

*Introduced at
req. of Mayor
Ref. 6/10*

ORDINANCE NO. 91079

AN ORDINANCE relating to the licensing of hotels for a period terminating October 21, 1962; establishing a board; prescribing penalties; and declaring an emergency.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. It is hereby declared that a serious emergency exists in the City of Seattle by reason of the shortage of housing accommodations, hotel, apartment hotel, rooming house and lodging house accommodations, for residents, by reason of which the public peace, health, safety and general welfare of the residents are seriously menaced. Unless the availability of such accommodations is stabilized, disruptive practices and abnormal conditions will produce serious threats to the public peace, health, safety and general welfare. It is hereby declared to be the purpose and public policy of the City of Seattle to protect its citizens and residents in their housing, health, sanitation, morals, and good order during the period of time that the Seattle World's Fair, Century 21 Exposition, presently scheduled for April 21, 1962 through October 21, 1962, is in progress in this city, and to protect and preserve the public peace, health, safety and general welfare; all provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

Section 2. For the purpose of this ordinance the following words and phrases shall have the following meanings:

"Hotel" shall mean any inn, hotel, motel, motor hotel, apartment building, apartment hotel, or any other structure, having four or more rental units, used for the renting to or occupancy by transients, but not including

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medical facilities, charitable institutions, college or school dormitory or any structure operated by any federal, state, municipal or other governmental agency.

"Operator" shall mean any person, partnership, corporation, business organization, association, or any other organized group of individuals or the legal successor or representative or lessee or assignee of any of the foregoing which owns, or operates or manages as the agent of the owner any hotel.

"Rental unit" shall mean a sleeping room or dwelling unit maintained or offered for renting or leasing.

"Transient" shall mean any person not ordinarily a resident of the City of Seattle seeking to lease or rent or leasing or renting a rental unit for a period of time less than 30 days.

Section 3. It shall be unlawful for any operator to operate a hotel between April 21, 1962 and October 21, 1962 without first procuring a license under the provisions of this ordinance. A license to operate a hotel shall be issued to an operator if any one of the following requirements are met:

(1) At least 90% of rental units of the hotel were devoted to transient use during the period of April 21 through October 21, 1961; or

(2) No larger proportion of the hotel's rental units are to be licensed for transient use than the hotel devoted to

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transient use during any one month during the period of April 21 through October 21, 1961; or

(3) Any hotel that was not operating as a hotel, apartment hotel or multiple dwelling of any kind for the entire period of time between April 21 through October 21, 1961.

Any operator not entitled to a license under subsections 1, 2, or 3 of this section or any operator desiring to devote more of the hotel's space to transient use than permitted by those subsections may be issued a license under section 4 of this ordinance.

Section 4. In specific cases the board may issue special licenses authorizing specific variances from the requirements for the issuance of a license where, owing to special conditions pertaining to a specific hotel, the literal interpretations and strict application of those requirements would cause undue and unnecessary hardship. The board shall not issue a special license unless at least one or more of the following elements are present:

(1) If the hotel for which the special license is requested had vacancies of rental units in excess of the rental units devoted to transient use, the board may authorize such hotel to devote a specific number of additional units reflected by those vacancies to transient use, provided, that such vacancies shall not have occurred except by:

(a) Voluntary release by the occupant not attributable to notification or demand for an increase of rent of

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over 15% during any time after 90 days prior to the adoption of this ordinance;

(b) Eviction for waste, maintenance of a nuisance, or non-payment of rent, provided that such rent had not been increased by more than 15% during any time after 90 days prior to the adoption of this ordinance.

(2) If the Board finds that substantial improvements have been made by the operator converting the structure permanently to a hotel, provided that such improvements have been made prior to the effective date of this ordinance.

(3) If the board finds exceptional or extraordinary circumstances or conditions applying to the subject hotel that do not apply generally to other hotels.

The board, in issuing a special license, may place such conditions on the license and may specifically determine and limit the amount of the variance in such manner as it shall deem desirable to assure adherence to the intent of this ordinance.

Section 5. In the event a license is issued under section 3, or a special license is issued under section 4, the board shall specify the number of rental units which may be devoted to transient use during the term of the license.

