

Ordinance No. 00034

[\(Council Minutes 96/01/08\)](#)

ORDINANCE NO. 34

AN ORDINANCE of the City Council of the City of Lakewood, Washington establishing the Lakewood Municipal Code, and authorizing the City Manager to provide for codification of City Ordinances

WHEREAS, in order to provide for easier use of and access to the regulatory and operational terms and provisions of the City Ordinances by City staff, elected and appointed officials, and members of the public, it would be appropriate for the Ordinance provisions to be codified in a readily usable and convenient form..

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. Code adopted.

The Lakewood Municipal Code, as compiled with the Ordinances of the City, and edited and published by or at the direction of the City Manager or designee is adopted as the official code of the City.

Section 2. City Manager authority.

The City Manager of the City or designee is authorized to provide for the codification and publication of the Lakewood Municipal Code, including authority to compile Ordinances of the City and to devise an appropriate method for cataloging, indexing and formatting the Lakewood Municipal Code, and to take any and all steps in the discretion of the City Manager deemed to be advisable to edit and publish the Lakewood Municipal Code in terms consistent with the terms, provisions and intentions of the Ordinances of the City.

Section 3. Codification authority.

This code consists of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to RCW 35A.21.130. The City Manager or designee or company or any successor appointed by the City as its Code Revisor, shall have the following specific authority as to editing, rearranging, and/or grouping of ordinances:

- A. Editing ordinances to the extent deemed necessary or desirable for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance;
- B. Substituting for the term "this ordinance", where necessary, the term "section", "part", "code", "chapter", "title", or reference to specific section or chapter numbers, as the case may require;
- C. Correcting manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions;
- D. Dividing long sections into two or more sections and rearranging the order of sections to ensure a logical arrangement of

subject matter;

E. Changing the wording of section captions, if any, and providing captions to new chapters and sections;

F. Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

Section 4. Codes adopted by reference.

All sections, provisions and portions of state, county, regional and federal codes and regulations adopted by reference and incorporated into the Lakewood Municipal Code shall be kept on file in the Office of the City Clerk, and shall be available for inspection by the public at reasonable times and under reasonable circumstances. All such copies shall be cataloged and entered in an indexed book kept for such purpose, with such entries authenticated by the City Clerk.

Section 5. Title, citation and reference.

This code shall be known as the "Lakewood Municipal Code", and it shall be sufficient to refer to said code as the "Lakewood Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. A copy of the Code shall be received without further proof as the Ordinances of permanent and general effect of the City in all courts and administrative tribunals of the State of Washington. 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 "Lakewood Municipal Code". Further reference may be had to the titles, chapters, sections and subsections of the "Lakewood Municipal Code", and such reference shall apply to that numbered title, chapter, section or subsection as it appears in that code.

Section 6. Reference applies to amendments.

Whenever a reference is made to this code as the "Lakewood Municipal Code" or to any portion thereof, or to any Ordinances of the City, that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. Any Ordinances amending the codification shall set forth in full the section or sections, or subsection or subsections, of the codification being amended, as the case may be, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or section thereof shall be revised or amended unless the new ordinance sets forth the revised or amended ordinance or section in full.

Section 7. Definitions.

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

A. "Code" means the Lakewood Municipal Code.

B. "City" means the City of Lakewood.

C. "City Council" means the City Council of the City of Lakewood.

D. "County" means the county of Pierce.

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" 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 Lakewood.

M. "Owner" when pertaining to a building or land includes any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.

N. "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in the 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.

O. "Tenant" or "occupant" when pertaining to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.

P. "Goods" includes wares and merchandise.

Q. "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.

R. "Across" includes along, in or upon.

S. "Sale" includes any sale, exchange, barter or offer for sale.

T. "Ex-officio" means by virtue of office.

Section 8. 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 9. 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 10. 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 11. 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 12. Severability.

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 13. Effective date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996, the official date of incorporation.

ADOPTED by the City Council this 8th day of January, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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