

ORDINANCE No. 111184

COUNCIL BILL No. 103725

Law Department

Engrossed

The City of

AN ORDINANCE relating to floating homes, amending Section 7.20.030 of The Seattle Municipal Code (Ordinance 109280) to authorize the rental of floating homes by moorage owners, and declaring an emergency.

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ENGROSSED

Honorable President:

Your Committee on Land Use

to which was referred the within Council report that we have considered the same

Do Pass as

COMPTROLLER FILE No. _____

Introduced: <u>JUN 20, 1983</u>	By: <u>Kraabel</u>
Referred: <u>JUN 20, 1983</u>	To: <u>Land Use</u>
Referred:	To:
Referred:	To:
Reported: <u>JUN 27 1983</u>	Second Reading: <u>JUN 27 1983</u>
Third Reading: <u>JUN 27 1983</u>	Signed: <u>JUN 27 1983</u>
Presented to: <u>JUN 27 1983</u>	Approved: <u>JUN 27 1983</u>
Returned to City Clerk: <u>JUN 27 1983</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:



The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on Land Use

was referred the within Council Bill No. 103725

that we have considered the same and respectfully recommend that the same:

Do Pass as Engrossed

Committee Chair

Copies available

Ord. 111164 -Amendments & Re to

Ord. 111407 -Amends ... to extend its effective dates, & declare an emergency.

Ord. 111505 -Amends Sec 2 as amended to extend its effective date.

REPEALED - ORD.

111526

COUNCIL BILL No. 103725

Law Department

The City of

Original

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AN ORDINANCE relating to floating homes, amending Section 7.20.030 of The Seattle Municipal Code (Ordinance 109280) to authorize the rental of floating homes by moorage owners, and declaring an emergency.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

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OK

Department

The City of Seattle--Legislative Department

Qual

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on _____

was referred the within Council Bill No. _____

we have considered the same and respectfully recommend that the same:

Committee Chair

REPEALED - ORD.
111526

ORDINANCE 11184

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2
3 AN ORDINANCE relating to floating homes, amending Section
4 7.20.030 of The Seattle Municipal Code (Ordinance 109280)
5 to authorize the rental of floating homes by moorage
6 owners, and declaring an emergency.

7
8 WHEREAS, in 1977 the City adopted the so-called Floating Homes
9 Equity Ordinance (107012) to regulate the right of the
10 moorage owner to evict floating homes from a moorage and
11 to provide a procedure for avoiding unreasonable moorage
12 fee increases; and

13
14 WHEREAS, Section 3 of Ordinance 107012, as amended by
15 Ordinance 109280 (SMC 7.20.030) which regulates the right
16 of a moorage owner to evict floating homes was held
17 unconstitutional by the Supreme Court in Granat v. Keasler
18 (No. 48917-3, May 19, 1983) because the section prohibits
19 a moorage owner from evicting a floating home in order to
20 locate a rental floating home while it permits the owner
21 of the houseboat to rent a floating home at the same
22 location; and

23
24 WHEREAS, both moorage owners and floating home owners
25 testified at a public hearing on June 20, 1983 that they
26 are willing to work together with the City Council to
27 improve the Floating Home Equity Ordinance; and

28
29 WHEREAS, several owners of floating homes have recently been
30 given notice to remove their floating homes from their
31 present moorage sites, and several other owners have been
32 recently sued in unlawful detainer in order to bring about
33 the removal of their floating homes at their present
34 moorage sites; and

35
36 WHEREAS, there is a need for temporary, interim protection
37 from eviction pending the outcome of the discussions which
38 the moorage owners and floating home owners have promised
39 to undertake; Now, Therefore,

40
41 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

42
43 Section 1. Section 7.20.030 of The Seattle Municipal Code
44 (Section 3, Ordinance 107012 as amended by Ordinance 109280)
45 is hereby reenacted and amended to read as follows:

46
47 7.20.030. Grounds for eviction or removal.

