



Legislation Text

File #: CB 120512, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, Washington State has had laws regarding weights and measures of commodities dating back to the 19th century; and

WHEREAS, in Seattle, Ordinance 16965, passed in 1907, regulated the weight of bread loaves, and Ordinance 26018, passed in 1910, regulated weights and measures generally; and

WHEREAS, Chapter 52, Laws of 1913 created the state Department of Weights and Measures, whose duties included inspecting the weighing and measuring standards of first-class cities with a city sealer; and

WHEREAS, by amendments in Chapter 122, Laws of 1917, the only city sealers in state law as having a distinct regulatory sphere for weights and measures were those of cities with a population of over 50,000 (which at the time were only Seattle, Spokane, and Tacoma); and

WHEREAS, Chapter 194, Laws of 1927 reorganized the Department as a Division of Weights and Measures in the Department of Agriculture; and

WHEREAS, Chapter 67, Laws of 1969 created the current state framework for regulating weights and measures, codified in chapter 19.94 RCW; and

WHEREAS, in 1970, Seattle updated its weights and measures program by passing Ordinance 98870, later codified in Seattle Municipal Code Chapter 7.04; and

WHEREAS, Chapter 237, Laws of 1992 amended RCW 19.94.190 to state that city sealers would enforce

chapter 19.94 RCW directly; and

WHEREAS, although Chapter 96, Laws of 2019 amended RCW 19.94.010 to allow for any first-class city or code city to appoint a city sealer, Seattle is currently the only city in Washington with a city sealer (the Director of the Department of Finance and Administrative Services) and therefore its own weights and measures program (in the Consumer Protection Division); and

WHEREAS, several RCW amendments made over time, including those made by Chapter 96, Laws of 2019, have not yet been reconciled with Seattle Municipal Code Chapter 7.04, including the removal of misdemeanor penalties and other obsolete provisions; and

WHEREAS, Seattle's weights and measures program has additionally enforced standards regarding electronic price scanning systems since 2002 by the enactment of Ordinance 120976; and

WHEREAS, the City must invest to update equipment to enforce existing weighmaster license standards; avoiding this cost benefits the City and reduces and streamlines the regulatory burden on businesses and therefore repealing weighmaster license standards is proper; and

WHEREAS, to streamline enforcement of weights and measures standards, the Consumer Protection Division will adopt a citation-based enforcement process similar to other divisions of the Department of Finance and Administrative Services; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 7.04 of the Seattle Municipal Code, last amended by Ordinance 125449, is amended as follows:

CHAPTER 7.04 WEIGHTS AND MEASURES CODE

((Subchapter I General Provisions))

7.04.005 Title-Citation((:))

This ((chapter)) Chapter 7.04 shall be known and designated as the "Weights and Measures Code," may be cited as such, and is referred to herein as "this code."

7.04.010 Definitions ((generally:))

For the purposes of this code(~~(, the words set out in this subchapter shall have the following meanings:))~~ :

"Electronic price scanning system" means one or more electronic computational devices that determine the price of a product using the Universal Product Codes (UPCs or "bar codes," e.g. price scanning devices), or Price Look-up (PLU) Codes.

"Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

~~((7.04.015 Barrel.~~

~~"Barrel," when used in connection with fermented liquor, means a unit of thirty-one (31) gallons.~~

~~7.04.020 City Sealer-Deputy Sealer.~~

~~"City Sealer" and "Deputy Sealer" mean, respectively, a Sealer of weights and measures and a Deputy Sealer of weights and measures of the City.~~

~~7.04.025 Commodity in package form.~~

~~"Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this code. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or measure, shall be construed to be a commodity in package form.~~

~~7.04.030 Consumer package-Package of consumer commodity.~~

~~"Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.~~

~~7.04.035 Cord.~~

~~"Cord," when used in connection with wood intended for fuel purposes, means the amount of wood that is contained in a space of one hundred twenty-eight (128) cubic feet, when the wood is ranked and well stowed.~~

~~7.04.038 Electronic price scanning system.~~

~~"Electronic price scanning system" means one (1) or more electronic computational devices that determine the price of a product using the Universal Product Codes (UPCs or "bar codes," e.g. price scanning devices), or Price Look-up (PLU) Codes.~~

~~7.04.040 Fish.~~

~~"Fish" means any water-breathing animal, including shellfish, such as but not limited to, lobster, clam, crab or other mollusca which is prepared, processed, sold or intended or offered for sale.~~

~~7.04.045 Intrastate commerce.~~

~~"Intrastate commerce" means any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Washington, and the phrase "introduced into intrastate commerce" defines the time and place at which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.~~

~~7.04.050 Meat.~~

~~"Meat" means and includes all animal flesh, carcasses, or parts of animals, and shall include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, dried, pickled or processed.~~

~~7.04.055 Nonconsumer package-Package of nonconsumer commodity.~~

~~"Nonconsumer package" or "package of nonconsumer commodity" means any commodity in a package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.~~

~~7.04.060 Person.~~

~~"Person" means both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, and associations, and every officer, agent or employee thereof.~~

~~7.04.065 Poultry.~~

~~"Poultry" means all fowl, domestic or wild, which is prepared, processed, sold or intended or offered for sale.~~

~~7.04.070 Sell-Sale.~~

~~"Sell" and "sale" include barter and exchange.~~

~~7.04.075 Ton.~~

~~"Ton" means a unit of two thousand (2,000) pounds avoirdupois weight.~~

~~7.04.080 Weight(s) and measure(s).~~

~~"Weight(s) and measure(s)" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.~~

~~7.04.085 Weighing and measuring instrument or device.~~

~~"Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.~~

~~The term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), or water when the same are operated in a public utility system. Such electricity, gas, and water meters are specifically excluded from the purview of this code, and none of the provisions of this code shall be construed to apply to such meters or to any appliances or accessories associated therewith.~~

~~Subchapter II Official Standards))~~

7.04.100 Systems ~~((adopted-))~~ and standards generally

A. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one ~~((+))~~ or both of these systems shall be used for all commercial purposes in the City. The definitions of basic units of weight and measure~~((, the tables of weight and measure,))~~ and weights and measures equivalents, as published by the National ~~((Bureau of Standards, and recognized by the state))~~ Institute of Standards and Technology or any successor organization are recognized and shall govern weighing and measuring ~~((equipment and))~~ instruments or devices used in commercial activities and other transactions involving weights and measures in the City.

~~((7.04.105 City standards Examination and approval.~~

~~Such weights and measures in conformity with the standards of the United States as have been obtained by the City for use as City standards, shall, when the same have been examined and approved by the Director of the Department of Agriculture of the state, be the official City standards of weight and measure. The City standards shall be kept in a safe and suitable place designated by the City Sealer except for repairs or for certification, and they shall be submitted at least once every five (5) years to the Director of the Department of Agriculture of the state for testing and approval. The official City standards shall be used only in verifying the office or field standards and for scientific purposes.~~

7.04.110 ~~Working standards and equipment.~~

B. In addition to the official City standards provided for in Section 7.04.105, there shall be supplied by the City ~~((such -))~~field standards~~((-))~~ and ~~((such))~~ equipment as ~~((may be found))~~ necessary to carry out the provisions of this code. The field standards shall be verified upon their ~~((initial))~~ receipt and at least once ~~((each year thereafter))~~ every two years, pursuant to RCW 19.94.216, by direct comparison with the official ~~((City))~~ state standards.

7.04.105 Standards adopted

Except as otherwise modified in this code, the City adopts the following national standards:

<u>National standard for:</u>	<u>Contained in the:</u>
A. The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	2020 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
B. The procedures for checking the accuracy of the net contents of packaged goods	2020 Edition of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>
C. The requirements for packaging and labeling, method of sale of commodities, national type evaluation, examination procedures for price verification, and engine fuels, petroleum products and automotive lubricants	2020 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> . Specifically:
1. Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2020 Edition.
2. Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2020 Edition.
3. Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2020 Edition.
4. Definitions; standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks and dispenser filters; condemned product; product registration; and test methods and reproducibility limits	<i>Uniform Engine Fuels and Automotive Lubricants Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2020 Edition.
5. Weights and measures requirements for national type evaluation	<i>Uniform Regulation for National Type Evaluation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2020 Edition.

7.04.115 Modifications to NIST Handbook 130

A. The City adopts the following modifications to the listed sections of the *Uniform Regulation for the Method of Sale of Commodities* requirements published in *NIST Handbook 130*, identified in subsection

7.04.105.C.2:

<u>Modified section</u>	<u>M</u>
	<u>o</u> <u>d</u> <u>i</u> <u>f</u> <u>f</u> <u>c</u> <u>a</u> <u>t</u> <u>i</u> <u>o</u> <u>n</u>

Section 2.20.1.

