



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 27, 2000

Ordinance 13880

Proposed No. 1999-0507.2

Sponsors Miller, Pelz and Nickels

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

5

6

7

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8

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

10

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

12

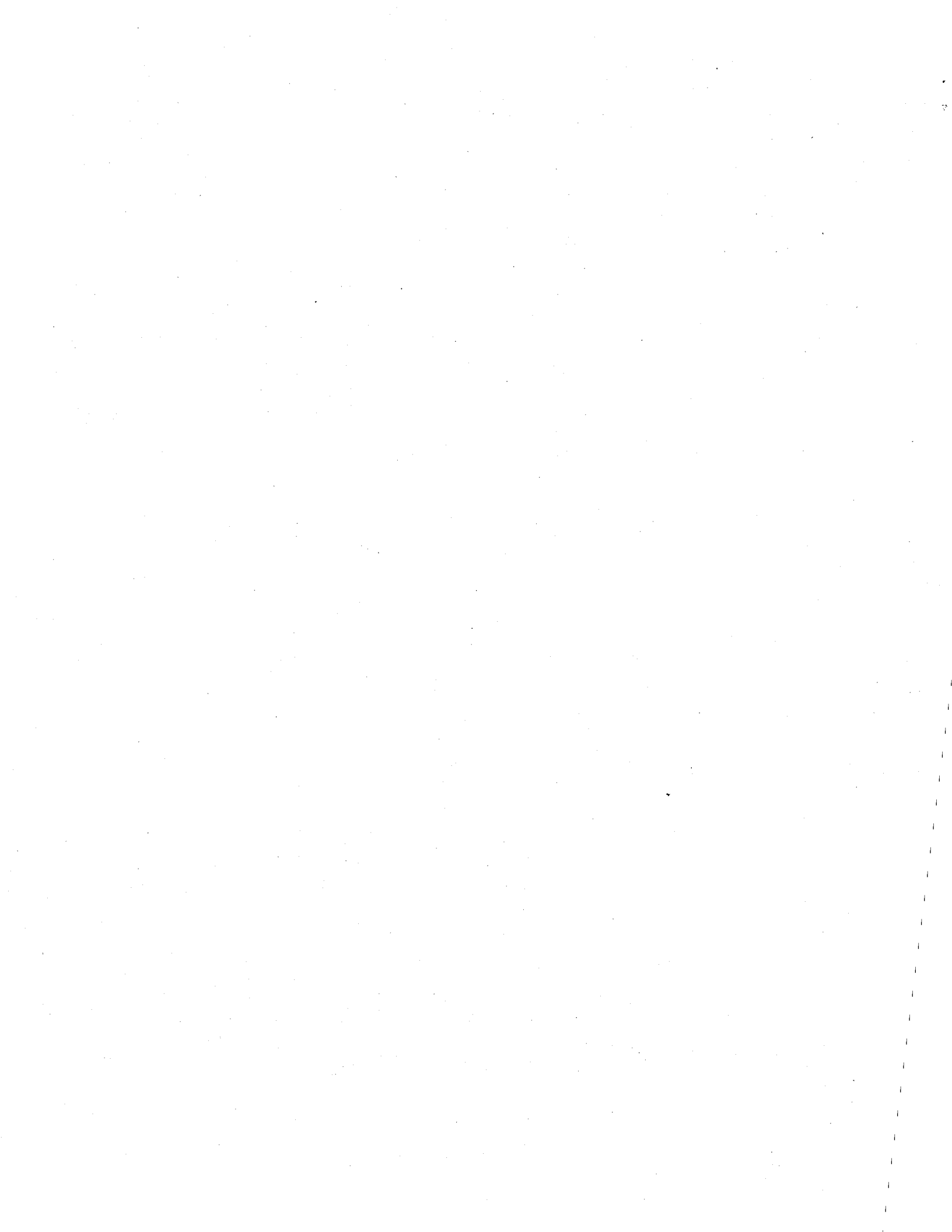
Code may be cited as "K.C.C." The code may be cited by the abbreviation
13 "K.C.C."

14

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

16

Words and phrases – construction. All words and phrases in the King County
17 Code must be construed according to the common and approved usage of the language,



18 but technical words and phrases and such other words and phrases as have acquired a
19 peculiar and appropriate meaning in the law must be construed and understood according
20 to the peculiar and appropriate meaning.

