

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE

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1.01.010 Adoption.

Pursuant to the provisions of RCW 35A.21.130, there is adopted the “Stanwood Municipal Code” as published by Book Publishing Company, Seattle, Washington. (Ord. 362 § 1, 1971).

1.01.020 Title – Citation – Reference.

This code shall be known as the “Stanwood Municipal Code” and it shall be sufficient to refer to the code as the “Stanwood 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 “Stanwood Municipal Code.” Further, reference may be had to the titles, chapters, sections and subsections of the “Stanwood Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code.

The “Stanwood Municipal Code” may be cited by the abbreviation “SMC”. (Ord. 419 § 1, 1974; Ord. 362 § 2, 1971).

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 Stanwood, Washington, codified pursuant to the provisions of RCW 35A.21.130. (Ord. 362 § 3, 1971).

1.01.040 Reference applies to all amendments.

Whenever a reference is made to this code as the “Stanwood Municipal Code” or to any portion thereof, or to any ordinance of the city of Stanwood, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 362 § 4, 1971).

1.01.050 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. 362 § 5, 1971).

1.01.060 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. 362 § 6, 1971).

1.01.070 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 the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at the effective date of the ordinance codified in this chapter, 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 obliga-

1.01.080

tions thereunder appertaining shall continue in full force and effect. (Ord. 362 § 7, 1971).

1.01.080 Effective date.

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the “Stanwood Municipal Code” shall become effective. (Ord. 362 § 8, 1971).

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, 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. 362 § 9, 1971).

Chapter 1.04

DEFINITIONS

Sections:

- 1.04.010 Grammatical interpretation.
- 1.04.020 Generally.
- 1.04.030 City.
- 1.04.040 Council.
- 1.04.050 County.
- 1.04.060 Law.
- 1.04.070 Oath.
- 1.04.080 Office, title of.
- 1.04.090 Ordinance.
- 1.04.100 Person.
- 1.04.110 State.
- 1.04.120 Street.
- 1.04.130 May.
- 1.04.140 Must, shall.
- 1.04.150 Written.

1.04.010 Grammatical interpretation.

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

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

(2) Singular and Plural. The singular number includes the plural, and the plural 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. 340 § 2, 1971).

1.04.020 Generally.

The following words and phrases whenever used in the ordinances of the city shall be construed as defined in this chapter 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. (Ord. 340 § 1, 1971).

1.04.030 City.

“City” means the city of Stanwood, Washington, or the area within the territorial limits of the city of Stanwood, and such territory out-

side of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision. (Ord. 340 § 1(a), 1971).

1.04.040 Council.

“Council” means the city council of Stanwood. “All of its members” or “all councilmen” mean the seven council members provided for in SMC 2.44.020. (Ord. 1213 § 2, 2007; Ord. 340 § 1(b), 1971).

1.04.050 County.

“County” means the county of Snohomish, Washington. (Ord. 340 § 1(c), 1971).

1.04.060 Law.

“Law” means applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city, and when appropriate, general law, and any and all rules and regulations which may be promulgated thereunder. (Ord. 340 § 1(d), 1971).

1.04.070 Oath.

“Oath” includes affirmation. (Ord. 340 § 1(e), 1971).

1.04.080 Office, title of.

The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 340 § 1(f), 1971).

1.04.090 Ordinance.

“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. (Ord. 340 § 1(g), 1971).

1.04.100 Person.

“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. (Ord. 340 § 1(h), 1971).

1.04.110 State.

“State” means the state of Washington. (Ord. 340 § 1(i), 1971).

1.04.120 Street.

“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. (Ord. 340 § 1(j), 1971).

1.04.130 May.

“May” is permissive. (Ord. 340 § 1(k), 1971).

1.04.140 Must, shall.

“Must” and “shall”: each is mandatory. (Ord. 340 § 1(l), 1971).

1.04.150 Written.

“Written” includes printed, typewritten, mimeographed or multigraphed. (Ord. 340 § 1(m), 1971).

Chapter 1.08

PUBLIC NOTICES

Sections:

- 1.08.010 Official newspaper designated.
- 1.08.020 Publication requirement.
- 1.08.025 Costs of publication.
- 1.08.035 Public hearing notice.
- 1.08.040 Notice of preliminary agenda of council meeting.
- 1.08.045 Notice of call for bids.

1.08.010 Official newspaper designated.

The Stanwood/Camano News and the Everett Herald are designated as the official newspapers of the city, and all ordinances and notices published in either newspaper for the period and in the manner provided by law shall be deemed due and legal notice. (Ord. 1069, 1999; Ord. 975, 1996; Ord. 371 § 1, 1972; Ord. 201 § 1, 1960).

1.08.020 Publication requirement.

Every ordinance passed by the city council shall be published once in the official newspaper of the city by summary or in its entirety. If the ordinance is published by summary, a statement must be included that the full text of the ordinance shall be mailed upon request and will be available in the clerk-treasurer's office for inspection. (Ord. 752 § 1, 1988; Ord. 538, 1980; Ord. 371 § 1, 1972; Ord. 201 § 2, 1960).

