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Title: AN ORDINANCE relating to rules of construction and revision for county ordinances and code; adding new sections to K.C.C. chapter 1.02 and adding a new chapter to K.C.C. Title 1.

Sponsors: Louise Miller, Dwight Pelz, Greg Nickels

Indexes: Council

Code sections: 1 -, 1.02.010 - .

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Clerk 03/26/2000

AN ORDINANCE relating to rules of construction and revision for county ordinances and code; adding new sections to K.C.C. chapter 1.02 and adding a new chapter to K.C.C. Title 1.

..body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. K.C.C. chapter 1.02, "Ordinance Rules Pertaining to Number and Gender," is retitled "Ordinance and Code Construction and Rules."

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Code may be cited as "K.C.C." The code may be cited by the abbreviation "K.C.C."

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Words and phrases - construction. All words and phrases in the King County Code must be construed according to the common and approved usage of the language, but technical words and phrases and such other words and phrases as have acquired a peculiar and appropriate meaning in the law must be construed and understood according to the peculiar and appropriate meaning.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

General definitions. Unless the context clearly requires otherwise, the following definitions apply throughout the King County Code.

A. "Filed" means a document is received by the county agency or office required by law to receive the document during the agency or office's regular business hours. Delivery to the incorrect county agency or office does not constitute filing of the document.

B. "May" is permissive. "Shall" and "will" are mandatory. "May not" and "shall not" are prohibitive.

C. "Month" means a calendar month.

D. "Officer" means a person authorized by law to discharge the duties of the officer.

E. "Person" includes an individual, partnership, association, corporation, firm, institution or other entity, whether or not operated for profit, and includes governmental units of county, the state of Washington or the United States.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Titles, part headings, captions of code not law - part headings, captions of legislation not law. A. Titles, part headings and captions of titles, chapters and sections used in this code are not any part of the law unless a contrary intent is clearly expressed.

B. Part headings and captions of sections used in legislation are not any part of the law unless a contrary intent is clearly expressed.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Numbering new sections, chapters--corrections. The clerk of the council shall number new chapters or sections added to the code as the result of enacted ordinances in harmony with the King County Code's general numbering. The sections must bear the respective numbers as are assigned by the clerk. This section does not prohibit or prevent the correction by the clerk of the number of a section of the code found clearly to be incorrectly numbered or incorrectly correlated with other sections as to number.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Expansion of numbering system--decimal factor. Under the King County Code's numbering system, the section factor of the section number must be treated as a decimal figure. In codifying, if new sections must be inserted between sections that are already consecutively numbered, the clerk shall create the proper number for the new section by the insertion of an additional digit at the terminal end of the number of the section immediately preceding the location at which the new section is to be inserted.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Code as evidence of the law-rule of construction-prima facie law-new laws to be added to code.

A. The contents of the King County Code establish the laws of this county of a permanent or general nature.

B. The contents of the King County Code establish prima facie the laws of this county of a permanent or general nature. If there is an omission or an inconsistency between the code and an ordinance, the ordinance controls.

C. All laws of a permanent or general nature must be incorporated into and become a part of the King County Code. Failure to codify an ordinance does not affect the applicability of the ordinance as law.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Code to be liberally construed. The King County Code must be liberally construed and may not be limited by a rule of strict construction.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Construction of multiple amendments to ordinances or code-publication--decodification of repealed sections. A. If two or more ordinances amending the same section of an ordinance or of the code are enacted, each amendment without reference to the others, each ordinance must be given effect to the extent that

the amendments do not conflict in purpose. Otherwise, the ordinance last enacted controls. If a section of an ordinance or the code is amended after the enactment of the section's repeal, the subsequent amendment is void and the section is repealed in accordance with the original repeal's enactment.

B. If a section of an ordinance or of the King County Code is amended without reference to another amendment of the same section, the clerk of the council, in consultation with the chair of the council and legal counsel of the council, may publish the section in the code with all amendments incorporated in the section. The publication of the section may occur only if the clerk determines that the amendments do not conflict in purpose or effect. A section published under this section 10B of this ordinance constitutes prima facie evidence of the law but may not be construed as changing the meaning of the law.

