultry, poultry products and imitations thereof;))~~

8 ~~((17. Canned, bottled, packaged and prepared baby foods;))~~

9 ~~((18. Bottled and canned soups;))~~

10 ~~((19. Sugar, salt, pepper, tenderizers, vinegar, baking powder, and all derivatives and~~
11 ~~imitations thereof, but excluding other spices and herbs;))~~

12 ~~((20. Pet foods;))~~

13 ~~((21. Toilet tissue, paper towels, paper napkins, facial tissue, paper cups, paper plates,~~
14 ~~sanitary napkins, waxed paper and other food wrappings or bags of any composition, shelf~~
15 ~~paper and contact paper;))~~

16 ~~((22. Laundry and cleaning products, including detergents, soaps, bleaches, scouring pads~~
17 ~~and powders, and all other household cleaning products;))~~

18 ~~((23. Air fresheners, disinfectants, waxes, household polishes and polish removers;))~~

19 ~~((24. Coffee, tea, and cocoa or chocolate, including instant, powdered and dried forms~~
20 ~~thereof;))~~

21 ~~((25. Powdered and instant drink products;))~~



1 ~~((26. Such other consumer commodities as the City Sealer shall determine after public~~
2 ~~hearing to be similar to any of the above.))~~

3 ~~((B. Provided, that no consumer commodity determined by the City Sealer after public~~
4 ~~hearing to be a gourmet or exotic food, or not available to the seller through a central warehouse,~~
5 ~~shall be required to be unit priced, provided further, that specific consumer commodities not~~
6 ~~available to a grocery store or grocery department through a central warehouse shall nevertheless be~~
7 ~~unit priced if the City Sealer shall determine after public hearing, that such consumer commodity is~~
8 ~~commonly and widely used, or is not the sole item of the type sold.))~~

10 **Section 4.** Section 7.12.040 of the Seattle Municipal Code is hereby amended as follows:

11 **7.12.040 ((Units of measure to be used)) Terms for Unit Pricing.**

12 A. ~~((The City Sealer shall determine as to all))~~ For consumer commodities required to be
13 unit priced, the appropriate ~~((standard unit of measure which))~~ terms for unit pricing shall be the
14 same for all package sizes in which ~~((a commodity is))~~ like commodities are sold or ~~((available))~~
15 offered for sale, ~~((and shall be based upon typical sizes or quantities of such commodities and))~~
16 consistent with the following:
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18 ~~((Type of Commodity ————— Unit of Measure))~~

19 ~~((1. Commodities whose net quantity is expressed in units of ounces or pounds....Pound))~~

20 ~~((2. Commodities whose net quantity is expressed in units of liquid ounces, quarts or~~
21 ~~gallons....Pint))~~

22 ~~((3. Commodities whose net quantity is expressed in numerical count....One hundred~~
23 ~~items))~~



- 1 ~~((4. Commodities whose net quantity is expressed in units of area....Square yard))~~
- 2 ~~((5. Commodities whose primary declaration of net weight is expressed in the metric~~
- 3 ~~system....Kilogram (kg)))~~
- 4 ~~((6. Commodities whose net quantity is expressed in units of linear feet or inches....Linear~~
- 5 ~~foot))~~
- 6 ~~((7. Commodities whose primary declaration of length is expressed in the metric~~
- 7 ~~system....meter (m)))~~
- 8 ~~((8. Commodities whose primary declaration of volume is expressed in the metric~~
- 9 ~~system....liter (l)))~~
- 10 ~~((9. Commodities whose primary declaration of cubic area is expressed in the metric~~
- 11 ~~system....cubic meter (m³)))~~
- 12 ~~((10. Commodities whose primary declaration of square area is expressed in the metric~~
- 13 ~~system....square meter (m²)))~~

- 14 1. Price per kilogram or one hundred (100) grams, or price per pound or ounce, if the net
- 15 quantity of contents of the commodity is in terms of weight.
- 16 2. Price per liter or one hundred (100) milliliters, or price per dry quart or dry pint, if the net
- 17 quantity of contents of the commodity is in terms of dry measure or volume.
- 18 3. Price per liter or one hundred (100) milliliters, or price per gallon, quart, pint, or fluid
- 19 ounce, if the net quantity of contents of the commodity is in terms of liquid volume.
- 20 4. Price per individual unit or multiple units if the net quantity of contents of the commodity
- 21 is in terms of count.



