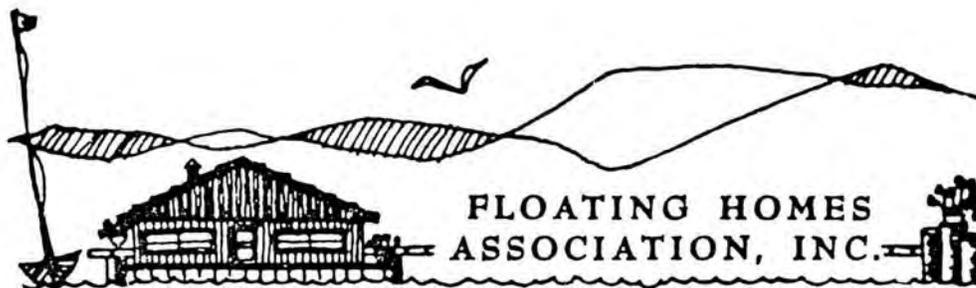


**“Know The Ordinance” Meeting Feb. 17th ...Pg. 3**

**Fact-Finder Gets \$462.00 Moorage Cases ...Pg. 6**

**Bruce Corker Analyzes The Ordinance ....Pg. 2**



2329 Fairview East

Seattle, Washington 98102

Phones: 325-1132 or 329-1517

Number 74

*Newsletter*

January-February 1978

## Council Approves 9-0; Signed by Mayor



Following unanimous approval by the entire City Council, Mayor Wes Uhlman is shown above signing the "Equity" Ordinance. It became effective as of Dec. 21st, 1977. From Left : Councilman Paul Kraabel, chairman of the Planning and Urban Development Committee; Administrative Secretary Terry Pettus; Mayor Uhlman; Standing: Attorney Bruce Corker and President Richard Wagner. Full text on pages 4-5. (Photo by Jonathan Ezekiel).

# Everyone Should Know The Ordinance

By Bruce Corker

Enactment of the Floating Homes Equity Ordinance has made available to houseboat owners significant new protections with respect to evictions and moorage fees. Primary responsibility for implementing the protective provisions of the Ordinance rests with houseboat owners themselves. Affirmative enforcement by the City will be limited. For this reason it is important that houseboat owners know what specific protections are provided under the Ordinance and what procedures should be followed if and when those protective provisions are needed.

As to the specific substantive provisions of the Ordinance, each houseboat owner should take the time necessary to carefully review the entire text of the Ordinance. Particular attention should be paid to the limitations on evictions set forth in Section 2 and the relevant factors for determining reasonableness of moorage fees in Section 6. Special attention should also be given to Section 10 which obligates a floating home owner to advise both the moorage owner and prospective renter or purchaser if a floating home is rented or sold.

The procedural steps and considerations are less clearly defined in the Ordinance. What follows is a brief outline of suggested considerations and recommended steps to be followed if you believe that the eviction provisions of the Ordinance are being violated or that an unreasonable fee increase has been demanded.

## UNLAWFUL EVICTION ACTIONS

1. It is now unlawful for a moorage owner to give notice to a floating home owner to remove his or her floating home unless the reason for removal is justified under one of the six lawful reasons for eviction set forth in Section 2 of the Ordinance.
2. If you receive a notice to vacate your moorage site, ask the moorage owner to identify the reason for the notice.
3. If the moorage owner fails to give a reason, or if the reason given does not fall within one of the six lawful reasons of Section 2, or if the reason given is not justified by the facts, you should notify the moorage owner that the notice to vacate constitutes criminal violation of the municipal code and request a written revocation of the notice.
4. If the moorage owner refuses to revoke the notice, and if you believe that Section 2 of the Ordinance has been violated, you should file a complaint with the City Attorney.
5. If the moorage owner files, or indicates that he will file, a formal eviction action in Superior Court, you should seek legal counsel without delay. In the eviction proceeding, the burden will be on the moorage owner to establish that eviction is justified under one of the six lawful reasons enumerated in Section 2. If the moorage owner fails to meet that burden, the eviction action will be subject to dismissal by the court.

