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Ordinance No. 107012

AN ORDINANCE relating to floating home moorages; establishing a fact-finding process to aid the settlement of disputes over moorage fees between floating home owners and owners of floating home moorages; regulating eviction of floating homes from their moorages and declaring the emergency and necessity for this ordinance to become effective without delay.

*12/14/77 - PASS AS AMENDED  
REPEALED - ORD.  
109280*

COMPTROLLER 284668  
FILE NUMBER  
ENGROSSED BILL

Council Bill No. 99039

INTROUCED: <b>DEC 12 1977</b>	BY: <b>KRAABEL</b>
REFERRED: <b>DEC 12 1977</b>	TO: <b>PLANNING &amp; URBAN DEV.</b>
REFERRED:	
REFERRED:	
REPORTED: <b>DEC 19 1977</b>	SECOND READING: <b>DEC 19 1977</b>
THIRD READING: <b>DEC 19 1977</b>	SIGNED: <b>DEC 19 1977</b>
PRESENTED TO MAYOR: <b>DEC 20 1977</b>	APPROVED: <b>DEC 21 1977</b>
RETD. TO CITY CLERK:	PUBLISHED:
<b>DEC 21 1977</b>	VETO PUBLISHED:
VETOED BY MAYOR:	VETO SUSTAINED:
PASSED OVER VETO:	

SEE BACK COVER

- CF-285969 -PAUL ZILSEL, CHARLES & JULIETTE SAUVAGE, & STEVEN HAUGSETH VS ALBERT & FRANCES LEE FOR FACT FINDING RE MOORAGE RENTAL INCREASES.
- CF-286814 -PET OF LINDA S MCGUIRE FOR FACT FINDING RE MOORAGE RENTAL INCREASES AT 3212 PORTAGE BAY PLACE E.
- CF-286815 -PET OF MURL VOSS, ETAL, FOR FACT FINDING RE MOORAGE RENTAL INCREASES AT 2031 FAIRVIEW AVE E.
- CF-288656 Proposal of the Floating Homes Assoc., Inc., for an amendment to the Floating Homes Ordinance (107012), re moorage fee increases.
- ORD. 109029 -Grants Robert & Dixie Pintler, Galen & Marilyn Perry & Richard Helfert certain rights to use portions of 5th Ave N., lying north of Westlake Ave N., for houseboat moorage purposes, etc...
- Ord. 109572 -Auth payment of factfinder's fees incurred pursuant to Ord. 107012, etc...

1 REPEALED - ORD.  
109280

2 ORDINANCE 107012

3 AN ORDINANCE relating to floating home moorages; estab-  
4 lishing a fact-finding process to aid the settlement of  
5 disputes over moorage fees between floating home owners  
6 and owners of floating home moorages; regulating evic-  
7 tion of floating homes from their moorages and declar-  
8 ing the emergency and necessity for this ordinance to  
9 become effective without delay.

10 WHEREAS, federal, state and local legislation concerning  
11 shorelands has had the effect of limiting the number of  
12 available floating home moorage sites and has resulted  
13 in a situation in which every available floating home  
14 moorage is occupied, and there is little prospect that  
15 new floating home moorages will be developed; and

16 WHEREAS, the ownership of a floating home requires a sub-  
17 stantial investment, and a floating home is not readily  
18 mobile; and the required removal of a floating home  
19 from its moorage when no other moorage is readily  
20 available will destroy the value of such property  
21 except for its value as scrap; and

22 WHEREAS, floating homes are a unique part of the environment  
23 and life of The City of Seattle, and in order to encourage  
24 the preservation of floating homes it is necessary and  
25 desirable to provide for a process whereby a floating  
26 home owner can obtain the determination of an indepen-  
27 dent fact-finder as to the reasonableness of any increase  
28 of floating home moorage fees, and it is necessary and  
desirable to regulate evictions of floating homes from  
their moorages; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The following terms used in this ordinance  
shall have the meanings set forth below:

FACT-FINDER -- A person appointed by the Mayor to  
conduct fact-finding proceedings regarding contested float-  
ing home moorage fee increases.

FLOATING HOME -- A building constructed on a float used  
in whole or in part for human habitation as a single-family  
dwelling, which is moored, anchored or otherwise secured in  
waters within the City limits.

FLOATING HOME MOORAGE -- A waterfront facility for the  
moorage of one or more floating homes, and the land and  
water premises on which such facility is located.

