

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Document – Adopted.

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the Mount Vernon Municipal Code, as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 1791 § 1, 1975).

1.01.020 Title – Citation – Reference.

This code shall be known as the Mount Vernon Municipal Code and it shall be sufficient to refer to said code as the Mount Vernon 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 Mount Vernon Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Mount Vernon Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 1791 § 2, 1975).

1.01.030 Document – Contents – Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Mount Vernon, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 1791 § 3, 1975).

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance 1769, passed November 27, 1974. The following ordinances, passed subsequent to Ordinance 1769, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 1781, 1782, 1783, 1784, 1785, 1786, and 1790. (Ord. 1791 § 4, 1975).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the Mount Vernon Municipal Code or to any portion thereof, or to any ordinance of the city of Mount Vernon, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 1791 § 5, 1975).

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein 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. 1791 § 6, 1975).

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. 1791 § 7, 1975).

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 chapter, 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

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shall continue in full force and effect. (Ord. 1791 § 8, 1975).

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the Mount Vernon Municipal Code becomes effective. (Ord. 1791 § 9, 1975).

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 hereby 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 section, subsection, sentence, clause or phrase 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. 1791 § 10, 1975).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing or permitting.
- 1.04.040 Construction of provisions.
- 1.04.050 Repeal not to revive any ordinances.
- 1.04.060 Pending suits – Savings clause.

1.04.010 Definitions.

The following words and phrases whenever used in the ordinances of the city of Mount Vernon, 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. “City” means the city of Mount Vernon, Washington, or the area within the territorial limits of the city of Mount Vernon, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

C. “Council” means the city council of the city of Mount Vernon, Washington. “All its members” or “all councilmen” means the total number of councilmen provided by the general laws of the state of Washington.

D. “County” means the county of Skagit, Washington.

E. “Law” denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the city of Mount Vernon and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. “May” is permissive.

G. “Month” means a calendar month.

H. “Must” and “Shall.” Each is mandatory.

I. “Oath” shall be construed to include 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.”

J. “Ordinance” means a law of the city; provided, that a temporary or special law, administra-

tive action, order or directive may be in the form of a resolution.

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

L. "Person" means 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.

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

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

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

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

R. "State" means the state of Washington.

S. "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.

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

U. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.

V. "Written" includes printed, typewritten, mimeographed or multigraphed.

W. "Year" means a calendar year.

X. All words and phrases shall be construed and understood 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.

Y. 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 as to include all such acts performed by an authorized agent. (Ord. 1732 § 1, 1974).

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

A. Gender. The masculine gender includes the 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;

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 1732 § 2, 1974).

1.04.030 Prohibited acts include causing or 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. 1732 § 3, 1974).

1.04.040 Construction of provisions.

The provision 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. 1732 § 4, 1974).

1.04.050 Repeal not to revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 1732 § 5, 1974).

1.04.060 Pending suits – Savings clause.

A. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judg-

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ment announced after the new ordinance takes effect.

B. This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this chapter. (Ord. 1783 § 1, 1975; Ord. 1732 § 6, 1974).

Chapter 1.08

OPTIONAL MUNICIPAL CODE ADOPTED

Sections:

- 1.08.010 Classification as noncharter city – Statutory authority.
- 1.08.020 City council continuation of office.
- 1.08.030 Continuation of ordinances, resolutions and orders.

1.08.010 Classification as noncharter city – Statutory authority.

The city of Mount Vernon, Washington, is classified as a noncharter code city under the mayor-council form of government without reorganization, as provided by Chapter 35A.12 RCW. (Ord. 1627 § 1, 1971).

1.08.020 City council continuation of office.

The present city council shall continue to hold office until their successors are elected and qualified. (Ord. 1627 § 2, 1971).

1.08.030 Continuation of ordinances, resolutions and orders.

The ordinances, resolutions and orders adopted under the third class city classification, where not in conflict with the state law, shall continue in force until repealed or amended by the city council. (Ord. 1627 § 3, 1971).

Chapter 1.12

WARDS AND ELECTION PRECINCTS

Sections:

- 1.12.010 Wards established – Purpose.
- 1.12.020 Ward No. 1 – Territory included.
- 1.12.030 Ward No. 2 – Territory included.
- 1.12.040 Ward No. 3 – Territory included.
- 1.12.050 Officers to be elected from each ward – Primary and general elections.

1.12.010 Wards established – Purpose.

For convenience in municipal government of the city, and in the management of municipal affairs thereof, and of the holding of elections and the election of officers therein, the territory embraced within the corporate limits of the city of Mount Vernon, Washington, be and the same is divided into three wards, which wards shall be numbered and shall have boundaries as provided in this chapter. (Ord. 1278 § 1, 1958).