## FACT-FINDING: UNREASONABLE MOORAGE FEE INCREASES

1. **Determine whether the increase is reasonable.** Don't assume that every moorage fee increase is unreasonable. In making a determination, review each of the eight factors which will be considered by the fact-finder pursuant to Section 6 of the Ordinance. The Floating Homes Association will be able to provide information as to comparability of moorage fees on other docks and increases and decreases in the Consumer Price Index for residential rents in Seattle.
2. **Consider the costs of fact-finding.** The filing fee for a Petition for Fact-Finding is \$25. The fact-finder's fee, which can run to \$500 or more, is paid by the parties. In most cases the fact-finder's fee will probably be split between the petitioner and the moorage owner. However, the fact-finder has authority to

assess the entire cost against any party if, for example, it is determined that the moorage owner has been wholly unreasonable or that the houseboat owner has filed any frivolous Petition.

3. **If you determine to request fact-finding, a Petition must be filed within fifteen days of the date when you were notified of the moorage increase.** The Petition should be filed in person or by certified mail with the Mayor's office or with the Department of Community Development, which has been designated by the Mayor to process the petitions. Each Petition requires a filing fee of \$25, and so it is advantageous for similarly situated houseboat owners to join as joint petitioners on a single Petition wherever possible. Joint filing will spread the cost of the filing fee and the fact-finder's fee.

4. **Form of the Petition.** There is presently no established format for a Petition for Fact-Finding. A letter to the Mayor or to the Department of Community Development will be sufficient as long as the letter contains at least the following:

- (a) Name, address, and signature of each petitioner;
- (b) Name and address of the moorage owner;
- (c) Identification of the moorage increase or increases and a statement that each petitioner believes the applicable increase is unreasonable; and
- (d) A specific statement that the letter is intended as a Petition for Fact-Finding. The \$25 filing fee must accompany each Petition.

5. **Moorage fee during the fact-finding process.** If a timely Petition is filed, the moorage fee increase is not effective during the fact-finding process. The moorage owner, however, can retroactively recover the increase, or any portion of the increase, later determined to be reasonable by the fact-finder.

6. **Disqualification of the fact-finder.** A fact-finder appointed by the Mayor may be disqualified by either party, if the party believes he or she will not receive a fair hearing from the appointed fact-finder. Only one such qualification is available, however, to each party.

7. **Presentation of evidence and argument.** Although the burden will be on the moorage owner to present evidence demonstrating the reasonableness of the increase, the petitioner should be prepared to present evidence in argument to the fact-finder which establishes that the moorage increase is not justified. Petitioning houseboat owners should at minimum be prepared to offer testimony as to comparable moorage rates, the condition and state of repair of the dock, and the quality of services and maintenance.

It should be clearly recognized that the fact-finder's determination is nonbinding. The City Council amended the Floating Homes Association's ordinance proposal to substitute the moral suasion of the public fact-finding process for the mandatory arbitration proposed by the Association. Members of the Council have indicated that if moral suasion proves to be an insufficient deterrent, the Ordinance will be amended to make the fact-finder's determination binding.

If, however, a moorage owner continues to demand payment of the increased moorage fee despite the fact-finder's determination that the increase is unreasonable, the increased fee must be paid. Failure to pay the increase may subject the houseboat owner to eviction for nonpayment of moorage fees pursuant to Section 2(1) of the Ordinance. If disregard of fact-finding determinations by moorage owners occurs, appropriate amendments to the Ordinance will be proposed to the Council by The Floating Homes Association.

\*\*\*

(Attorney Bruce Corker is a member of the Association and served as legal counsel in drafting the original Equity Ordinance and during the time it was under consideration by the City Council.)

# One Evening — Two Important Meetings

St. Patrick's Parish Hall (basement) Corner E. Broadway & E. Edgar

7 p.m.

Friday, February 17th at

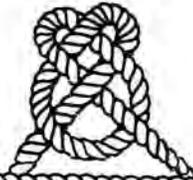
8 p.m.

Second annual meeting of the  
LAKE INVESTMENT FUND  
(a co-op). Annual report &  
election of trustees.

Only shareholders may vote but  
visitors welcome.

meeting of the Floating Homes  
Association.

Detailed explanation and  
discussion of the historic  
"Equity Ordinance" now in  
effect.