Section 6. Any license issued hereunder may be revoked by the board in any of the following events:

(1) If the operator violates any of the requirements or conditions of any license issued hereunder;

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(2) If the operator files a false application or furnishes false information in connection with the application for the license issued hereunder;

(3) If the operator violates any law relating to the operation of the hotel.

Section 7. There is created a temporary emergency hotel licensing board, called the "board" which shall consist of four members to be appointed by the mayor, one to be an employee of the city building department, one to be an employee of the fire department, one to be an employee of the health department, and one to be an employee of the comptroller's department, such members to serve at the pleasure of the mayor. The member from the building department shall serve as chairman of the board. The board shall have the power to direct the issuance, denial or revocation of licenses for hotels under the provisions of this ordinance. The board may prescribe application forms and designate the types of information to be submitted with each application. The board may employ such persons as are reasonably necessary to carry out the purposes of this ordinance, including employees from other departments of the city, in accordance with the Charter and ordinance provisions of the city.

Decisions of the board shall be final and subject to appeal to the Superior Court of King County solely on the grounds that the action of the board was arbitrary or capricious, such appeal to be by action commenced within 30 days of the date of the issuance of the board decision.

The board may adopt rules and regulations for its own government, not inconsistent with the provisions of this

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ordinance or of any other ordinances of the City of Seattle. Meetings of the board shall be at the call of the chairman and at such other times as the board may determine. The actions of the board shall be by resolution which may be adopted by a favorable vote of at least two members of the board.

The board may issue a temporary license, effective for a period not to exceed two weeks, for the operation of a hotel, under such conditions and limitations as the board may prescribe, pending the time of the board's final determination on the application.

Each applicant for a license under the provisions of this ordinance shall pay a fee of \$ 100 to the city treasurer and the comptroller shall issue licenses at the direction of the board.

In connection with its action on any application under this ordinance the board may issue subpoenas, require the attendance of witnesses and the reproduction of documents, and administer oaths and affirmations to persons appearing before the board.

As a condition precedent to the issuance of a license under this ordinance the board shall require compliance and the furnishing of proof of compliance by the applicant with all existing city and state laws pertaining to health, building, fire and zoning provisions applicable to the type of use intended.

Section 8. Hotels licensed under the provisions of this ordinance shall post in a conspicuous public place near the inside of the main entrance of the hotel the license issued under

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the provisions of this ordinance. Hotels licensed under the provisions of this ordinance shall post and maintain the rates for each rental unit on the inside of the door to the rental unit.

Section 9. Any person wilfully violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not exceeding \$500.00 or by imprisonment in the city jail for a period not exceeding 6 months or by both such fine and imprisonment. Each day of a continuing violation shall constitute a separate offense.

Section 10. The city may maintain an action for an injunction or other process against any person to restrain or prevent the operation or maintenance of a hotel without a license under the provisions of this ordinance.

Section 11. If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 12. The City Council hereby finds that an emergency exists and that it is necessary for the immediate preservation of public peace, health, safety and welfare that this ordinance shall become effective without delay. The City Council finds the following facts: An extreme housing shortage resulting in the dislocation of a great number of Seattle residents^{is}/occurring and about to occur because of operators seeking to rent the present housing of these Seattle residents to transients during the

period of the Seattle World's Fair; this housing shortage and resulting dislocation is placing serious hardship upon the residents of the city and is a danger to the public peace, health, safety and welfare. This ordinance shall be of full force and effect immediately upon approval by the mayor.

Section 13 By reason of the facts set forth in this ordinance an emergency is declared to exist; therefore, this ordinance shall take effect and be in force from and after its approval, if approved by the Mayor; if not so approved it shall take effect and become a law at the time and in the manner provided for non-emergency ordinances under the provisions of the city charter.

Passed the City Council the 16 day of April, 1962 and signed by me in open session in authentication of its passage this 16 day of April, 1962

David Lewis
President of the City Council.

Approved by me this 17 day of April, 1962

James S. Clinton
Mayor.

Filed by me this 17 day of April, 1962

O. H. Anderson
Attest: City Comptroller and ex-officio City Clerk.

(SEAL)

By W. A. Perine
Deputy Clerk.

Published _____