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

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

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

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

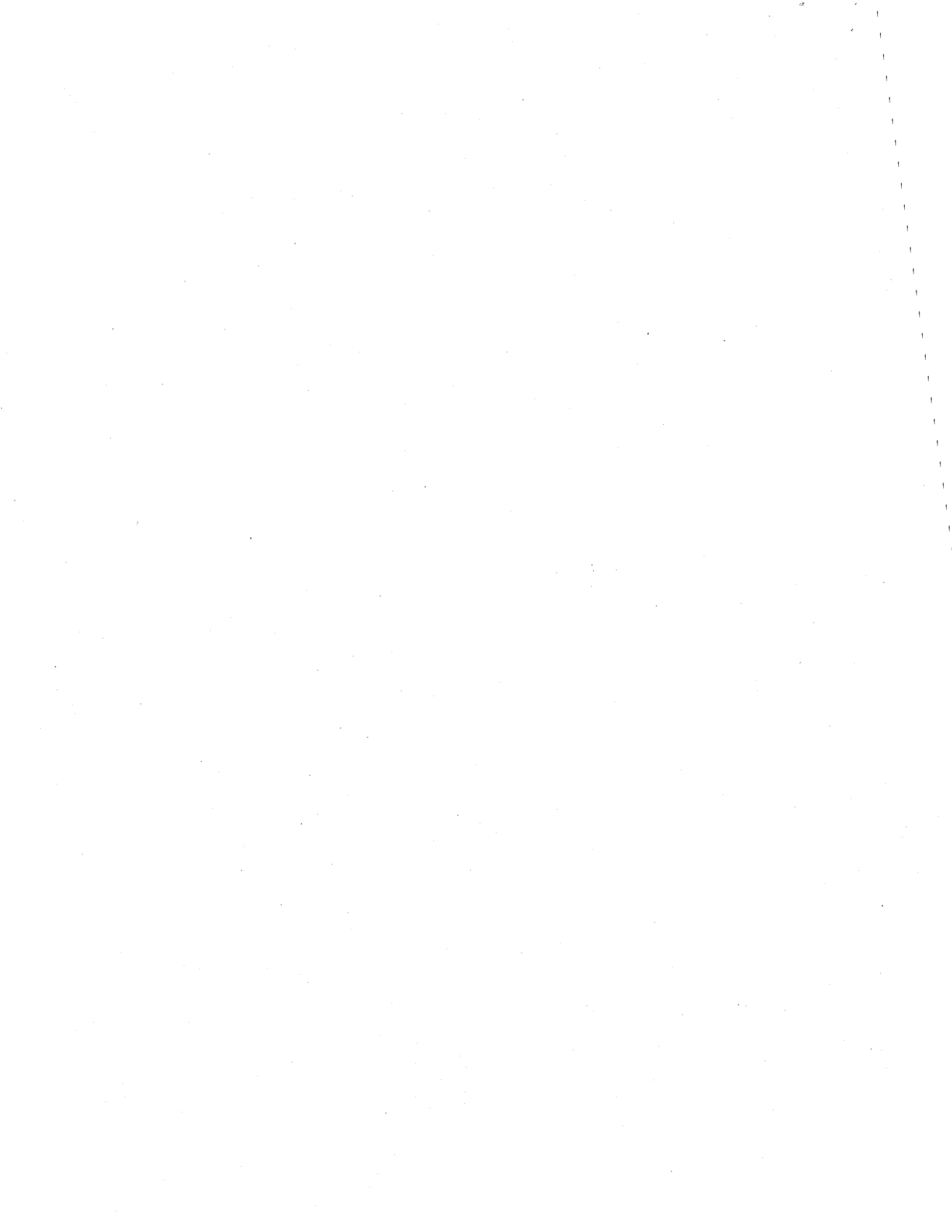
31 C. "Month" means a calendar month.

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

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

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

39 **Titles, part headings, captions of code not law – part headings, captions of**
40 **legislation not law.** A. Titles, part headings and captions of titles, chapters and sections



41 used in this code are not any part of the law unless a contrary intent is clearly expressed.

