

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 General Penalty**
- 1.12 *Repealed***
- 1.16 Official Timepiece**
- 1.18 Enforcement**

Chapter 1.01**CODE ADOPTION**

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title – Citation – Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

1.01.010 Adoption.

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the “Friday Harbor Municipal Code,” as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 617 § 1, 1984)

1.01.020 Title – Citation – Reference.

This code shall be known as the “Friday Harbor Municipal Code” and it shall be sufficient to refer to the code as the “municipal code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall 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 or repeal of the Friday Harbor Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Friday Harbor Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 617 § 2, 1984)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town of Friday Harbor, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 617 § 3, 1984)

sions of RCW 35.21.500 through 35.21.570. (Ord. 617 § 3, 1984)

1.01.040 Ordinances passed prior to adoption.

The last ordinance included in the initial code is Ordinance 610, passed April 5, 1984. The following ordinances, passed subsequent to Ordinance 610, but prior to adoption of this code are adopted and made a part of this code: Ordinance 611, passed June 1, 1984, Ordinances 612 and 613, passed June 7, 1984, and Ordinances 614 and 615, passed June 21, 1984. (Ord. 617 § 4, 1984)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Friday Harbor Municipal Code” or to any portion thereof, or to any ordinance of the town of Friday Harbor, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 617 § 5, 1984)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code 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 of this code. (Ord. 617 § 6, 1984)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect 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 the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 617 § 7, 1984)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the town

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. (Ord. 617 § 8, 1984)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Friday Harbor Municipal Code" becomes effective. (Ord. 617 § 9, 1984)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 617 § 10, 1984)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinance.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the town, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the town of Friday Harbor, Washington, or the area within the territorial limits of the town of Friday Harbor, Washington, and such territory outside the town of Friday Harbor, Washington, over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the town council of the town of Friday Harbor. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of San Juan.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the town of Friday Harbor, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes 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.”

I. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. “Person” includes a 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.

K. “Personal property” includes money, goods, chattels, things in action and evidences of debt.

L. “Preceding” and “following” mean next before and next after, respectively.

M. “Property” includes real and personal property.

N. “Real property” includes lands, tenements and hereditaments.

O. “Sidewalk” means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

P. “State” means the state of Washington.

Q. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this town 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.

R. “Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. “Written” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent, visible form.

T. “Year” means a calendar year. (Ord. 608 § 1, 1984)

1.04.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the town. (Ord. 608 § 2, 1984)

1.04.030 Interpretation of language.

All words and phrases shall be construed 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. (Ord. 608 § 3, 1984)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the town, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless specifically inapplicable. (Ord. 608 § 4, 1984)

1.04.050 Acts by agents.

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 to include all such acts performed by an authorized agent. (Ord. 608 § 5, 1984)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the town, 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. (Ord. 608 § 6, 1984)

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 608 § 7, 1984)

1.04.080 Construction.

The provisions of the ordinances of the town, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 608 § 8, 1984)

1.04.090 Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 608 § 9, 1984)

Chapter 1.08

GENERAL PENALTY

(Reserved)

Chapter 1.12

IMPRISONMENT

(Repealed by Ord. 1053)

Chapter 1.16

OFFICIAL TIMEPIECE

Sections:

1.16.010 Establishment.

1.16.020 Installation.

1.16.030 Location – Designation.

1.16.010 Establishment.

There is designated an official timepiece for the town. (Ord. 656 § 1, 1985)

1.16.020 Installation.

The San Juan Lions Club, supported by The Journal and 486 contributors, whose names are inscribed on a plaque installed at the fire station, have completed the installation of a clock for the town. (Ord. 656 § 2, 1985)

1.16.030 Location – Designation.

The clock located in the tower of the fire station shall be and is designated as the official timepiece of the town. (Ord. 656 § 3, 1985)

Chapter 1.18

ENFORCEMENT

Sections:

- 1.18.010 Purpose.
- 1.18.020 Definitions.
- 1.18.030 Order to correct violation.
- 1.18.040 Notice of civil infraction.
- 1.18.050 Response to notice.
- 1.18.060 Misdemeanor prosecution prohibited – When.

1.18.010 Purpose.

The purpose of this chapter is to establish an efficient system to enforce certain ordinances and regulations of the town, to provide an opportunity for a prompt hearing and decision on alleged violations, and to establish monetary penalties for violations. (Ord. 1053 § 1, 1997)

1.18.020 Definitions.

For the purposes of this chapter the terms set out in this section shall have the meanings indicated.

A. “Act” means doing or performing something.

B. “Applicable department director” means the director of the department empowered to enforce a town ordinance or regulation, or his/her designee.