48
49 It is unlawful for a floating home moorage owner or opera-
50 tor to give notice to a floating home owner to remove his or
51 her floating home from its moorage site, or to attempt to

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evict or complete the eviction of a floating home from its moorage site even though notice to remove such floating home from its moorage site was given to the owner of such floating home prior to the effective date of the ordinance codified in this chapter, except for the following reasons:

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

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

C. The floating home owner repeatedly violates the same term or condition of tenancy and has received three or more

1 notices to comply or vacate, as provided in Subsection B for
2 the same violation in a twelve-month period;

3 D. The floating home owner, after receiving written
4 notice of objection from the floating home moorage owner or
5 operator, fails to abate a nuisance on such person's floating
6 home, or causes substantial damage to the floating home
7 moorage property, or substantially interferes with the com-
8 fort, safety or enjoyment of other floating home owners at the
9 floating home moorage;

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

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

24 2. Obtaining financing from a lending institution
25 or from other sources for the purpose of paying all or a
26 portion of the cost of converting the property for the new
27 use;

28 3. Obtaining architect's drawings or other substan-
tial plans for converting the property to the new use,

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

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

13 G. The floating home owner is directed by the moorage
14 owner to remove his or her floating home from its moorage site
15 by a written notice given at least four months prior to the
16 demanded date of removal where the purpose of such demand for
17 removal is to permit the moorage owner to move to the moorage
18 site an existing floating home owned by the moorage owner in
19 order to rent said floating home, provided that: 1.) the
20 floating home of which removal is sought occupies a moorage
21 site located entirely over land owned by the moorage owner and
22 not subject to any government lease or right of way; 2.) such
23 demand for removal is not contrary to any existing lease
24 agreement between the moorage owner and such floating home
25 owner; 3.) the floating home which is to be evicted is occu-
26 pied by a person who rents the floating home from a floating
27 home owner, and is not occupied by the floating home owner;
28 4.) the moorage owner has obtained all permits legally

1 required to move his or her floating home to the moorage site;
2 and 5.) if by moving his or her floating home to the moorage
3 site the moorage owner vacates a moorage site within his or
4 her possession or control and to which the floating home which
5 is to be evicted could legally be moved, such moorage site
6 shall be made available for the evicted floating home.

7 ((G))H. Notwithstanding any other provision of this sec-
8 tion, it shall be lawful for a floating home moorage owner to
9 demand the removal of a floating home from a moorage site by
10 giving the floating home owner at least six months' written
11 notice, when the purpose of such demand is to permit the
12 moorage owner to use the moorage site for a floating home
13 which will be occupied by the moorage owner as his or her own
14 residence; provided that such floating home moorage owner
15 either;

16 1. Locates another lawful floating home moorage site
17 within the city for the displaced floating home, or

18 2. Agrees in writing to compensate the displaced
19 floating home owner for damages caused by the removal of such
20 floating home from the moorage site; said damages not to
21 exceed the fair market value of the floating home with a
22 moorage site prior to eviction.

23 Section 2. This ordinance is of a temporary nature to
24 meet the emergency conditions stated in Section 3, and shall
25 expire at midnight on October 31, 1983, unless sooner amended
26 or repealed.

27 Section 3. WHEREAS several owners of floating homes have
28 recently been given notice to remove their floating homes from
their present moorage sites, and whereas several other owners
have been recently sued in unlawful detainer in order to bring

1 about the removal of their floating homes from their present
2 moorage sites, and whereas recent decisions of the Washington
3 Supreme Court have created uncertainty about the status of
4 protections for floating home owners previously adopted by the
5 City Council, and whereas the imminent threat of eviction
6 under these circumstances has the effect of causing extreme
7 hardships and disruptions in the lives of persons who own and
8 occupy floating homes in Seattle, and whereas the eviction of
9 a floating home from its present moorage site has the effect
10 of causing severe disruption of property values and the loss
11 of existing housing units in Seattle; it is deemed to be
12 necessary for this ordinance to take effect immediately and
13 without delay. By reason of the facts set forth in this section
14 an emergency is declared to exist; therefore, this ordinance
15 shall take effect and be in force after its approval, if
16 approved by the Mayor; and if not so approved, it shall take
17 effect and become law at the time and in the manner provided
18 for non-emergency ordinances under the provisions of The City
19 Charter.