1 MOORAGE FEE -- The periodic payment for the use of a  
2 floating home moorage site.

3 MOORAGE SITE -- A part of a floating home moorage,  
4 located over water, and designed to accommodate one floating  
5 home.

6 MAYOR -- The Mayor of the City of Seattle or a person  
7 designated by the Mayor to administer the provisions of this  
8 ordinance.

9 Section 2. It is unlawful for a floating home moorage  
10 owner or operator to give notice to a floating home owner to  
11 remove his or her floating home from its moorage site, or to  
12 evict or complete the eviction of a floating home from its  
13 moorage site even though notice to remove such floating home  
14 from its moorage site was given to the owner of such floating  
15 home prior to the effective date of this ordinance, except  
16 for the following reasons:

17 (1) The floating home owner has failed to pay the  
18 moorage fee which he is legally obligated to pay.

19 (2) The floating home owner has violated an obligation  
20 or covenant of such owner's tenancy other than the obliga-  
21 tion to surrender possession of the floating home moorage  
22 site, and has failed to cure such violation within a reason-  
23 able time after having received written notice thereof from  
24 the floating home moorage owner.

25 (3) The floating home owner, after receiving written  
26 notice of objection from the floating home moorage owner or  
27 operator, fails to abate a nuisance on such person's floating  
28 home, or causes or continues to cause substantial damage to  
the floating home moorage property, or substantially interferes  
or continues to substantially interfere with the comfort,  
safety or enjoyment of other floating home properties at

1 such floating home moorage.

2 (4) The floating home owner at the expiration of a  
3 periodic tenancy, after written request or demand by the  
4 floating home moorage owner or operator, has refused to  
5 execute a written lease agreement for a period not in excess  
6 of five years, provided that such lease agreement does not  
7 conflict with any provision of this ordinance and the amount  
8 of the moorage fee is acceptable to the floating home owner  
9 or has been found to be reasonable in fact-finding proceedings  
10 as hereinafter provided, and provided, further, that such  
11 lease agreement permits upon reasonable terms the assignment  
12 of the lease by either party.

13 (5) The floating home moorage owner or operator has  
14 determined to change the use of the property used as a  
15 floating home moorage and gives at least six months advance  
16 notice to the owners of floating homes moored at such floating  
17 home moorage to vacate their moorage sites, and prior to  
18 eviction, manifests such determination to change the use of  
19 the property to a use different than that of a floating home  
20 moorage by obtaining all permits which are necessary to  
21 change the use to which the property is devoted, including  
22 but not limited to shoreland substantial development permits  
23 and building permits, and by taking one or more of the  
24 following actions:

25 (a) Entering into one or more contracts or leases with  
26 new tenants or users for the converted use of the property.

27 (b) Obtaining financing from a lending institution or  
28 from other sources for the purpose of paying all or a portion  
of the cost of the conversion of the use of the property.

(c) Obtaining architect's drawings or other substan-  
tial plans for the conversion of the use of the property.

1 (d) Taking other actions reasonably related to the  
2 conversion of the moorage site property to a new use.

3 (6) The floating home owner is directed by the moorage  
4 owner to remove his or her home from its moorage site by a  
5 written notice given at least six months prior to the demanded  
6 date of removal where the purpose of such demand for removal  
7 is to permit the moorage owner to personally occupy such  
8 moorage site with a floating home to be used as such owner's  
9 residence, provided that such demand for removal is not  
10 contrary to any existing lease agreement between the moorage  
11 owner and such floating home owner and that such moorage  
12 owner locates for the displaced floating home owner another  
lawful moorage site within The City of Seattle.

13 Section 3. It is unlawful for the owner of a floating  
14 home moorage to harass or to seek to punish or retaliate  
15 against the owner of a floating home moored at such floating  
16 home moorage, who has in good faith exercised his or her  
17 legal rights in relation to such floating home by demanding  
18 removal of such floating home from its moorage site or  
19 otherwise interfering with the quiet enjoyment of such  
floating home.

20 Section 4. If a floating home owner believes that a  
21 demanded moorage fee increase is unreasonable, such floating  
22 home owner, or any group of similarly affected floating home  
23 owners, may file a Petition for Fact-Finding with the Mayor.  
24 Such petition shall be filed within fifteen days of receipt  
25 by such floating home owner or owners of written notification  
26 of such moorage fee increase, and the person or persons  
27 filing such petition shall pay a filing fee of Twenty-five  
28 Dollars (\$25.00) to the City Treasurer. Such filing fees  
shall be deposited into the General Fund.