## Milfoil Proliferation Threatens Lake Waters

Eurasian watermilfoil, the fast-growing aquatic weed, once locally regarded as a minor nuisance, produced a bumper crop in the 1977 growing season, and is now a real threat to the recreational use of water and beaches in Lake Union, Portage Bay, many parts of Lake Washington and the north end of Lake Sammamish. With the start of the growing season in May several governmental units as well as private groups will begin the first organized efforts locally to bring the pest under control.

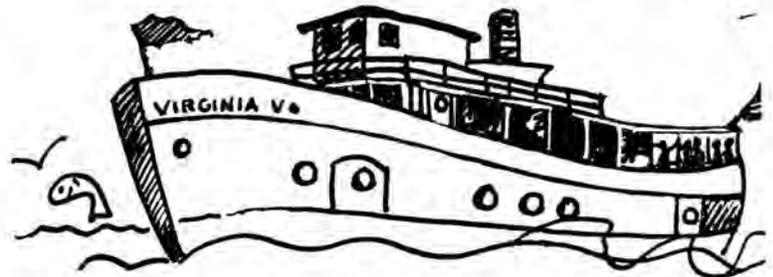
The U.S. Corps of Army engineers has some federal funds for this purpose which must be matched by local government. Metro, the City of Seattle and King County are now reported to be working out a joint program for a test project centered in Union Bay which is heavily infested. During the winter the weed breaks off and surfaces in huge masses and the current has now carried it along the shore of Portage Bay and Lake Union. Lt. Harry Berghmans of the Seattle Harbor Police, said Union Bay "looked as if you could walk across it." Floating home moorages in Portage Bay have been badly infested with the drifting masses.



The State Department of Ecology has been researching the problem for some time and has issued several pamphlets. The department recommends the use, under strict controls, of the weed killer, 2,4-D although some environmental groups worry about this. It is claimed, however, that the Army Engineers have used this for several years in the Tennessee Valley without adverse effect. Stating that anything used in excess can be harmful the Department says that 2,4-d "is considered one of the safest herbicides in general use."

Private firms, licensed by the state, will probably be used in a joint effort of the Queen City and Seattle Yacht Clubs who have a serious problem at their boat moorages. It is also reported that a group of Laurelhurst residents, headed by Dr. Keith Timberlake,

## Virginia V Gets Face Lift



The Steamer Virginia V Foundation reports that restoration of the historic vessel is well under way but there is a need for more volunteer labor, donation of materials and memberships. There are now 250 members in the Foundation including the Floating Homes Association which has been chartering the Virginia for its holiday cruises.

The Foundation has received an historic preservation grant in the amount of \$53,750 which is to be matched either with cash, services, or materials. About one third of that amount has been raised. The Foundation now has the full time services of two CETA employes, Paul Glassen and Mary Heath who will be working out of the local headquarters at 4250 21st Avenue West. Those interested in helping in the restoration of the last of Puget Sound's famed "Mosquito Fleet" can write or phone 282-3636. It is hoped to have the Virginia V back in service as a floating museum and charter boat by late this spring.

##

are also considering such a project. Reports from Lake Washington indicate that the milfoil problem is serious in Yarrow Bay, Cozy Cove and Fairweather Bay. British Columbia has been vainly trying to cope with milfoil for several years but it has spread rapidly from rivers to lakes. Last Nov. 8th the Vancouver Province had a page one headline B.C. PLANS ALL-OUT WAR AGAINST MILFOIL WEED over a story reporting a multi-million dollar campaign. This also calls for an inspection campaign to try to halt the spread by boats and trailers.

The Department of Ecology has nothing good to say about milfoil. "Watermilfoil is a threat to both health and creation. When it becomes established in colonies, it creates breeding environments for mosquitoes, fouls propellers of motor boats, and tangles fishing lines, ruins swimming and water skiing areas and limits other water uses. Dense beds of milfoil may be dangerous to swimmers and should be avoided." Several drownings have been reported in British Columbia.

# Full text of Ordinance

ORDINANCE NO. 107012

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The floating home owner is directed by the moorage owner to remove his or her home from its moorage site by a written notice given at least six months prior to the demanded date of removal where the purpose of such demand for removal is to permit the moorage owner to personally

occupy such moorage site with a floating home to be used as such owner's residence, provided that such demand for removal is not contrary to any existing lease agreement between the moorage owner and such floating home owner and that such moorage owner locates for the displaced floating home owner another lawful moorage site within The City of Seattle.