1 5. Price per square meter, square decimeter, or square centimeter, or price per square yard,
2 square foot, or square inch, if the net quantity of contents of the commodity is in terms of
3 area.

4 B. ~~((Provided, commodities which weigh one (1) liquid ounce, one (1) ounce avoirdupois or~~
5 ~~28.35 grams or less shall not be required to be unit priced;))~~ If the net contents of different brands
6 and/or package sizes of a consumer commodity are expressed in more than one unit of measure, the
7 retail establishment shall use only one term for unit pricing all items of the consumer commodity.

8 C. When metric units appear on the consumer commodity in addition to other units of
9 measure, the retail establishment may include both units of measure on any stamps, tags, labels,
10 signs or lists.

11 D. Commodities shall be exempt from unit pricing requirements when:

12 1. Packaged in quantities of less than twenty-eight (28) grams (one (1) ounce) or twenty-
13 nine (29) milliliters (one (1) fluid ounce), or when the total retail price is Fifty Cents (\$.50)
14 or less;

15 2. Only one brand in one package size is offered for sale in a particular retail establishment;

16 3. Selling infant formula, in which case the unit price may be based on the reconstituted
17 volume. "Infant formula" means a food that is represented for special dietary use solely as a
18 food for infants by reason of its simulation of human milk or suitability as a complete or
19 partial substitute for human milk;

20 4. Determined by the City Sealer to be a gourmet or exotic food as defined in this chapter; or
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1 5. Determined by the City Sealer to be a Combination or Variety Package as defined in
2 SMC Sections 7.04.305 and 7.04.310, respectively, as such sections may be amended from
3 time to time, or any successor to those sections.

4 ~~((C. Provided further, that as to any unit of measure so determined, the City Sealer shall~~
5 ~~cause to be held a public hearing upon receipt of written objections thereto stating the reasons~~
6 ~~therefore filed with the City Sealer by not less than twenty five (25) citizens.))~~

8 **Section 5.** Section 7.12.050 of the Seattle Municipal Code is hereby amended as follows:

9 **7.12.050** ~~((Computation to nearest one-hundredth of one cent))~~ Computation of unit
10 price.

11 ~~((The unit price disclosed shall be computed to the nearest one-hundredth of one cent~~
12 ~~(\$.0001), and))~~

13 ~~((A. If computed to be between one-hundredth of one cent and four-hundredths of one cent,~~
14 ~~inclusive of both figures, shall be rounded to the next lowest one-tenth of one cent (\$.001) for~~
15 ~~display purposes;))~~

16 ~~((B. If computed to be between five-hundredths of one cent and nine-hundredths of one cent,~~
17 ~~inclusive of both figures, shall be rounded to the next highest one-tenth of one cent for display~~
18 ~~purposes.))~~

19 A. The unit price shall be stated to the nearest cent when the unit price is One Dollar (\$1.00)
20 or more.



1 B. When the unit price is less than One Dollar (\$1.00), it shall be stated either to the tenth of
2 one cent or to the whole cent, but not both. The retail establishment shall use the same method of
3 rounding up or down when computing the unit price.

4 **Section 6.** This ordinance shall take effect and be in force thirty (30) days from and after
5 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
6 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7
8 Passed by the City Council the 17th day of July, 2005, and signed by me in
9 open session in authentication of its passage this 17th day of July, 2005.