1           Section 5. After the filing of a Petition for Fact-  
2 Finding, the Mayor shall within seven days notify the  
3 floating home moorage owner of such filing and shall within  
4 fifteen days of the filing of such petition appoint a quali-  
5 fied person from a panel approved by the American Arbitra-  
6 tion Association to conduct fact-finding proceedings to  
7 consider the justification and reasonableness of the demanded  
8 moorage fee increase. The fact-finder appointed by the  
9 Mayor may be challenged for prejudice by any party to the  
10 fact-finding proceedings by filing with the Mayor within  
11 seven days after such appointment an affidavit stating that  
12 such party cannot, or believes that he or she cannot have a  
13 fair and impartial hearing before such fact-finder. No  
14 party shall file more than one such affidavit. The filing  
15 of such affidavit shall disqualify the person appointed by  
16 the Mayor from serving as a fact-finder and upon receipt of  
17 such affidavit the Mayor shall in the manner provided above  
18 appoint a new fact-finder within seven days of the filing of  
19 such affidavit.

20           Section 6. The fact-finder shall conduct a public  
21 hearing for the purpose of making a factual determination as  
22 to whether the demanded moorage or increase is reasonable in  
23 amount. The moorage owner or operator, whichever would  
24 benefit from the demanded moorage fee increase, shall be  
25 required to be present at the hearing. The reasonableness  
26 of the moorage fee increase shall be evaluated upon the  
27 basis of whether such moorage fee constitutes a fair and  
28 reasonable return upon the current value of the property of  
the owner of the floating home moorage which is devoted to  
such use, and in making such evaluation the fact-finder, in  
addition to any other factors he or she deems relevant,  
shall consider the following factors:

1 (1) increases or decreases in the Consumer Price Index  
2 for residential rents in Seattle, Washington as determined  
3 by the United States Department of Labor, Bureau of Labor  
4 Statistics;

5 (2) increases or decreases in property taxes placed  
6 upon the floating home moorage;

7 (3) increases or decreases in the expenses of opera-  
8 tion and maintenance of the floating home moorage, provided  
9 that such expenses are for services, repairs, property  
10 maintenance, utilities, or any other such expenses which are  
11 necessary or reasonable for the continued operation of a  
12 floating home moorage.

13 (4) the reasonable costs of capital improvements to  
14 the floating home moorage property which benefit the float-  
15 ing home owners occupying moorage sites at such floating  
16 home moorage.

17 (5) increases or decreases in necessary or desirable  
18 services furnished by the floating home moorage owner or  
19 operator where such increased or decreased services affect  
20 the person or persons initiating the fact-finding proceed-  
21 ings.

22 (6) substantial deterioration in the facilities pro-  
23 vided for the occupants of moorage sites at such floating  
24 home moorage due to failure of the floating home moorage  
25 owner or operator to perform ordinary repairs, replacement  
26 and maintenance of the floating home moorage property and  
27 improvements.

28 (7) the current fair market value of the floating home  
moorages.

(8) comparability with moorage fees charged for other  
floating home moorage sites in the City.

1 Section 7. The fact-finder shall give all concerned  
2 parties at least fifteen days notice of the date, time and  
3 place of the public hearing. In connection with such hear-  
4 ing the fact-finder may require the moorage owner or operator  
5 to provide all information necessary to aid the fact-finder  
6 in determining whether the demanded moorage fee increase is  
7 reasonable. Each party to the fact-finding proceeding shall  
8 be entitled to respond and present evidence and argument on  
9 all issues involved. After the completion of such public  
10 hearing the fact-finder shall issue a preliminary decision  
11 as to the reasonableness of the demanded moorage fee increase.  
12 If the preliminary decision does not support the demanded  
13 moorage fee increase in whole or in part, the fact-finder  
14 shall call the parties together and suggest a resolution of  
15 the moorage fee dispute that is supported by the fact-  
16 finder's preliminary decision. If no agreement is reached  
17 by the parties, the fact-finder shall issue his final decision  
18 as to the reasonableness of the demanded moorage fee increase.  
19 The fact-finding proceedings shall be concluded either by  
20 agreement or by issuing a final decision within 60 days of  
21 the appointment of the fact-finder. No contested moorage  
22 fee increase shall take effect until the conclusion of fact-  
23 finding proceedings; provided that the moorage owner or  
24 operator may recover retroactively such increases as are  
25 found reasonable by the fact-finder. At any time during the  
26 fact-finding proceeding the parties thereto by mutual voluntary  
27 written agreement may request that the fact-finder serve as  
28 an arbitrator to finally determine the dispute concerning  
moorage fees pursuant to R.C.W. 7.04.010 through 7.04.220,  
and any such arbitration shall be conducted in accordance  
with the Rules of the American Arbitration Association and