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

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

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

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

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

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

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

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

(5) increases or decreases in necessary or desirable services furnished by the floating home moorage owner or operator where such increased or decreased services affect the person or persons initiating the fact-finding proceedings.

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

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

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

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

## FILE BUT DO NOT FORGET...

Every floating home owners should file a copy of this Ordinance with their important papers. It provides protection but also assigns some responsibilities. We call particular attention to Section 10. Read it carefully along with the entire text. Bring your questions to the Feb. 17th membership meeting.

**IF YOU AREN'T A MEMBER YOU CAN FIND OUT WHAT TO DO ON PAGE 8. DO IT!**

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

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

Section 9. The fact-finder's fee and related expenses shall be assessed by the fact-finder against one or more of the parties to the fact-finding proceedings in a manner consistent with the fact-finder's decision, and the party or parties against whom such fee and expenses are assessed shall pay the same within thirty days of the conclusion of the fact-finding proceedings. If any party to the fact-finding process fails to pay any such sum assessed against him or her, the amount thereof shall be paid by the City and collected from the party responsible therefore in the manner provided by law.

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

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

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

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

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

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

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

Sam Smith  
President of the City Council

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

Wes Uhlman  
Mayor

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

Attest: E.E. Kidd  
City Comptroller and City Clerk

By: Wayne Angevine  
Deputy

Published in the Daily Journal of Commerce, December 22, 1977.

###

**TAKE NOTE OF THIS PROVISION:** "It is unlawful to sell, lease or rent a floating home without advising the prospective purchaser, lessee or renter of the provisions of this Ordinance, and it is unlawful to fail to provide the owner or operator of a floating home moorage with a written notice of a proposed change in the occupancy of a floating home located at such moorage at least fifteen days in advance of such proposed change in occupancy." Section 10, Ordinance No. 107012.

#

Bring a copy of the Equity Ordinance with you to the Feb. 17 "Know Your Ordinance" meeting at St. Patrick's.

## Still Looking For a Home



Photo by John Southern

The long legal battle to save Bob Weppner's floating home from destruction for lack of storage ended on an unexpectedly sour note when the King County sheriff's office, in carrying out the eviction, illegally "dumped" in into a state waterway in violating of the Seattle Harbor Code. The action was protested by the Board of Public Works to county officials but it created another problem for Weppner who is attending law school in Portland.

By posting a \$2,000.00 bond Weppner has been granted a 90 day occupancy permit. The Board indicated that if Weppner is unable to find any other storage, it might consider a renewal. As of now the outlook is grim. Since early last year and all during the legal proceedings, Weppner and the Association vainly sought dead storage for the home. Deputy sheriffs spent two weeks in a fruitless search and then solved the problem by breaking the law. The floating home could be converted to some marine use other than residential. Anybody with a suggestion should contact the Association or Robert Weppner, 1514 S.E. Taylor St., Portland, Oregon, 97214.

###

**VULNERABLE TO THIEVES FROM THE WATER:** This isn't the kind of news we like to bring. We have long been relatively free from the ordinary neighborhood crime, particularly house prowling and burglary. Our "one way out" walkways and the eyes of neighbors have served us well. But we are vulnerable from the water and the increasing number of reports of break-ins and attempted break-ins and thefts of small boats, kayaks and canoes and other goodies left unprotected on the decks, are signals to be more alert. We will have to turn our attention to the water. Those boats cruising around, particularly after dark, are not necessarily friendly.

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### OUR APOLOGIES TO MR. & MRS. FISCHER...

In the November-December NEWSLETTER it was erroneously reported that Mr. and Mrs. Fred Fischer, 3100 Fuhrman Ave. E., were among the small group of moorage owners who had increased monthly fees from \$25.00 upwards in anticipation of the passage of the Equity Ordinance. The Fischers did not make any such increase and although asked to do so rejected the proposal. We sincerely regret the error.

