

ORDINANCE NO. 2013-03-016

AN ORDINANCE ADOPTING THE BELLINGHAM MUNICIPAL CODE, AS REVISED, REFORMATTED, INDEXED, CODIFIED, COMPILED, EDITED, AND REPUBLISHED BY CODE PUBLISHING COMPANY, SEATTLE, WASHINGTON; AMENDING BMC 1.01.010, 1.01.070, 1.01.090; REENACTING BMC 1.01.080; AND ADDING NEW SECTIONS TO CHAPTER 1.01.

WHEREAS, the Revised Code of Washington, Sections 35.21.500-35.21.570 grants cities the authority to codify and recodify their ordinances; and,

WHEREAS, the City last codified the Bellingham Municipal Code on July 23, 1980; and,

WHEREAS, the City Council wishes to update its codification procedures to make the Bellingham Municipal Code more easily accessible to the public; and,

WHEREAS, the Code Publishing Company of Seattle, Washington has compiled, edited, and published a codification of the ordinances of the City of Bellingham; and,

WHEREAS, the grammatical or editorial changes in the proposed codification are not intended to change the meaning, sense, effect, or substance of the Code as it existed prior to the codification; and,

WHEREAS, the City's Finance Director will continue to maintain original copies of all City of Bellingham ordinances and resolutions consistent with the City's Charter and state law; and,

WHEREAS, the City Council held a public hearing on the compilation on March 11, 2013 as required by RCW 35.21.530 and no comments were received,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC 1.01.010 is amended to read as follows:

Pursuant to the provisions of the law of the state of Washington, the "Bellingham Municipal Code" is adopted, ~~((in the form prepared by the Book Publishing Company and on file in the office of the City's Director of Finance, on the effective date of the ordinance codified in this chapter))~~ as revised, reformatted, indexed, codified, compiled, edited, and republished by Code Publishing Company, Seattle, Washington.

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Section 2. BMC 1.01.070 is amended to read as follows:

~~((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 designated by number and which have been included within the code; such a reference shall be construed to apply to the corresponding provisions contained within this code.))~~

References to the Bellingham Municipal Code in documents and matters of record prior to the effective date of this ordinance shall be construed to apply to the corresponding provisions of the code as adopted by this ordinance.

Section 3. BMC 1.01.080 is reenacted to read as follows:

Neither the adoption of this code nor the repeal or amendment of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof; and this adoption may not be construed as a waiver of any license, fee or penalty at its effective date due and unpaid; nor may it be construed as affecting any of the provisions of the ordinances relating to the collection of any such license, fee or penalty; nor may it 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 under such bond or deposit shall continue in full force and effect.

Section 4. BMC 1.01.090 is amended to read as follows:

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 have 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.

Section 5. NEW SECTION. A new section is added to Chapter 1.01 to read as follows:

Code Publishing Company 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 substance or meaning of any such ordinance;

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- b. Substituting for the term “this ordinance,” where necessary, the term “section,” “part,” “code,” “chapter,” or “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 6. NEW SECTION. A new section is added to Chapter 1.01 to read as follows:

The Council hereby grants Code Publishing the authority to make editorial corrections to future amendments, updates, and revisions of the Bellingham Municipal Code. Editorial corrections made pursuant to this limited authority shall not be interpreted as changing the substantive meaning of any ordinance enacted by the Council.

- a. Code Publishing Company shall provide for a uniform style and form of the Bellingham Municipal Code by making minor corrections or revisions to any ordinances submitted for filing which do not affect their sense, meaning, effect or substance.
- b. Such changes include renumbering, relettering, capitalizing, punctuating, dividing provisions of the code, providing new headings and catchlines, or correcting omissions or captions.
- c. Code Publishing Company may substitute a current title of an agency, bureau, committee, or commission to conform to changes to titles or duties enacted by law or ordinance.
- d. Code Publishing Company may substitute references to a title, chapter, or section of the Bellingham Municipal Code to conform to changes to the Bellingham Municipal Code enacted by ordinance.
- e. Code Publishing Company may also make minor editorial changes consistent with those outlined in Section 5 of this ordinance.

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f. Changes are subject to the approval of the Bellingham City Attorney.

Section 7. NEW SECTION. A new section is added to Chapter 1.01 to read as follows:

Copies of such code in published form shall be received as the ordinances of permanent and general effect of the City of Bellingham without further proof by all courts and administrative tribunals of the state.

Section 8. NEW SECTION. A new section is added to Chapter 1.01 to read as follows:

All general ordinances of the city that are inconsistent with this code are hereby superseded, rather than repealed, and in the event if any portion of this code is for any reason found or held to be invalid, the superseded ordinance shall be revitalized and shall prevail.

PASSED by the Council this 25th day of March, 2013.



Council President

APPROVED by me this 27th day of March, 2013.

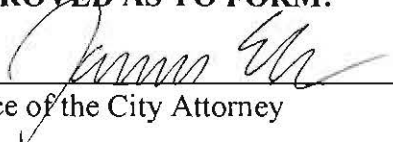


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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