1 judgment on the award may be entered in any court having  
2 jurisdiction thereof.

3 Section 8. If the moorage owner or operator fails to  
4 timely submit information which the fact-finder reasonably  
5 requests to be furnished, the fact-finder may extend the  
6 fact-finding proceedings beyond the time established in  
7 Section 7 hereof, if it appears that the requested information  
8 will be submitted during such extension. However, if it  
9 appears to the fact-finder that the moorage owner or operator  
10 will not make the requested information available during an  
11 extension of the fact-finding proceedings, or if the moorage  
12 owner or operator refuses to make the requested information  
13 available during any extension or extensions of the fact-finding  
14 process, the fact-finder shall make a finding to such effect  
15 and terminate the fact-finding proceedings, and it shall be  
16 unlawful for the moorage owner, for a period of one year, to  
17 collect an increased moorage fee or to demand removal of the  
18 floating home from its moorage site upon the ground that an  
19 increased moorage fee has not been paid. After such one  
20 year period has passed such moorage owner may give new  
21 notice of an increased moorage fee, and the floating home  
22 owner may thereafter initiate new fact-finding proceedings  
23 as provided herein.

24 Section 9. The fact-finder's fee and related expenses  
25 shall be assessed by the fact-finder against one or more of  
26 the parties to the fact-finding proceedings in a manner con-  
27 sistent with the fact-finder's decision, and the party or  
28 parties against whom such fee and expenses are assessed  
shall pay the same within thirty days of the conclusion of  
the fact-finding proceedings. If any party to the fact-  
finding process fails to pay any such sum assessed against

1 him or her, the amount thereof shall be paid by the City and  
2 collected from the party responsible therefor in the manner  
3 provided by law.

4 Section 10. It is unlawful to sell, lease or rent a  
5 floating home without advising the prospective purchaser,  
6 lessee, or renter of the provisions of this ordinance, and  
7 it is unlawful to fail to provide the owner or operator of a  
8 floating home moorage with written notice of a proposed  
9 change in occupancy of a floating home located at such  
10 moorage at least fifteen days in advance of such proposed  
change in occupancy.

11 Section 11. If no Petition for Fact-Finding is filed  
12 pursuant to this ordinance during any consecutive five year  
13 period, this ordinance shall become null and void.

14 Section 12. The provisions of this ordinance are  
15 declared to be separate and severable and the invalidity of  
16 any clause, sentence, paragraph, subdivision, section or  
17 portion of this ordinance or the invalidity of the application  
18 thereof to any person or circumstance shall not affect the  
19 validity of the remainder of this ordinance or the validity  
of its application to other persons or circumstances.

20 Section 13. Commission of any of the acts made unlawful  
21 by the provisions of Sections 2, 3, 8 or 9 of this ordinance  
22 shall constitute a violation subject to the provisions of  
23 Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal  
24 Code, and any person convicted thereof may be punished by a  
25 civil fine or forfeiture not to exceed Five Hundred Dollars  
26 (\$500.00). Each week's violation shall constitute a separate  
27 offense.  
28

1           Section 14. Whereas several owners of floating homes  
2 have recently been given notice that their moorage leases  
3 are being terminated, and termination of other floating home  
4 moorage leases have been threatened, all of which has the  
5 effect of causing extreme hardships and disruptions in the  
6 lives of persons who live in floating homes, and has the  
7 effect of causing severe destruction of property values of  
8 floating homes which are evicted from their moorages, and  
9 because the lack of available floating home moorages and  
10 lease termination places the floating home owner in a situation  
11 in which he or she has no means to lawfully comply with such  
12 notice, it is therefore necessary for the immediate preservation  
13 of the public peace, health and safety that regulation of  
14 eviction of floating homes from their moorage sites be  
15 immediately implemented and that this ordinance take effect  
16 without delay.