# \$462 Monthly Moorage Fee Challenged

By Terry Pettus

It did not take long for the "Equity" Ordinance to get its first work out. Virtually within hours after it became effective, under the emergency clause, the residents of two Portage Bay moorages filed complaints. One involves monthly moorage charges of \$462.00 as well as the threat of eviction proceedings. The other was brought by four floating home owners who had monthly fees increased from \$150.00 to \$175.00 effective Feb. 1st. Mayor Charles Royer has selected the Department of Community Development to process the Ordinance. Attorney Philip L. Burton has been named as the first fact-finder.

The demand for moorage increases up to \$462.00 monthly was made on Charles and Juliet Sauvage and Steve Haugseth of 3002 Fuhrman Ave. E. Also involved on this property is Paul Zinsel, owner of a barge-boat. All were ordered to vacate by Jan. 1st by Donald Crouch of Mercer Island acting as the agent for the property owner. Dr. Albert F. Lee now living in Crouch listed the charges as \$250.00 for the floating home moorage, \$75.00 for "storage," \$37.00 for parking and \$100.00 for small boat moorage.

Crouch said that he has made arrangements with Canadian interest to moor two 100-foot vessels on the property at a monthly fee of \$500.00 each. Even if there was room for two such vessels on a 50 foot wide water lot, such a usage is illegal both under the City Zoning (Resident Waterfront) and the Environmental Designation (Urban Residential) under the Seattle Shoreline Master Program. It is a single family zone and RW is restricted to floating homes and bona fide non-profit yacht clubs.

For more than eight years the Sauvages have managed the property for Dr. Lee. Last November Crouch appeared saying he was taking over as the attorney for the owner. The Sauvages have made a number of attempts to contact Dr. Lee in Honolulu without success. He will be required under the Ordinance to personally appear at the hearing conducted by the fact-finder. On his letterhead Crouch describes himself as a "Consultant-Expediter-Entrepreneur." He appeared at the final hearing before the Council Planning & Urban Development Committee claiming the proposed Ordinance is unconstitutional and that he would challenge it in court.

The other case has been brought against Evelyn Farrell of 4672 Eastern Ave. E., who owns the four unit moorage adjacent to the University bridge in the 3200 block on Portage Bay Place E. Floating home owners bringing the case are Lois Loontjens, Edward Courtney, Patricia Drumhiller and David Kruglinski. The \$175.00 would be the highest moorage fee being currently charged in the Portage Bay area. No date for either hearing has been set.

##

## Nominations Now Open For Election April 21

Nominations for offices to be filled by election at the 16th annual membership meeting April 21st are now open and can be made to the Executive Committee. The meeting will be held in St. Patrick's parish hall. Offices to be filled are: President, Vice President, Recording Secretary, one Trustee for a 5 year term and five at large members of the Executive Committee.

President Richard Wagner, who has served two terms, will not seek re-election to that post but has been nominated for Executive Ecomittee. Julie North has been nominated for President.

## Seek Ordinance Protection



Here are the two floating homes at 3003 Fuhrman Ave. E. hit by a \$462.00 monthly moorage demand as well as eviction notices. The home above is owned by Charles and Juliet Sauvage, the other by Steve Haugseth. The actions were taken by Donald Crouch of Mercer Island acting as agent for the property owner, Dr. Albert F. Lee, now living in Honolulu. (Photos by John Southern).

##

Vice President Patrick Scott will not seek re-election. Larry Clifton has been nominated for that post. Eileen MacIntyre has been nominated for Trustee; Anthony Johnson and James S. Rogers have been nominated for Executive Committee positions. Any member in good standing is eligible for office. Any member, whose name is submitted to the Executive Committee, will be nominated. The only provision is that they agree to serve if elected.

The Executive Committee regrets the loss of four members who will not be candidates for re-election: Recording Secretary Lucy Dodd, Vice President Patrick Scott and Executive Committee members, Robert Nielson and Barbara Droker. The offices Treasurer, Administrative Secretary and Organizational Director are filled by the Executive Committee.

# Legal Fund Donations Set Annual Record

Contributions to the Association's "Emergency & Legal Fund" during 1977 reached an all time high of \$2,563.75 according to a report made to the Executive Committee by Treasurer Julie North. This is included in the detailed annual financial report which will be mailed to every member prior to the 16th annual membership meeting to be held in April. The contributions have done much to meet the heavy demands on the fund arising mainly out of legal expenses of the Weppner eviction case, the Equity Ordinance and the Roanoke Beef controversy. Total costs for the year came to more than \$6,000.00.

