

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to weights and measures; conforming City provisions regarding weights and measures to state law; providing an enforcement process; updating fees; repealing requirements for weighmaster licenses; and amending Chapter 7.04 of the Seattle Municipal Code.

Summary and Background of the Legislation: The City Weights and Measures Code is Chapter 7.04 of the Seattle Municipal Code (SMC). The State Weights and Measures Code is Chapter 19.94 of the Revised Code of Washington (RCW). The State of Washington requires that weighing and measuring devices used for commercial purposes (scales, liquid fuel meters, liquid petroleum gas meters, and various other devices¹) must be registered annually. City of Seattle License and Standards Inspectors (“inspectors”) in the Consumer Protection Division (CPD) of the Department of Finance and Administrative Services (FAS) inspect each such registered device and, when necessary, take appropriate actions to support compliance with State’s requirements. For all regulated devices located in the City of Seattle, the State collects registration fees and remits them to FAS. SMC 7.04 also addresses electronic price scanning systems (or “scanners”), which are regulated by the City.

Most of SMC 7.04 was last updated in 1970. The proposed legislation follows the recommendation of the City Attorney’s Office to bring SMC 7.04 into alignment with RCW 19.94. As part of that alignment, penalties would change from criminal to civil; FAS would no longer have arrest powers for violations, and an appeal process for civil penalties would be established. The penalty structure and the appeal process are consistent with other City regulatory programs (see SMC Chapter 6, “Business Regulations”). Aligning the SMC with the RCW enables FAS to eliminate duplicative language as seen, for instance, in the Definitions section of the proposed legislation. The legislation does not incorporate RCW penalty provisions because the differences between City and State enforcement authority with respect to electronic price scanning violations require City-specific language.

The legislation incorporates the adoption by reference of relevant handbooks, produced by the National Institute of Standards and Technology (NIST), and modifications to those handbooks’ standards, thereby eliminating outdated NIST content from SMC 7.04. It also eliminates language referencing Weigher and Weighmaster Licenses that may be issued by the City. The State issues these licenses.

¹ Fabric meters, cordage meters, mass flow meters, and taxi meters comprise “various other devices.”

Washington State raised Weights and Measures device registration fees (via House Bill 1298) effective July 1, 2019. The State collects all device registration fees. Because the City has its own Weights and Measures program, the State remits to the City all such fees collected within Seattle. Section 7.04.645 of the proposed legislation references the new State fees. The proposed legislation does not change the fees for electronic scanning devices that are currently in effect.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
	\$39,000	\$39,000		
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024
	n/a	n/a	n/a	n/a

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Are there financial costs or other impacts of *not* implementing the legislation?

This legislation is recommended by the City Attorney's Office. Not implementing this legislation would maintain the misalignment of the Revised Code of Washington (RCW) and Seattle Municipal Code (SMC) language regarding requirements for weighing and measuring devices. This would impede FAS compliance and enforcement efforts.

3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

☒ This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2023 Revenue	2024 Estimated Revenue
General Fund / 00100	FAS	Fee revenue	\$39,000	\$39,000
TOTAL			\$39,000	\$39,000

Revenue/Reimbursement Notes: This change is ongoing. The table above reflects incremental revenue. Total Weights and Measures revenue for 2022 is forecasted at \$114,000. In the future, FAS will update this legislation as needed to ensure that any RCW fee changes are reflected in the SMC. Note that 2021 revenue collection already reflects the fee changes described here.

3.c. Positions

— This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This revision decriminalizes violations of the weights and measures code. Black and indigenous people of color and other vulnerable communities are more likely to be charged with and convicted of crimes, and when convicted are more likely to serve jail time. Eliminating criminal penalties will ensure that the City is not over-reliant on the criminal justice system, as violations of the weights and measures code are non-violent in nature and more suited to civil rather than criminal penalties.

The State fee changes went into effect in July 2019. Fee increases have the largest impact on businesses with low profit margins, which may disproportionately affect vulnerable and/or historically disadvantaged communities. It is our understanding that the State performed comprehensive outreach to those businesses with weighing and measuring devices regulated under RCW 19.94. As FAS inspectors visit and communicate with

these businesses as part of their purview to support compliance with State requirements, they will collect any feedback about the impact of the fee increases and share this information with the State.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

This legislation will neither increase nor decrease carbon emissions.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

This legislation will neither increase nor decrease climate resiliency.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This legislation does not include a new initiative or a major programmatic expansion.