17           Section 15. By reason of the facts set forth in  
18 Section 13 of this ordinance an emergency is declared to  
19 exist; therefore, this ordinance shall take effect and be in  
20 force from and after its approval, if approved by the Mayor;  
21 if not so approved it shall take effect and become a law at  
22 the time and in the manner provided for non-emergency or-  
23 dinances under the provisions of the City Charter.

24           PASSED by three-fourths vote of all the members of the  
25 City Council the 19 day of December, 1977, and  
26 signed by me in open session in authentication of its passage  
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this 19 day of December, 19 77.

*[Handwritten Signature]*  
\_\_\_\_\_  
President of the City Council

Approved by me this 21 day of December,  
19 77.

*[Handwritten Signature]*  
\_\_\_\_\_  
Mayor

Filed by me this 21 day of December, 19 77.

ATTEST: *[Handwritten Signature]*  
\_\_\_\_\_  
City Comptroller and City Clerk

By: *[Handwritten Signature]*  
\_\_\_\_\_  
Deputy

(SEAL)  
Published \_\_\_\_\_

# Seattle City Council

December 15, 1977

Sam Smith  
President of the Council  
625-2455

George E. Benson  
Chairman  
Transportation  
Committee  
625-2411

Tim Hill  
Chairman  
Finance Committee  
625-2456

Paul Kraabel  
Chairman  
Planning & Urban  
Development Committee  
625-2427

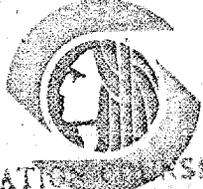
Phyllis Lamphere  
Chairman  
Intergovernmental  
Relations Committee  
625-2436

Jonathan Whetzel  
Chairman  
Utilities Committee  
625-2453

John F. Miller  
Chairman  
Parks & Public  
Groups Committee  
625-2431

Frank Zavelle  
Chairman  
Public Safety & Justice  
Committee  
625-2411

Jeanette Williams  
Chairman  
Human Resources &  
Operations Committee  
625-2411

# 34709  
  
CORPORATION OF PUBLIC EMPLOYEES  
RECEIVED  
DEC 15 1977  
RECEIVED  
12/15/77

The Honorable John Harris  
City Attorney  
City of Seattle

Re: C.B. 99039 -- Request for preparation of engrossed bill  
reflecting amendments approved by Planning and Urban  
Development Committee

Dear John:

Please prepare an engrossed version of C.B. 99039 (attached) reflecting  
the following amendments approved by the Planning and Urban Development  
Committee at its December 14 meeting:

- 1) Amend Sec. 2(5) to provide that obtaining necessary permits is a prerequisite to lawful eviction of a floating home from a moorage and re-lettering the subsections under Sec. 2(5).
- 2) Amend Sec. 6 to require that the moorage owner or operator, whichever would benefit from a demanded moorage fee increase, be present at the fact-finder's public hearing.
- 3) Amend Sec. 8 so it applies to information "reasonably" requested by the fact-finder.
- 4) Amend Sec. 11 so that the "sunset" provision becomes perpetual rather than applying to only the next five years.
- 5) Amend Sec. 14 to delete the reference to the need for fact-finding regarding moorage fee increases as part of the justification for the emergency clause.

A copy of this ordinance with the precise amendatory language approved by the Committee is attached.

I would appreciate it very much if this engrossed bill could be prepared and returned to my office today. Thank you for your cooperation.

Respectfully,



Paul Kraabel, Chairman  
Planning & Urban Development Committee

Attachment

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on

PLANNING & URBAN DEVELOPMENT

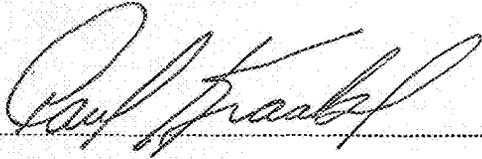
DEC 19 1977

to which was referred

C.B. 99039

Relating to floating home moorages; establishing a fact-finding process to aid the settlement of disputes over moorage fees between floating home owners and owners of floating home moorages; regulating eviction of floating homes from their moorages and declaring the emergency and necessity for this ordinance to become effective without delay.