20 PASSED by three-fourths vote of all the members of the
21 City Council the 27th day of June, 1983, and
22 signed by me in open session in authentication of its passage
23 this 27th day of June, 1983.
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James Williams
President of the City Council

Approved by me this 27th day of June, 1983.

Charles Royce
Mayor

Filed by me this 27th day of June, 1983.

ATTEST: *Tim Hill*
City Comptroller and City Clerk

By: *Theresa Dunbar*
Deputy

(SEAL)

Published _____

ORDINANCE _____

AN ORDINANCE relating to floating homes, amending Section 7.20.030 of The Seattle Municipal Code (Ordinance 109280) to authorize the rental of floating homes by moorage owners, and declaring an emergency.

WHEREAS, The State Supreme Court, in Granat v. Keasler, has held that moorage owners are unlawfully prohibited from renting their floating homes; and

WHEREAS, to maintain the public peace and safety in the floating home community, protect floating home owners from arbitrary evictions, and assure to moorage owners their lawful rights, it is necessary to amend Section 3 of Ordinance 109280; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.20.030 of The Seattle Municipal Code (Section 3, Ordinance 109280) is hereby re-enacted and amended to read as follows:

7.20.030. Grounds for eviction or removal.

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

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

B. The floating home owner refuses or otherwise fails to comply with reasonable written terms or conditions of tenancy, other than the obligation to surrender possession of the floating home moorage site, after service of a written notice

1 to comply or vacate as provided in RCW 59.12.030(4). Moorage
2 owners may require written acknowledgment by floating home
3 owners of such terms and conditions. Such acknowledgment shall
4 not constitute approval of or agreement by the floating home
5 owner with such terms and conditions, nor shall it constitute
6 an acknowledgment by the floating home owner that such terms
7 or conditions are reasonable or the same as those required of
8 similarly situated floating homes. Except for moorage fees,
9 similarly situated floating homes within a floating home
10 moorage shall be subject to the same moorage terms and con-
11 ditions. Floating home owners shall be given thirty days'
12 written notice in advance of any new term or condition. No
13 floating home owner shall be evicted for failure to comply
14 with a term or condition not uniformly applied, unless the
15 floating home owner has specifically agreed to the term or
16 condition in writing;

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

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

27 E. The floating home moorage owner or operator elects to
28 change the use of the entire moorage property to a commercial
use other than a floating home moorage and gives at least six

1 months' advance notice to the owners of floating homes moored
2 at such floating home moorage to vacate their moorage sites,
3 and prior to eviction, manifests such determination to change
4 the use of property to a use different than than of a floating
5 home moorage by obtaining all permits which are necessary to
6 change the use to which the property is devoted, including but
7 not limited to shoreline substantial development permits and
8 building permits, and by taking one or more of the following
9 actions:

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

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

16 3. Obtaining architect's drawings or other substan-
17 tial plans for converting the property to the new use,

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

20 F. The floating home owner is directed by the moorage
21 owner to remove his or her home from its moorage site by a
22 written notice given at least four months prior to the demanded
23 dated of removal where the purpose of such demand for removal
24 is to permit the moorage owner to convert the moorage site to
25 a personal or other noncommercial use or to personally occupy
26 such moorage site with a floating home to be used as such
27 owner's residence, provided that such demand for removal is
28 not contrary to any existing lease agreement between the
moorage owner and such floating home owner and that such
moorage owner locates another lawful moorage site within the
city for the displaced floating home owner;

1 G. The floating home owner is directed by the moorage
2 owner to remove his or her floating home from its moorage site
3 by a written notice given at least four months prior to the
4 demand date of removal where the purpose of such demand for
5 removal is to permit the moorage owner to move to the moorage
6 site an existing floating home owned by the moorage owner in
7 order to rent said floating home provided that: 1.) the
8 floating home of which removal is sought occupies a moorage
9 site located entirely over land owned by the moorage owner and
10 not subject to any government permit or right of way; 2.) such
11 demand for removal is not contrary to any existing lease
12 agreement between the moorage owner and such floating home
13 owner; 3.) the floating home which is to be evicted is
14 occupied by a person who rents the floating home from a float-
15 ing home owner; 4.) the moorage owner has obtained all permits
16 legally required to move his or her floating home to the
17 moorage site; 5.) if by moving his or her floating home to
18 the moorage site the moorage owner vacates a moorage site
19 within his or her possession or control and to which the
20 floating home which is to be evicted could legally be moved,
21 such moorage site shall be made available for the evicted
22 floating home.