Method of Retail

Sale

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

i
n

s
e
c
t
i
o
n

2
.
2
0
.
1

w
i
t

e
h

t
h
e
f
o
l
l
o
w
i
n
g
:
"
T
y
p
e

o
f

O
x
y
g
e
n
a
t
e

m
u
s
t

b
e

D

i
s
c
l
o
s
e
d

- (a) All automotive gasoline offered, or exposed for sale, oxygen shall be identified as predominant oxygenate in the mass percent oxygen to the
Where mixtures of only eth
oxygenate followed by the p
blend fuels containing more
be identified as "with" or "c
- (b) Methanol at one percent
vehicle fuel must be labeled
in the motor vehicle fuel.
- (c) Gasoline-ethanol blend f
volume, must be labeled "C
- (d) This information shall b
front panel in a position clea
at least 12.7 mm (1/2 in.) in

Section 2.23.2.
Animal Bedding

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

a
d
d
:

"
2
:
2
3
:
2
:
S
a
w
d

u
s
t
e
B
a
r
k
d
u
s
t
e
D
e
c
o
r
a
t
i
v
e
W
o
o
d
p
a
r
t
i
c
l
e
s
e
a
n
d
S
i

m
i
l
a
r
p
r
o
d
u
c
t
s
e
A
s
u
s
e
d
i
n
t
h
i
s
s
u
b
s
e
c
t
i
o
n
e
r
u
n
i

the
m
e
a
n
s
a
s
t
a
n
d
a
r
d
v
o
l
u
m
e
e
d
u
a
l
t
o
2
0
0
c
u
b
i
c

f
e
e
t
t
e
W
h
e
n
a
d
v
e
r
t
i
s
e
d
p
o
r
t
f
e
r
e
d
f
o
r
s
a
l
e
p
o
r
t
s
o
f
i
d

W
i
t
h
i
n
W
a
s
h
i
n
g
t
o
n
s
t
a
t
e
p
u
a
n
t
i
t
y
r
e
p
r
e
s
e
n
t
a
t

i
o
n
s
r
o
r
s
a
w
d
u
s
t
e
o
a
r
k
d
u
s
t
e
d
e
c
o
r
a
t
i
v
e
w
o
o
d
p
a
r
t

f
i
c
l
e
s
a
a
n
d

s
i
m

i
l
a
r

l
o
o
s
e

b
u
l
k

m
a
t
e
r
i
a
l
s

m
u
s
t

b

e
i
n
c
u
b
i
c
m
e
a
s
u
r
e
s
o
r
u
n
i
t
s
a
n
d
f
r
a
c
t
i
o
n
s
t
h
e

	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 1305 1306 1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330 1331 1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373 1374 1375 1376 1377 1378 1379 1380 1381 1382 1383 1384 1385 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396 1397 1398 1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 1437 1438 1439 1440 1441 1442 1443 1444 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 1470 1471 1472 1473 1474 1475 1476 1477 1478 1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489 1490 1491 1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521 1522 1523 1524 1525 1526 1527 1528 1529 1530 1531 1532 1533 1534 1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549 1550 1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562 1563 1564 1565 1566 1567 1568 1569 1570 1571 1572 1573 1574 1575 1576 1577 1578 1579 1580 1581 1582 1583 1584 1585 1586 1587 1588 1589 1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600 1601 1602 1603 1604 1605 1606 1607 1608 1609 1610 1611 1612 1613 1614 1615 1616 1617 1618 1619 1620 1621 1622 1623 1624 1625 1626 1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637 1638 1639 1640 1641 1642 1643 1644 1645 1646 1647 1648 1649 1650 1651 1652 1653 1654 1655 1656 1657 1658 1659 1660 1661 1662 1663 1664 1665 1666 1667 1668 1669 1670 1671 1672 1673 1674 1675 1676 1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689 1690 1691 1692 1693 1694 1695 1696 1697 1698 1699 1700 1701 1702 1703 1704 1705 1706 1707 1708 1709 1710 1711 1712 1713 1714 1715 1716 1717 1718 1719 1720 1721 1722 1723 1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 1747 1748 1749 1750 1751 1752 1753 1754 1755 1756 1757 1758 1759 1760 1761 1762 1763 1764 1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801 1802 1803 1804 1805 1806 1807 1808 1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822 1823 1824 1825 1826 1827 1828 1829 1830 1831 1832 1833 1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861 1862 1863 1864 1865 1866 1867 1868 1869 1870 1871 1872 1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233
--	---

Section 2.30.2.

Labeling

Requirements

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

a
d
d
:

E
t
h
a
n
o
l

f
l
e
x

f
u
e
l
i
d
e
n
t
i
f
i
c
a
t
i
o
n
a
n
d
l
a
b
e
l
i
n
g
m
u
s
t
b
e
d
o
n
e

i
n

a
c
c
o
r
d
a
n
c
e

w
i
t
h

l
6

C

F

R

P
a
r
t

3
0
6

e

Section 2.31.2.

Labeling of Retail

Dispensers

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

a
d
d

t
h
e

f
o
l
l
o
w
i
n
g
.

a
i
n
i
n
g

N
o
t

M
o
r
e

T
h
a
n

5
%

B
i
o
d
i
e
s
e
l
e

(a) Each retail dispenser of
five percent biodiesel must
(b) This information shall be
in a position clear and consp
mm (1/2 in.) in height, 1.5 r

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

a
d
d

t
h
e

f
o
l
l
o
w
i
n
g
.

2
3
1
2
6
L
a
b
e
l
i
n
g
o
f
R
e
t
a
i
n
D
i
s
p
e
n
s
e
r
s
C
o
n
t

a
i
n
i
n
g

M
o
r
e

T
h
a
n

5
%

B
i
o
d
i
e
s
e
l
:

(a) Each retail dispenser of 1
percent biodiesel must be la
numerical value representin
with either "biodiesel" or "b
Biodiesel Blend).

(b) This information shall b
in a position clear and consp
mm (1/2 in.) in height, 1.5 r

Section 2.31.4.

Exemption

M

o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

d
e
l
e
t
e

s
e
c
t
i
o
n

2
t
h

	2 1 4 4
--	------------------

B. The City adopts the following modifications to the listed sections of the Uniform Engine Fuels and Automotive Lubricants Regulation requirements published in NIST Handbook 130, identified in subsection 7.04.105.C.4:

<u>Modified section</u>	<u>M</u> <u>o</u> <u>d</u> <u>i</u> <u>f</u> <u>i</u> <u>c</u> <u>a</u> <u>t</u> <u>i</u> <u>o</u> <u>n</u>

Section 2.1.2.
Gasoline-Ethanol
Blends

R
e
p
l
a
c
e
t
h
e
e
x
i
s
t
i
n
g
t
e
x
t
i
n
s
e
c
t
i
o
n
2
1
2
w
i
t

h
t
h
e
f
o
l
o
w
n
g
s
:
"W
h
e
n
g
a
s
o
l
l
n
e
s
b
e
n
d
e
d
w
i

t
h

l

t
o

l
o

v
o
l
u
m
e

p
e
r
c
e
n
t

e
r
h
a
n
o
l
t
h
e

e
r
h
a
n
o
l

s
h
a
i
i
m
e
e
t
t
h
e
r
e
g
u
i
r
e
m
e
n
t
s
o
f
A
S
T
M
D
4
8
0
6
a
n
d

e
i
t
h
e
r
t

(
a
)

T
h
e

b
a
s
e

g
a
s
o
l
i
n
e

u
s
e
d

f
o
r

b
l
e
n
d
i
n
g

w
i
t
h

e

s
t
h
a
n
o
l

s
h
a
l
l

m
e
e
t

t
h
e

r
e
q
u
i
r
e
m
e
n
t
s

o
f

A
S
T
M

D
4

8

1

4

:

e

x

c

e

p

t

t

h

a

t

t

h

e

b

a

s

e

g

a

s

o

l

i

n

e

s

h

a

l

l

m

e

e

t

t
h
e

m
i
n
i
m
u
m

t
e
m
p
e
r
a
t
u
r
e

f
o
r

a

V
a
p
o
r
=
L
i
q
u
i
d

R
a

t
i
o

o
f

2
0

f
o
r

t
h
e

a
p
p
l
i
c
a
b
l
e

v
a
p
o
r

l
o
c
k

p
r
o
t
e
c

t
i
o
n

c
l
a
s
s

a
s

f
o
l
l
o
w
s
:

- (1) Class 1 shall be 6
- (2) Class 2 shall be 5
- (3) Class 3 shall be 5
- (4) Class 4 shall be 4
- (5) Class 5 shall be 4

o
r

(
b
)

T
h
e

b
l
e
n
d

s
h
a
l
l

m
e
e
t

t
h
e

r
e
q
u
i
r
e
m
e
n
t
s

o
f

Δ

	<u>A</u>	
	<u>S</u>	
	<u>T</u>	
	<u>M</u>	
	<u>D</u>	
	<u>4</u>	
	<u>8</u>	
	<u>1</u>	
	<u>4</u>	
	<u>.</u>	
	<u>"</u>	
	<u>-</u>	

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

t
o

a
d
d

t
h
e

f
o
l
l
o
w
i
n
g

f
"
2
1
2
1
M
a
x
i
m
u
m
V
a
p
o
r
p
r
e
s
s
u
r
e
T
h
e
m
a
x
i
m
u
m

v
a
p
o
r

p
r
e
s
s
u
r
e

o
f

a
g
a
s
o
i
l
i
n
e
t
e
r
h
a
n
o
i
l

b
i
e
n
d

s
h
a

l
l
n
o
t
e
x
c
e
e
d
A
S
T
M
D
4
8
1
4
l
i
m
i
t
s
b
y
m
o
r
e
t
h
a
n

l
:
0

p
s
i

r
o
r
:

(
a
)

O
n
l
y

9

t
o

l
0

v
o
l
u
m
e

p
e
r
c
e
n
t

e
t
h
a
n
o
l

b
l
e
n
d
s

s

f

r

o

m

J

u

n

e

l

t

h

r

o

u

g

h

S

e

p

t

e

m

b

e

r

l

5

:

(
b
)

A
l
l

b
l
e
n
d
s

o
f

l

t
o

l
0

v
o
l
u
m
e

p
e
r
c
e
n
t

e
t
h
a
n

u
o
l

f
r
o
m

S
e
p
t
e
m
b
e
r

l
6

t
h
r
o
u
g
h

M
a
y

3
1

:
"
-

Section 3.2.4.

