

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.05 Classification of City**
- 1.08 Working Prisoners**
- 1.12 Right of Entry**
- 1.16 General Penalty**
- 1.20 *Repealed***

Chapter 1.01

CODE ADOPTION¹

Sections:

- 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.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

1.01.010 Adoption.

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the “Pacific Municipal Code,” as compiled, edited and published by Code Publishing Company, Seattle, Washington. (Ord. 1366 § 1, 1998; Ord. 603 § 1, 1976).

1.01.020 Title – Citation – Reference.

This code shall be known as the “Pacific Municipal Code” and it shall be sufficient to refer to the code as the “Pacific 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 Pacific Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Pacific Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 603 § 2, 1976).

1. For statutory provisions authorizing cities and towns to codify their ordinances, see RCW 35.21.500 – 35.21.570.

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 Pacific, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 603 § 3, 1976).

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance 579, passed October 27, 1975. The following ordinances, passed subsequent to Ordinance 579 but prior to adoption of this code, are adopted and made a part of this code: Ordinances 578 through 602. (Ord. 603 § 4, 1976).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Pacific Municipal Code” or to any portion thereof, or to any ordinance of the city of Pacific, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 603 § 5, 1976).

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 hereof. (Ord. 603 § 6, 1976).

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. 603 § 7, 1976).

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 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 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. 603 § 8, 1976).

1.01.090 Effective date.

This code shall become effective on the date the ordinance codified in this chapter, adopting this code as the "Pacific Municipal Code," becomes effective. (Ord. 603 § 9, 1976).

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. 603 § 10, 1976).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing, permitting, etc.
- 1.04.040 Construction.
- 1.04.050 Repeal shall not revive any ordinances.
- 1.04.060 Severability.
- 1.04.070 Effective date.

1.04.010 Definitions.

The following words and phrases whenever used in the ordinances of the city of Pacific, 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:

A. "City" means the city of Pacific, Washington, or the area within the territorial limits of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

C. "Council" means the city council of the city of Pacific, Washington. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of Washington.

D. "County" means the county of King, Washington.

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

F. "May" is permissive.

G. "Month" means a calendar month.

H. "Must" and "shall." Each is mandatory.

I. "Oath" shall be 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" shall be equivalent to the words "affirm" and "affirmed."

J. "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.

K. "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.

L. "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.

M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

P. "Real property" includes lands, tenements and hereditaments.

Q. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

R. "State" means the state of Washington.

S. "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.

T. "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.

U. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.

V. "Written" includes printed, typewritten, mimeographed or multigraphed.

W. "Year" means a calendar year.

X. 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.

Y. 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. (Ord. 574 § 1, 1975).

1.04.020 Grammatical interpretation.

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

A. Gender. The masculine gender includes the 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.

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. (Ord. 574 § 2, 1975).

1.04.030 Prohibited acts include causing, permitting, etc.

Whenever, in the ordinances of the city of Pacific, 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. 574 § 3, 1975).

1.04.040 Construction.

The provisions of the ordinances of the city of Pacific and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 574 § 4, 1975).

1.04.050

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. 574 § 5, 1975).

1.04.060 Severability.

Should any section or subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion thereof. (Ord. 574 § 6, 1975).

1.04.070 Effective date.

The ordinance codified in this chapter shall take effect and be enforced five days from and after its passage, approval and publication as provided by law. (Ord. 574 § 7, 1975).

Chapter 1.05

CLASSIFICATION OF CITY

Sections:

- 1.05.010 Noncharter code city designation.
- 1.05.020 Copy of ordinance to Secretary of State.

1.05.010 Noncharter code city designation.

There is adopted for the city of Pacific, Washington, the classification of noncharter code city retaining the mayor-council plan of government under which the city is currently operating, retaining the same general plan of government under which the city is currently organized but governed according to Chapter 35A.12 RCW of the Optional Municipal Code. (Ord. 1081 § 1, 1989).

1.05.020 Copy of ordinance to Secretary of State.

The city clerk is 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. 1081 § 2, 1989).

Chapter 1.08

Chapter 1.12

WORKING PRISONERS¹

RIGHT OF ENTRY

Sections:

1.08.010 Conviction – Sentence.

1.08.020 Enforcing authority.

Sections:

1.12.010 Inspections – Notice.

1.08.010 Conviction – Sentence.

Upon the conviction of any person by the police court of the city for a violation of any municipal ordinance which provides for imprisonment in the city jail as a penalty, the court may, at the time it passes sentence, provide that the prisoner be required to labor on the city streets or other public property or works within the city. Such person may be compelled to perform eight hours labor on each day of his imprisonment, except Sundays. (Ord. 488 § 1, 1972).

1.08.020 Enforcing authority.

Whenever any person imprisoned in the city jail shall have been required by the court to labor on the city streets, or other public property or works within the city, the chief of police shall put the person to work on any such municipal activity available and shall furnish the proper supervisory personnel for such prisoner at the municipal activity. (Ord. 488 § 2, 1972).

1.12.010 Inspections – Notice.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation 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 ordinance; provided that, except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 578 § 1, 1975).

1. For statutory provisions authorizing third-class cities to cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city, see RCW 35.24.290(13).

1.16.010

Chapter 1.16

GENERAL PENALTY¹

Sections:

1.16.010 Penalty for violations.

1.16.010 Penalty for violations.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be 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 Pacific shall be punished by a fine of not more than \$1,000, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

B. Each such 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 ordinances of Pacific is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 1167 § 1, 1992; Ord. 572 § 1, 1975).

Chapter 1.20

FEEES FOR SERVICES

(Repealed by Ord. 1505)

1. For statutory provisions authorizing code cities to impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both, providing no such fine shall exceed \$5,000, nor the term of imprisonment exceed one year, see RCW 35A.11.020.