C. “Civil infraction” means a violation of a provision of a town ordinance for which a monetary civil penalty may be imposed under that ordinance. Each day or portion of a day during which an infraction occurs or exists is a separate infraction.

D. “Emergency” means a situation which, in the opinion of the applicable department director, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

E. “Omission” means a failure to act.

F. “Person” includes any natural person, any corporation or any unincorporated association or partnership.

G. “Violation” means an act or omission contrary to a town ordinance, including an act or omission at the same or different location by

the same person. Each day that a continuing violation exists shall be a separate violation for purposes of penalty assessment. (Ord. 1053 § 2, 1997)

1.18.030 Order to correct violation.

A. Issuance. Except when an emergency exists or when there have been repeated violations of the same or similar ordinance by the same person, whenever the applicable department director determines that a violation has occurred or is occurring, he/she shall pursue reasonable attempts to secure voluntary correction, failing which he/she may issue an order to correct violation to the property owner or to any person causing, allowing or participating in the violation.

B. Content. The order shall include the following:

1. The name and address of the property owner or other person to whom the order is directed;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to that provision of the town ordinance or regulation which has been violated;

4. A statement of the action required to be taken to correct the violation as determined by the applicable department director and a date or time by which correction is to be completed; and

5. A statement that a monetary penalty in an amount per day for each violation, as specified in FHMC 1.18.040(E), shall be assessed against the person to whom the order is directed for each and every day, or portion thereof, during which the violation continues following the date set for correction.

C. Service of Order. The applicable department director shall serve the order to correct violation upon the person to whom it is directed, either personally or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting a copy of the order conspicuously on the affected property or structure. Proof of service shall be

made at the time of service by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service and the manner by which service was made.

D. Extension. Upon written request received prior to the correction date or time, the applicable department director may extend the date set for correction for good cause. The applicable department director may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause. (Ord. 1053 § 3, 1997)

1.18.040 Notice of civil infraction.

A. General. Following the date or time by which the correction must be completed as required by an order to correct violation, the applicable department director shall determine whether such correction has been completed.

B. Issuance.

1. If the required correction has not been completed by the correction date or time as specified in the order to correct violation, the town administrator may issue a notice of civil infraction to each person to whom an order to correct violation was directed.

2. Notwithstanding the provisions of FHMC 1.18.030, a notice of civil infraction may be issued without having first issued an order to correct violation where an emergency exists or when a repeated violation occurs.

C. Content. The following shall be included in the notice of civil infraction:

1. The name and address of the property owner or other persons to whom the notice is directed;

2. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to that provision of the town ordinance or regulation which has been violated;

4. A statement that the monetary penalty in the amount per day for each violation, as specified in subsection E of this section, is

assessed against the person to whom the notice is directed for each and every day, or portion thereof, during which the violation continues beyond the date set for correction in the order to correct violation; and

5. A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and must also either pay the monetary penalty imposed or request a hearing, as provided in FHMC 1.18.050.

D. Service of Notice. The town administrator shall serve the notice of civil infraction upon the person to whom it is directed, either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting the notice conspicuously on the affected property or structure. The person who effected personal service shall make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.

E. Monetary Penalty. The amount of the monetary penalty per day or portion thereof for each violation is as follows:

1. For a Class 1 infraction: \$250.00, not including statutory assessments under state law, or such other maximum amount as may be authorized by RCW 7.80.120 as amended from time to time;

2. For a Class 2 infraction: \$125.00, not including statutory assessments under state law, or such other maximum amount as may be authorized by RCW 7.80.120 as amended from time to time;

3. For a Class 3 infraction: \$50.00, not including statutory assessments under state law, or such other maximum amount as may be authorized by RCW 7.80.120 as amended from time to time; and

4. For a Class 4 infraction: \$25.00, not including statutory assessments under state law, or such other maximum amount as may be authorized by RCW 7.80.120 as amended from time to time.

F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does

not relieve a person of the duty to correct the violation as ordered. (Ord. 1053 § 4, 1997)

1.18.050 Response to notice.

Any person who receives a notice of civil infraction shall respond as provided for in Chapter 7.80 RCW, the procedural provisions of which shall thereafter apply. (Ord. 1053 § 5, 1997)

1.18.060 Misdemeanor prosecution prohibited – When.

No violation of a town ordinance which is stated to constitute a civil violation may be prosecuted as a misdemeanor notwithstanding any provision of any town ordinance providing to the contrary; provided, that if state law provides that violation of any such regulation is a misdemeanor, such violation shall be prosecuted as such and not as a civil violation. (Ord. 1053 § 6, 1997)