The Emergency & Legal Fund began 1977 with a comfortable balance of \$938.38. Proceeds from the sale of Howard Droker's "Seattle's Unsinkable Houseboats" and the successful Holiday Cruise will bring the deficit down to manageable proportions. During the year 135 individual contributions were made for an average of \$18.16. Contributions ranged from \$1.50 to \$100.00. Those who made the "Honor Roll" with a contribution are listed below.

J.E. Elgin, Beth Means & Ken Hartung, Mark Clark & Blake Petzoldt, Paul & Shirley Thomas, Elmer & Barbara Nelson, Mr. & Mrs. E.M. Sterling, Jack Alhadeff, Salmon Beach Historical Committee, George & Marie Gey, William & Caryl Keasler, John & Gail Bundleman, Joseph & Shirley Penn, Gloria Welch, Arthur & Dolores Goodfellow, Mr. & Mrs. B.N. Nelson, Shirley Lashua, William & Mildred Broxon, Jeffery & Cheryl Lucas, Robert Nielsen, Mack Hopkins, John W. Pursell, Bert Hendricks & Patricia Ruegg, Mary Finucan, William & Baukie Lambertson, Mr. & Mrs. Mahlon Taft, Stephen & Elayne Dunphy, Terry Pettus, & Mrs. Mahlon Taft, Stephen & Elayne Dunphy, Terry Pettus, Bob & Sarah Watson, Rosemary Ruff, Mr. & Mrs. James Rogers, Mattson, Anthony & Virginia Johnson, Elizabeth Furse, Allen & Jewell MacDonald, Michael & Doris Taylor, Jeanette Day, Barbara Mackness, John & Mary Davidson, Mr. & Mrs. R.A. Batchelder, Robert A. Weppner, Jim Mason, Bob West & Claire Conrad, Elsa Durham, James M. Smith, Smugglers C. Publishing Co., Elwood L. Jones, M.D., Phil Krang, Harold Newman, Jean B. Scott, Sam Seymour, Jack & Eileen MacIntyre, John C. Lindahl, Mr. & Mrs. Horace Bradt, Julia Forbes, Thomas G. Susor, Michael Schick.

George & Jane Engfer, Linda McGuire, Susan Drum, Dr. Robert Butov, A.M. Birnbaum, Onis Gaines, S.W. Bushnell Jr., Renate Bell, Martha B. Rubicam, Gene & Elizabeth Johnson, Robert & Joanne Harris, Ivan Weiss, C. William Korbonitz, Betty Capestrini, Walter R. Connelly, Elizabeth Jackson & Theodora Ninesteel, Robert & Deri Sherensky, Curtis Hammond, George & Irene Neale, James Wandesforde, Edward Courtney, Terry & Jean Scott, Charles & Rosemarie Davidson, Edward Josberger, Zella Jeanette, Bud Mount, William Wickett, L.M. Reeder, Lucille Leonhardt, Carlisle King, Peter R. Walker, Paul Thomas, William Johnson, James W. Nick, Marilyn & Galen Perry.

Tom Laz, Esther Carhart, Amelia Schultz, Wanda J. Stubbins, John Wartinger, Robert & Sarah Watson, Mike & Doris Taylor, W.W. McDonnell, Elwood L. Jones, M.D., Mike Douglas, Robert C. Rudine, Lucy M. Dodd, Robert & Mary Kapp, Steve & Carole Clark, Abby Adams, Ward Phillips & June Pilghee, Wayne Shuh, Alan & Patricia Hunt, Ann C. LaVasseur, Elizabeth Springer, Patricia Riches, John Wartinger, Richard & Irene Helfert, Philip D. Keightley, J. Porter Kelley, Nicholas Pukalo, Norton R. Rauchald, Eva Lashua, Rose Marie Parker, Richard B. Huggett, Samuel & Audrey Seymour, Todd Warmington & Julie North. Some of the above made more than one contribution during the year.