1.08.025 Costs of publication.

In every case where publication of an official notice or ordinance is required as a result of action initiated by any private party requesting official action, all costs of publication attributable thereto shall be at the sole expense of the party requesting such official action. For the purpose of this chapter and by way of illustration only, official action includes, but is not limited to, conditional uses and variances, rezones, annexations, shoreline management permits and ordinances. (Ord. 371 § 2, 1971).

1.08.035 Public hearing notice.

Except where a specific means of notifying the public of a public hearing is otherwise pro-

vided by law or ordinance, notice of upcoming public hearings before the city council, hearing examiner, or the city's boards and commissions shall be given by one publication of a notice containing the time, place, date, subject and body before whom the hearing is to be held in the city's official newspaper at least 10 days before the date set for the hearing. (Ord. 1084 § 1, 2000; Ord. 751 § 1, 1988).

1.08.040 Notice of preliminary agenda of council meeting.

The public shall be notified of the preliminary agenda for the forthcoming city council meeting by posting a copy of the agenda in the following four public places in the city at least 24 hours in advance of the meeting:

- (1) Stanwood City Hall
(complete agenda)
10220 - 270th St. NW
Stanwood, WA 98292
- (2) Stanwood Police Station
(complete agenda)
8727 - 271st NW
Stanwood WA 98292
- (3) Stanwood City Library
(complete agenda)
9701 - 271st St. NW
Stanwood, WA 98292
- (4) Stanwood Post Office
(agenda outline)
9229 - 271st St. NW
Stanwood, WA 98292

(Ord. 1045, 1998; Ord. 751 § 2, 1988).

1.08.045 Notice of call for bids.

Notice of a call for bids shall be posted in the City Hall and published in the official newspaper of the city, or in a newspaper of general circulation most likely to bring responsive bids, once each week, for two consecutive weeks, before the date fixed for opening the bids. (Ord. 751 § 3, 1988).

Chapter 1.10

PUBLIC WORKS CONTRACTS

Sections:

1.10.010 Bids.

1.10.020 Small works roster.

1.10.010 Bids.

RCW 35.23.352(1) providing for bids on public works contracts is hereby adopted by reference.

1.10.020 Small works roster.

(1) Established. There is hereby established a small works roster for public works projects as provided in RCW 35.23.352(3).

(2) Whenever the city of Stanwood seeks to construct any public work or improvement, the estimated cost of which, including costs of material, supplies and equipment, is \$100,000 or less, the small works roster may be utilized.

(3) Publication. Twice a year, the city shall publish a notice in the city's official newspaper and the Daily Journal of Commerce, stating the existence of the small works roster, and shall solicit names of contractors for the roster.

(4) Contractors on Small Works Roster. The small works roster shall consist of contractors who:

(a) Have requested to be on the roster; and

(b) Are properly licensed or registered in this state to perform the work.

(5) Written Quotations. The city shall obtain written quotations for public works contracts under this section as follows:

(a) The city shall write a description of the scope and nature of the work to be done, together with any other specifications required.

(b) A city representative shall contact, when possible, at least five appropriate contractors to bid.

(c) Once a contractor has been afforded an opportunity to submit a proposal, that contractor may not be solicited again until all other contractors in the appropriate category have had an opportunity to bid.

(d) After the bids have been submitted, the city shall award the contract to the contractor submitting the lowest responsible bid. The city reserves its right, under applicable law, to reject any or all bids.

(e) If only one or two bids are received, the city council shall award the contract to the lowest responsible bidder; provided, that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the city council may call for new bids.

(6) Award. Immediately after the contract award is made, the written record of each contractor's bids or quotations shall be open to public inspection and available to the public by telephone inquiry. (Ord. 1077, 1999; Ord. 877 §§ 1 – 3, 1993).

Chapter 1.12

GENERAL PENALTY*

(Repealed by Ord. 1112)

*See Title 13 for provisions on code enforcement.

Chapter 1.20

NONCHARTER CODE CITY

Sections:

- 1.20.010 Classification adopted.
- 1.20.020 Town designation changed to city.
- 1.20.030 Forwarding of copies of ordinance.

1.20.010 Classification adopted.

The city of Stanwood, a municipal corporation of Snohomish County, Washington, adopts the classification of a noncharter code city, operating under the mayor-council plan of government as set forth in Chapter 35A.12 RCW, endowed with all of the applicable rights, powers, privileges, duties and obligations of noncharter code cities as set forth in RCW Title 35A, as this now exists amended, including but not by way of limitation those set forth in Chapter 35A.11, and further including any and all supplements, amendments or other modifications of RCW Title 35A, which may hereafter be enacted. (Ord. 349 § 1, 1971).

1.20.020 Town designation changed to city.

The municipal corporation of Stanwood heretofore referred to as a town of the fourth class shall no longer be designated as a town, but shall be designated and referred to in all cases for all purposes whatsoever as the city of Stanwood. (Ord. 349 § 2, 1971).

1.20.030 Forwarding of copies of ordinance.

The clerk-treasurer is directed to forward to the Secretary of State of Washington a certified copy of the ordinance codified in this chapter. (Ord. 349 § 3, 1971).