

Title 1

GENERAL PROVISIONS

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Chapter 1.01**CODE ADOPTION**

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title – Citation – Reference.
- 1.01.030 Codification authority.
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- 1.01.050 Reference applies to all amendments.
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- 1.01.070 Reference to specific ordinances.
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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 “Clyde Hill Municipal Code,” as compiled, edited and published by Code Publishing Company, Seattle, Washington. (Ord. 786 § 1, 1998; Ord. 456 § 1, 1982)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Clyde Hill Municipal Code” and it shall be sufficient to refer to this 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 “Clyde Hill Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Clyde Hill Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 456 § 2, 1982)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Clyde Hill, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 456 § 3, 1982)

1.01.040 Ordinances passed prior to adoption of code.

The last ordinance included in the initial code is Ordinance 442, passed October 6, 1981. The following ordinances, passed subsequent to Ordinance 442, but prior to adoption of this code, are adopted and made part of this code: Ordinances 443, 444, 444A, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455 and 457. (Ord. 456 § 4, 1982)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Clyde Hill Municipal Code” or to any portion thereof, or to any ordinance of the city of Clyde Hill, Washington, the reference shall apply to all amendments, corrections and additions theretofore, now or hereafter made. (Ord. 456 § 5, 1982)

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 hereof. (Ord. 456 § 6, 1982)

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 provi-

1.01.080

sions contained within this code. (Ord. 456 § 7, 1982)

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 hereof, nor be construed as a waiver of any license, fee, or penalty at said 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, not 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. 456 § 8, 1982)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Clyde Hill Municipal Code" shall become effective. (Ord. 456 § 9, 1982)

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 has 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. 456 § 10, 1982)

Chapter 1.04

GENERAL PROVISIONS¹

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 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.
- 1.04.090 Repeal shall not revive any ordinance.
- 1.04.100 Appeal of city council actions.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Clyde Hill, Washington, 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. Wherever the word "city" appears within the Clyde Hill Municipal Code it shall be deemed to mean the city of Clyde Hill or the area within the territorial limits within the city of Clyde Hill and such territory outside of the city of Clyde Hill over which the city has jurisdiction or control by virtue of any constitutional or statutory provisions.

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

C. "County" means the county of King.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of

1. Pursuant to Section 2 of Ord. 841, the entire Clyde Hill Municipal Code was updated and reprinted in December, 2001, to reflect the change in classification from "town" to "city".

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 substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner" applied to a 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, organization, 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" mean 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. 841 § 1, 2001; Ord. 440 § 1, 1981)

1.04.020 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 of Clyde Hill. (Ord. 440 § 2, 1981)

1.04.030 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. 440 § 3, 1981)

1.04.040 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. 440 § 4, 1981)

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. 440 § 5, 1981)

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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. 440 § 6, 1981)

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. 440 § 7, 1981)

1.04.080 Construction.

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. 440 § 8, 1981)

1.04.090 Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 440 § 9, 1981)

1.04.100 Appeal of city council actions.

Except in cases where a different appeal period is provided by this code, all actions of the city council shall be final and conclusive, unless within 21 days of the council's action a party makes application to the superior court for King County for a writ of certiorari, writ of prohibition, or writ of mandamus, or files a petition under the Land Use Petition Act. Upon order of the court, the city clerk shall prepare a certified copy of the record or records of the body from whom the appeal is taken and file the same with the clerk of the superior court. The cost of preparation of the record shall be paid by the applicant prior to preparation by the city clerk. (Ord. 751 § 1, 1996; Ord. 594 § 1, 1988)

Chapter 1.06

CONTRACTORS' BONDS

Sections:

1.06.010 Filing.

1.06.010 Filing.

A. Any bond filed with the city pursuant to RCW 39.08.010, relating to performance of work for the city, shall be in an amount equal to the total cost of such work as established by the contract incidental thereto.

B. All such bonds shall run to the sole benefit of the city and shall be in the form prescribed by the city attorney.

C. The city attorney shall have the authority to require that the bond be in the form of a cash bond. (Ord. 760 § 1, 1997; Ord. 216 §§ 1, 2, 1967. Formerly 2.36.010)

Chapter 1.08**GENERAL PENALTY**

Sections:

- 1.08.010 Designated.
- 1.08.020 Investigation and notice of violation.
- 1.08.030 Responding to a notice of violation.
- 1.08.040 Nuisance.
- 1.08.050 Applicability.