Method of Retail

Sale

M
o
d
i
f
y

t
h
e

e
x
i
s
t
i
n
g

t
e
x
t

i
n

s
e
c
t
i
o
n

3
.
2
.
4

w
i
t
h

u
t
h
e
f
o
l
l
o
w
i
n
g
:
"
T
y
p
e
o
f
O
x
y
g
e
n
a
t
e
m
u
s
t
b
e
D
i

s
c
i
o
s
e
d
:

(
a
)

A
l
l

a
u
t
o
m
o
t
i
v
e

g
a
s
o
l
i
n
e

o
r

a
u
t
o
m
o
t
i
v
e

g
a
s
c

o
l
i
n
e
z
o
x
y
g
e
n
a
t
e

b
l
e
n
d
s

k
e
p
t
,

o
f
f
e
r
e
d
,

o
r

e
x
p
o
s

e
d

f
o
r

s
a
l
e
.

o
r

s
o
l
d

a
t

r
e
t
a
i
l

c
o
n
t
a
i
n
i
n
g

a
t

1

l
e
a
s
t

l
l
s

m
a
s
s

p
e
r
c
e
n
t

o
x
y
g
e
n

s
h
a
l
l

b
e

i
d
e
n
t
i
f

i
e
d

a
s

"
w
i
t
h
"
-

o
r

"
-
c
o
n
t
a
i
n
i
n
g
"
-

(
o
r

s
i
m
i
l
a
r

w
o
r
d

=
i
n
g
)

t
h
e

p
r
e
d
o
m
i
n
a
n
t

o
x
y
g
e
n
a
t
e

i
n

t
h
e

e
n
g
i
n
e
-

f
u
e
l
:

T
h
e

o
x
y
g
e
n
a
t
e

c
o
n
t
r
i
b
u
t
i
n
g

t
h
e

l
a
r
g
e
s
t

m

a
s
s

p
e
r
c
e
n
t

o
x
y
g
e
n

t
o

t
h
e

b
l
e
n
d

s
h
a
l
l

b
e

c
o
n
s
.

i
d
e
r
e
d

t
h
e

p
r
e
d
o
m
i
n
a
n
t

o
x
y
g
e
n
a
t
e

:

W
h
e
r
e

m
i
x
t
u
r

-
e
s

o
f

o
n
l
y

e
t
h
e
r
s

a
r
e

p
r
e
s
e
n
t
,

t
h
e

r
e
t
a
i
l
e
r

m
-

a
y

p
o
s
t

t
h
e

p
r
e
d
o
m
i
n
a
n
t

o
x
y
g
e
n
a
t
e

f
o
l
l
o
w
e
d

b
y

t
h
e

p
h
r
a
s
e

"
-
o
r

o
t
h
e
r

e
t
h
e
r
s

÷
"

I
n

a
d
d
i
t
i
o
n

2

g
a
~

s
o
l
i
n
e
-
m
e
t
h
a
n
o
l

b
l
e
n
d

f
u
e
l
s

c
o
n
t
a
i
n
i
n
g

m
o
r
e

t
h

a

n

0

÷

1

5

m

a

s

s

p

e

r

c

e

n

t

o

x

y

g

e

n

f

r

o

m

m

e

t

h

a

n

o

l

s

h

a

i

i
l

b
e

i
d
e
n
t
i
f
i
e
d

a
s

"
w
i
t
h
"
"

o
r

"
c
o
n
t
a
i
n
i
n
g
"
"

m
e
t

	<u>h</u> <u>a</u> <u>n</u> <u>o</u> <u>l</u> :	
--	---	--

(
b
)

M
e
t
h
a
n
o
l

a
t

o
n
e

p
e
r
c
e
n
t

o
r

g
r
e
a
t
e
r

,

b
y

v
o
i

i
u
m
e
i
n
g
a
s
o
l
i
n
e
f
o
r
u
s
e
a
s
m
o
t
o
r
v
e
h
i
c
l
e
f
u
e

l

m

u

s

t

b

e

l

a

b

e

l

e

d

w

i

t

h

t

h

e

m

a

x

i

m

u

m

p

e

r

c

e

n

t

a

g

e

o
f

m
e
t
h
a
n
o
l

c
o
n
t
a
i
n
e
d

i
n

t
h
e

m
o
t
o
r

v
e
h
i
c
l
e

f
u

	<u>e</u> <u>l</u> .	
--	---------------------------	--

(
c
)

G
a
s
o
l
i
n
e
-
e
t
h
a
n
o
l

b
l
e
n
d

f
u
e
l
s

c
o
n
t
a
i
n
i
n
g

n
e

o
t

m
o
r
e

t
h
a
n

t
e
n

p
e
r
c
e
n
t
,

b
y

v
o
l
u
m
e
,

m
u
s
t

b
e

l

a
b
e
l
e
d

-
"
-
C
o
n
t
a
i
n
s

-
u
p

-
t
o

-
l
o
%

-
E
t
h
a
n
o
l

:
"
-

(
d
)
-
T
h
i
s
-
i
n
f
o
r
m
a
t
i
o
n
-
s
h
a
l
l
-
b
e
-
p
o
s
t
e
d
-
o
n
-
t
h
e
-
u
r

p
p
e
r
-
5
0
%
-
o
f
-
t
h
e
-
d
i
s
p
e
n
s
e
r
-
f
r
o
n
t
-
p
a
n
e
l
-
i
n
-
a
-
p
o
s

i
t
i
o
n

-
c
l
e
a
r

-
a
n
d

-
c
o
n
s
p
i
c
u
o
u
s

-
f
r
o
m

-
t
h
e

-
d
r
i
v
e
r
'
s

-
p
o
s
i
t
i
o
n

-
i
n

-
a

-
t
y
p
e

-
a
t

-
l
e
a
s
t

-
1
2

÷
7

-
m
m

-
(
1
/
2

-
i
n

÷
)

-
i
n

-
h
e
i
g
h
t
.

-
l

-
5

-
m
m

-
(
l
/
l
6

-
i
n

-
)

-
s
t
r
o
k
e

-
(
w
i
d
t
h

-
o
f

		△	
		-	
		<u>t</u>	
		y	
		p	
		<u>e</u>	
)	
		△	
		"	
		-	

M
o
d
i
f
y
t
h
e
e
x
i
s
t
i
n
g
t
e
x
t
t
o
a
d
d
:
E
t
h
a
n
o
l
f
l
e
x

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232
2233
2234
2235
2236
2

a
c
c
o
r
d
a
n
c
e
-
w
i
t
h
-
1
6
-
C
-
F
-
R
-
p
a
r
t
-
3
0
6
-

M
o
d
i
f
y
t
h
e
e
x
i
s
t
i
n
g
t
e
x
t
i
n
s
e
c
t
i
o
n
3
.
9
2
t
o

a
d
d
d
:
:
:
:
C
c
D
E
a
c
h
r
e
t
a
i
r
d
i
s
p
e
n
s
e
r
o
r
f
u
e
i
m
e
t
h
a
n

o
l
s
h
a
l
l
b
e
l
a
b
e
l
e
d
d
b
y
t
h
e
c
a
p
i
t
a
l
l
e
t
t
e
r
M
f
s

u
l
l
o
w
e
d
b
y
t
h
e
n
u
m
e
r
i
c
a
l
v
a
l
u
e
m
a
x
i
m
u
m
v
o
l
u
m
e

p
e
r
c
e
n
t
a
n
d
e
n
d
r
n
g
w
r
t
h
t
h
e
w
o
r
d
"M
e
t
h
a
n
o
l
i
c
"

A
E
x
a
m
p
i
e
:
M
8
5
M
e
t
h
a
n
o
i
:
)
T
h
i
s
:
i
n
r
o
r
m
a
t
i
o
n
s
h
a
i

1
b
e
p
o
s
t
e
d
o
p
t
e
u
p
p
e
r
5
0
%
o
f
t
h
e
a
s
s
e
s
s
e
d

u
s
f
r
o
m
t
h
e
d
r
i
v
e
r
s
p
o
s
i
t
i
o
n
n
a
t
y
p
e
a
t
t
e
a

s
t
1
2
7
m
m
(
1
/
2
i
n
)
i
n
h
e
i
g
h
t
1
5
m
m
(
1
/
1
6
i

n
t
)
t
s
t
r
o
k
e
t
(
w
i
d
t
h
o
f
t
y
p
e
)
t
"

Section 3.15.2.

Labeling of Retail

Dispensers

M

o

d

i

f

y

t

h

e

e

x

i

s

t

i

n

g

t

e

x

t

i

n

s

u

b

s

e

c

t

r

o

n

3

1

5

2

t
o

a
d
d
:
:
:
3
:
1
5
:
2
:
4
:
L
a
b
e
l
i
n
g

o
f

R
e
t
a
i
n
i
n
g

D
i
s
p
e
n
s
e

r
s

C
o
n
t
a
i
n
i
n
g

N
o
t

M
o
r
e

T
h
a
n

5
%

B
i
o
d
i
e
s
e
I
t
E
a
c
h

g
n
o
t
m
o
r
e
t
h
a
n
f
i
v
e
p
e
r
c
e
n
t
b
i
o
d
i
e
s
e
l
m
u
s
t
b
e

l
a
b
e
l
e
d
"
M
a
y
c
o
n
t
a
i
n
u
p
t
o
5
%
B
i
o
d
i
e
s
e
l
:
"

M
o
d
i
f
y
t
h
e
e
x
i
s
t
i
n
g
t
e
x
t
i
n
s
u
b
s
e
c
t
i
o
n
3
1
5
2

t
o
a
d
d
:
:
:
3
:
1
5
:
2
:
5
:
L
a
b
e
l
:
n
g
o
r
R
e
t
a
:
:
D
:
s
p
e
n
s
e

r
s

C
o
n
t
a
i
n
i
n
g

M
o
r
e

T
h
a
n

5
%

B
i
o
d
i
e
s
e
r
v
i
n
g
a
c
h

r
e
t

c
o
n
t
a
i
n
i
n
g

m
o
r
e

t
h
a
n

f
i
v
e

p
e
r
c
e
n
t

b
o
d
i
e
s
e
i

m
n

is
t
b
e
l
a
b
e
l
e
d
w
i
t
h
t
h
e
c
a
p
i
t
a
l
l
e
t
t
e
r
B
f
o
l
l
o

w
e
d

b
y

t
h
e

n
u
m
e
r
i
c
a
l

v
a
l
u
e

r
e
p
r
e
s
e
n
t
i
n
g

t
h
e

v
o

--	--	--

W
.
t
h
e
.
t
h
e
t
.
B
.
o
d
e
s
e
.
.
o
t
.
.
B
.
o
d
e
s
e
.
b
.
e
p
d
.
.

r
e
x
a
m
p
i
e
s
:

B
l
O
O

B
r
O
d
r
e
s
e
i
s

B
6
O

B
r
O
d
r
e
s
e
i

b
i
e
n
d

--	--	--

M
o
d
i
f
y
t
h
e
e
x
i
s
t
i
n
g
t
e
x
t
i
n
s
u
b
s
e
c
t
i
o
n
3
1
5
2

t
o

a
d
d
:
:
:
3
:
1
5
:
2
:
6
:
p
l
a
c
e
m
e
n
t
o
f
l
a
b
e
l
:
l
a
b
e
l
s
s

h
a
l
l
b
e
p
o
s
t
e
d
o
n
t
h
e
u
p
p
e
r
5
0
%
o
f
t
h
e
d
i
s
p
e
n

perforated paper container

c
u
o
u
s
f
r
o
m
t
h
e
d
r
i
v
e
r
s
p
o
s
i
t
i
o
n
i
n
a
t
y
p
e
a
t

1
e
a
s
t

1
2
e
7

m
m

(
1
/
2

i
n
e
D

i
n

h
e
i
g
h
t
e
1
e
5

m
m

(
1
/
1

6
i
n
e
)
s
t
r
o
k
e
(
w
i
d
t
h
o
f
t
y
p
e
)
i
n

Section 3.15.4. Exemption	D e l e t e s e c t i o n 3 1 5 4
------------------------------	---

C. The City adopts the following modifications to the listed sections of the Uniform Regulation for National Type Evaluation requirements published in *NIST Handbook 130*, identified in subsection 7.04.105.C.5:

Modified section	Modification
Section 2.3. Director	Modify the existing text in section 2.3 with the following: "Director - Means the director of the Department of Finance and Administrative Services."
Section 4. Prohibited Acts and Exemptions	<p>Modify the existing text in subsection (c) with the following: "A device in service in this state prior to July 5, 1997, that meets the specifications, tolerances, and other technical requirements of the <i>National Institute of Standards and Technology Handbook 44</i> shall not be required to be traceable to an active CC."</p> <p>Modify the existing text in subsection (d) with the following: "A device in service in this state prior to July 5, 1997, removed from service by the owner or on which the department has issued a removal order after July 5, 1997, and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of the National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device shall not be required to be traceable to an active CC."</p>

	<p><u>Modify the existing text in subsection (e) with the following: "A device in service in this state prior to July 5, 1997, which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of the National Institute of Standards and Technology Handbook 44 and shall not be required to be traceable to an active CC."</u></p> <p><u>Modify the existing text in subsection (f) with the following: "A device in service in this state prior to July 5, 1997, that is still in use may be installed at another location in this state provided the device meets requirements in effect as of the date of installation in the new location; however, the device shall not be required to be traceable to an active CC."</u></p> <p><u>Modify the existing text in subsection (g) with the following: "A device in service in another state prior to July 5, 1997, may be installed in this state; however, the device shall meet the specifications, tolerances, and other technical requirements for weighing and measuring devices in the National Institute of Standards and Technology Handbook 44 and be traceable to an active CC."</u></p>
Section 5. <u>Participating Laboratory and Agreements</u>	<u>Modify the existing text to delete section 5.</u>
Section 6. <u>Revocation of Conflicting Regulations</u>	<u>Modify the existing text to delete section 6.</u>
Section 7. <u>Effective Date</u>	<u>Modify the existing text to delete section 7.</u>

((Subchapter III City Sealer))**7.04.130 ((Director of Finance and Administrative Services designated as)) City Sealer((;))**

There shall be a City Sealer of Weights and Measures, referred to in this Code as the City Sealer. The Director of Finance and Administrative Services ("Director") shall be the City Sealer. There shall be such other necessary ((Deputy Sealers)) inspectors (serving as deputy sealers within the meaning of RCW 19.94.010) and technical and clerical personnel, as the City Council may from time to time authorize, who shall be appointed by the Director subject to ((Civil Service)) civil service laws and regulations.

7.04.135 Powers and duties((;))

The City Sealer shall have the custody of the City standards of weight and measure and of the other standards and equipment provided for by this code((;)) and shall keep accurate records of the same. The City Sealer, as

well as Deputy Sealers when under the instructions and at the direction of the City Sealer, shall enforce the provisions of this code and of ~~((the State Weights and Measures Act (RCW Chapter))~~ chapter 19.94 RCW~~(())~~) as contemplated by RCW 19.94.190. ~~((He))~~ The City Sealer shall have and keep a general supervision over the weights and measures offered for sale, sold, or in use in the City. ~~((He))~~ The City Sealer may establish rules and regulations consistent with this code for enforcing and carrying out ~~((the))~~ its provisions ~~((of this code))~~.

~~((7.04.140 Official guide of City Sealer-Correct or incorrect apparatus.~~

~~The City Sealer shall use as his official guide in the enforcement of this code the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, and supplements thereto and revisions thereof.~~

~~For the purpose of this code, apparatus shall be deemed to be "correct" when it conforms to all such applicable specifications, tolerances, and regulations; other apparatus shall be deemed to be "incorrect.")~~

7.04.145 General testing~~(())~~

A. When not otherwise provided by law, the City Sealer shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the City Sealer to inspect and test, to ascertain if they are correct, all weights and measures commercially used as often as necessary to secure compliance with this code. This shall include but not be limited to commercial use: (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure, (2) in computing the basic charge or payment for services rendered on the basis of weight or measure, or (3) in determining weight or measurement when a charge is made for such determination; provided, that with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this ~~((section))~~

Section 7.04.145 will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lots of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots.

B. The City Sealer shall have the power to inspect and test, to ascertain if they are correct, all electronic price scanning systems, as often as necessary to secure compliance with this code. ~~((Electronic price scanning systems will be inspected following procedures contained in National Conference on Weights and Measures (NCWM) Publication 19 Examination Procedure for Price Verification (August 1995) as revised.~~

~~7.04.150 Investigations.~~

~~The City Sealer shall investigate complaints made to him concerning violations of this code, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determinations and on possible violations of the provisions of this code and to promote the general objective of accuracy on the determination and representation of quantity in commercial transactions.~~

~~7.04.155 Inspection of packages.~~

~~The City Sealer shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale, or sold, in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered, or exposed for sale, or sold in violation of law, the City Sealer may order them off sale and may mark or stamp them in a manner as to show them to be "illegal."~~

~~In carrying out the provisions of this section, the City Sealer may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot.~~

~~No person shall:~~

~~(A) sell, or keep, offer, or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section unless and until such package or amount of commodity has been brought into full compliance with legal requirements, or~~

~~(B) dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the City Sealer.~~

~~7.04.160 Stop-use, stop-removal, and removal orders.~~

~~The City Sealer shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this code he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.~~

~~7.04.165 Disposition of correct and incorrect apparatus.~~

~~The City Sealer shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be "correct" as defined in Section 7.04.140, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be "incorrect" as defined in Section 7.04.140, but which in his best judgment are susceptible of satisfactory repair; provided, that the sealing or marking requirements of this section shall not be required with respect to such weights and measures as have been exempted by regulation of the City Sealer on the basis that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question.~~

~~The City Sealer shall condemn, and may seize and may destroy, weights and measures found to be incorrect~~

~~that in his best judgment are not susceptible of satisfactory repair.~~

~~Weights and measures that have been rejected may be confiscated and may be destroyed by the City Sealer if not corrected as required by Section 7.04.170 or if used or disposed of contrary to the requirements of Section 7.04.170.~~

~~7.04.170 Duty of owners of incorrect apparatus.~~

~~Weights and measures that have been rejected under the authority of the City Sealer or a Deputy Sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.~~

~~The owners of such rejected weights and measures shall cause the same to be made correct within ten (10) days or such longer period as may be authorized by the rejecting authority; or, in lieu thereof, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority.~~

~~Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined and found to be correct or until specific written permission for such use is issued by the rejecting authority.))~~

~~7.04.175 ((Police powers - Right of entry.))~~ Rejection - Seizure for use as evidence - Entry of premises - Search warrant

~~A. With respect to the enforcement of chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code, and any other law dealing with weights and measures((, packaging, or electronic price scanning systems)) that the City Sealer is, or may be empowered to enforce, the City Sealer ((is vested with the powers of a special policeman, and is authorized to arrest any violator of the code and to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages or commodity, used, retained, offered or exposed for sale, or sold in violation of law. Upon presentation of proper credentials, the City Sealer is authorized with the consent of the occupant or pursuant to a lawfully issued warrant at reasonable times during the normal business hours of the person using the weights and measures or electronic price~~

~~scanning to enter into or upon any structure or premises where weights and measures or electronic price scanning are used or kept for commercial purposes for the purpose of performing any duty imposed upon the City Sealer by this code.))~~ may reject or seize for use as evidence incorrect weighing or measuring instruments or devices or packages of commodities to be used, retained, offered, exposed for sale, or sold in violation of the law.

B. In the performance of official duties conferred under chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code, the City Sealer is authorized at reasonable times during the normal business hours of the person using a weighing or measuring instrument or device to enter into or upon any structure or premises where such weighing or measuring instrument or device is used or kept for commercial purposes. If the City Sealer is denied access to any premises or establishment where such access was sought for the purposes set forth in chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code, the City Sealer may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for such purposes. The court may, upon such application, issue the search warrant for the purposes requested.

7.04.180 Powers and duties of ~~((Deputy Sealers.))~~ inspectors

The powers and duties given ~~((to and imposed upon the City Sealer by Sections 7.04.140 through 7.04.165 and 7.04.175))~~ by law to the City Sealer are given to ~~((and imposed upon the Deputy Sealers))~~ inspectors also, when acting under the instructions and at the direction of the City Sealer.

