

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 “Newport Municipal Code,” as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 642 § 1, 1983)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Newport 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 of, correction or repeal of the “Newport Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Newport Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 642 § 2, 1983)

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 Newport, Washington, codified pursuant to the provisions of

RCW 35.21.500 through 35.21.570. (Ord. 642 § 3, 1983)

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance No. 625, passed June 1, 1982. The following ordinances, passed subsequent to Ordinance No. 625, but prior to adoption of this code, are adopted and made a part of this code: Ordinance No. 626, passed July 6, 1982; Ordinance No. 627, passed June 23, 1982; Ordinance No. 628, passed August 17, 1982; Ordinance No. 629, passed August 17, 1982; Ordinance No. 630, passed September 7, 1982; Ordinance No. 631, passed September 7, 1982; Ordinance No. 632, passed October 5, 1982; Ordinance No. 633, passed October 19, 1982; Ordinance No. 634, passed November 9, 1982; Ordinance No. 635, passed December 7, 1982; Ordinance No. 636, passed December 21, 1982; Ordinance No. 637, passed January 4, 1983; Ordinance No. 638, passed January 18, 1983; Ordinance No. 639, passed February 1, 1983; Ordinance No. 640, passed February 1, 1983; and Ordinance No. 641, passed February 15, 1983. (Ord. 642 § 4, 1983)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Newport Municipal Code” or to any portion thereof, or to any ordinance of the city of Newport, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 642 § 5, 1983)

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. 642 § 6, 1983)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to,

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or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but the reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 642 § 7, 1983)

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. 642 § 8, 1983)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Newport Municipal Code" becomes effective. (Ord. 642 § 9, 1983)

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. 642 § 10, 1983)

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 not to revive any ordinance.

1.04.010 Definitions.

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

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

C. "County" means the county of Pend Oreille.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Newport 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, or 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 curblin 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 a permanent visible form.

T. “Year” means a calendar year. (Ord. 623 § 1, 1982)

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 Newport. (Ord. 623 § 2, 1982)

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. 623 § 3, 1982)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Newport, 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. 623 § 4, 1982)

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. 623 § 5, 1982)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city of Newport, 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. 623 § 6, 1982)

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. 623 § 7, 1982)

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1.04.080 Construction.

The provisions of the ordinances of the city of Newport, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 623 § 8, 1982)

1.04.090 Repeal not to 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. 623 § 9, 1982)

Chapter 1.08

FORM OF GOVERNMENT

Sections:

1.08.010 Classification.

1.08.020 Form of government.

1.08.010 Classification.

Pursuant to and in accordance with RCW 35A.02.030 (Chapter 119, Laws Extraordinary Session 1967, Section 35A.02.030), the classification of the town of Newport is changed to that of a noncharter code city. (Ord. 453 § 1, 1970)

1.08.020 Form of government.

The council of the city of Newport has considered the optional plans of government available to them under and pursuant to the laws, and being persuaded that the mayor-council form of government provided for therein is in all significant respects identical to the form of government the city is presently operating under, the form of government of the city of Newport is retained in the same form as it presently has, the mayor-council form of government. (Ord. 453 § 2, 1970)

Chapter 1.12

Chapter 1.16

BENCH MARK FOR STREET GRADES

GENERAL PENALTY

Sections:

1.12.010 Established.

1.12.020 Elevation.

Sections:

1.16.010 Penalty for violation.

1.16.020 Continuing violations.

1.12.010 Established.

The mark or level set or cut on the east wall at the south end of the brick building at the northwest corner of Washington Avenue and Fourth Street, which is marked "B.M. 2128" and which is the level of the U.S. Geological Survey bench mark set on the Washington-Idaho state line at the northeast corner of Lot 1, Section 19, Township 31 North, Range 46, East Willamette Meridian, state of Washington, is established as a bench mark or datum point for all street grades in the city. (Ord. 50 § 1, 1905)

1.16.010 Penalty for violation.

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 any ordinance of the city, any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. (Ord. 625 § 1(A), 1982)

1.12.020 Elevation.

The elevation of the datum point or bench mark is, for the purpose of running all street grades and other like purposes, assumed to be 2,128 feet above sea level. (Ord. 50 § 2, 1905)

1.16.020 Continuing violations.

Each 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. 625 § 1(B), 1982)