21 ((G))H. Notwithstanding any other provision of this
22 section, it shall be lawful for a floating home moorage owner
23 to demand the removal of a floating home from a moorage site
24 by giving the floating home owner at least six months' written
25 notice, when the purpose of such demand is to permit the
26 moorage owner to use the moorage site for a floating home which
27 will be occupied by the moorage owner as his or her own
28 residence; provided that such floating home moorage owner
either:

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2 1. Locates another lawful floating home moorage site
3 within the city for the displaced floating home, or

4 2. Agrees in writing to compensate the displaced floating
5 home owner for damages caused by the removal of such floating
6 home from the moorage site; said damages not to exceed the
7 fair market value of the floating home with a moorage site
8 prior to eviction.

9 Section 2. Whereas several owners of floating homes have
10 recently been given notice to remove their floating homes from
11 their present moorage sites, and whereas several other owners
12 have been recently sued in unlawful detainer in order to bring
13 about the removal of their floating homes from their present
14 moorage sites, and whereas recent decisions of the Washington
15 Supreme Court have created uncertainty about the status of
16 protections for floating home owners previously adopted by the
17 City Council, and whereas the imminent threat of eviction
18 under these circumstances has the effect of causing extreme
19 hardships and disruptions in the lives of persons who own and
20 occupy floating homes in Seattle, and whereas the eviction of
21 a floating home from its present moorage site has the effect
22 of causing severe disruption of property values and the loss
23 of existing housing units in Seattle; it is deemed to be
24 necessary for this ordinance to take effect immediately and
25 without delay. By reason of the facts set forth in this sec-
26 tion an emergency is declared to exist; therefore, this ordi-
27 nance shall take effect and be in force after its approval, if
28 approved by the Mayor, if not so approved, it shall take
effect and become law at the time and in the manner provided
for non-emergency ordinances under the provisions of The City
Charter.

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

President of the City Council

Approved by me this ___ day of _____, 19___.

Mayor

Filed by me this ___ day of _____, 19___.

ATTEST: _____
City Comptroller and City Clerk

By: _____
Deputy

(SEAL)
Published _____

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. 111184

was published on _____ June 30, 1983

B. Blair

Subscribed and sworn to before me on
June 30, 1983

Barbara C. Jones

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

TIME _____ DATE STAMP _____

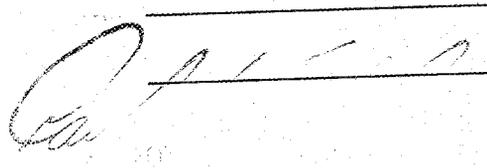
SPONSORSHIP

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: Land Use



PRESIDENT'S SIGNATURE

ORDINANCE 11114

AN ORDINANCE relating to floating homes, amending Section 7.20.030 of The Seattle Municipal Code (Ordinance 109280) to authorize the rental of floating homes by moorage owners, and declaring an emergency.

WHEREAS, in 1977 the City adopted the so-called Floating Homes Equity Ordinance (107012) to regulate the right of the moorage owner to evict floating homes from a moorage and to provide a procedure for avoiding unreasonable moorage fee increases; and

WHEREAS, Section 3 of Ordinance 107012, as amended by Ordinance 109280 (SMC 7.20.030) which regulates the right of a moorage owner to evict floating homes was held unconstitutional by the Supreme Court in *Granat v. Keasler* (No. 48917-3, May 19, 1983) because the section prohibits a moorage owner from evicting a floating home in order to locate a rental floating home while it permits the owner of the houseboat to rent a floating home at the same location; and

WHEREAS, both moorage owners and floating home owners testified at a public hearing on June 20, 1983 that they are willing to work together with the City Council to improve the Floating Home Equity Ordinance; and

WHEREAS, several owners of floating homes have recently been given notice to remove their floating homes from their present moorage sites, and several other owners have been recently sued in unlawful detainer in order to bring about the removal of their floating homes at their present moorage sites; and