The clerk, in consultation with the chair of the council and legal counsel of the council, may decodify a section of the code that was repealed without reference to an amendment to the section. The clerk may decodify the section only if the chair of the council and legal counsel of the council determine that the decodification does not conflict with the purpose of the amendment.

A decision of the clerk, in consultation with the chair of the council and the council's legal counsel, to incorporate amendments in the same section or to decodify a section that was both repealed and amended must be clearly noted in the code. If a conflict arises in the interpretation of a section published or decodified under this section, the ordinance sections control.

C. If it is determined under section 10B of this ordinance that a section should not be published in the code with all amendments incorporated in the section, the clerk shall publish each version of the section in the code. If it is determined under section 10B of this ordinance that a section should not be decodified, the clerk shall publish the section as amended, noting also in the code the section's repeal.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Statutes--repeal or amendment--saving clause presumed. Neither an offense committed nor a penalty or forfeiture incurred previous to the time that a provision of an ordinance or the code is repealed, whether the repeal be express or implied, is affected by the repeal unless a contrary intention is expressly declared in the repealing ordinance. Prosecution for an offense, or for the recovery of a penalty or forfeiture, pending at the time a provision of an ordinance or the code is repealed, whether the repeal be express or implied, is not affected by the repeal but must proceed in all respects as if the provision had not been repealed unless a contrary intention is expressly declared in the repealing ordinance. If a criminal or penal ordinance or code is amended or repealed, an offense committed or penalty or forfeiture incurred while the criminal or penal ordinance or code was in force must be punished or enforced as if the criminal or penal ordinance or code were in force, notwithstanding the amendment or repeal, unless a contrary intention is expressly declared in the amendatory or repealing ordinance. The amendatory or repealing ordinance must be so construed as to save all criminal and penal proceedings, and proceedings to recover forfeitures, pending at the time of the amendatory or repealing ordinance's enactment unless a contrary intention is expressly declared in the amendatory or repealing ordinance.

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Construction of ordinances and code--internal references as including amendments. If an ordinance or code section refers to another ordinance or code section, the reference includes amendments to the referenced ordinance or code section unless a contrary intent is clearly expressed.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Computation of time. The time within which an act is to be done, as provided in this code, is computed by excluding the first day and including the last unless the last day is a holiday, Saturday or Sunday, and then it is also excluded.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 1.02 a new section to read as follows:

Certified mail--use. If the use of "registered" mail is authorized by the King County Code, "certified" mail with return receipt requested may be used.

NEW SECTION. SECTION 15. There is hereby added to K.C.C. a new chapter to Title 1 to be entitled "Codification and Revision." Sections 16 through 27 of this ordinance are to be codified in the new chapter.

NEW SECTION. SECTION 16. Compilation of laws by clerk. The clerk of the council shall compile the ordinances of the county as enacted by the council into a code or compilation of laws by title, chapter and section, without substantive change or alteration of purpose or intent.

NEW SECTION. SECTION 17. Codification and revision of laws--scope of revision. The clerk of the council shall:

A. Codify for consolidation into the King County Code all laws of a permanent or general nature enacted by the council and assign permanent numbers as provided by law to all new titles, chapters and sections added to the code;

B. Edit and revise the laws for the consolidation, to the extent deemed necessary or desirable by the clerk and without changing the meaning of the law, in the following respects only:

1. Make capitalization uniform with that followed generally in the code;
2. Make chapter or section division and subdivision designations uniform with that followed in the code;
3. Substitute for the term "this ordinance," if necessary, the term "section," "part," "code," "chapter" or "title" or reference to specific section or chapter numbers, as required;
4. Substitute for reference to a section of an ordinance the proper code section number reference;
5. Substitute for "as provided in the preceding section" and other phrases of similar import the proper code section number references;
6. Substitute the proper calendar date for "effective date of this ordinance," "date of enactment of this ordinance" and other phrases of similar import;
7. Strike out figures if merely a repetition of written words and substitute, if deemed by the clerk advisable for uniformity, written words for figures;
8. Rearrange misplaced statutory material, incorporate omitted statutory material as well as correct manifest errors in spelling and punctuation, manifest clerical or typographical errors or errors by way of additions or omissions. However, if words or clauses are inserted, the words or clauses must be enclosed in brackets and the clerk may not make a correction that changes the intent or meaning of a sentence, section or ordinance;
9. Correct manifest errors in references by chapter or section number to other laws;
10. Correct manifest errors or omissions in numbering or renumbering sections of the code;
11. Divide long sections of an ordinance into two or more sections of the code, consolidate two or more sections of an ordinance into one section of the code and rearrange the order of sections to conform to such a logical arrangement of subject matter as might most generally be followed in the code if to do so will not change the meaning or effect of the sections;
12. Change the wording of chapter and section captions, if any, and provide captions to new chapters and sections; and
13. Strike manifestly obsolete provisions; and

C. Create new code titles, chapters and sections of the King County Code, or otherwise revise the title, chapter and sectional organization of the code, all as might be required to effectuate the orderly and logical arrangement of the statutes, under Section 880 of the King County Charter.

NEW SECTION. SECTION 18. Omission of certain parts of ordinances. The clerk of the council may omit from the code all titles to ordinances, enacting and repealing clauses, statements of facts, findings of fact, preambles, effective dates, declarations of emergency and severability, validity and construction sections unless, in a particular instance, it might be necessary to codify that portion of the ordinance to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change or be considered as changing, the effect to be given to the ordinance in construing the ordinance of which the validity

and construction sections were a part.

NEW SECTION. SECTION 19. Code index. The clerk of the council shall compile and maintain a comprehensive index to the King County Code and prepare for publication supplements to the index.

NEW SECTION. SECTION 20. Historical records. The clerk of the council shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession and repeal of the various sections of the code.

NEW SECTION. SECTION 21. Improvement of code. The clerk of the council may make written recommendations to the council concerning deficiencies, conflicts or obsolete provisions in and need for reorganization or revision of the King County Code and may prepare for submission to the council legislation for the correction or removal of the deficiencies, conflicts or obsolete provisions or to otherwise improve the form or substance of the law of this county as the public interest or the administration of the subject requires.

NEW SECTION. SECTION 22. Examination of code-recommendations to council. The clerk of the council also shall examine the code and submit to the council proposals for enactment of the several titles, chapters and sections of the King County Code to the end that, as expeditiously as possible, the code and each part of the code constitutes conclusive, rather than prima facie, evidence of the law. A proposal made under this section must be accompanied by explanatory matter. Proposals or recommendations made under this section must be submitted to the council when appropriate.

NEW SECTION. SECTION 23. Drafting assistance. The clerk of the council shall be in charge of and shall provide drafting assistance for the use and benefit of the council, councilmembers, the council's committees and other county agencies. The assistance must be confidential and nonpartisan and a member of the clerk's staff may not advocate for or against any council measure.

NEW SECTION. SECTION 24. Opinions as to validity or constitutionality. The clerk, or any member of the clerk's staff, may not furnish an opinion as to the validity or constitutionality of proposed or enacted legislation.

NEW SECTION. SECTION 25. Certification--official code--prima facie evidence. The King County Code containing the certificate of the clerk of the council and a supplement or addition to or reprint edition of the code that contains the certificate of the clerk is official and is prima facie evidence of the laws contained in the code.

NEW SECTION. SECTION 26. Amendment, repeal to include code numbers--assignment of code numbers. The council in amending or repealing laws shall include in the ordinance references to the code numbers of the law affected. The clerk of the council shall assign code numbers to the permanent or general laws enacted by the council.

NEW SECTION. SECTION 27. Ordinances and motions to be in gender-neutral terms--exception --effect of noncompliance.

A. An ordinance or motion enacted or amended by the council must be written in gender-neutral terms unless a specification of gender is intended.

B. An ordinance or motion is not invalid because it does not comply with this section.

SECTION 28. Application. This ordinance is intended to bring consistency and accuracy to county legislation. Therefore, this ordinance applies retroactively as well as prospectively.

None