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

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

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

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

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

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

62 **Code as evidence of the law—rule of construction—prima facie law—new**
63 **laws to be added to code.**



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

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

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

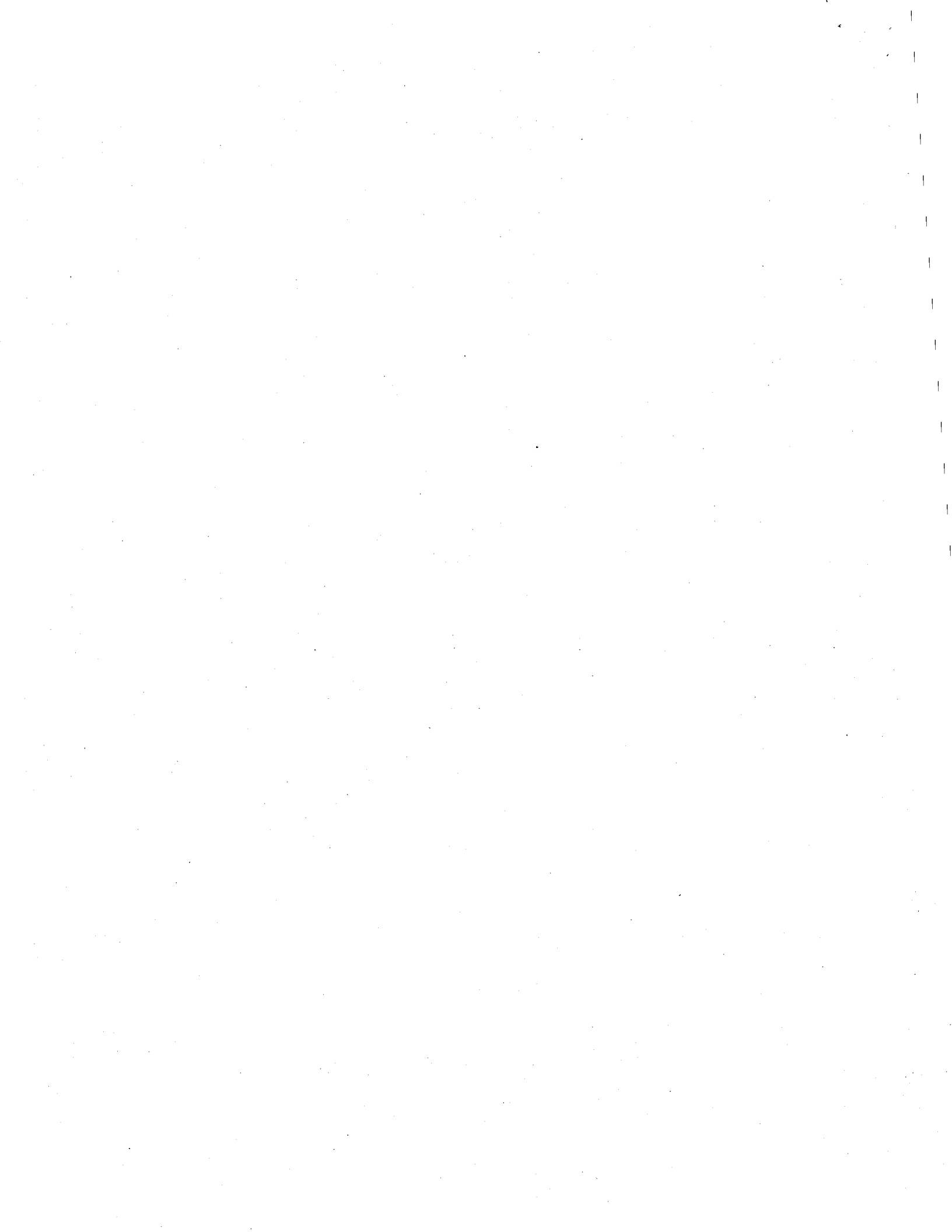
72 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 1.02 a
73 new section to read as follows:

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

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

78 **Construction of multiple amendments to ordinances or code—publication--
79 decodification of repealed sections.** A. If two or more ordinances amending the same
80 section of an ordinance or of the code are enacted, each amendment without reference to
81 the others, each ordinance must be given effect to the extent that the amendments do not
82 conflict in purpose. Otherwise, the ordinance last enacted controls. If a section of an
83 ordinance or the code is amended after the enactment of the section's repeal, the
84 subsequent amendment is void and the section is repealed in accordance with the original
85 repeal's enactment.