1.12.020 Ward No. 1 – Territory included.

Ward No. 1 consists of that territory within the city limits starting at the intersection of North 4th Street and East Fir Street, the southeast corner of Section 17, Range 04 East, Township 34. East along East Fir Street to North Laventure Road. North on North Laventure Road to East College Way. East on East College Way to city limits, between North 42nd Place and Horton Road. North, east, west and south following city limits counterclockwise to the intersection of the southern city limits and Interstate-5. Northerly on I-5 to 4th Street. North on 4th Street to the point of beginning. (Ord. 3278 § 2, 2005; Ord. 3264 § 1, 2005; Ord. 2095 § 1, 1983; Ord. 1278 § 2, 1958).

1.12.030 Ward No. 2 – Territory included.

Ward No. 2 consists of that territory within the city limits starting at the intersection of East Fir Street and 8th Street, along the southern border of Section 17, Range 04 East, Township 34. South on 8th Street to Evergreen Street. East on Evergreen Street to North 9th Street. South on North 9th Street to East Fulton Street. East on East Fulton Street to North 11th Street. South on North 11th Street to East Division Street. East on East Division Street to Digby Road. South on Digby Road to East Broadway. East on East Broadway to South Waugh Road. South on South Waugh Road to Eglemont Drive. South and East on Eglemont Drive to the eastern line of Section 27, Range 04 East, Township 34. South on the section line to the

southeast corner of Section 27, Range 04 East, Township 34 and the intersection of the city limits. West, south, east, and north following the city limit to the intersection of the southern city limits and Interstate-5. Northerly on I-5 to 4th Street. North on 4th Street to East Fir Street. East on East Fir Street to the point of beginning. (Ord. 3278 § 2, 2005; Ord. 3264 § 2, 2005; Ord. 2095 § 2, 1983; Ord. 1278 § 3, 1958).

1.12.040 Ward No. 3 – Territory included.

Ward No. 3 consists of that territory within the city limits starting at the intersection of East Fir Street and 8th Street, along the southern border of Section 17, Range 04 East, Township 34. South on 8th Street to Evergreen Street. East on Evergreen Street to North 9th Street. South on North 9th Street to East Fulton Street. East on East Fulton Street to North 11th Street. South on North 11th Street to East Division Street. East on East Division Street to Digby Road. South on Digby Road to East Broadway. East on East Broadway to South Waugh Road. South on South Waugh Road to Eglemont Drive. South and East on Eglemont Drive to the eastern line of Section 27, Range 04 East, Township 34. South on the section line to the southeast corner of Section 27, Range 04 East, Township 34 and the intersection of the city limits. East, North, West, and South along city limits clockwise to Horton Lane and East College Way. The city limits encounters College Way before this intersection but continue to follow the city limits till this intersection in Section 15, Range 04 East, Township 34. West on East College Way to North Laventure Road. South on North Laventure Road to East Fir Street. West on East Fir Street to the point of beginning. (Ord. 3278 § 2, 2005; Ord. 3264 § 3, 2005; Ord. 2095 § 3, 1983; Ord. 1278 § 4, 1958).

1.12.050 Officers to be elected from each ward – Primary and general elections.

There shall hereafter be elected at general elections held in the city, in addition to the other officers provided by law, seven councilmen, or such lesser number as is necessary to fill vacancies or to fill offices of councilmen whose terms are to expire within six months after the general election. There shall be two councilmen from each of the three city wards, said officers to be qualified electors resident in such wards, and one councilman-at-large, said officer to be a qualified elector resident within the city. In primary elections, the selection of nominees for the office of councilman from a specific

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ward shall be by election by the qualified electors resident of such ward. In general elections, the election of all councilmen shall be by general vote of the qualified electors resident within the city. (Ord. 1278 § 5, 1958).

Chapter 1.16

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.16.010 Applicable when – Procedure.

1.16.010 Applicable when – Procedure.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 1757 § 1, 1974).

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010 Designated.

1.20.010 Designated.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city of Mount Vernon shall be guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor under the ordinances of Mount Vernon shall be punished by a fine of not more than \$5,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment; provided, however, that wherever there is a lesser maximum penalty prescribed for violation of an analogous provision of state law then such lesser maximum penalty shall apply; and provided further, that wherever a minimum mandatory penalty is provided for violation of an analogous provision of state law then such minimum mandatory penalty shall apply. (Ord. 2224 § 1, 1986; Ord. 2174 § 8, 1985; Ord. 1717 § 1, 1974).

