

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2079

AN ORDINANCE providing for definitions generally applicable to ordinances of the City of Bellevue; providing for rules of construction for the ordinances of the City; adding a new title to the Bellevue City Code; defining enforcement terms of the Code; repealing certain penalty and definitional sections in Title 7 and Title 11; and providing a general penalty section for the entire Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added a new title, Title 1, to the Bellevue City Code, to provide as follows:

1.01.010 Definitions. The following words and phrases whenever used in the ordinances of the City of Bellevue, 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:

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

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.

COUNCIL means the City Council of the City of Bellevue, Washington. ALL ITS MEMBERS or ALL COUNCILMEMBERS mean the total number of councilmembers provided by the general laws 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 City of Bellevue, 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. Each is mandatory.

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.

OR may be read AND and AND may be read OR if the sense requires it.

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.

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 evidences of debt.

PRECEDING and FOLLOWING mean next before and next after, respectively.

PROPERTY includes real and personal property.

REAL PROPERTY includes lands, tenements and hereditaments.

SIDEWALK means that portion 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 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.

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: Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City.

WRITTEN includes printed, typewritten, mimeographed or multigraphed.

YEAR means a calendar year.

Section 2. There is hereby added:

1.01.020 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the City of Bellevue, Washington:

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

(2) Singular and Plural. The singular number includes the plural and the plural includes the singular.

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.01.030 Prohibited acts include causing, permitting, etc. Whenever in the ordinances of the City of Bellevue, 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.

1.01.040 Construction. The following Rules of Construction shall apply:

(1) The provisions of the ordinances of the City of Bellevue, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(2) 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.

(3) 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.

(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.

1.01.050 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.

Section 3. There is hereby added the following chapter to the new title, Title 1, to the Bellevue City Code:

1.02.010 Enforcement terms defined. The following words whenever used in the ordinances of the City of Bellevue, Washington, shall be construed as defined in this section unless from the context a different meaning is specifically defined

CRIME means any offense or violation which is punishable either by imprisonment or by a fine where such penalty is imposed by a court of law.

OFFENSE OR VIOLATION means any act or omission which violates any ordinance for which a penalty may be prescribed or a remedy may be granted.

MISDEMEANOR means any crime punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment not to exceed 90 days, or both, unless otherwise specifically defined.

GROSS MISDEMEANOR means any crime punishable by fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding 180 days or both.

TRAFFIC MISDEMEANOR means a criminal violation under the provisions of Title 11 of the Bellevue City Code punishable by a fine not to exceed two hundred fifty dollars (\$250) except where another penalty is expressly provided for by law or ordinance under Title 11.

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.

1.02.020 Violation of ordinance a misdemeanor. The violation of any ordinance shall be deemed a misdemeanor unless specifically designated as a gross misdemeanor or traffic misdemeanor. Each violation may be prosecuted by the authorities of the city in the name of the people of the State of Washington or the City of Bellevue, or may be redressed by civil action at the option of the authorities of the city, or both.

Section 4. The following sections of Title 7, Chapter 7.04 of the Bellevue City Code, Ordinance 43, §§ 1.2, 1.3, 1.5, 1.6, and Ordinance 1633, §1 are hereby repealed:

7.04.020
7.04.030
7.04.050
7.04.060
7.04.070.

Section 5. The following sections of Title 11, Chapter 11.20 of the Bellevue City Code, Ordinance 1841, §§ 1 and 2 are hereby repealed:

11.20.010
11.20.020

Section 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 27 day of May, 1974, and signed in authentication of its passage this 27 day of May, 1974.

(SEAL)

Approved as to Form

Lee Kraft
Lee Kraft, City Attorney

Richard M. Foreman
Richard M. Foreman, Mayor

Attest:

Sharon S. Stewart
Sharon S. Stewart, Deputy City Clerk

Published June 6, 1974