

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTED

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1.01.010 Adoption of the “Washougal Municipal Code.”

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is hereby adopted the “Washougal Municipal Code” as published by Book Publishing Company, Seattle, Washington. (Ord. 447 § 1, 1971)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Washougal Municipal Code” and it shall be sufficient to refer to said code as the “Washougal 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 “Washougal Municipal Code.” Further, reference may be had to the titles, chapters, sections and subsections of the “Washougal Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 447 § 2, 1971)

1.01.030 Reference applies to amendments.

Whenever a reference is made to this code as the “Washougal Municipal Code” or to any portion

thereof, or to any ordinance of the city of Washougal, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 447 § 3, 1971)

1.01.040 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. 447 § 4, 1971)

1.01.050 Codification authority.

The code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to RCW 35.21.500 through 35.21.570. (Ord. 447 § 5, 1971)

1.01.060 Definitions.

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

(1) “City” means the city of Washougal, Washington, or the area within the territorial limits of the city of Washougal, Washington, and such territory outside of the city which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

(2) “Council” means the city council of the city of Washougal, Washington. “All its members” or “all councilmen” means the total number of councilmen provided by the general laws of the state of Washington.

(3) “County” means the county of Clark, Washington.

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

(5) “Oath” includes affirmation.

(6) Office. The use of the title of any officer, employee, or any office, or ordinance means such officer, employee, office, or ordinance of Washougal unless otherwise specifically designated.

(7) “Ordinance” means a law of the city; provided, that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(8) "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.

(9) "State" means the state of Washington.

(10) "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.

(11) "May" is permissive.

(12) "Must" and "Shall." Each is mandatory.

(13) "Written" includes printed, typewritten, mimeographed or multigraphed. (Ord. 447 § 6, 1971)

1.01.070 Grammatical interpretation.

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

(1) Gender. Any gender includes the other genders;

(2) Singular and Plural. The singular number includes the plural and the plural includes the singular;

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa;

(4) 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. 447 § 7, 1971)

1.01.080 Prohibited acts include causing, permitting, etc.

Whenever in this code 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. 447 § 8, 1971)

1.01.090 Construction.

The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Ord. 447 § 9, 1971)

1.01.100 Reference to specific ordinances.

The provisions of this code shall not in any manner affect deposits or other 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. 447 § 10, 1971)

1.01.110 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments 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 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, on 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. 447 § 11, 1971)

1.01.120 Repeal shall not 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. 447 § 12, 1971)

1.01.130 Repeal.

All general ordinances of the city of Washougal, Washington, not included in this code or excluded from the operation and effect of this section are hereby repealed. (Ord. 447 § 13, 1971)

1.01.140 Exclusions.

Every special ordinance of this city governing the following subject matter, whether contained in whole or in part within this code, is excluded from the operation and effect of WMC 1.01.130 and is not affected by the repeal provisions hereof: annexations; franchises; naming roads, streets and public places; acquisition or disposal of public property; vacation of streets, alleys, or public ways; acceptance of any gift, devise, license or other benefit; provided, that the foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from repeal any and all ordinances not of a general nature. (Ord. 447 § 14, 1971)

1.01.150 Effective date.

This code shall become effective on the date the ordinance adopting this code as the “Washougal Municipal Code” shall become effective. (Ord. 447 § 15, 1971)

1.01.160 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 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. 447 § 16, 1971)

Chapter 1.04**GENERAL PENALTY**

Sections:

- 1.04.010 Designated.
- 1.04.020 Failure to appeal.
- 1.04.030 Arrest warrant.
- 1.04.040 *Repealed.*
- 1.04.045 State statutes applicable.