10
11 [Signature]
12 President _____ of the City Council

13 Approved by me this 18th day of July, 2005.

14
15 [Signature]
16 Gregory J. Nickels, Mayor

17 Filed by me this 21st day of July, 2005.

18 [Signature]
19 City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Executive Administration	Craig Leisy/6-1296	Eve Sternberg/6-1119

Legislation Title:

AN ORDINANCE related to unit price regulation; allowing additional units of measure for unit pricing; revising the manner in which unit prices are computed and displayed; and amending Sections 7.12.010, 7.12.020, 7.12.030, 7.12.040, and 7.12.050 of the Seattle Municipal Code.

• **Summary of the Legislation:**

The legislation revises the City's Unit Price Code (SMC Chapter 7.12). The City of Seattle was one of the first to adopt a Unit Price Code, in 1972. The proposed Code revisions reflect contemporary industry practices. The list of specific consumer products to which SMC Ch. 7.12 applies is replaced by broad product categories (SMC 7.12.030). This will simplify compliance with the Unit Price Code. Additionally, the allowable terms used by retailers to establish unit prices are expanded and clarified, while ensuring uniformity of unit price terms within a product category (SMC 7.12.040). The manner in which unit prices are computed and displayed are revised to make the Unit Price Code consistent with current retail practices (SMC 7.12.050).

• **Background:**

The City regulates unit pricing in grocery stores and grocery departments, through the Consumer Affairs Unit of the Department of Executive Administration. Unit pricing provides standard measures in the pricing of various commodities that allow consumers to make value comparisons of the products they buy. The marketplace changes over time and it is in the City's interest to reflect those changes in its own Unit Price Code. The proposed revisions will provide more flexibility for the grocery industry in unit pricing practices, and simplify compliance by retailers with the Unit Price Code. For example, each grocery store chain can use whatever terms for unit pricing that work best with their shelf tagging program. This change recognizes that consumers make price comparisons between products within a particular store, rather than between different stores. The provisions of SMC Ch. 7.12 will remain mandatory for Seattle businesses, while practical exemptions found in the current Code will be retained.

Other proposed changes include the addition of certain exemptions which will make the City's Unit Price Code consistent with Uniform Unit Pricing Regulations adopted by the National Conference on Weights and Measures. DEA proposes to eliminate the requirement



*Gregg Johanson
May 24, 2005
DEA 2005 Unit Price Code Ordinance
Version #2*

for retailers to post signs explaining unit pricing methods, as a result of increased consumer awareness of unit pricing methods.

The Unit Price Code imposes regulations on the practices of local businesses. Therefore, the proposed revisions will not have a fiscal impact for the City.

X This legislation does not have any financial implications.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 14, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

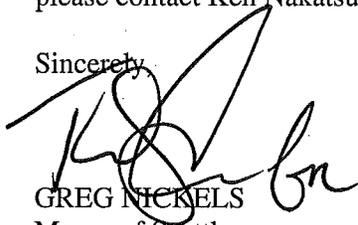
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill, which will revise the City's Unit Price Code, provide more flexibility for the grocery industry in unit pricing practices, and simplify compliance by retailers.

Unit pricing provides standard measures in the pricing of various commodities that allow consumers to make value comparisons of the products they buy. Revisions to the Unit Price Code are necessary to maintain consistency with the Uniform Unit Pricing Regulations adopted by the National Conference on Weights and Measures, and to remain current with changes in the marketplace.

The revisions authorized through this Bill will make it easier for retailers to implement the City's Unit Price Code. Thank you for your consideration of this legislation. Should you have questions, please contact Ken Nakatsu at 684-0505 or Craig Leisy at 386-1296.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

188516
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

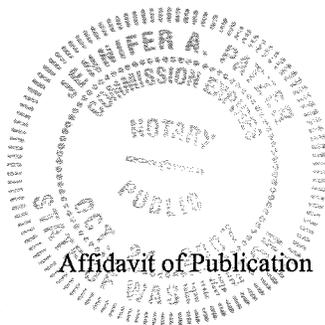
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121861 ORDINANCE

was published on

08/01/05

The amount of the fee charged for the foregoing publication is the sum of \$ 357.75, which amount has been paid in full.



