

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Official Newspaper**
- 1.12 General Penalty**

Chapter 1.01

CODE ADOPTION*

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title – Citation – Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

*For statutory provisions on the codification of municipal ordinances, see RCW 35.21.500 et seq.

1.01.010 Adoption.

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is hereby adopted the “Eatonville Municipal Code,” as compiled, edited and published by Code Publishing Company, Seattle, Washington. (Ord. 99-01 § 1, 1999; Ord. 79-1 § 1, 1979).

1.01.020 Title – Citation – Reference.

This code shall be known as the “Eatonville Municipal Code” and it shall be sufficient to refer to said code as the “Eatonville Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law for 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 “Eatonville Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Eatonville Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 79-1 § 2, 1979).

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 79-1 § 3, 1979).

1.01.040 Ordinances passed prior to adoption of code.

The last ordinance included in the initial code was Ordinance 1978-9. The following ordinances, passed subsequent to Ordinance 1978-9, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 1978-10 through 1978-17. (Ord. 79-1 § 4, 1979).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Eatonville Municipal Code” or to any portion thereof, or to any ordinance of the town, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 79-1 § 5, 1979).

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. 79-1 § 6, 1979).

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. 79-1 § 7, 1979).

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 town 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, 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. 79-1 § 8, 1979).

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Eatonville Municipal Code" shall become effective. (Ord. 79-1 § 9, 1979).

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. 79-1 § 10, 1979).

Chapter 1.04

GENERAL PROVISIONS

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 ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the town of Eatonville, 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 town of Eatonville, or the area within the territorial limits of the town of Eatonville, and such territory outside of the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

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

C. "County" means the county of Pierce.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the town of Eatonville, 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 employer 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 town 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. 78-7 § 1, 1978).

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 town of Eatonville. (Ord. 78-7 § 2, 1978).

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. 78-7 § 3, 1978).

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the town of Eatonville, 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 future tenses and vice versa, unless manifestly inapplicable. (Ord. 78-7 § 4, 1978).

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. 78-7 § 5, 1978).

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the town of Eatonville 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. 78-7 § 6, 1978).

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. 78-7 § 7, 1978).

1.04.080 Construction.

The provisions of the ordinances of the town of Eatonville and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 78-7 § 8, 1978).

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 78-7 § 9, 1978).

Chapter 1.08

OFFICIAL NEWSPAPER*

Sections:

1.08.010 Designated.

*For statutory provisions on the designation of an official newspaper, see RCW 35.27.370; for provisions on competitive bidding, see RCW 35.23.352.

1.08.010 Designated.

The Eatonville Dispatch is designated as the official newspaper for the town of Eatonville, and for all official notices for the town, including publications requesting bids pursuant to RCW 35.23.352. The Tacoma News Tribune is designated as the alternative official newspaper for the town of Eatonville, for all lawful purposes, for those situations when the mayor determines that it is necessary or appropriate for a notice to be published in a daily newspaper of general circulation. (Ord. 2004-11 § 1, 2004; Ord. 78-8 § 1, 1978).

Chapter 1.12

GENERAL PENALTY*

Sections:

1.12.010 Designated.

*For statutory provisions authorizing towns to impose fines up to \$5,000.00 or imprisonment up to one year, or both such fine and imprisonment, see RCW 35.27.370(14).

1.12.010 Designated.

A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the town is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the town shall be punished by a fine of not more than \$5,000, by imprisonment not to exceed one year, or by both such fine and imprisonment.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the town is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 90-1 § 1, 1990).