RECOMMEND THAT THE SAME DO PASS AS AMENDED



P&UD  
Chairman

Chairman

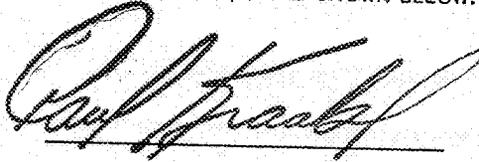
Committee

Committee

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

# Affidavit of Publication

## STATE OF WASHINGTON KING COUNTY—SS.

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 \_\_\_\_\_

Ordinance No. 107012

was published on \_\_\_\_\_ December 22, 1977

\_\_\_\_\_  
Subscribed and sworn to before me on  
December 22, 1977

\_\_\_\_\_  
Notary Public for the State of Washington,  
residing in Seattle.

## ORDINANCE 10818

AN ORDINANCE relating to floating home moorage, establishing a fact-finding process to aid the settlement of disputes over moorage fees between floating home owners and owners of floating home moorages, regulating eviction of floating homes from their moorages and declaring the emergency and necessity for this ordinance to become effective without delay.

WHEREAS federal, state and local legislation concerning shorelands has had the effect of limiting the number of available floating home moorage sites and has resulted in a situation in which every available floating home moorage is occupied and there is little prospect that new floating home moorages will be developed; and

WHEREAS the ownership of a floating home requires a substantial investment and a floating home is not readily mobile, and the required removal of a floating home from its moorage when no other moorage is readily available will destroy the value of such property except for its value as scrap; and

WHEREAS floating homes are a unique part of the environment and life of the City of Seattle, and in order to encourage the preservation of floating homes it is necessary and desirable to provide for a process whereby a floating home owner can obtain the determination of an independent fact-finder as to the reasonableness of any increase of floating home moorage fees, and it is necessary and desirable to regulate evictions of floating homes from their moorages; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The following terms used in this ordinance shall have the meanings set forth below:

**FACT-FINDER**—A person appointed by the Mayor to conduct fact-finding proceedings regarding contested floating home moorage fee increases.

**FLOATING HOME**—A building constructed on a float used in whole or in part for human habitation as a single-family dwelling which is moored, anchored or otherwise secured in waters within the City limits.

**FLOATING HOME MOORAGE**—A waterfront facility for the moorage of one or more floating homes, and the land and water premises on which such facility is located.

**MOORAGE FEE**—The periodic payment for the use of a floating home moorage site.

**MOORAGE SITE**—A part of a floating home moorage, located over water, and designed to accommodate one floating home.

**MAYOR**—The Mayor of the City of Seattle or a person designated by the Mayor to administer the provisions of this ordinance.

Section 2. It is unlawful for a floating home moorage owner or operator to give notice to a floating home owner to remove his or her floating home from its moorage site, or to evict or complete the eviction of a floating home from its moorage site even though notice to remove such floating home from its moorage site was given to the owner of such floating home prior to the effective date of this ordinance, except for the following reasons:

(1) The floating home owner has failed to pay the moorage fee which he is legally obligated to pay.

(2) The floating home owner has violated an obligation or covenant of such owner's tenancy other than the obligation to surrender possession of the floating home moorage site, and has failed to cure such violation within a reasonable time after having received written notice thereof from the floating home moorage owner.

(3) The floating home owner, after receiving written notice of objection from the floating home moorage owner or operator, fails to abate a nuisance on such person's floating home, or causes or continues to cause substantial damage to the floating home moorage property or substantially interferes or continues to substantially interfere with the comfort, safety or enjoyment of other floating home properties at such floating home moorage.

(4) The floating home owner at the expiration of a periodic tenancy, after written request or demand by the floating home moorage owner or operator, has refused to execute a written lease agreement for a period not in excess of five years provided that such lease

agreement does not conflict with any provision of this ordinance and the amount of the moorage fee is acceptable to the floating home owner or has been found to be reasonable in fact-finding proceedings as hereinafter provided, and provided further that such lease agreement permits upon reasonable terms the assignment of the lease by either party.

(5) The floating home moorage owner or operator has determined to change the use of the property used as a floating home moorage and gives at least six months advance notice to the owners of floating homes moored at such floating home moorage to vacate their moorage sites, and prior to eviction, manifests such determination to change the use of the property to a use different than that of a floating home moorage by obtaining all permits which are necessary to change the use to which the property is devoted, including but not limited to shoreland substantial development permits and building permits, and by taking one or more of the following actions:

(a) Entering into one or more contracts or leases with new tenants or users for the converted use of the property.