1.08.010 Designated.

A. Criminal Penalty. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the city is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by ordinance of the city or state law, any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Except in cases where a different punishment is prescribed by ordinance of the city or state law, any person convicted of a gross misdemeanor shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed one year, or both. 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 or she is punishable accordingly.

B. Civil Penalty. Any person, firm, or corporation violating any provisions or failing to comply with any of the mandatory requirements of any ordinance of the city may be subject, in addition to other penalties hereunder, to a civil penalty not more than \$250.00 per day or portion of a day for each violation, plus payment of the city's reasonable attorneys' fees, witness fees, staff time and other costs

incurred in enforcing said civil penalty. (Ord. 913 § 1, 2011; Ord. 832 § 1, 2001; Ord. 749 § 1, 1996; Ord. 439, 1981; Ord. 242, 1968)

1.08.020 Investigation and notice of violation.

The city administrator, or his or her designee, shall be authorized to investigate compliance with the city's regulations and to take reasonable action to bring about compliance with such regulations, including but not limited to the issuance of notices of violation. A notice of violation must contain (A) a separate statement of each standard, code provision or requirement violated; (B) what corrective action, if any, is necessary to comply with the standards, code provision or requirements; (C) a reasonable time for compliance, unless the violation threatens the health and safety of the person(s) named in the notice of violation or any member of the public; (D) a statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil and criminal penalties; (E) a statement of the monetary penalty established for the violation; and (F) a statement that the notice represents a determination that a civil violation has been committed by the person named in the notice and that the determination is final unless contested within 15 days as provided in this chapter. (Ord. 913 § 2, 2011)

1.08.030 Responding to a notice of violation.

Any person who receives a notice of violation shall respond within 15 days from the date the notice is served. The date of service is the date the notice of violation is either (A) served on the violator(s) personally, or by leaving a copy of the notice at the house of the violator's usual abode with some person of suitable age and discretion then resident therein, (B) deposited into the United States mail, postage prepaid, via first class and certified mail, return receipt requested, or (C) is otherwise received,

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whichever occurs first. When the last day of the period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. Persons wishing to contest the notice of violation and people who do not wish to contest the notice of violation but wish to explain mitigating circumstances shall file a written request for a hearing within 15 days of the date the notice of violation is served and, upon the city's receipt of a timely request, a hearing shall be scheduled before the mayor. Failure to timely contest the notice of violation within 15 days of service results in the notice becoming the final and binding order of the city. At or after the appeal hearing, the mayor may (A) sustain the notice of violation; (B) withdraw the notice of violation; (C) continue the review to a date certain for receipt of additional information; or (D) modify the notice of violation, which may include an extension of the compliance date. The mayor shall issue a written decision within 10 days of the completion of the review and shall cause the same to be mailed by regular first class mail to the person(s) names on the notice of violation and, if possible, the complainant. The determination by the mayor shall be final, binding, and conclusive unless a judicial appeal is appropriately filed with the King County superior court. (Ord. 913 § 3, 2011)

1.08.040 Nuisance.

In addition to the penalties provided in CHMC 1.08.010, any condition caused or permitted to exist in violation of any of the provisions of this code is declared a public nuisance, and all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any other remedy. (Ord. 913 § 4, 2011)

1.08.050 Applicability.

The procedures for notification and enforcement set forth in this chapter are intended to apply only where procedures for enforcement

of civil violations have not been specifically provided elsewhere in the municipal code. The use of procedures set forth herein shall not require or preclude use of any other procedures allowed by the municipal code or state law. (Ord. 913 § 5, 2011)

Chapter 1.10

CITY CLASSIFICATION

Sections:

- 1.10.010 Adoption of noncharter code city classification.
- 1.10.020 Plan of government.

1.10.010 Adoption of noncharter code city classification.

Clyde Hill hereby adopts the classification of noncharter code city under RCW Title 35A. (Ord. 794 § 1, 1999)

1.10.020 Plan of government.

The city shall retain the same general plan of government under which the city currently operates, i.e., the mayor/council form of government, as modified by Chapter 35A.12 RCW. (Ord. 794 § 2, 1999)

