

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01** Code Adoption
- 1.04** General Provisions
- 1.08** Enforcement Provisions
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Chapter 1.01

CODE ADOPTION

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

1.01.010 Adoption.

There is adopted the Yarrow Point Municipal Code. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.020 Title – Citation – Reference.

This code shall be known as the Yarrow Point Municipal Code and it is sufficient to refer to said code as the “Yarrow Point Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It is 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 all the Yarrow Point Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Yarrow Point Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance No. 371 passed June 12, 1990. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the Yarrow Point Municipal Code or to any portion thereof, or to any ordinance of the town of Yarrow Point, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

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 chapter or section herein. (Ord. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which are herein 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. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment 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. 486 § 1, 1999; Ord. 388 § 2, 1991)

1.01.090 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, 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. 486 § 1, 1999; Ord. 388 § 2, 1991)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing and permitting.
- 1.04.040 Construction.
- 1.04.050 Repeal shall not revive any ordinances.

1.04.010 Definitions.

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

“Computation of time” means the time within which an act is to be done. It is computed by excluding the first day and including the last day, and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded and the next day following which is not a Saturday, Sunday or legal holiday shall be included as the last day.

“Council” means the town council of the town of Yarrow Point, Washington. “All its members” or “all council members” means the total number of council members provided by the general law of the state of Washington.

“County” means the county of King.

“Law” denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the town of Yarrow Point and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” is 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” are equivalent to the words “affirm” and “affirmed.”

“Or” may be read “and” and “and” may be read “or” if the sense requires it.

“Ordinance” means a law of the town.

“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 part of such building or land.

“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.

“Personal property” includes money, goods, chattels, choses in action, causes of action, things in action and evidence of debt.

“Preceding” and “following” means the next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes lands, tenements and hereditaments.

“Sidewalk” means that property of a street between the curb line and the adjacent property line intended for the use of pedestrians.

“State” means the state of Washington.

“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 the state.

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

“Title of office” is the use of the title of any officer, employee, department, board or com-

mission and means that officer, employee, department, board or commission of the town.

“Town” means the town of Yarrow Point, Washington, or the area within the territorial limits of the town of Yarrow Point, Washington, and such territory outside the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

“Year” means a calendar year. (Ord. 486 § 1, 1999)

1.04.020 Grammatical interpretation.

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

A. Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders.

B. Singular or 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. 486 § 1, 1999)

1.04.030 Prohibited acts include causing and permitting.

Whenever in the ordinances of the town any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 486 § 1, 1999)

1.04.040 Construction.

The following rules of construction shall apply:

A. The provisions of the ordinances of the town and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

B. 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.

C. 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 as to include all such acts performed by an authorized agent.

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 and such usage shall effectuate the ordinance provisions as set forth in subsection A of this section. (Ord. 486 § 1, 1999)

1.04.050 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. 486 § 1, 1999)

Chapter 1.08

ENFORCEMENT PROVISIONS

Sections:

- 1.08.010 Definitions.
- 1.08.020 Violation of ordinance provisions.
- 1.08.030 Right of entry – Nonemergency inspection.
- 1.08.040 Costs of prosecution – Payment.

1.08.010 Definitions.

The following words, whenever used in the ordinances of the town, shall be construed as defined in this section.

A. “Crime” means any offense or violation, which is punishable either by imprisonment or by a fine or both, where such penalty may be imposed by a court of law.

B. “Offense” or “violation” means any act or omission which violates any ordinance or code provision for which a penalty is prescribed or a remedy granted.

C. “Public officer” has its ordinary meaning and includes all assistants, deputies, clerks and employees of any public officer and all persons exercising or assuming to exercise any of the lawful powers or functions of a public officer. (Ord. 486 § 1, 1999)

1.08.020 Violation of ordinance provisions.

A misdemeanor, a gross misdemeanor or traffic infraction:

A. The violation of any provision of any ordinance or code provision is a misdemeanor unless specifically designated as a gross misdemeanor or infraction. Each violation may be prosecuted by the town in the name of the people of the state or the town, or may be redressed by civil action at the option of the town, or both.

B. The maximum penalty for a violation designated as a misdemeanor or as a gross misdemeanor is the maximum penalty set forth in RCW 35A.11.020, or as amended.

C. The maximum penalty for a violation designated as an infraction is a fine not to exceed \$500.00 except where another penalty is provided for by the statute or town code provision.

D. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 486 § 1, 1999)

Chapter 1.12

(Reserved)

1.08.030 Right of entry – Nonemergency inspection.

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 town, any authorized official of the town, upon presentation of proper credentials, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by this code; provided, that except in emergency situations such official shall first give the owner and/or occupant, if either can be located after reasonable effort, reasonable notice of the authorized official's 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. 486 § 1, 1999)

1.08.040 Costs of prosecution – Payment.

Whenever anyone is convicted of an offense under any town ordinance, in addition to the fine imposed, he/she may be required to pay the costs of prosecution. (Ord. 486 § 1, 1999)