Affidavit of Publication

MDL

Subscribed and sworn to before me on

08/01/05

Jennifer Patley

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

((12. Frozen foods, excluding prepared meals, ice cream, ice milk, sherbets, ice cream novelties, and imitations thereof;))

((13. Cheeses, prepared party dips, prepared salads, prepared salad dressings and toppings, and derivatives thereof;))

((14. Bottled and canned seafood, seafood products and imitations thereof;))

((15. Bottled and canned meat, meat products, and imitations thereof;))

((16. Bottled and canned poultry, poultry products and imitations thereof;))

((17. Canned, bottled, packaged and prepared baby foods;))

((18. Bottled and canned soups;))

((19. Sugar, salt, pepper, tenderizers, vinegar, baking powder, and all derivatives and imitations thereof, but excluding other spices and herbs;))

((20. Pet foods;))

((21. Toilet tissue, paper towels, paper napkins, facial tissue, paper cups, paper plates, sanitary napkins, waxed paper and other food wrappings or bags of any composition, shelf paper and contact paper;))

((22. Laundry and cleaning products, including detergents, soaps, bleaches, scouring pads and powders, and all other household cleaning products;))

((23. Air fresheners, disinfectants, waxes, household polishes and polish removers;))

((24. Coffee, tea, and cocoa or chocolate, including instant, powdered and dried forms thereof;))

((25. Powdered and instant drink products;))

((26. Such other consumer commodities as the City Sealer shall determine after public hearing to be similar to any of the above;))

((B. Provided, that no consumer commodity determined by the City Sealer after public hearing to be a gourmet or exotic food, or not available to the seller through a central warehouse, shall be required to be unit priced, provided further, that specific consumer commodities not available to a grocery store or grocery department through a central warehouse shall nevertheless be unit priced if the City Sealer shall determine after public hearing, that such consumer commodity is commonly and widely used, or is not the sole item of the type sold;))

City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.
Date of publication in the Seattle Daily
Journal of Commerce, August 1, 2005.
8/1(188516)

City of Seattle

ORDINANCE 121861

AN ORDINANCE related to unit price regulation; allowing additional units of measure for unit pricing; revising the manner in which unit prices are computed and displayed; and amending Sections 7.12.010, 7.12.020, 7.12.030, 7.12.040, and 7.12.050 of the Seattle Municipal Code.

WHEREAS, unit prices displayed in grocery retailers provide information necessary for consumers to make value comparisons; and

WHEREAS, revisions to the City's Unit Price Code (SMC Chapter 7.12) are desirable to maintain consistency with the Uniform Unit Pricing Regulations adopted by the National Conference on Weights and Measures; and

WHEREAS, the proposed revisions will provide more flexibility for the grocery industry in unit pricing practices, and simplify compliance by retailers with the Unit Price Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.12.010 of the Seattle Municipal Code is hereby amended as follows:

7.12.010 Definitions.

As used in this chapter, unless the context indicates otherwise:

((A. "Central warehouse" means the primary and principal source of supply for a particular grocery store or grocery department of the resumer's commodities, as stated in

Section 4. Section 7.12.040 of the Seattle Municipal Code is hereby amended as follows:

7.12.040 ((Units of measure to be used)) Terms for Unit Pricing.

A. ((The City Sealer shall determine as to all)) For consumer commodities required to be unit priced, the appropriate ((standard unit of measure which)) terms for unit pricing shall be the same for all package sizes in which ((a commodity is)) like commodities are sold or ((available)) offered 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 net weight is expressed in the metric system.... Kilogram (kg))

ffidavit

(B)A. "City Sealer" means the City of Seattle Sealer of Weights and Measures or his authorized agent.

((C))E. "Consumer" means any person who purchases consumer commodities at retail.

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

((E))D. "Convenience store" means any grocery store or grocery department which as a regular business practice displays or offers for sale at the same time only one (1) brand and one (1) package size for at least ninety percent (90%) of the consumer commodities which are offered for sale at such store or department and which are designated in Section 7.12.030.