~~((Subchapter IV Packaging Generally~~

~~7.04.200 Methods of sale Measures, weights or counts.~~

~~Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this code, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count; provided, that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold; and~~

~~provided further, that the provisions of this section shall not apply: (A) to commodities when sold for immediate consumption on the premises where sold, (B) to vegetables when sold by the head or bunch, (C) to commodities when in package form or in containers standardized by a law of the state or by federal law, (D) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (E) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (F) to unprocessed vegetable and animal fertilizer when sold by cubic measure.~~

~~7.04.205 Declarations of quantity and origin.~~

~~Except as otherwise provided in this code, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce, shall bear on the outside of the package definite, plain, and conspicuous declarations of: (A) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (B) the net quantity of the contents in terms of weight, measure, or count, and (C) in the case of any package kept, offered, or exposed for sale, or sold, any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; provided, that in connection with the declaration required under clause (B), neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in a package, shall be used.~~

~~7.04.210 Declarations of single unit price on random packages.~~

~~In addition to the declarations required by Section 7.04.205, any commodity in package form, the package being one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.~~

~~7.04.215 Misleading packages.~~

~~No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package.~~

~~7.04.220 Advertising packages for sale.~~

~~Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package; provided, that where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement; and provided further, that there shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package.~~

~~Subchapter V Packaging Specifications~~

~~7.04.250 Subchapter applicability.~~

~~This subchapter shall apply to commodities in package form except those:~~

- ~~A. In inner wrappings not intended to be individually sold to the consumer;~~
- ~~B. In auxiliary containers not intended to be sold to the consumer intact, bearing no printed matter pertaining to any commodity, and enclosing packages that are individually marked in conformance with the requirements of this subchapter;~~
- ~~C. In containers used for retail tray pack displays when the container is not intended to be sold; or~~
- ~~D. Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold; or~~

E. ~~Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this code.~~

7.04.255 Definitions.

A. ~~"Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package.~~

B. ~~"Multiunit package" means a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multiunit package but capable of being individually sold in full compliance with all requirements of this code.~~

C. ~~"Package" means any container or wrapper in which any commodity is enclosed for use in the delivery or display for sale of that commodity, but does not include shipping containers or wrappers used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, processors, or distributors.~~

D. ~~"Principal display panel or panels" means that part, or those parts, of a label that is, or are, so designed as to be most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the principal display panel shall pertain to all such principal display panels.~~

E. ~~"Random package" means a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.~~

7.04.260 Declaration of identity-Contents.

~~A declaration of identity shall appear on the principal display panel and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.~~

~~7.04.265 Declaration of identity-Placement.~~

~~A declaration of identity shall appear generally parallel to the base on which the package rests as it is designed to be displayed.~~

~~7.04.270 Identification of manufacturer, packer or distributor.~~

~~A. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to labels that have been developed or revised after July 1, 1968.~~

~~B. If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____," "Distributed by _____," or any other wording of similar import that expresses the facts.~~

~~7.04.275 Declaration of quantity-Largest whole unit.~~

~~Where this subchapter requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in:~~

~~A. Common or decimal fractions of such largest whole unit; or in~~

~~B. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.~~

~~7.04.280 Net quantity.~~

~~The principal display panel of the package shall bear a declaration of the net quantity of the commodity in the package exclusive of wrappers and any other material packed with such commodity; provided, that the declaration of quantity on an aerosol package shall disclose the net quantity of the commodity (including propellant) that will be expelled when the instructions for use as shown on the container are followed; and provided further, that the term "net weight" shall be used when stating the net quantity of contents in terms of weight; and provided further, that a quantity declaration may appear on more than one (1) line of print or type.~~

~~7.04.285 Terms used to describe quantity.~~

~~The declaration of the quantity of a particular commodity shall be expressed in such terms of weight, measure, or count, or a combination of count and weight, measure, or size, as have been firmly established in general consumer usage and trade custom and as give accurate and adequate information as to the quantity of the commodity; provided, that if there exists no firmly established general consumer usage and trade custom with respect to the terms used in expressing such declaration of quantity, the declaration shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid; and provided further, that if the commodity is packaged in an aerosol container, the declaration shall be in terms of weight (including the propellant).~~

~~7.04.290 Quantity in weight or measure.~~

~~A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless the declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.~~

~~7.04.295 Quantity in count.~~

~~A declaration of quantity in terms of count shall be supplemented by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal~~

~~display panel.~~

~~7.04.300 Multi-unit packages.~~

~~A. Any package containing more than one (1) individual commodity in package form of the same commodity shall bear on the outside of the package a declaration of:~~

~~1. The number of individual units;~~

~~2. The quantity of each individual unit; and~~

~~3. The total quantity of the contents of the multi-unit package; provided, that the requirement for a declaration of the total quantity of contents of a multiunit package shall be effective with respect to those labels revised after January 1, 1970. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.~~

~~B. Whenever the quantity declaration appearing on individual units of a multiunit package is located other than in the lower thirty percent (30%) of the principal display panel, the individual units of that multiunit package may not be separately sold.~~

~~7.04.305 Combination packages.~~

~~Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.~~

~~7.04.310 Variety packages.~~

~~Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.~~

~~7.04.315 Cylindrical containers.~~

~~In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that forty percent (40%) of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.~~

7.04.320 Units of measure to be used.

A declaration of quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid quart, liquid pint, or fluid ounce subdivisions of the gallon, and shall express the volume at sixty-eight (68) degrees Fahrenheit (twenty (20) degrees Centigrade), except in the case of petroleum products, for which the declaration shall express the volume at sixty (60) degrees Fahrenheit (15.6 degrees Centigrade), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at forty (40) degrees Fahrenheit (four (4) degrees Centigrade);

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of dry measure, shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry quart, and dry pint subdivisions of the bushel;

F. In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch;

Provided, that in the case of drugs, in lieu of any requirement to the contrary, the declaration of quantity may be in terms of a unit of the metric system of weight or measure; and provided further, that in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of a system of weight or measure in common use in the country to which such shipment is to be exported; and provided further, that when packages of fluid dairy products and packages of ice cream and similar frozen desserts are put up for sale in quantities of eight (8), sixteen (16), thirty-two (32) or sixty-four (64) fluid ounces, the quantity declaration may be expressed as "(1/2) pint," "1 pint," "1 quart," "1/2 gallon," "1 gallon," respectively.

7.04.325 Abbreviations.

Any of the following abbreviations, and none other, may be employed in the quantity statement of a commodity or package of commodity:

avoirdupois	avdp	ounce	oz	cubic-centi-	
cubic	cu	pint	pt	meter	ce
feet or foot	ft	pound	lb	gram	g
fluid	fl	quart	qt	kilogram	kg
gallon	gal	square	sq	microgram	meg
inch	in	weight	wt	milligram	mg
liquid	liq	yard	yd	milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, the abbreviation is "oz" for both "ounce" and "ounces.")

7.04.330 Units with two or more meanings.

When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in 1 pint 4 ounces), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

7.04.335 Quantity of less than one foot, square foot, pound, or pint.

The declaration of quantity shall be expressed in terms of:

- A. In the case of length measure of less than one foot (1'), inches and fractions of inches;
- B. In the case of area measure of less than one (1) square foot, square inches and fractions of square inches;
- C. In the case of weight or fluid measure of less than one (1) pound or one (1) pint, ounces and fractions of ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two (2) decimal places.

~~7.04.340 Quantity of four or more feet, square feet, pounds, or gallons.~~

In the case of:

- A. ~~Length measure of four feet (4') or more;~~
 - B. ~~Area measure of four (4) square feet or more; and~~
 - C. ~~Weight or fluid measure of four (4) pounds or more, or one (1) gallon or more;~~
- ~~the declaration of quantity shall be expressed in terms of the largest whole unit.~~

~~7.04.345 Weight or fluid measure Dual quantity declaration.~~

~~On packages containing one (1) pound or more but less than four (4) pounds, or one (1) pint or more but less than one (1) gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration, presented in parentheses, in terms of the largest whole unit; provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places.~~

~~7.04.350 Length measure Dual quantity declaration.~~

~~On packages containing one foot (1') or more but less than four feet (4'), the declaration shall be expressed in inches and, in addition, shall be followed in parentheses by a declaration expressed in terms of the largest whole unit; provided, that the quantity declaration appearing on a random package may be expressed in terms of feet and decimal fractions of the foot carried out to not more than two (2) decimal places.~~

~~7.04.355 Area measure Dual quantity declaration.~~

~~On packages containing one (1) square foot or more but less than four (4) square feet, the declaration shall be expressed in square inches and, in addition, shall be followed in parentheses by a declaration expressed in terms of the largest whole unit; provided, that the quantity declaration appearing on a random package may be expressed in terms of square feet and decimal fractions of the square foot carried out to not more than two (2) decimal places.~~

~~7.04.360 Bidimensional commodities.~~

For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than one (1) square foot, in terms of linear inches and fractions of linear inches;

B. If at least one (1) square foot but less than four (4) square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that:

1. No square-inch declaration is required for a bidimensional commodity of four inches (4") width or less, and
2. A dimension of less than two feet (2') may be stated in inches within the parenthetical, and
3. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see Section 7.04.365) require a declaration of unit area but not a declaration of total area of all such units;

C. If four (4) square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole units; provided, that:

1. No declaration in square feet is required for a bidimensional commodity with a width of four inches (4") or less,
2. A dimension of less than two feet (2') may be stated in inches within the parenthetical, and
3. No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

7.04.365 Count Ply.

A. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this subchapter, include the number of ply and the total number of usable units.

B. Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed

~~to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:~~

- ~~1. Total area measurement; and~~
- ~~2. Number of ply;~~
- ~~3. Count of usable units; and~~
- ~~4. Dimensions of a single usable unit.~~

~~7.04.370 Reduction of fractions.~~

~~Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places; provided, that if there exists with respect to a particular commodity a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth in this section, for the reduction of a common fraction to its lowest terms, the declaration may be made in accordance with such usage and custom; and provided further, that in the case of drugs, a decimal fraction may be carried out to three (3) places.~~

~~7.04.375 Supplementary quantity declarations.~~

~~The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such as declarations appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).~~

~~7.04.380 Metric system declarations.~~

~~A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.~~

~~7.04.385 Average quantity at least equal to declared quantity.~~

~~The average quantity of contents in the packages of a particular lot, shipment or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery or lot compensate for such shortage.~~

~~7.04.390 Qualification of declaration prohibited.~~

~~In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.~~

~~7.04.395 Information to be prominent and legible.~~

~~All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.~~

~~7.04.400 Location of declaration of quantity.~~

~~The declaration or declarations of quantity of the contents of a package shall appear in the bottom thirty percent (30%) of the principal display panel or panels, except as otherwise provided in Section 7.04.315.~~

~~7.04.405 Style of type or lettering.~~

~~The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.~~

~~7.04.410 Color contrast.~~

~~The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be~~

required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

7.04.415 Free area.

The area surrounding the quantity declaration shall be free of printed information:

A. Above and below, by a space equal to at least the height of the lettering in the declaration; and

B. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

7.04.420 Calculation of area of principal display panel for purposes of type size.

A. The square-inch area of the principal display panel shall be:

1. In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

2. In the case of a cylindrical or nearly cylindrical container, forty percent (40%) of the product of the height of the container times the circumference; or

3. In the case of any other shaped container, forty percent (40%) of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

B. Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

7.04.425 Minimum height of numbers and letters.

The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half ($\frac{1}{2}$) the minimum height standards.

