

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.
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1.01.010 Adoption.

Pursuant to the provisions of RCW 35A.21.130 and 35.21.500 through 35.21.570, there is adopted the “Sequim Municipal Code,” as compiled, edited and published by Code Publishing Company, Seattle, Washington. (Ord. 2009-036 § 1; Ord. 98-003 § 1; Ord. 514 § 1, 1987)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Sequim Municipal Code” and it shall be sufficient to refer to the code as the “Municipal Code” or “City Code” or “SMC” 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 “Sequim Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Sequim Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 2009-036 § 1; Ord. 514 § 2, 1987)

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 Sequim, Washington, codified pursuant to the provisions of RCW 35A.21.130 and 35.21.500 through 35.21.570. (Ord. 2009-036 § 1; Ord. 514 § 3, 1987)

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance 510, passed January 7, 1987. (Ord. 2009-036 § 1; Ord. 514 § 4, 1987)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Sequim Municipal Code,” “City Code,” or “SMC,” or to any portion thereof, or to any ordinance of the city of Sequim, Washington, the reference shall apply to all amendments, corrections and additions made before, as of or after the effective date of the ordinance codified in this chapter. (Ord. 2009-036 § 1; Ord. 514 § 5, 1987)

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. 2009-036 § 1; Ord. 514 § 6, 1987)

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. 2009-036 § 1; Ord. 514 § 7, 1987)

1.01.080

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 of Sequim 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 that 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. 2009-036 § 1; Ord. 514 § 8, 1987)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Sequim Municipal Code" shall become effective. (Ord. 2009-036 § 1; Ord. 514 § 9, 1987)

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 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 ordinances or orders shall be in full force and effect. (Ord. 2009-036 § 1; Ord. 514 § 10, 1987)

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 city, 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 Sequim, or the area within the territorial limits of the city of Sequim, Washington, and such territory outside the city of Sequim over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

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

C. "County" means the county of Clallam.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Sequim, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means calendar month.

G. "Must" and "shall" are both 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.” An oath or affirmation, when required in writing, may be a “statement under penalty of perjury,” pursuant to RCW 9A.72.085.

I. “Owner,” applied to a building or land, includes every 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 employee of any of them.

K. “Personal property” includes money, goods, chattels, things in action and evidences of debt.

L. “Preceding” and “following” means 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, photocopied or otherwise reproduced in permanent visible form.

T. “Year” means a calendar year. (Ord. 2009-036 § 1; Ord. 491 § 1, 1986)

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 Sequim. (Ord. 2009-036 § 1; Ord. 491 § 2, 1986)

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 law shall be construed and understood according to that peculiar and appropriate meaning. (Ord. 2009-036 § 1; Ord. 491 § 3, 1986)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Sequim, unless it is apparent from the context that a different meaning 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. 2009-036 § 1; Ord. 491 § 4, 1986)

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. 2009-036 § 1; Ord. 491 § 5, 1986)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city of Sequim 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. 2009-036 § 1; Ord. 491 § 6, 1986)

1.04.070

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 Saturday, Sunday or a holiday, in which case it shall also be excluded. (Ord. 2009-036 § 1; Ord. 491 § 7, 1986)

1.04.080 Construction.

The provisions of the city of Sequim, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 2009-036 § 1; Ord. 491 § 8, 1986)

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. 2009-036 § 1; Ord. 491 § 9, 1986)

Chapter 1.08

OFFICIAL NEWSPAPER

(Repealed by Ord. 2005-024)

Chapter 1.12

GENERAL PENALTY

Sections:

- 1.12.005 Enforcement.
- 1.12.010 Violation – Penalty.

1.12.005 Enforcement.

All misdemeanor and gross misdemeanor offenses committed by adults within the city limits of the city of Sequim and referred by law enforcement officers or law enforcement agencies of the city of Sequim, whether filed under state law or city ordinance, shall be prosecuted by the city prosecutor or deputies of the city prosecutor, shall be adjudicated in the Sequim municipal court as provided by agreement with the Clallam County District Court 1 or in a municipal court established by the city and shall be sentenced and incarcerated as provided by law and where such incarceration shall be by imposition of a jail sentence, the jail utilized shall be the Clallam County Jail pursuant to contracts and agreements with the county of Clallam and the Clallam County sheriff or the Forks, Washington, city jail pursuant to contracts and agreements with the city of Forks or such other Washington county or city jail as may be provided by contract. (Ord. 2009-036 § 1; Ord. 2005-016; Ord. 97-001 § 1)

1.12.010 Violation – Penalty.

A. 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 unless otherwise specified in the ordinance or code section as a gross misdemeanor or infraction. 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 of not to exceed \$5,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law

for the same crime. Penalties for infractions shall be as set forth in Chapter 7.80 RCW as now enacted or as hereafter amended.

B. Each such person is guilty of a separate infraction, violation or offense for each and every day during any portion of which any violation of any ordinance of the city is committed or permitted by any such person, and he is punishable accordingly. (Ord. 2009-036 § 1; Ord. 490, 1986; Ord. 486 § 1, 1986; Ord. 357 § 26, 1977)

Chapter 1.15

INITIATIVE AND REFERENDUM

Sections:

- 1.15.010 Power of initiative and referendum adopted.
- 1.15.020 *Repealed.*

1.15.010 Power of initiative and referendum adopted.

The city of Sequim hereby adopts the power of initiative and referendum for the qualified electors of the city as provided pursuant to RCW 35A.11.080 through 35A.11.100. The powers are limited as provided by other statutes and by case law. Such powers are to be exercised in the manner provided in the above-referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are hereby incorporated in full by this reference. (Ord. 2009-036 § 1; Ord. 96-022 § 1)

1.15.020 Administrative procedures and citizen guidelines.

Repealed by Ord. 2009-036. (Ord. 96-022 § 1)

Chapter 1.16

CITY CLASSIFICATION

Sections:

- 1.16.010 Noncharter code city classification adopted.
- 1.16.020 Copy of ordinance to state.

1.16.010 Noncharter code city classification adopted.

There is adopted for the city of Sequim, Washington, the classification of noncharter code city retaining the same general plan of government under which the city of Sequim is currently organized but governed according to Chapter 35A.13 RCW, council-manager, of the Optional Municipal Code. (Ord. 2009-036 § 1; Ord. 2009-026 § 1; Ord. 93-018 § 1)

1.16.020 Copy of ordinance to state.

The city clerk is hereby authorized and directed to forward to the Secretary of State a certified copy of the ordinance codified in this chapter for filing pursuant to RCW 35A.02.040. (Ord. 2009-036 § 1; Ord. 93-018 § 2)