## Around & About The Lake

MONDAY, DEC. 19th, 1977, A DAY TO REMEMBER: The meeting of the City Council on that date was not an ordinary session for the members of the Floating Homes Assn. who were on hand. The Equity Ordinance, with an emergency clause, making it effective immediately, was on the agenda. It was a tense moment when it came up under Committee reports. There was a moment of silence which was broken when Councilmember Tim Hill praised the work of Committee Chairman Paul Kraabel during the months the proposal was before the Planning & Urban Development Committee. Kraabel then briefly outlined the need for the Ordinance. He was joined by John Miller. Council President Sam Smith then called for a vote on acceptance of the Committee report that the Ordinance "do pass." The voice vote was unanimous. It was all over. The Ordinance was a shoe-in.

Some two hours later the Ordinance came up for a roll call vote on final passage. "Ayes" were recorded by all nine members; George Benson, Tim Hill, Randy Revelle, Jeannette Williams, Phyllis Lamphere, John Miller, Jonathan Whetzel, Paul Kraabel and President Sam Smith. Mayor Uhlman signed in two days later. A draft of the proposed Ordinance was published a year ago in the January-February 1977 Newsletter. It was approved at a membership meeting Feb. 1st with only seven dissents. It was filed in April and had two public hearings before the Council Committee on June 7 and July 6. It remained on the back burner until September when a series of hearings and conferences were held through December when the final draft went to the Council. The Ordinance and the organization of a Lake Investment Fund were the two priority items on the Association's 1977 plan of work. Both were accomplished.

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## Annual Holiday Cruise Rated the Best Ever

The Association's 15th annual Holiday Cruise December 17th was rated the best ever even by those devoted folks who worked long hours before, during and after the event. The adult format with a rather lavish buffet supper, no-host bar and music by the Salmon City Seven netted a badly-needed \$1,800.00, considerable praise and only one complaint. This came from one who thought we did not cruise enough. (The captain hove-to so we could actually watch the parade of decorated craft.) The MV Islander was chartered in lieu of the historic Virginia V which is undergoing restoration and will be available next December.

Weeks of preparation went into the event and it paid off. The Arrangements Committee's work was coordinated by Yoland Koskie, Dixie Pintler and Terry Pettus. Members included Susan Drum, Jim Rogers, Barbara Droker, Nancy Johnson, Kathy Lynch, Mary Bischel, Amelia Schultz and Patrick Scott. The Committee wants to thank the following for contributions of food, drink and time.

Patty Ruegg, Barbara Nelson, Gloria Welsh, Larry Clifton, Marie Johnston, Tony and Ginny Johnson, Eileen & Jack MacIntyre, Pauline Keity, Sally Kerr, Myrna Cordova, Blaine Comfort, Bob & Carole Buchholtz, Shirley Titelbaum, Patra and Jim Rogers, Dick & Irene Helfert, Dick Pratt, Carla Helm, Barbara & Jim Donnette, Gretchen Anderson, Bill Koskie, John & Louise Davidson, Kathy Wallace, Mary Gey, Connie Jump.

Robert Blair, Carrie Sprlin, Linda McGuire, Ben Collins, Eldon Durham, Bruce & Lisa Corker, Julie North, Todd Warmington, Gertrude Eva, Richard & Colleen Wagner, William Wickett, Ted Halladay, Esther Olson, and Pete's Market. The Committee also wants to thank the many members who bought and helped to sell cruise tickets.



Association Treasurer Julie North is shown with the colorful "Lake Union Poster" issued by the Seattle Department of Community Development and now available through the Floating Homes Association and the Eastlake Community Council. The 20 color photographs of Lake Union and Portage Bay were taken by Anita Klapper,

member of both the organizations. A poem set to form a border is by Karen Boyle. The posters sell for \$3.00 with \$2.00 of the amount going to the organizations. They will be available at the Feb. 17th meeting in St. Patrick's parish hall. (Photo by Jonathan Ezekiel.)

Here Is The "Security Blanket" For Your Home

**MEMBERSHIP APPLICATION**

Dues \$12.00 per year.



- Dues covers all adults (18 years or over) in the household. If more than one membership card is needed, list names below.
- Dues payment covers the 12 months following the time of joining.
- Make checks payable to the Floating Homes Assn. and send to 2329 Fairview Ave. E., 98102.

Name \_\_\_\_\_ Address \_\_\_\_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_ Moorage No. \_\_\_\_\_ Phone \_\_\_\_\_

"To protect the interests of Seattle's old and colorful Houseboat Colony."