86 B. If a section of an ordinance or of the King County Code is amended without



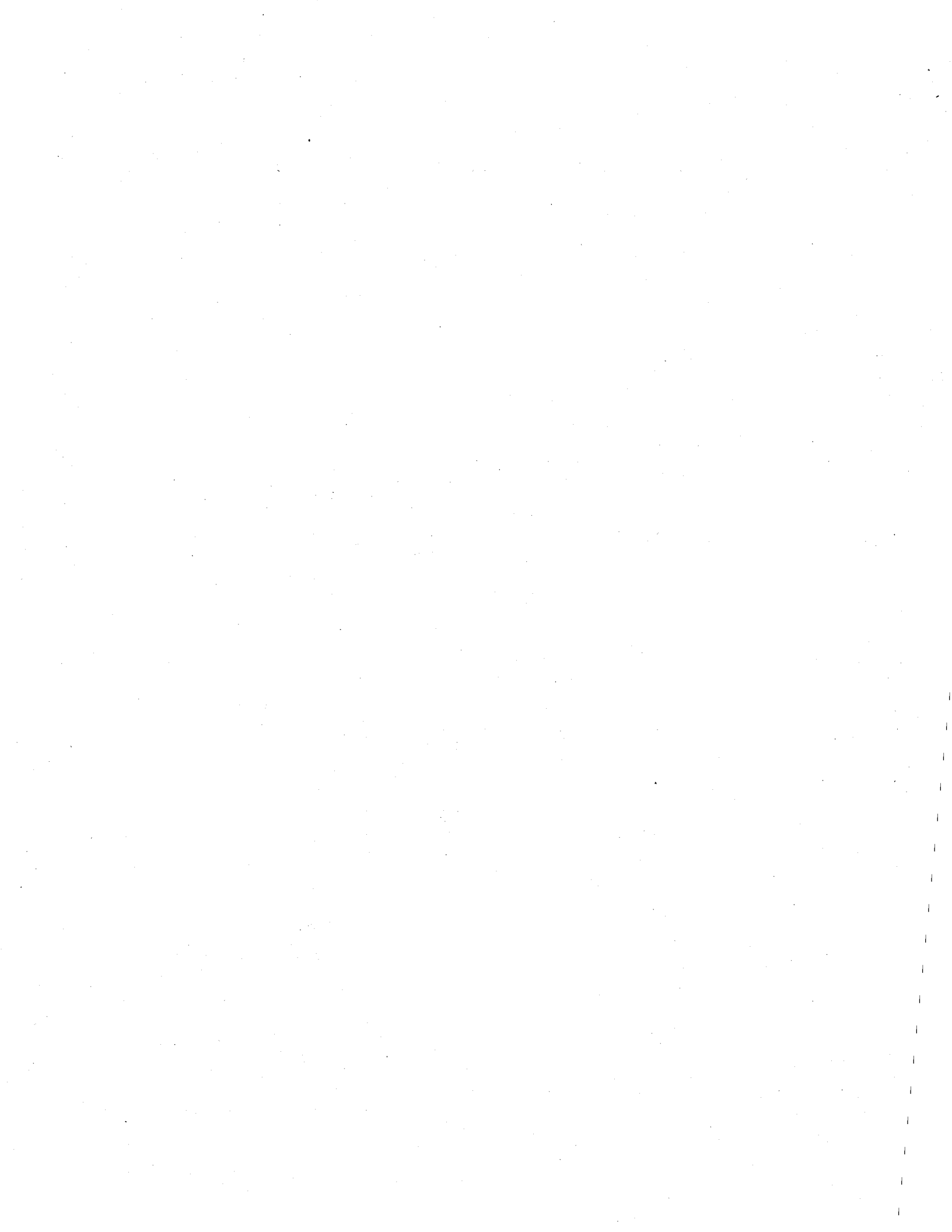
87 reference to another amendment of the same section, the clerk of the council, in
88 consultation with the chair of the council and legal counsel of the council, may publish
89 the section in the code with all amendments incorporated in the section. The publication
90 of the section may occur only if the clerk determines that the amendments do not conflict
91 in purpose or effect. A section published under this section 10B of this ordinance
92 constitutes prima facie evidence of the law but may not be construed as changing the
93 meaning of the law.

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

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

104 C. If it is determined under section 10B of this ordinance that a section should
105 not be published in the code with all amendments incorporated in the section, the clerk
106 shall publish each version of the section in the code. If it is determined under section
107 10B of this ordinance that a section should not be decodified, the clerk shall publish the
108 section as amended, noting also in the code the section's repeal.