((F))E. "Gourmet or exotic food" means a consumer commodity which is not commonly or widely used, is the sole item of the type sold, or has such special, distinct, unusual, or unique features, that price is of minor consideration to the purchaser.

((G))E. "Grocery store" or "grocery department" means any retail establishment or department thereof, selling food and food-related consumer commodities, the gross receipts from which constitute more than fifty percent (50%) of its business.

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

((I))H. "Unit price" means the retail price of a consumer commodity expressed in terms of the retail price of such commodity per such unit of net weight, standard measure, or standard number of units as provided in this chapter.

Section 2. Section 7.12.020 of the Seattle Municipal Code is hereby amended as follows:

7.12.020 Unit pricing required in grocery stores and grocery departments.

It is unlawful for any grocery store, grocery department, or seller therein, who or which sells, offers for sale, or displays for sale consumer commodities designated in Section 7.12.030 to fail to disclose to the consumer the appropriate unit price for such commodities as provided by this chapter. The price disclosed shall be the price at which the consumer commodity is being sold at the time of purchase, and shall be referred to in any advertising or other display (only) as the unit price. ((Conspicuous and prominent explanations of the use of unit pricing shall be provided and displayed by each grocery store or grocery department, which explanation shall include an enlarged sample unit price stamp, tag, sign, or label and such additional information as may be required by the City Sealer by regulation consistent with this chapter.))

Section 3. Section 7.12.030 of the Seattle Municipal Code is hereby amended as follows:

7.12.030 Commodities to be unit priced.

((A-)) The following groups of consumer commodities as defined in this chapter shall be unit priced as provided in this chapter in the appropriate (unit of measure) terms for unit pricing established by the City Sealer in accordance herewith:

A. All packaged consumer commodities that are meant for consumption as food by individuals.

B. Pet food, pet litter and pet bedding.

C. Paper based household products and other food wrappings or bags of any composition; and

D. Laundry and cleaning products.

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

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

((3- Frozen, bottled and canned vegetables, including vegetable products and bottled and canned sauces derived there from.))

((4- Frozen, bottled and canned fruits, including fruit products and bottled and canned sauces derived there from.))

((5- Cooking oils, shortening, and salad oils, including derivations and imitations thereof.))

((6- Packaged, canned and bottled prepared food mixes, including but not limited to pastry mixes, pancake mixes, pizza mixes and dessert mixes.))

((7- Canned and bottled food sauces not heretofore mentioned, including but not limited to gravies, dessert sauces, mixes, mustard and tartar sauce.))

((8- Commodities whose primary declaration of volume is expressed in the metric system....liter (l))

((9- Commodities whose primary declaration of cubic area is expressed in the metric system....cubic meter (m³))

((10- Commodities whose primary declaration of square area is expressed in the metric system....square meter (m²))

1. Price per kilogram or one hundred (100) grams, or price per pound or ounce, if the net quantity of contents of the commodity is in terms of weight.

2. Price per liter or one hundred (100) milliliters, or price per dry quart or dry pint, if the net quantity of contents of the commodity is in terms of dry measure or volume.

3. Price per liter or one hundred (100) milliliters, or price per gallon, quart, pint, or fluid ounce, if the net quantity of contents of the commodity is in terms of liquid volume.

4. Price per individual unit or multiple units if the net quantity of contents of the commodity is in terms of count.

5. Price per square meter, square decimeter, or square centimeter, or price per square yard, square foot, or square inch, if the net quantity of contents of the commodity is in terms of area.

B. ((Provided, commodities which weigh one (1) liquid ounce, one (1) ounce avoirdupois or 28.35 grams or less shall not be required to be unit priced.)) If the net contents of different brands and/or package sizes of a consumer commodity are expressed in more than one unit of measure, the retail establishment shall use only one term for unit pricing all items of the consumer commodity.

