



Legislation Text

File #: CB 119594, Version: 1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to interpretations, corrections, and revisions of the Seattle Municipal Code; creating the position of code reviser; authorizing the code reviser to correct and revise nonsubstantive errors in the Seattle Municipal Code; adding rules of construction for the Seattle Municipal Code; amending Section 1.01.020 of the Seattle Municipal Code; and adding a new Chapter 1.03 and Sections 1.04.030, 1.04.040, 1.04.050, 1.04.060, 1.04.070, and 1.04.080 to the Seattle Municipal Code.

WHEREAS, a clear, accurate, and accessible municipal code eliminates barriers between residents and the laws that govern them; and

WHEREAS, the Seattle Municipal Code currently has relatively few general rules of construction that apply to the entire code and are intended to clarify otherwise confusing issues; and

WHEREAS, Article IV, Section 13.B of the Seattle City Charter states that “The City Clerk shall maintain a compilation of all ordinances enacted each year”; and

WHEREAS, the work of this compilation normally is performed by a company specializing in codification, in consultation with the City Attorney’s Office; and

WHEREAS, since 1951, the State of Washington has had a code reviser pursuant to RCW 1.08.013, with enumerated powers, listed in RCW 1.08.015, to codify and revise laws; and

WHEREAS, The City of Seattle wishes to provide for a code reviser to demonstrate to its residents a commitment to a clear, accurate, and accessible municipal code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 1.01.020 of the Seattle Municipal Code, last amended by Ordinance 110757, is amended as follows:

1.01.020 Copies as proof of ordinances ((:))

In accordance with RCW 35.21.550 (~~(((Chapter 7, Section 35.21.550, Laws of Washington 1965)))~~), copies of the Seattle Municipal Code shall be received in all courts and administrative tribunals of the City and the state as ordinances of the City of permanent and general effect without further proof(~~(; Provided, that in case of conflict between shoreline environmental classifications shown on maps contained in this Code and maps adopted by Section 21A.28 of the Zoning Ordinance (86300) (Sections 24.14.030 and 24.60.365 of the Seattle Municipal Code) together with ordinance amendments thereto, the classifications adopted by the ordinances referred to shall be controlling~~)). Failing or declining to codify an ordinance does not affect the applicability of the ordinance as law. If there is a substantive omission or inconsistency between the Seattle Municipal Code and an ordinance, the ordinance controls.

Section 2. A new Chapter 1.03 is added to the Seattle Municipal Code as follows:

CHAPTER 1.03 CODE COMPILATION AND REVISION

1.03.010 City Clerk to compile laws - Code reviser to revise laws

To maintain the codification created from the compilation of ordinances maintained by the City Clerk pursuant to the City Charter, the City shall employ and from time to time fix the compensation of a competent code reviser in the Law Department, with additional legal and clerical staff as may reasonably be required. “Code reviser” means a lawyer qualified and designated to codify and revise City laws without substantive change or alteration of purpose or intent.

1.03.020 Scope of codification

The code reviser shall codify all laws of a general and permanent nature enacted by the City Council and assign numbers and captions to each title and division of a title (including but not limited to chapters, sections, and subsections). The code reviser may create new titles, parts, and subparts of the code, or otherwise revise the organization of the code, as required to effectuate orderly and logical arrangement of laws.

1.03.030 Scope of revision

The code reviser may edit and revise laws for presentation without changing their meaning, in the following respects only:

- A. Make capitalization and divisions of titles uniform in style;
- B. Substitute a specific code reference for “this ordinance,” a reference to a section of an ordinance, or phrases and terms of similar import;
- C. Substitute the proper calendar date for “effective date of this ordinance,” “date of enactment of this ordinance,” and other phrases in which an appropriate date may be substituted;
- D. Strike out numerals where merely a repetition of words and substitute, where advisable for uniformity, words for numerals;
- E. Rearrange misplaced material, incorporate omitted material, and correct clerical, typographical, spelling, and syntactic errors by way of changes, additions, or omissions;
- F. Correct errors in citations to laws and make such citations uniform in style;
- G. Correct errors or omissions in numbering or renumbering parts of the code;
- H. Correct and update names of departments or other entities and titles of positions or officers;
- I. Divide long sections of an ordinance into multiple parts of the code and consolidate two or more sections of an ordinance into one part of the code, and reorder parts of the code to make the order uniform with other parts of the code, as long as no division or consolidation changes any meanings or effects of the laws; and
- J. Strike and, if advisable, update obsolete provisions and cross-references.

1.03.040 Omission of certain parts of ordinances

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

the validity and construction sections were a part.

1.03.050 Reviser's notes

If a part of the code would be served by an explanation, or an edit or revision the code reviser is not authorized to make, the code reviser may place a reviser's note as near as possible to the reference without interfering with the readability of any affected part. The code reviser may add or remove reviser's notes, editor's notes, annotations, or similar material to or from the code and Charter as appropriate.