1.04.010 Designated.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Washougal shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the city ordinances shall be punishable by a fine of not more than \$500.00. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by such person, and he shall be punished accordingly. Where this chapter is inconsistent with any other ordinance codified in the Washougal Municipal Code, this chapter shall govern, with the exception of WMC 9.08.100; in which case the penalty sections of that section shall control contempt of court violations; and with the exception of WMC 10.08.010, in which case the penalty sections of that section shall control therein; and with the exception of WMC 9.16.030, in which case the penalty shall not exceed \$250.00 fine and 90 days in jail, or both fine and jail. (Ord. 708 § 1, 1979; Ord. 571 § 1, 1976; Ord. 432 § 1, 1970)

1.04.020 Failure to appeal.

It shall be unlawful for any person who has been issued a citation for any infraction committed within the city limits to fail to appear and/or respond as set forth on the issued citation. Any person failing to appear in court at the designated time or failing to respond as allowed by the citation, shall be guilty of a misdemeanor and the city attorney shall be authorized and is directed to issue to any person failing to appear and/or respond as directed by the appropriate citation, a complaint and/or citation charging the crime of failure to appear, setting forth the punishment (jail and money) that can be assessed if that person is found guilty. (Ord. 864 § 1, 1986)

1.04.030 Arrest warrant.

Further, by way of this chapter, it is appropriate for the city attorney to request from the court a warrant of arrest for any person not honoring the appearance date set forth in the complaints/citations charging failure to appear. (Ord. 864 § 2, 1986)

1.04.040 State statutes applicable.

Repealed by Ord. 1707. (Ord. 1069 § 1, 1992; Ord. 864 § 3, 1986)

1.04.045 State statutes applicable.

In addition to the criminal offenses contained in the Washougal Municipal Code, all laws and statutes of the state of Washington pertaining to criminal offenses as now enacted or hereafter amended or adopted, including, but not limited to, all criminal offenses contained in RCW Titles 9, 9A, 10, 13, 16, 46, 66, 68, 69, and 77, are hereby adopted by the city of Washougal as part of the Washougal Municipal Code by this reference. The city shall enforce all such criminal offenses, and shall prosecute all misdemeanor and gross misdemeanor criminal offenses in its municipal court that fall within the municipal court's jurisdiction. (Ord. 1707 § 1 (Exh. A), 2011)

Chapter 1.08**GENERAL RIGHT OF ENTRY**

Sections:

1.08.010 Right of authorized official.

1.08.010 Right of authorized official.

Whenever necessary to make an inspection to enforce any provision of this code, or whenever there is reasonable cause to believe that there exists a violation of this code 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 this code; provided, that except in emergency situations he shall first give the owner and/or occupant, if they can be located after reasonable effort, 48 hours' written notice of the authorized officials intention to inspect. In the event the owner and/or occupant refuses entry the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 434 § 1, 1970)

Chapter 1.12

NOTICE POSTING

Sections:

1.12.010 Public places designated.

1.12.010 Public places designated.

All official notices, resolutions and ordinances required by law to be posted in public places shall be posted on the bulletin boards in the following public places:

- (1) City Hall;
- (2) City library;
- (3) Police station. (Res. 126, 1971)

Chapter 1.14

OFFICIAL NEWSPAPER

Sections:

1.14.010 Appointed.

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The Columbian Newspaper in Vancouver, Washington, is appointed to be the official newspaper of the city of Washougal. However, all official publications required by law shall be published in the Camas-Washougal Post Record as well as the Columbian Newspaper; provided, that publications in the Camas-Washougal Post Record are only required to be published in that newspaper if they give timely notice as required by law. (Ord. 1095 § 1, 1993; Res. 338 § 1, 1986)

Chapter 1.16

CITY CLASSIFICATION

Sections:

1.16.010 Declaration.

1.16.010 Declaration.

The city of Washougal is declared to be a non-charter code city. Its present form of government is retained. (Ord. 560 § 4, 1975)

Chapter 1.20

ANNEXATION PROCEDURE

Sections:

1.20.010 Required information, documents and procedure.

1.20.020 Requirements.

1.20.010 Required information, documents and procedure.

Any person or persons proposing an annexation to the city shall provide the information and follow the procedures identified in the city of Washougal annexation petition, annexation policies, RCW Title 35A and/or as requested by city council. (Ord. 1688 § 1 (Exh. A), 2011; Res. 190, 1975)

1.20.020 Requirements.

All property annexed into the city limits of Washougal shall:

(1) Be assessed and taxed at the same rate and on the same basis as property within the city of Washougal for any now outstanding indebtedness of the city, including assessments or taxes in payment of any bonds issued or debts contracted, prior to or existing at the date of annexation;

(2) Simultaneously be subject to city zoning regulations; and

(3) Simultaneously adopt the preplanned zoning and comprehensive plan designations for the property. (Ord. 1688 § 1 (Exh. A), 2011)

Chapter 1.24**DISTRICT COURT**

(Repealed by Ord. 1606)

Chapter 1.25**MUNICIPAL COURT****Sections:**

- 1.25.010 Municipal court established.
- 1.25.020 Appointment of municipal judges.
- 1.25.030 Jurisdiction of municipal court.
- 1.25.040 Interlocal agreements.
- 1.25.050 Salaries and expenses.
- 1.25.060 Court sessions.

1.25.010 Municipal court established.

Pursuant to Chapter 3.50 RCW, the city of Washougal hereby creates and establishes an inferior court to be known and designated as the municipal court of the city of Washougal, which court shall have jurisdiction and shall exercise all powers enumerated in Chapter 3.50 RCW, together with such other powers and jurisdiction as are generally conferred upon such courts in this state either by common law or by express statute. (Ord. 1606 § 1 (Exh. A), 2008)

1.25.020 Appointment of municipal judges.

The mayor shall appoint as municipal judges, subject to confirmation by the city council, all duly elected district court judges of the Clark County district court. The term of such appointment shall coincide with the elected term of each district court judge. The municipal judges may appoint one or more court commissioners who shall be authorized to hear and dispose of municipal court cases at the municipal judges' pleasure. (Ord. 1606 § 1 (Exh. A), 2008)

1.25.030 Jurisdiction of municipal court.

The municipal court of Washougal shall have exclusive original jurisdiction over traffic infractions and all other civil infractions arising under city ordinances. The municipal court of Washougal shall have exclusive original criminal jurisdiction of all violations of city ordinances and all misdemeanor and gross misdemeanor violations of the Revised Code of Washington filed in the municipal court of Washougal. The municipal court of Washougal shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by city ordinances or state statutes. The municipal court of Washougal shall also have all other jurisdiction conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon, and in general to hear and

determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and statutes and to pronounce judgment in accordance therewith. (Ord. 1606 § 1 (Exh. A), 2008)

1.25.040 Interlocal agreements.

Pursuant to Chapter 39.34 RCW, the city may enter into an interlocal agreement with Clark County, whereby Clark County agrees to provide all judicial and court support services necessary to operate the municipal court of Washougal and to adjudicate and process all causes, civil or criminal, including traffic infractions, coming before said court. (Ord. 1606 § 1 (Exh. A), 2008)

1.25.050 Salaries and expenses.

The contribution of the city to the salary and expenses of operating the municipal court and the municipal judges shall be established by interlocal agreement with Clark County. (Ord. 1606 § 1 (Exh. A), 2008)

1.25.060 Court sessions.

The municipal court of Washougal shall be open and hold regular and special sessions at times and locations as shall be established by the municipal judges after consultation with the city's attorneys and public defenders, or by interlocal agreement with Clark County. (Ord. 1606 § 1 (Exh. A), 2008)

Chapter 1.28

INITIATIVE AND REFERENDUM

Sections:

1.28.010 Process established.

1.28.010 Process established.

The city of Washougal does hereby confirm the election results of the election of November 3, 1987, thereby establishing the initiative and referendum process for the citizens of the city. (Ord. 1574 § 1, 2007)