(b) Obtaining financing from a lending institution or from other sources for the purpose of paying all or a portion of the cost of the conversion of the use of the property.

(c) Obtaining architect's drawings or other substantial plans for the conversion of the use of the property.

(d) Taking other actions reasonably related to the conversion of the moorage site property to a new use.

(6) The floating home owner is directed by the moorage owner to remove his or her home from its moorage site by a written notice given at least six months prior to the demanded date of removal where the purpose of such demand for removal is to permit the moorage owner to personally occupy such moorage site with a floating home to be used as such owner's residence, provided that such demand for removal is not contrary to any existing lease agreement between the moorage owner and such floating home owner and that such moorage owner locates for the displaced floating home owner another lawful moorage site within the City of Seattle.

Section 3. It is unlawful for the owner of a floating home moorage to harass or to seek to punish or retaliate against the owner of a floating home moored at such floating home moorage, who has in good faith exercised his or her legal rights in relation to such floating home by demanding removal of such floating home from its moorage site or otherwise interfering with the quiet enjoyment of such floating home.

Section 4. If a floating home owner believes that a demanded moorage fee increase is unreasonable, such floating home owner

or any group of similarly affected floating home owners may file a Petition for Fact-Finding with the Mayor. Such petition shall be filed within fifteen days of receipt by such floating home owner or owners of written notification of such moorage fee increase, and the person or persons filing such petition shall pay a filing fee of Twenty-five Dollars (\$25.00) to the City Treasurer. Such filing fees shall be deposited into the General Fund.

Section 5. After the filing of a Petition for Fact-Finding, the Mayor shall within seven days notify the floating home moorage owner of such filing and shall within fifteen days of the filing of such petition appoint a qualified person from a panel approved by the American Arbitration Association to conduct fact-finding proceedings to consider the justification and reasonableness of the demanded moorage fee increase. The fact-finder appointed by the Mayor may be challenged for prejudice by any party to the fact-finding proceedings by filing with the Mayor within seven days after such appointment an affidavit stating that such party cannot or believes that he or she cannot have a fair and impartial hearing before such fact-finder. No party shall file more than one such affidavit. The filing of such affidavit shall disqualify the person appointed by the Mayor from serving as a fact-finder and upon receipt of such affidavit the Mayor shall in the manner provided above appoint a new fact-finder within seven days of the filing of such affidavit.

Section 5. The fact-finder shall conduct a public hearing for the purpose of making a factual determination as to whether the demanded moorage or increase is reasonable in amount. The moorage owner or operator, whichever would benefit from the demanded moorage fee increase, shall be required to be present at the hearing. The reasonableness of the moorage fee increase shall be evaluated upon the basis of whether such moorage fee constitutes a fair and reasonable return upon the current value of the property of the owner of the floating home moorage which is devoted to such use, and in making such evaluation the fact-finder, in addition to any other factors he or she deems relevant, shall consider the following factors:

(1) increases or decreases in the Consumer Price Index for residential rents in Seattle, Washington as determined by the United States Department of Labor, Bureau of Labor Statistics;

(2) increases or decreases in property taxes placed upon the floating home moorage;

(3) increases or decreases in the expenses of operation and maintenance of the floating home moorage, provided that such expenses are for services, repairs, property maintenance, utilities, or any other such expenses which are necessary or reasonable for the continued operation of a floating home moorage;

(4) the reasonable costs of capital improvements to the floating home moorage property which benefit the floating home owners occupying moorage sites at such floating home moorage;

(5) increases or decreases 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;

(6) substantial deterioration in the facilities provided for the occupants of moorage sites at such floating home moorage due to failure of the floating home moorage owner or operator to perform ordinary repairs, replacement and maintenance of the floating home moorage property and improvements;

(7) the current fair market value of the floating home moorages;

(8) comparability with moorage fees charged for other floating home moorage sites in the City.

