

CHAPTER 1.04
CODE ADOPTION

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1.04.010 AUTHORITY - ADOPTION OF BENTON COUNTY CODE. Pursuant to the provisions of RCW 36.32.120, the organization and codification of the ordinances of Benton County, Washington, of general and permanent application, consisting of Titles 1 through 16 inclusive, with chapters and sections, copy of which is annexed hereto, is hereby adopted and designated the "Benton County Code." [Ord. 126 (1977) § 1; Ord. 280 (1996) § 1]

1.04.020 TITLE - CITATION - REFERENCE. The code shall be known as the Benton County Code and it shall be sufficient to refer to said code as the Benton County 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 Benton County Code. Further, reference may be had to the codes, chapters, sections and subsections of the Benton County Code and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. The code may be cited by the abbreviation "BCC".

[Ord. 126 (1977) § 2]

1.04.030 REFERENCE APPLIES TO AMENDMENTS. Whenever a reference is made to this code as the Benton County Code or to any portion thereof, or to any ordinance of Benton County, Washington, the reference shall apply to all amendments, corrections, and additions heretofore, now or hereafter made.

[Ord. 126 91977) § 3]

1.04.040 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.

[Ord. 126 (1977) § 4]

1.04.050 SCOPE. The code shall include in a consolidated and codified form and arrangement all ordinances of Benton County, Washington, of general and permanent application.

[Ord. 126 (1977) § 5]

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

(a) "County" means Benton County, Washington, or the area within the territorial limits of Benton County, Washington, and such territory outside of the county of which the county has jurisdiction or control by virtue of any constitutional or statutory provision;

(b) "Commissioners" means the Board of County Commissioners of Benton County, Washington. "All its members" or "all commissioners" means the total number of commissioners provided by the general laws of the State of Washington.

(c) "Law" denotes applicable federal law, the constitution and statutes of the State of Washington, the ordinances of Benton County, Washington, and when appropriate, any and all rules and regulations which may be promulgated thereunder;

(d) "Oath" includes affirmation;

(e) "Office". The use of the title of any officer, employee, or any office, or ordinance means such officer, employee, office, or ordinance of Benton County unless otherwise specifically designated;

(f) "Ordinance" means a law of the county; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

(g) "Person" means 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;

(h) "State" means the State of Washington;

(i) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this county 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;

(j) "May" is permissive;

(k) "Must" and "shall" are mandatory;

(l) "Written" includes printed, typewritten, mimeographed or multigraphed.
[Ord. 126 (1977) § 6]

1.04.070 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the code:

(a) Gender. Any gender includes the other gender.

(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 the future tenses and vice versa;

(d) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
[Ord. 126 (1977) § 7]

1.04.080 PROHIBITED ACTS INCLUDE CAUSING AND PERMITTING. Whenever in this code any act or omission is made unlawful it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.
[Ord. 126 (1977) § 8]

1.04.090 CONSTRUCTION. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.
[Ord. 126 (1977) § 9]

1.04.100 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 the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.
[Ord. 126 (1977) § 10]

1.04.110 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the county shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to October 15, 1977, nor be construed as a waiver of any license, fee, or penalty on October 15, 1977, 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 case 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. 126 (1977) § 11]

1.04.120 REPEAL SHALL NOT REVIVE ANY ORDINANCES. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.
[Ord. 126 (1977) § 12]

1.04.130 REPEAL. All existing general ordinances of the county not included in this code or excluded from the operation and effect of this section are hereby expressly repealed.
[Ord. 126 (1977) § 13]

1.04.140 EXCLUSIONS. Every special ordinance of this county governing the following subject matter, whether contained in whole or in part within this code, is excluded from the operation and effect of Section 1.04.130 and is not affected by the repeal provisions hereof. Franchises, naming roads, streets and public places, acquisition or disposal of public property; vacation of streets, alleys, or public ways; acceptance of any gift, device, license or other benefit; provided that the foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive

or exhaustive, to being the intent and purpose to exclude from repeal any and all ordinances not of general and permanent application.

[Ord. 126 (1977) § 14]

1.04.150 NEW ORDINANCES TO BE ADDED TO CODE. All ordinances of Benton County, Washington, of a general and permanent nature adopted after October 1, 1977, shall be incorporated into and become a part of the code.

[Ord. 126 (1977) § 15]

1.04.160 EFFECTIVE DATE. This code shall be effective on October 15, 1977.

[Ord. 126 (1977) § 16]

1.04.170 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 commissioners declare that they 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. 126 (1977) § 17]