C. When metric units appear on the consumer commodity in addition to other units of measure, the retail establishment may include both units of measure on any stamps, tags, labels, signs or lists.

D. Commodities shall be exempt from unit pricing requirements when:

1. Packaged in quantities of less than twenty-eight (28) grams (one (1) ounce) or twenty-nine (29) milliliters (one (1) fluid ounce), or when the total retail price is Fifty Cents (\$.50) or less;

2. Only one brand in one package size is offered for sale in a particular retail establishment;

3. Selling infant formula, in which case the unit price may be based on the reconstructed volume. "Infant formula" means a food that is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or suitability as a complete or partial substitute for human milk;

4. Determined by the City Sealer to be a gourmet or exotic food as defined in this chapter; or

5. Determined by the City Sealer to be a Combination or Variety Package as defined in SMC Sections 7.04.305 and 7.04.310, respectively, as such sections may be amended from time to time, or any successor to those sections.

((E- 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 therefore filed with the City Sealer by not less than twenty-five (25) citizens.))

Section 5. Section 7.12.050 of the Seattle Municipal Code is hereby amended as follows:

7.12.050 ((Computation to nearest one-hundredth of one cent)) Computation of unit price.

((The unit price disclosed shall be computed to the nearest one-hundredth of one cent (\$.0001), and)

((A- If computed to be between one-hundredth of one cent and four-hundredths of one cent, inclusive of both figures, shall be rounded to the next lowest one-tenth of one cent (\$.001) for display purposes.))

((B- If computed to be between five-hundredths of one cent and nine-hundredths of one cent, inclusive of both figures, shall be rounded to the next highest one-tenth of one cent for display purposes.))

A. The unit price shall be stated to the nearest cent when the unit price is One Dollar (\$1.00) or more.

B. When the unit price is less than One Dollar (\$1.00), it shall be stated either to the tenth of one cent or to the whole cent, but not both. The retail establishment shall use the same method of rounding up or down when computing the unit price.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of July, 2005, and signed by me in open session in authentication, if it is:

(E)D. "Convenience store" means any grocery store or grocery department which as a regular business practice displays or offers for sale at the same time only one (1) brand and one (1) package size for at least ninety percent (90%) of the consumer commodities which are offered for sale at such store or department and which are designated in Section 7.12.030.

(F)E. "Gourmet or exotic food" means a consumer commodity which is not commonly or widely used, is the sole item of the type sold, or has such special, distinct, unusual, or unique features, that price is of minor consideration to the purchaser.

(G)E. "Grocery store" or "grocery department" means any retail establishment or department thereof, selling food and food-related consumer commodities, the gross receipts from which constitute more than fifty percent (50%) of its business.

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

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

Section 2. Section 7.12.020 of the Seattle Municipal Code is hereby amended as follows:

7.12.020 Unit pricing required in grocery stores and grocery departments.

It is unlawful for any grocery store, grocery department, or seller therein, who or which sells, offers for sale, or displays for sale consumer commodities designated in Section 7.12.030 to fail to disclose to the consumer the appropriate unit price for such commodities as provided by this chapter. The price disclosed shall be the price at which the consumer commodity is being sold at the time of purchase, and shall be referred to in any advertising or other display (only) as the unit price. (Conspicuous and prominent explanations of the use of unit pricing shall be provided and displayed by each grocery store or grocery department, which explanation shall include an enlarged sample unit price stamp, tag, sign, or label and such additional information as may be required by the City Sealer by regulation consistent with this chapter.)