TABLE 1 Minimum Height of Numbers and Letters
--

Square-inch Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height Label Informa Blown, Formed, or Molded Into of Container
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches	1/4 inch	5/16 inch
Greater than 400 square inches	1/2 inch	9/16 inch

~~7.04.430 Packages exempt from dual quantity declaration.~~

~~Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit.~~

~~7.04.435 Random packages.~~

~~A random package bearing a label conspicuously declaring:~~

- ~~A. The net weight;~~
- ~~B. The price per pound; and~~
- ~~C. The total price;~~

~~shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package of food packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.~~

~~7.04.440 Penny candy.~~

~~When individually wrapped pieces of "penny candy" or individually wrapped pieces of candy of less than one-~~

~~half (1/2) ounce net weight are shipped or delivered in containers that conform to the labeling requirements of this subchapter, such individual pieces shall be exempt from such labeling requirements.~~

~~7.04.445 Individual servings.~~

~~Individual serving size packages of foods containing less than one-half (1/2) ounce or less than one-half (1/2) fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this subchapter.~~

~~7.04.450 Cuts, plugs, and twists of tobacco and cigars.~~

~~When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this subchapter, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.~~

~~7.04.455 Reusable (returnable) glass containers.~~

~~Nothing in this subchapter shall be deemed to preclude the continued use of reusable (returnable) glass containers; provided, that such glass containers ordered after the effective date of this code shall conform to all requirements of this subchapter.~~

~~7.04.460 Containers standardized by device regulation.~~

~~Containers such as milk bottles, lubricating oil bottles, and measure containers, for which standards are established and specifications are set forth in National Bureau of Standards Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices," shall be exempt from the requirements as set forth in Sections 7.04.395 through 7.04.425.~~

~~7.04.465 Packaged commodities with labeling requirements specified in federal law.~~

~~Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, prescription drugs, alcoholic beverages, and seeds shall be exempt from the requirements set forth in Sections 7.04.275 through 7.04.425; provided, that quantity labeling requirements for such products are specified in federal law or regulations issued pursuant to federal law, so as to follow~~

~~reasonably sound principles of providing consumer information.~~

~~7.04.470 Fluid dairy products, ice cream, and similar frozen desserts.~~

~~When packages of fluid dairy products and packages of ice cream and similar frozen desserts are standardized by law or regulation of the state, such packages shall be exempt from the requirements in this subchapter for Sections 7.04.345 and 7.04.400.~~

~~7.04.475 Variations from declared net quantity.~~

~~Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity comprising either a shipment or other delivery of the commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.~~

~~7.04.480 Variations resulting from exposure.~~

~~Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided, that the phrase "introduced into intrastate commerce" as used in this section shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either:~~

~~A. Directly to the purchaser or to his agent; or~~

~~B. To a common carrier for shipment to the purchaser; and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate~~

~~commerce, exposure variations shall not be permitted.~~

~~7.04.485 Variations to be determined by individual cases.~~

~~The magnitude of variations permitted under Sections 7.04.475 and 7.04.480 shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.~~

~~Subchapter VI Sale by Net Weight~~

~~7.04.500 Weight defined.~~

~~"Weight," as used in this Code in connection with any commodity, shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.~~

~~7.04.505 Misrepresentation of price.~~

~~Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half ($\frac{1}{2}$) the height and width of the numerals representing the whole cents.~~

~~7.04.510 Meat, poultry, and seafood.~~

~~Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and all seafood including shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight.~~

~~7.04.515 Bread.~~

~~No person shall manufacture for sale, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weight at least twelve (12) hours after baking: "standard small loaf," which shall weigh not less than fifteen (15) ounces and not more than seventeen (17) ounces; "standard large loaf," which shall weigh not less than twenty-two and one-half (22½) ounces and not more than twenty-five and one-half (25½) ounces; or multiples of the foregoing weights for the standard small loaf and standard large loaf; provided, that variations at the rate of one (1) ounce over and one (1) ounce under the foregoing, per standard small loaf, or one and one-half (1½) ounce over or under the foregoing, per standard large loaf, or any multiple of the foregoing variations per each multiple type loaf, in the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve (12) loaves of any kind of loaf shall not be less than the weight prescribed in this section. It shall be unlawful to sell or expose for sale bread in a loaf of such form that it has the appearance and size of a loaf of greater weight.~~

~~7.04.520 Butter, oleomargarine, and margarine.~~

~~Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight, and only in units of one-quarter (1/4) pound, one-half (½) pound, one pound, or multiples of one (1) pound, avoirdupois weight.~~

~~7.04.525 Fluid dairy products.~~

~~All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one (1) gill, one-half (½) liquid pint, ten (10) fluid ounces, one (1) liquid pint, one (1) liquid quart, one-half (½) gallon, one (1) gallon, one and one-half (1½) gallons, two (2) gallons, two and one-half (2½) gallons, or multiples of one (1) gallon; provided, that packages in units of less than one (1) gill shall be permitted.~~

~~7.04.530 Flour, cornmeal, and hominy grits.~~

~~When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat~~

~~flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, cornmeal, and hominy grits shall be packaged only in units of five (5), ten (10), twenty-five (25), fifty (50) or one hundred (100) pounds, avoirdupois weight; provided, that packages in units of less than five (5) pounds or more than one hundred (100) pounds shall be permitted.~~

~~7.04.535 Bulk deliveries sold in terms of weight and delivered by vehicle.~~

~~When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or by means of other indelible marking equipment and, in clarity, equal to type or printing: (A) the name and address of the vendor, (B) the name and address of the purchaser, and (C) the net weight of the delivery expressed in pounds; and if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered, on demand, to the City Sealer or Deputy Sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser; provided, that if the purchaser, himself, carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him.~~

~~7.04.540 Furnace and stove oil.~~

~~All furnace and stove oil shall be sold by liquid measure or by net weight in accordance with the provisions of Section 7.04.200. In the case of each delivery of such liquid fuel not in package form and in an amount greater than ten (10) gallons in the case of sale by liquid measure or one hundred (100) pounds in the case of sale by weight, there shall be rendered to the purchaser, either: (A) at the time of delivery or (B) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or by means of other indelible marking equipment and, in clarity, equal to~~

~~type or printing, there shall be clearly stated: (1) the name and address of the vendor, (2) the name and address of the purchaser, (3) the identity of the type of fuel comprising the delivery, (4) the unit price (that is, the price per gallon or per pound, as the case may be) of the fuel delivered, (5) in the case of sale by liquid measure, the liquid volume of the delivery, together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions, and (6) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.~~

~~7.04.545 Berries and small fruits.~~

~~Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half (1/2) dry pint, one (1) dry pint, or one (1) dry quart; provided, that the marking provisions of Section 7.04.205 shall not apply to such containers.~~

~~Subchapter VII Weighmaster License~~

~~7.04.565 License required.~~

~~It is unlawful for any person, firm or corporation, to become, act as, or hold himself/herself out to be a City Weighmaster, or a City Weigher, without first obtaining and being the holder of a valid and subsisting license so to do, to be known as a "City Weighmaster license" and/or a "City Weigher license."~~

~~7.04.570 Weighmaster license Application, issuance and fee.~~

~~Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the City Sealer to be appointed a Licensed City Weighmaster. If the scale is approved by the City Sealer, he or she may in his or her discretion so appoint the applicant and shall issue a City Weighmaster license in accordance with such appointment. The annual fee for such license shall be \$40.00 which shall accompany the application, and all such licenses shall expire at midnight April 30th of each year, but may be renewed from~~

~~year to year by the City Sealer upon payment of the annual fee. If the original application for a City Weighmaster's license and/or a City Weigher's license is made within six months of the date fixed for expiration of the annual license, the fee shall be ½ the annual fee.~~

~~7.04.575 Weigher license application.~~

~~Such license shall authorize the holder to apply in writing to the City Sealer for appointment of such holder or one (1) or more of his or her employees or the officers if a corporation, as a Licensed City Weigher. If the City Sealer finds that the prospective appointee has ability to correctly weigh and use the scale and determine the gross, tare and net weights of any article or commodity which he/she weighs, the City Sealer may so appoint and issue a City Weigher license in accordance with such appointment.~~

~~7.04.580 Authorization to issue certificates of weights.~~

~~Such license shall authorize the holder to issue certified weight certificates at the location designated in the license in conformity with the standards of weights and measures authorized and established by this Code. The license shall expire at midnight April 30th of each year and may be renewed from year to year by the City Sealer. Such license shall authorize the Licensed City Weigher in the name of the Licensed City Weighmaster to issue certificates of weights only at the location designated in his/her license and shall not be transferable from one (1) person to another nor from one (1) location to another.~~

~~7.04.585 Renewal of license-Late fees.~~

~~A. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:~~

~~1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty (30) days into the new license year: ten percent (10%) of the annual license fee or Ten Dollars (\$10.00) whichever is greater;~~

~~2. If the renewal application is received after thirty (30) days into the new license year: twenty~~

percent (20%) or Twenty-five Dollars (\$25.00), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