WHEREAS, there is a need for temporary, interim protection from eviction pending the outcome of the discussions which the moorage owners and floating home owners have promised to undertake; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.20.030 of The Seattle Municipal Code (Section 3, Ordinance 107012 as amended by Ordinance 109280) is hereby reenacted and amended to read as follows:

7.20.030. Grounds for eviction or removal.

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

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

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

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

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

E. The floating home moorage owner or operator elects to change the use of the entire moorage property to a commercial use other than a floating home moorage and gives at least six months' advance notice to the owners of floating homes moored at such floating home moorage to vacate their moorage sites,

and prior to eviction, manifests such determination to change the use of property to a use different than that of a floating home moorage by obtaining all permits which are necessary to change the use to which the property is devoted, including but not limited to shoreline substantial development permits and building permits, and by taking one or more of the following actions:

1. Entering into one or more contracts or leases with new tenants or users for the new use of the property;
2. Obtaining financing from a lending institution or from other sources for the purpose of paying all or a portion of the cost of converting the property for the new use;
3. Obtaining architect's drawings or other substantial plans for converting the property to the new use;
4. Taking other actions reasonably related to the conversion of the moorage site property to a new use;

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

G. The floating home owner is directed by the moorage owner to remove his or her floating home from its moorage site by a written notice given at least four months prior to the demanded date of removal where the purpose of such demand for removal is to permit the moorage owner to move to the moorage site an existing floating home owned by the moorage owner in order to rent said floating home, provided that: 1.) the floating home of which removal is sought occupies a moorage site located entirely over land owned by the moorage owner and not subject to any government lease or right of way; 2.) such demand for removal is not contrary to any existing lease agreement between the moorage owner and such floating home owner; 3.) the floating home which is to be evicted is occupied by a person who rents the floating home from a floating home owner, and is not occupied by the floating home owner; 4.) the moorage owner has obtained all permits legally required to move his or her floating home to the moorage site; and 5.) if by moving his or her floating home to the moorage site the moorage owner vacates a moorage site within his or her possession or control and to which the floating home which is to be evicted could legally be moved, such moorage site shall be made available for the evicted floating home.

(H) Notwithstanding any other provision of this section, it shall be lawful for a floating home moorage owner to demand the removal of a floating home from a moorage site by giving the floating home owner at least six months' written notice, when the purpose of such demand is to permit the moorage owner to use the moorage site for a floating home which will be occupied by the moorage owner as his or her own residence; provided that such floating home moorage owner either:

1. Locates another lawful floating home moorage site within the city for the displaced floating home, or
2. Agrees in writing to compensate the displaced floating home owner for damages caused by the removal of such floating home from the moorage site; said damages not to exceed the fair market value of the floating home with a moorage site prior to eviction.

Sec. 2. This ordinance is of a temporary nature to meet the emergency conditions stated in Section 1, and shall expire at midnight on October 31, 1983, unless sooner amended or repealed.

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Section 3. WHEREAS several owners of floating homes have recently been given notice to remove their floating homes from their present moorage sites, and whereas several other owners have been recently sued in unlawful detainer in order to bring about the removal of their floating homes from their present moorage sites, and whereas recent decisions of the Washington Supreme Court have created uncertainty about the status of protections for floating home owners previously adopted by the City Council, and whereas the imminent threat of eviction under these circumstances has the effect of causing extreme hardships and disruptions in the lives of persons who own and occupy floating homes in Seattle, and whereas the eviction of a floating home from its present moorage site has the effect of causing severe disruption of property values and the loss of existing housing units in Seattle; it is deemed to be necessary for this ordinance to take effect immediately and without delay. By reason of the facts set forth in this section an emergency is declared to exist; therefore, this ordinance shall take effect and be in force after its approval, if approved by the Mayor; and if not so approved, it shall take effect and become 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 27th day of June, 1983, and signed by me in open session in authentication of its passage this 27th day of June, 1983.

[Signature]
President of the City Council

Approved by me this 27th day of June, 1983.

[Signature]
Mayor

Filed by me this 27th day of June, 1983.

ATTEST: [Signature]
City Comptroller and City Clerk

(SEAL) By: [Signature]
Deputy

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, June 28, 1983. (C-194)