

ORDINANCE NO. 2170

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE KIRKLAND MUNICIPAL CODE, AS COMPILED, EDITED AND PUBLISHED BY BOOK PUBLISHING COMPANY OF SEATTLE, WASHINGTON, AS THE OFFICIAL CODE OF THE CITY OF KIRKLAND.

WHEREAS, Book Publishing Company of Seattle, Washington, has contracted with Kirkland, Washington, to prepare the Kirkland Municipal Code as authorized by 35A.21.130 of the Revised Code of Washington, and

WHEREAS, Book Publishing Company has compiled, edited and published the Kirkland Municipal Code, and

WHEREAS, the Council of the City of Kirkland has inspected the Kirkland Municipal Code as compiled, edited and published by Book Publishing Company and is satisfied that said code is a correct and accurate codification of the ordinances of Kirkland, Washington, and

WHEREAS, the City Council of the City of Kirkland is satisfied that the provisions of RCW 35A.21.130 have in all ways been complied with,

NOW, THEREFORE, be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Code Adopted. The Kirkland Municipal Code, as compiled from the ordinances of the City of Kirkland, Washington, and edited and published by Book Publishing Company of Seattle, Washington, is hereby adopted as the official code of the City of Kirkland, Washington.

Section 2. Title - Citation - Reference. This code shall be known as the "Kirkland Municipal Code", and it shall be sufficient to refer to said code as the "Kirkland Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also 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 of, or repeal of the "Kirkland Municipal Code". Further reference may be had to the titles, chapters, sections and subsections of the "Kirkland Municipal Code", and such reference shall apply to that numbered title, chapter, section or subsection as it appears in that code.

Section 3. Reference Applies to Amendments. Whenever a reference is made to this code as the "Kirkland Municipal Code" or to any portion thereof, or to any ordinances of the City of Kirkland, Washington, that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made.

Section 4. Codification Authority. This code consists of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to RCW 35A.21.130.

Section 5. Definitions and Construction. Unless the context otherwise requires, the following words and phrases where used in the ordinances of the City of Kirkland shall have the meaning and construction given in this section:

- (a) "Code" means the Kirkland Municipal Code.
- (b) "City" means the City of Kirkland.
- (c) "City Council" means the City Council of the City of Kirkland.
- (d) "County" means the County of King.
- (e) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer or employee of any of them.
- (f) "State" means the State of Washington.
- (g) "Oath" includes affirmation.
- (h) "Gender". The masculine gender includes the feminine and neuter.
- (i) "Number". The singular number includes the plural, and the plural includes the singular.
- (j) "Tenses". The present tense includes the past and future tenses, and the future tense includes the present tense.
- (k) Shall, May. "Shall" is mandatory, "May" is permissive.
- (l) Title of office. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of Kirkland.
- (m) Owner. "Owner" when pertaining to a building or land shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.

Ordinance No. 2170

- (n) Street. "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in Kirkland 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.
- (o) Tenant or Occupant. "Tenant" or "occupant" when pertaining to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.
- (p) Goods. "Goods" includes wares and merchandise.
- (q) Operate. "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.
- (r) Across. "Across" includes along, in or upon.
- (s) Sale. "Sale" includes any sale, exchange, barter or offer for sale.
- (t) Ex-officio. "Ex-officio" means by virtue of office.

Section 6. 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.

Section 7. Reference to Specific Ordinances. The provisions of this code shall not in any manner affect deposits or other 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 this code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 8. Effect of Code on Past Actions and Obligations. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or any part 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 hereof, 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.

Section 9. Adoption of Code Not to Affect Ordinances Relating to "Reserved" Subject Matter. The adoption of this code shall not be construed to repeal, supersede or modify any existing ordinances of a penal or regulatory nature relating to subject matter for which titles and chapters of this code have been assigned and designated herein as "reserved".

Section 10. Severability. If any section, subsection, sentence, clause, phrase, part, or portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The Kirkland City Council hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Section 11. Effective Date. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on this 1st day of November, 1971.

SIGNED in authentication thereof on the 1st day of November, 1971.

William C. Woods
Mayor

Attest:

Tom J. Anderson
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Ray E. [Signature]
City Attorney

Ordinance No. 2170