Section 3. Section 7.12.030 of the Seattle Municipal Code is hereby amended as follows:

7.12.030 Commodities to be unit priced.

(A-) The following groups of consumer commodities as defined in this chapter shall be unit priced as provided in this chapter in the appropriate (unit of measure) terms for unit pricing established by the City Sealer in accordance herewith:

A. All packaged consumer commodities that are meant for consumption as food by individuals;

B. Pet food, pet litter and pet bedding;

C. Paper based household products and other food wrappings or bags of any composition; and

D. Laundry and cleaning products.

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

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

(3- Frozen, bottled and canned vegetables, including vegetable products and bottled and canned sauces derived there from;)

(4- Frozen, bottled and canned fruits, including fruit products and bottled and canned sauces derived there from;)

(5- Cooking oils, shortening, and salad oils, including derivations and imitations thereof;)

(6- Packaged, canned and bottled prepared food mixes, including but not limited to pastry mixes, pancake mixes, pizza mixes and dessert mixes;)

(7- Canned and bottled food sauces not heretofore mentioned, including but not limited to gravies, dessert sauces, mixes, mustard and tartar sauce;)

(8- Instant food products, including but not limited to instant breakfast, instant powdered milk, and liquid diet foods;)

(9- Canned and bottled jams, jellies, preserves, syrups, honey and honey products, and derivatives thereof, but excluding honeycomb;)

(10- Peanut butter;)

(11- Packaged foods not heretofore mentioned, including but not limited to nuts, raisins, dried and candied fruit;)

3. Price per liter or one hundred (100) milliliters, or price per dry quart or dry pint, if the net quantity of contents of the commodity is in terms of dry measure or volume.

4. Price per individual unit or multiple units if the net quantity of contents of the commodity is in terms of count.

5. Price per square meter, square decimeter, or square centimeter, or price per square yard, square foot, or square inch, if the net quantity of contents of the commodity is in terms of area.

B. ((Provided, commodities which weigh one (1) liquid ounce, one (1) ounce avoirdupois or 28.35 grams or less shall not be required to be unit priced;)) If the net contents of different brands and/or package sizes of a consumer commodity are expressed in more than one unit of measure, the retail establishment shall use only one term for unit pricing all items of the consumer commodity.

C. When metric units appear on the consumer commodity in addition to other units of measure, the retail establishment may include both units of measure on any stamps, tags, labels, signs or lists.

D. Commodities shall be exempt from unit pricing requirements when:

1. Packaged in quantities of less than twenty-eight (28) grams (one (1) ounce) or twenty-nine (29) milliliters (one (1) fluid ounce), or when the total retail price is Fifty Cents (\$.50) or less;

2. Only one brand in one package size is offered for sale in a particular retail establishment;

3. Selling infant formula, in which case the unit price may be based on the reconstituted volume. "Infant formula" means a food that is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or suitability as a complete or partial substitute for human milk;

4. Determined by the City Sealer to be a gourmet or exotic food as defined in this chapter; or

5. Determined by the City Sealer to be a Combination or Variety Package as defined in SMC Sections 7.04.305 and 7.04.310, respectively, as such sections may be amended from time to time, or any successor to those sections.

((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 therefore filed with the City Sealer by not less than twenty-five (25) citizens;))

Section 5. Section 7.12.050 of the Seattle Municipal Code is hereby amended as follows:

7.12.050 ((Computation to nearest one-hundredth of one cent)) Computation of unit price.

((The unit price disclosed shall be computed to the nearest one-hundredth of one cent (\$.001), and))

((A- If computed to be between one-hundredth of one cent and four-hundredths of one cent, inclusive of both figures, shall be rounded to the next lowest one-tenth of one cent (\$.001) for display purposes;))

((B- If computed to be between five-hundredths of one cent and nine-hundredths of one cent, inclusive of both figures, shall be rounded to the next highest one-tenth of one cent for display purposes;))

A. The unit price shall be stated to the nearest cent when the unit price is One Dollar (\$1.00) or more.

B. When the unit price is less than One Dollar (\$1.00), it shall be stated either to the tenth of one cent or to the whole cent, but not both. The retail establishment shall use the same method of rounding up or down when computing the unit price.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of July, 2005, and signed by me in open session in authentication of its passage this 11th day of July, 2005.

JAN DRAGO,
President of the City Council.

Approved by me this 18th day of July, 2005.

GREGORY J. NICKELS,
Mayor.

Filed by me this 21st day of July, 2005.

(Seal) JUDITH PIPPIN,