1.03.060 Historical records

Each section of the code shall be followed with a list of all ordinances that have enacted or amended the section. The code reviser shall prepare and maintain a list of dispositions for titles, parts, and subparts of the code that no longer contain valid law.

1.03.070 Code improvement

The code reviser may prepare legislation for submission or make written recommendations to the City Council concerning correction or removal deficiencies, conflicts, or obsolete provisions in the code or otherwise improving the form or substance of city laws.

1.03.080 Code examination

The code reviser shall, when appropriate, propose to the City Council the enactment of the several titles, chapters, and sections of the code so that, as expeditiously as possible, the code and each of its parts constitutes conclusive, rather than prima facie, evidence of the law. A proposal made under this Section 1.03.080 must be accompanied by explanatory matter.

1.03.090 Drafting assistance

The code reviser shall be in charge of and shall provide drafting assistance for city departments, the City Council, and the City Council's committees, members, and staff. The assistance must be confidential and nonpartisan, and neither the code reviser nor any of the code reviser's staff may advocate for or against any bill in their drafting capacities.

1.03.100 Public opinions as to validity or constitutionality

Neither the code reviser nor any of the code reviser's staff may provide an opinion to the public as to the validity or constitutionality of proposed or enacted legislation.

Section 3. A new Section 1.04.030 is added to the Seattle Municipal Code as follows:

1.04.030 Titles and headings law - Amendments to titles and headings

For purposes of construction and interpretation, unless stated otherwise, the names and headings of titles, chapters, subchapters, parts (as that term is used in Titles 11 and 23), and sections of the Seattle Municipal Code become part of the law upon their first appearance in an ordinance, whether the ordinance creates the name or heading or whether the ordinance uses a previously created name or heading.

Section 4. A new Section 1.04.040 is added to the Seattle Municipal Code as follows:

1.04.040 Rules of construction

The following rules of construction apply to the Seattle Municipal Code unless stated otherwise or the context clearly requires otherwise:

- A. Words in the singular form shall also refer to the plural form, and words in the plural form shall also refer to the singular form;
- B. Words referring to one gender shall also refer to the other genders;
- C. "May" is permissive and "must," "shall," and "will" are mandatory;
- D. If a person is authorized by law to discharge a duty by virtue of an office, that person's designee may also discharge the duty; and
- E. Undefined words and phrases 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.

Section 5. A new Section 1.04.050 is added to the Seattle Municipal Code as follows:

1.04.050 Construction of amendments to ordinances or code

A. If two or more ordinances amending the same section of an ordinance or the Seattle Municipal 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 Seattle Municipal 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 the Seattle Municipal Code is amended without reference to another amendment of the same section, the City Clerk, in consultation with the code reviser, may publish the section in the Seattle Municipal Code with all amendments incorporated in the section. The publication of the section may occur only if the code reviser determines that the amendments do not conflict in purpose or effect. A section published under this subsection 1.04.050.B constitutes prima facie of the evidence of the law but may not be construed as changing the meaning of the law.

C. 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.

D. The City Council recognizes that legislation is likely to display amendments to code sections in their codified, revised form rather than as displayed in individual ordinances. If an ordinance's presentation of a code section's current language uses or amends the language of that section as it has been codified or revised, such presentation does not invalidate the legislation for not displaying the correct section language, and the legislation taking effect shall ratify the codification and revision of that section as though the codified and revised language had existed in the previous ordinance.

Section 6. A new Section 1.04.060 is added to the Seattle Municipal Code as follows:

1.04.060 Construction of ordinances concerning domestic relations

For the purposes of this code and any legislation hereafter enacted by the legislature or by the people, the terms spouse, marriage, marital, husband, wife, next of kin, and family shall be interpreted as applying equally to

state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, unless the legislation expressly states otherwise and to the extent that such interpretation does not conflict with state or federal law. Where necessary to implement this Section 1.04.060, gender-specific terms such as husband and wife used in any ordinance, rule, or other law shall be construed to be gender-neutral and applicable to individuals in state-registered domestic partnerships and spouses of the same sex.

Section 7. A new Section 1.04.070 is added to the Seattle Municipal Code as follows:

1.04.070 Computation of time

Unless stated otherwise, this Section 1.04.070 governs the computation of time in the Charter or this code.

When computing time, whether forward or backward, the day of the event from which the time begins to run is excluded. The last day of the period so computed is included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day in the direction being counted, whether forward or backward, that is not a Saturday, a Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Section 8. A new Section 1.04.080 is added to the Seattle Municipal Code as follows:

1.04.080 Ordinances - 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.

Section 9. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2019, and signed by me in open session in authentication of its passage this ____ day of _____, 2019.

President _____ of the City Council

Approved by me this ____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this ____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)