

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Adoption.

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the “Asotin Municipal Code,” as compiled, edited and published by Code Publishing Company, Seattle, Washington. (Ord. 03-628 § 1, 2003; Ord. 87-385 § 1, 1987)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Asotin Municipal Code” and it shall be sufficient to refer to the code as the “municipal code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Asotin Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Asotin Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 87-385 § 2, 1987)

1.01.030 Codification.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Asotin, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 87-385 § 3, 1987)

1.01.040 Ordinances passed prior to code adoption.

The last ordinance included in the initial code is Ordinance 86-377, passed October 20, 1986. The following ordinances, passed subsequent to Ordinance

86-377, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 86-378 through 87-385. (Ord. 87-385 § 4, 1987)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Asotin Municipal Code,” or to any portion thereof, or to any ordinance of the city of Asotin, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 87-385 § 5, 1987)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code. (Ord. 87-385 § 6, 1987)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 87-385 § 7, 1987)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this code, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 87-385 § 8, 1987)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the Asotin Municipal Code shall become effective. (Ord. 87-385 § 9, 1987)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 87-385 § 10, 1987)

Chapter 1.04**GENERAL PROVISIONS**

Sections:

- 1.04.010 Definitions.
- 1.04.020 Interpretation of language.
- 1.04.030 Grammatical interpretation.
- 1.04.040 Title of office.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction of provisions.
- 1.04.090 Repeal not to revive.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the city of Asotin, Washington, or the area within the territorial limits of the city of Asotin, Washington, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Asotin. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Asotin.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substitute for an oath, and in such cases "swear" and "sworn" shall be equivalent to "affirm" and "affirmed."

I. "Owner," applied to be building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, orga-

nization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Washington.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Ord. 86-374 § 1, 1986)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 86-374 § 3, 1986)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended.

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable. (Ord. 86-374 § 4, 1986)

1.04.040 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 86-374 § 2, 1986)

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 86-374 § 5, 1986)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 86-374 § 6, 1986)

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 86-374 § 7, 1986)

1.04.080 Construction of provisions.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 86-374 § 8, 1986)

1.04.090 Repeal not to revive.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 86-374 § 9, 1986)

Chapter 1.08**CITY CLASSIFICATION**

Sections:

- 1.08.010 Adopted.
- 1.08.020 Effective date.
- 1.08.030 City council positions.
- 1.08.040 Existing provisions to remain in force.

1.08.010 Adopted.

There is adopted by the city the classification of noncharter code city, retaining the mayor-council plan of government under which the city is presently operated, as provided in Chapter 35A.12 RCW, endowed with all the applicable rights, powers, privileges, duties and obligations of a noncharter code city as the same now exists or may be provided hereafter, including any and all supplements, amendments or other modifications of such title at any time enacted. (Ord. 237 § 1, 1976)

1.08.020 Effective date.

The clerk-treasurer is authorized and directed to forward to the Secretary of State a certified copy of the ordinance codified in this chapter for filing pursuant to RCW 35A.02.040, as amended, on the effective date of the ordinance codified in this chapter and upon which filing the city shall thereafter be classified as a noncharter code city as provided in this chapter. (Ord. 237 § 2, 1976)

1.08.030 City council positions.

The mayor and city council shall continue to hold office until their successors are elected and qualified. The requisite number of city council positions shall be filled by election biannually as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes as provided by Chapter 35A.29 RCW. (Ord. 237 § 3, 1976)

1.08.040 Existing provisions to remain in force.

All ordinances, resolutions, regulations and orders heretofore adopted by the city council, where not in conflict with state law, shall continue in force until repealed or amended by the city council under the newly adopted optional municipal code classification of noncharter code city under the mayor-council plan of government. (Ord. 237 § 4, 1976)

Chapter 1.10**ORDINANCE PASSAGE PROCEDURES**

Sections:

- 1.10.010 Readings required.
- 1.10.020 Amendments.
- 1.10.030 Emergency ordinances.
- 1.10.040 Waiver of reading requirements.

1.10.010 Readings required.

Every ordinance other than emergency ordinances shall have at least two public readings; at least three days shall elapse between the first reading and final passage of the ordinance, unless this rule be waived as provided in AMC 1.10.040. All readings may be accomplished by reading of the title only. (Ord. 89-403 § 1, 1989)

1.10.020 Amendments.

Voting on amendments to the proposed ordinance shall be postponed until after the ordinance in its original form has been read twice and is ready for adoption. (Ord. 89-403 § 2, 1989)

1.10.030 Emergency ordinances.

An emergency ordinance may be enacted without two readings, and upon introduction and upon the same day thereof, provided it contains a statement of its urgency and is passed by four affirmative votes from the council. (Ord. 89-403 § 3, 1989)

1.10.040 Waiver of reading requirements.

The requirement of AMC 1.10.010 may be waived by resolution of the council, passed by four affirmative votes allowing, an ordinance be introduced, read and passed at the same meeting. (Ord. 89-403 § 4, 1989)

Chapter 1.12**GENERAL PENALTY**

Sections:

1.12.010 Designated.

1.12.020 Separate offense.

1.12.010 Designated.

Any person violating any provision or failing to comply with any of the mandatory requirements of any ordinance of the city now in force or enacted subsequent hereto or as now codified or hereafter codified is guilty of a misdemeanor. Except in cases where different punishment is specifically prescribed by any ordinance enacted subsequent to the date of the ordinance codified in this chapter, any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine not to exceed \$250.00 or by imprisonment not to exceed 90 days or by both such fine and imprisonment. (Ord. 86-375 § 1(A), 1986)

1.12.020 Separate offense.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he is punishable accordingly. (Ord. 86-375 § 1(B), 1986)