~~7.04.590 Duties of Licensed City Weigher.~~

~~Any Licensed City Weigher shall at any time without charge weigh any article or commodity on the scale for which he/she is licensed, brought there by the City Sealer or any Deputy Sealer, and issue a certificate of weight therefor; and he/she shall without charge weigh upon such scale, and issue a certificate of weight therefor, on any article or commodity for which the Licensed City Weighmaster is vendor. The delivery or sales ticket required by this code to be delivered to the consumer shall bear thereon a statement which shall be signed by the Licensed City Weigher for the Licensed City Weighmaster to the effect that the weight shown thereon is true and correct and shall also bear an impression of a seal of the Licensed City Weighmaster which shall be placed thereon by the Licensed City Weigher who actually weighs the article or commodity. The Licensed City Weighmaster shall by himself/herself or through his/her Licensed City Weigher keep a record of each certified weight issued in his/her name, which record shall be open to inspection by the City Sealer or any Deputy Sealer during all business hours.~~

~~7.04.595 Seal presses.~~

~~The seal presses required to be used for certification shall be the property of the City and shall be forfeited and returned to the City Sealer upon revocation or termination of the appointment of the Licensed City Weighmaster. Such seals shall be of a form and design prescribed by the City Sealer and secured from him/her at the expense of the Licensed City Weighmaster.~~

~~7.04.600 Weighing of vehicles.~~

~~The City Sealer or any Deputy Sealer may require the driver of any vehicle containing any commodity that has been weighed by a Licensed City Weigher to again visit the same scale or another scale and to again weigh such commodity or article and/or vehicle for gross, tare and net weights, and it shall be unlawful for such driver to refuse so to do. In event the weights certified by such Licensed City Weigher shall be found incorrect, the City Sealer or Deputy Sealer shall retain the delivery ticket thus certified in his/her possession and require the issuance of a new and correct certified delivery ticket. It shall be unlawful to issue, use or deliver any false, incomplete or irregular certified delivery ticket.~~

~~7.04.605 Only authorized persons to certify weights.~~

~~It shall be unlawful for any person other than the City Sealer or Deputy Sealer or a Licensed City Weigher to certify the weights of any commodity and no such Weigher shall use any motor truck scale and issue a certificate of weight thereon for less than one thousand (1,000) pounds.~~

~~7.04.610 Revocation of appointment.~~

~~The City Sealer may revoke the appointment of any such Weighmaster or Weigher not conforming to the requirements of this Code and no compensation shall be paid by the City to any such Weighmaster or Weigher.~~

~~7.04.615 Delivery of certificate to consumer.~~

~~It is unlawful to deliver any commodity or article weighed by a Licensed City Weigher to any consumer unless the certificate of weight thereof on a form approved by the City Sealer is delivered to the consumer at the time of the delivery of the article or commodity; provided, that when a Licensed City Weighmaster is the buyer of any commodity and weighs such he shall deliver to the seller of such commodity a certificate of weight on a form approved by the City Sealer.~~

~~7.04.620 Alteration of weight or certificate prohibited.~~

~~It is unlawful for any person to alter, vary or lessen the weight or measure of any load of any commodity commonly sold by weight or measure, after the same has been weighed upon the vendor's scale, or has been officially weighed or measured, by abstracting or unloading therefrom any portion of such commodity, except~~

~~at the place where the same was directed by the buyer to be delivered, or to alter or change any weight slip or Deputy Weighmaster's certificate accompanying such delivery.~~

~~7.04.625 Use of official tickets, certificates or statements.~~

~~It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure or statement of weight or measure of any kind on which in whole or in part is impressed or stamped by seal, or otherwise, or printed or written, or set forth thereon in any manner, the words "City of Seattle," or name of any department or division, office or officer or employee of the City, unless authorized by this Code.~~

~~7.04.630 Surrender of license to City Sealer.~~

~~Upon revocation of any City Weighmaster's license, such license and all City Weigher's licenses issued under the City Weighmaster's license, shall be surrendered to the City Sealer. A City Weighmaster, upon termination of employment of any Licensed City Weigher, or upon revocation of any City Weigher's license, shall surrender such license to the City Sealer.~~

~~Subchapter VIII Special Inspection Service))~~

7.04.645 Registration-Fees

A. Except as provided in subsection 7.04.645.F, no weighing or measuring instrument or device, or electronic price scanning system, may be used for commercial purposes in the City unless its commercial use is registered annually with the Department of Finance and Administrative Services.

B. The annual registration with the Department of Finance and Administrative Services for weighing or measuring instruments or devices is accomplished as part of the State of Washington master license system under chapter 19.02 RCW. Payment of an annual registration fee for a weighing or measuring instrument or device under the State of Washington master license system constitutes the registration required by this Section 7.04.645. The annual registration with the Department of Finance and Administrative Services for electronic price scanning systems is accomplished as part of the annual business license requirement under Chapter 6.208. Payment of the registration fee with the annual business license application or renewal constitutes the

registration required by this Section 7.04.645.

C. The following annual City registration fees must be paid for each weighing or measuring instrument or device used for commercial purposes in The City of Seattle:

1. Weighing devices:

a. Small scales (~~("zero")) 0~~ to 400 pounds capacity(~~(""))~~): ~~\$((10))~~16.

b. Intermediate scales (~~((401))~~ Over 400 pounds to 5,000 pounds capacity(~~(""))~~): ~~\$((40))~~
60.

c. Large scales (~~("over"))~~ Over 5,000 pounds capacity(~~(""))~~): ~~\$((75))~~120.

d. Railroad track scales: ~~\$((800))~~1200.

2. Liquid fuel metering devices:

a. Motor fuel meters with flows of 20 gallons or less per minute: ~~\$((10))~~16.

b. Motor fuel meters with flows of more than 20 but not more than 150 gallons per
minute: ~~\$((32))~~50.

c. Motor fuel meters with flows over 150 gallons per minute: ~~\$((50))~~75.

3. Liquid petroleum gas meters:

a. With 1-inch diameter or smaller dispensers: ~~\$((25))~~40.

b. With greater than 1-inch diameter dispensers: ~~\$((50))~~80.

4. Fabric meters: ~~\$((10))~~15.

5. Cordage meters: ~~\$((10))~~15.

6. Mass flow meters: ~~\$((200))~~300.

7. Taxi meters: ~~\$((25))~~40.

D. The following annual City registration fees must be paid for each electronic price scanning system used for commercial purposes in The City of Seattle:

1. Electronic price scanning systems with three or fewer electronic pricing devices: \$158.
2. Electronic price scanning systems with more than three electronic price scanning devices:

\$315.

E. The fees established in subsection 7.04.645.C for registering a weighing or measuring instrument or device shall be paid to the State of Washington Department of Licensing concurrently with a master application or with the annual renewal of a master license under chapter 19.02 RCW (~~Chapter 19.02~~). The fees established for electronic pricing systems in subsection 7.04.645.D shall be paid with The City of Seattle annual business license application or renewal.

F. A weighing or measuring instrument or device, or electronic price scanning system, shall be initially registered with the Department of Finance and Administrative Services as follows: A weighing or measuring device is initially registered through the State of Washington Department of Licensing at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. An electronic price scanning system is initially registered through the Department of Finance and Administrative Services when the owner applies for an initial business license or the first renewal of the business license after the instrument or device is first placed into commercial use.

G. The State of Washington Department of Licensing shall remit to The City of Seattle, through the State of Washington Department of Agriculture, all fees collected under this Section 7.04.645 less reasonable collection expenses.

H. With the exception of Section 7.04.650, no person shall be required to pay more than the fee adopted under this Section 7.04.645 for any weighing or measuring instrument or device, or electronic price scanning system, in one year.

~~((I. A person who owns a weighing or measuring instrument or device, or electronic price scanning system, and uses or permits its use for commercial purposes without registration as provided in subsection~~

~~7.04.645.A is subject to a civil penalty of \$50 per occurrence for each instrument or device, or system, used, or permitted to be used.))~~

7.04.650 Request for service((:))

A. "Special inspection service," as used in this ((Code)) code, ((shall denote)) means all inspection service made on the owner's request. Special inspection service fees are additional to the fees required under the annual registration. Special inspection service fees are to be paid directly to ((The City of Seattle)) the Department of Finance and Administrative Services.

B. The fee((s)) for special inspection service shall be ((as follows:

~~\$30 PER HOUR OF INSPECTOR TIME WITH A ONE HOUR MINIMUM.))~~ \$60 per hour of inspector time with a one hour minimum. All inspections will result in an invoice to the owner for each hour of inspection per inspector. The invoice shall reflect time spent per inspector, to include preparation and travel time to the site with any time spent past an hour billed to the next quarter hour. ((EXAMPLE)) Example: If two inspectors took one hour and 20 minutes to complete an inspection, the invoice would total \$((90)) 180 (two inspectors at 1.5 hours each).

((Subchapter IX Enforcement

~~7.04.675 Construction of contracts.~~

~~Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in Sections 7.04.015, 7.04.035, 7.04.075 and 7.04.100, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.~~

~~7.04.680 Hindering or obstructing City Sealer.~~

~~It is unlawful for any person to hinder or obstruct in any way the City Sealer or any Deputy Sealer in the performance of his official duties, and anyone convicted of a violation of this section shall be punishable by a fine of not less than Twenty Dollars (\$20) or more than Two Hundred Dollars (\$200), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.~~

~~7.04.685 Impersonation of City Sealer.~~

~~It is unlawful for any person to impersonate in any way the City Sealer or Deputy Sealer by the use of his seal or a counterfeit of his seal, or in any other manner, and anyone convicted of a violation of this section shall be punishable by a fine of not less than One Hundred Dollars \$100.00 or more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.))~~

~~7.04.690 ((Offenses and penalties.))~~ Violations

~~((A. It is unlawful for any person, by himself or by his servant or agent, or as the servant or agent of another person, to:~~

~~1. Use, or have in possession for the purpose of using, for any commercial purpose specified in Section 7.04.145, or sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure, or electronically scanned price;~~

~~2. Use, or have in possession for the purpose of current use, for any commercial purpose specified in Section 7.04.145, a weighing or measuring instrument or device, or electronic price scanning system, that does not bear a seal or mark such as is specified in Section 7.04.165, unless it has been exempted from testing by the provisions of Section 7.04.145;~~

~~3. Dispose of any rejected or condemned weight or measure, or electronic price scanning system, in a manner contrary to law;~~

~~4. Remove from any weight or measure, or electronic price scanning system, contrary to law, any tag, seal, or mark placed thereon by the appropriate authority;~~

~~5. Sell, or offer or expose for sale, less than the quantity represented of any commodity, thing, or service;~~

~~6. Take more than the quantity represented of any commodity, thing or service when, as buyer, the person furnishes the weight or measure device by means of which the amount of the commodity, thing, or~~

service is determined;

~~7. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law;~~

~~8. Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer;~~

~~9. Violate any provision of this code for which a specific penalty has not been prescribed.~~

~~B. Anyone convicted of a violation of this section shall upon a first conviction thereof, be punishable by a fine of not less than Twenty Dollars (\$20.00) or more than Two Hundred Dollars (\$200.00), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment; and upon a second or subsequent conviction thereof, shall be punishable by a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.))~~

A. RCW 19.94.190(1) states that “duly appointed city sealers must enforce the provisions of” chapter 19.94 RCW. However, because Seattle also inspects electronic price scanning systems, and because Seattle has its own citation process in Section 7.04.691 to address violations, subsections of this Section 7.04.690 restate and modify certain sections of chapter 19.94 RCW as they are applied and enforced in Seattle.