109 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 1.02 a



110 new section to read as follows:

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

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

130 **Construction of ordinances and code--internal references as including**
131 **amendments.** If an ordinance or code section refers to another ordinance or code
132 section, the reference includes amendments to the referenced ordinance or code section

133 unless a contrary intent is clearly expressed.

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

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

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

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

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

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

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

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

155 B. Edit and revise the laws for the consolidation, to the extent deemed necessary

156 or desirable by the clerk and without changing the meaning of the law, in the following
157 respects only:

- 158 1. Make capitalization uniform with that followed generally in the code;
- 159 2. Make chapter or section division and subdivision designations uniform with
160 that followed in the code;
- 161 3. Substitute for the term "this ordinance," if necessary, the term "section,"
162 "part," "code," "chapter" or "title" or reference to specific section or chapter numbers, as
163 required;
- 164 4. Substitute for reference to a section of an ordinance the proper code section
165 number reference;
- 166 5. Substitute for "as provided in the preceding section" and other phrases of
167 similar import the proper code section number references;
- 168 6. Substitute the proper calendar date for "effective date of this ordinance,"
169 "date of enactment of this ordinance" and other phrases of similar import;
- 170 7. Strike out figures if merely a repetition of written words and substitute, if
171 deemed by the clerk advisable for uniformity, written words for figures;
- 172 8. Rearrange misplaced statutory material, incorporate omitted statutory
173 material as well as correct manifest errors in spelling and punctuation, manifest clerical
174 or typographical errors or errors by way of additions or omissions. However, if words or
175 clauses are inserted, the words or clauses must be enclosed in brackets and the clerk may
176 not make a correction that changes the intent or meaning of a sentence, section or
177 ordinance;
- 178 9. Correct manifest errors in references by chapter or section number to other

179 laws;

180 10. Correct manifest errors or omissions in numbering or renumbering sections
181 of the code;

182 11. Divide long sections of an ordinance into two or more sections of the code,
183 consolidate two or more sections of an ordinance into one section of the code and
184 rearrange the order of sections to conform to such a logical arrangement of subject matter
185 as might most generally be followed in the code if to do so will not change the meaning
186 or effect of the sections;

187 12. Change the wording of chapter and section captions, if any, and provide
188 captions to new chapters and sections; and

189 13. Strike manifestly obsolete provisions; and

190 C. Create new code titles, chapters and sections of the King County Code, or
191 otherwise revise the title, chapter and sectional organization of the code, all as might be
192 required to effectuate the orderly and logical arrangement of the statutes, under Section
193 880 of the King County Charter.

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

202 were a part.

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

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

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

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

224 NEW SECTION. SECTION 23. Drafting assistance. The clerk of the council

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

229 NEW SECTION. SECTION 24. Opinions as to validity or constitutionality.

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

232 NEW SECTION. SECTION 25. Certification--official code--prima facie

233 **evidence.** The King County Code containing the certificate of the clerk of the council
234 and a supplement or addition to or reprint edition of the code that contains the certificate
235 of the clerk is official and is prima facie evidence of the laws contained in the code.

236 NEW SECTION. SECTION 26. Amendment, repeal to include code

237 **numbers--assignment of code numbers.** The council in amending or repealing laws
238 shall include in the ordinance references to the code numbers of the law affected. The
239 clerk of the council shall assign code numbers to the permanent or general laws enacted
240 by the council.

241 NEW SECTION. SECTION 27. Ordinances and motions to be in gender-

242 **neutral terms--exception--effect of noncompliance.**

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

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

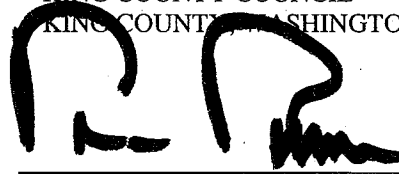
247 SECTION 28. Application. This ordinance is intended to bring consistency and

248 accuracy to county legislation. Therefore, this ordinance applies retroactively as well as
249 prospectively.
250

Ordinance 13880 was introduced on 9/27/99 and passed by the Metropolitan King
County Council on 6/26/00, by the following vote:

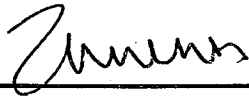
Yes: 12 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Mr.
McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms. Hague,
Mr. Vance and Mr. Irons
No: 0
Excused: 1 - Ms. Fimia

KING COUNTY COUNCIL
KING COUNTY WASHINGTON



Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7 day of July, 2000.



Ron Sims, County Executive

Attachments None.