Section 7. The fact-finder shall give all concerned parties at least fifteen days notice of the date, time and place of the public hearing. In connection with such hearing the fact-finder may require the moorage owner or operator to provide all information necessary to aid the fact-finder in determining whether the demanded moorage fee increase is reasonable. Each party to the fact-finding proceeding shall be entitled to respond and present evidence and argument on all issues involved. After the completion of such public hearing the fact-finder shall issue a preliminary decision as to the reasonableness of the demanded moorage fee increase. If the preliminary decision does not support the demanded moorage fee increase in whole or in part, the fact-finder shall call the parties together and suggest a resolution of the moorage fee dispute that is supported by the fact-finder's preliminary decision. If an agreement is reached by the parties, the fact-finder shall issue his final decision as to the reasonableness of the demanded moorage fee increase. The fact-finding proceedings shall be concluded either by agreement or by issuing a final decision within 60 days of the appointment of the fact-finder. No contested moorage fee increase shall take effect until the conclusion of fact-finding proceedings; provided that the moorage owner or operator may recover retroactively such increases as are found reasonable by the fact-finder. At any time during the fact-finding proceeding the parties thereto by mutual voluntary written agreement may request that the fact-finder serve as an arbitrator to finally determine the dispute concerning moorage fees pursuant to R. C. W. 7.01.010 through 7.01.030, and any such arbitration shall be conducted in accordance with the Rules of the American Arbitration Association and judgment on the award may be entered in any court having jurisdiction thereof.

Section 8. If the moorage owner or operator fails to timely submit information which the fact-finder reasonably requests to be furnished, the fact-finder may extend the fact-finding proceedings beyond the time established in Section 7 hereof if it appears that the requested information will be submitted during such extension. However, if it appears to the fact-finder that the moorage

age owner or operator will not make the requested information available during an extension of the fact-finding proceedings, or if the moorage owner or operator refuses to make the requested information available during any extension or extensions of the fact-finding process, the fact-finder shall make a finding to such effect and terminate the fact-finding proceedings, and it shall be unlawful for the moorage owner, for a period of one year, to collect an increased moorage fee or to demand removal of the floating home from its moorage site upon the ground that an increased moorage fee has not been paid. After such one year period has passed, such moorage owner may give new notice of an increased moorage fee, and the floating home owner may thereafter initiate new fact-finding proceedings as provided herein.

Section 3. The fact-finder's fee and related expenses shall be assessed by the fact-finder against one or more of the parties to the fact-finding proceedings in a manner consistent with the fact-finder's decision, and the party or parties against whom such fee and expenses are assessed shall pay the same within thirty days of the conclusion of the fact-finding proceedings. If any party to the fact-finding process fails to pay any such sum assessed against him or her, the amount thereof shall be paid by the City and collected from the party responsible therefor in the manner provided by law.

Section 10. It is unlawful to

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

Section 11. If no Petition for Fact-Finding is filed pursuant to this ordinance during any consecutive five year period, this ordinance shall become null and void.

Section 12. The provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, 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 13. Commission of any of the acts made unlawful by the provisions of Sections 2, 3, 4 or 5 of this ordinance 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 (\$500.00). Each week's violation shall constitute a separate offense.

Section 14. Whereas several owners of floating homes have recently been given notice that their moorage leases are being terminated and termination of other floating home moorage leases have been threatened, all of which has the effect of causing extreme hardships and disruptions in the lives of persons who live in floating homes, and has the effect of causing severe destruction of property values of floating homes which are existed from their moorages, and because the lack of available floating home moorages and lease termination places the floating home owner in a situation in which he or she has no means to lawfully comply with such notice, it is therefore necessary for the immediate preservation of the public peace, health and safety that regulation of eviction of floating homes from their moorage sites be immediately implemented and that this ordinance take effect without delay.

Section 15. By reason of the facts set forth in Section 14 of this ordinance an emergency is declared to exist; therefore, this ordinance shall take effect and be in force from and after its approval, if approved by the Mayor, if not so approved it shall take effect and become a law at the time and in the manner provided for non-emergency ordinances under the provisions of the City Charter.

PASSED by three-fourths vote of all the members of the City Council the 18th day of December, 1977, and signed by me in open session in authentication of its passage this 19th day of December, 1977.

SAM SMITH,

President of the City Council.

Approved by me this 21st day of December, 1977.

WES UHLMAN,

Mayor.

Filed by me this 21st day of December, 1977.

Attest: E. L. KIDD,  
City Comptroller and City Clerk.

By WAYNE ANGEVINE,  
(Seal) Deputy.

Date of official publication in the Daily Journal of Commerce, Seattle, December 21, 1977.

(C-455)