B. Modified RCW 19.94.325(3). A service agent shall not use any weight or measure standard that does not have a valid, official seal of approval from the director, as defined in RCW 19.94.010, to install, inspect, adjust, repair, or recondition any weighing or measuring instrument or device. Any service agent who violates this subsection 7.04.690.B is subject to a civil penalty up to \$1,000 per occurrence.

C. RCW 19.94.390(1). Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented

in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

D. Modified RCW 19.94.490. Any person who hinders or obstructs in any way the City Sealer in the performance of official duties under chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code is subject to a civil penalty up to \$5,000.

E. Modified RCW 19.94.500. Any person who impersonates in any way the City Sealer by using an official seal of approval without specific authorization to do so or by using a counterfeit seal of approval, or in any other manner, is subject to a civil penalty up to \$5,000 per occurrence.

F. Modified RCW 19.94.510(2). Any person who individually, by an agent or employee, or as the agent or employee of another person, performs any one of the acts in this subsection 7.04.690.F is subject to a civil penalty up to \$5,000 per occurrence:

1. Use or have in possession for the purpose of using for any commercial purpose a weighing or measuring instrument or device or electronic price scanning system that is intentionally calculated to falsify any weight, measure, count, or price of any commodity, or to sell, offer, expose for sale, or hire or have in possession for the purpose of selling or hiring an incorrect weighing or measuring instrument or device or electronic price scanning system, or any weighing or measuring instrument or device or electronic price scanning system calculated to falsify any weight, measure, count, or price.

2. Knowingly use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight, measurement, or count, in the determination of weight, measurement, or count, when a charge is made for such determination, any incorrect weighing or measuring instrument or device.

3. Dispose of any rejected weighing or measuring instrument or device in a manner contrary to law or rule.
4. Remove from any weighing or measuring instrument or device or electronic price scanning system, contrary to law or rule, any tag, seal, stamp, or mark placed thereon by the director, as defined in RCW 19.94.010, or City Sealer.
5. Sell, offer, or expose for sale less than the quantity the person represents of any commodity, thing, or service.
6. Take more than the quantity the person represents of any commodity, thing, or service known to be in a condition or manner contrary to law or rule.
7. Keep for the purpose of sale, advertise, offer, or expose for sale or sell any commodity, thing, or service known to be in a condition or manner contrary to law or rule.
8. Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weighing or measuring instrument or device or electronic price scanning system that is not so positioned that its indications may be accurately read and the weighing or measuring operation observable from some position which may reasonably be assumed by a customer.
9. Knowingly approve or issue an official seal of approval for any weighing or measuring instrument or device known to be incorrect.
10. Find a weighing or measuring instrument or device to be correct under RCW 19.94.255 when the person knows the instrument or device is incorrect.
11. Fails to disclose to the City Sealer any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weighing or measuring instrument or device or electronic price scanning system for the purpose of selling, offering, or exposing for sale, less than the quantity represented of a commodity or calculated to falsify weight or measure, if the person is a service agent.
12. Violate any other provision of chapter 19.94 RCW or the rules adopted under the provisions

of chapter 19.94 RCW, or this code, for which a specific penalty has not been described.

G. Modified RCW 19.94.510(3). Any person who, individually, by an agent or employee, or as the agent or employee of another person, violates RCW 19.94.390 as determined by the examination procedure adopted by or under RCW 19.94.390(2) is subject to a civil penalty of up to \$2,000 per occurrence.

H. Modified RCW 19.94.510(4)(b). Any person who, individually, by an agent or employee, or as the agent or employee or another person, commits as a fourth or subsequent violation any of the acts listed in subsections 7.04.690.F or 7.04.690.G is subject to a civil penalty up to \$10,000 per violation per occurrence. A violation will count toward the total in this subsection 7.04.690.H whether the enforcement was taken by Washington State, Seattle, or another jurisdiction in Washington.

I. Modified RCW 19.94.510(4)(a). Any person who, individually, by an agent or employee, or as the agent or employee or another person, knowingly adds to or modifies any weighing or measuring instrument or device or electronic price scanning system by the addition of a device or instrument that would allow the sale, or the offering of exposure for sale, of less than the quantity represented of a commodity or falsification of weight or measure is subject to a civil penalty of up to \$10,000 per violation per occurrence.

J. Modified RCW 19.94.515. A person who owns or uses a weighing or measuring instrument or device or electronic price scanning system and uses or permits the use of the instrument for commercial purposes in violation of RCW 19.94.015 is subject to a civil penalty of \$100 for each such instrument or device used or permitted to be used in violation of RCW 19.94.015.

K. Modified RCW 19.94.517

1. Whenever the City Sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner is subject to the following civil penalties:

Penalties in dollars for device deviations outside the tolerances stated in Handbook 44, as adopted and modified by Section 7.04.105

Category of weighing or measuring instrument or device	First violation	Second or subsequent violation within one year of first violation
<u>Small</u>	<u>200</u>	<u>500</u>
<u>Medium</u>	<u>400</u>	<u>1,000</u>
<u>Large</u>	<u>500</u>	<u>2,000</u>

A violation will count toward the total in this subsection 7.04.690.K whether the enforcement was taken by

Washington State, Seattle, or another jurisdiction in Washington.

2. For the purposes of this subsection 7.04.690.K, the categories of weighing or measuring instruments or devices are:

a. Small: Scales of 0-400 pounds capacity, liquid fuel metering devices with flows of not more than 20 gallons per minute, liquid petroleum gas meters with dispensers of 1 inch diameter or smaller, fabric meters, cordage meters, and taxi meters.

b. Medium: Scales of 401-5,000 pounds capacity, liquid fuel metering devices with flows of more than 20 but not more than 150 gallons per minute, and mass flow meters.

c. Large: Liquid petroleum gas meters with greater than 1 inch diameter dispensers, liquid fuel metering devices with flows over 150 gallons per minute, and scales of more than 5,000 pounds capacity and scales of more than 5,000 pounds capacity with supplemental devices.

7.04.691 Citation process

If after investigation the Director determines that any of the provisions listed in chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code, have been violated, the Director may issue a civil citation to the person responsible for the violation.

A. Citation. The civil citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) a separate statement of each provision violated; (3) the date of the violation; (4) a statement that the person cited must respond to the civil citation within 15 calendar days after

service; (5) a space for entry of the applicable penalty; (6) a statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due; (7) contact information for the Hearing Examiner where the citation is to be filed; (8) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this code; and (9) a certified statement of the Director's representative issuing the citation, authorized by RCW 5.50.050, setting forth facts supporting issuance of the citation.

B. Service. The citation shall be served by first-class mail, addressed to the operator or other person responsible for the violation. Service shall be deemed complete three days after the mailing. If a citation sent by first-class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property where the violation occurred and service shall be complete on the date of posting. The citation may also be served in person.

C. Response to citations

1. A person cited must respond to a citation in one of the following ways:

a. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

b. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing an address to which notice of such hearing may be sent; or

c. Requesting in writing a contested hearing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.

2. A response to a citation must be received by the Office of the Hearing Examiner no later than 15 calendar days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

3. Failure to respond. If a person fails to respond to a citation within 15 calendar days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation.

D. Hearings

1. Mitigation hearings

a. Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 calendar days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten calendar days prior to the date of the hearing.

b. Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from the Department may also be present and may present additional information, but attendance by a representative from the Department is not required.

c. Disposition. The Hearing Examiner shall determine whether the cited person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless the Department of Finance and Administrative Services affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced prior to the issuance of the citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

d. Entry of order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to subsection 7.04.691.E. The Hearing Examiner's decision is the final decision of the City on the matter.

2. Contested hearings

a. Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 calendar days after the written response to the citation requesting such hearing is received.

b. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 7.04.691. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

c. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections, do not prejudice substantial rights of the person cited.

d. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

e. Evidence at hearing. The certified statement or declaration authorized by RCW 5.50.050 shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration authorized under RCW 5.50.050 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 5.50.050 shall also be admissible without further evidentiary foundation. The person cited may rebut the Department of Finance and Administrative Services' evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

f. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and impose the applicable penalty pursuant to

subsection 7.04.691.E. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in subsection 7.04.691.D.1.c. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

g. Final decision. The Hearing Examiner's decision is the final decision of the City.

3. Failure to appear for hearing. Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear and schedule a new contested hearing date.

E. Citation penalty assessments

1. In assessing the amount of a civil penalty, the Director must give due consideration to the gravity of the violation and history of previous violations.

2. A person found by the Director to have violated one of the provisions listed in chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code shall be subject to a civil penalty as described in Section 7.04.690. The Director may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited by The City of Seattle for violating chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this code.

3. Collection of penalties. If the person cited fails to pay a penalty imposed pursuant to this Section 7.04.691, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

4. Each day a separate violation. Each day a person violates or fails to comply with one of the provisions listed in chapter 19.94 RCW or the rules adopted under the provisions of chapter 19.94 RCW, or this

code, may be considered a separate violation for which a civil citation may be issued.

~~((7.04.695 Presumptive evidence.~~

~~For the purposes of this code, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.))~~

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)