

## Title 1

### GENERAL PROVISIONS

#### Chapter 1.02

#### FORM OF OFFICIAL DOCUMENTS

##### **1.02.010 Code authorized.**

Clark County, by and through its (~~(Board of County Commissioners)~~) Council, may prepare or cause to be prepared, and may adopt by reference, a codification of its ordinances, resolutions, rules, regulations, orders and other official documents which have been passed by the (~~(Board of County Commissioners)~~) Council and which prescribe laws of a general and permanent nature. The codification so prepared shall be designated and known as the Clark County Code. In addition, said code may be updated and supplemented from time to time in the manner prescribed herein. Other materials, such as the rules and regulations of other units of governments, may be included in said code if the inclusion thereof would be useful and informational to the county's citizens within the unincorporated areas of the county and would be in the interests and furtherance of the public health, safety and general welfare of the citizens of Clark County as that interest relates to the dissemination among, and education of, the citizens of the county of the official legal constraints imposed upon, and standards of conduct of, those same citizens and their affairs.

##### **1.02.020 Code as prima facie law.**

The contents of any code adopted by the (~~Board~~) Council pursuant to 1.02.010 shall be prima facie the law of a general and permanent nature of Clark County, State of Washington, and as such shall be entitled to recognition by all administrative bodies and tribunals of the county, the state, or any of the political subdivisions or municipal corporations of the state, and by any court. Copies of the Clark County Code shall be received as the law of the county without further proof in all courts and administrative tribunals of the county and state.

##### **1.02.070 Inconsistency—Rule of construction.**

In case of any omissions or any inconsistency between any of the provisions of the Clark County Code as supplemented or modified from time to time and the official documents passed by the (~~Board of County Commissioners~~) Council, the official documents shall control.

##### **1.02.080 Code reviser defined.**

Code reviser shall mean any lawyer or law publisher employing competent lawyers, deemed by the (~~Board of County Commissioners~~) Council qualified to compile the statutory law of Clark County as enacted by the (~~Board~~) Council into a code or compilation of laws by title, chapter and section, without substantive change or alteration of purpose or intent.

##### **1.02.090 Board's legal counsel defined.**

The (~~Board's~~) County Council's legal counsel shall mean the attorney who advises and represents the (~~Board of County Commissioners~~) County Council or any attorney acting at his direction.

##### **1.02.100 Codification and revision of laws—Scope of revision.**

Subject to such general policies as may be promulgated by the (~~Board of County Commissioners~~) Council and to the general supervision of the (~~Board~~) Council, the code reviser shall:

- (1) Codify for consolidation into the Clark County Code all resolutions, ordinances and other official documents of a general and permanent nature heretofore or hereafter enacted by the (~~Board of County Commissioners~~) Council and assign permanent numbers to all new titles, chapters, and sections so added to the code.
- (2) Edit and revise such official documents for such consolidation, to the extent deemed necessary or desirable and without changing the meaning of any such resolutions or ordinances, in the following respects only:
  - (a) Make capitalization uniform with that followed generally in the Revised Code of Washington.

- (b) Make chapter or section division and subdivision designations uniform with that followed in the Revised Code of Washington.
  - (c) Substitute for the term “this resolution”, “this ordinance”, or the like document where necessary, the term “section”, “part”, “code”, “chapter”, or “title”, or reference to specific section, chapter, or title numbers, as the case may require.
  - (d) Substitute for reference to a section of a “resolution”, and “ordinance”, or similar document the proper code section number for reference.
  - (e) Substitute for “as provided in the preceding section” and other phrases of similar import, the proper code section number references.
  - (f) Substitute the proper calendar date for “effective date of this resolution or ordinance”, date of passage of this resolution or ordinance, and other phrases of similar importance.
  - (g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words or figures.
  - (h) Rearrange any misplaced statutory material, incorporate any omitted statutory material, correct manifest errors in spelling and manifest clerical or typographical errors, or errors by way of additions or omissions.
  - (i) Correct manifest errors in references, by title, chapter, or section number, to other resolutions or ordinances.
  - (j) Correct manifest errors or omissions in numbering or renumbering sections of the code.
  - (k) Divide long sections into two or more sections to conform to such logical arrangement of subject matter as may most generally be followed in the code when to do so will not change the meaning or effect of such sections.
  - (l) Change the wording of section captions, if any, and provide captions to new titles, chapters and sections.
  - (m) Strike provisions manifestly obsolete.
- (3) Create new code titles, chapters, and sections of the Clark County Code, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time to effectuate the orderly and logical arrangement of the provisions of the code. Such new titles, chapters, sections, and organizational revisions shall have the same force and effect as the titles, chapters, sections and organizational revisions originally designated and recognized in the Clark County Code.

**1.02.120 Creation of code—Supplementation.**

- (1) ~~((Board's))~~ Council's legal counsel shall indicate on the face of all documents subject to codification whether and where the document will be located in the County Code.
- (2) The code reviser shall forthwith cause the codification of county official documents into a Clark County Code for adoption by the ~~((Board))~~ Council at one of its regular meetings. Thereafter, whenever a document subject to codification is adopted by the ~~((Board))~~ Council, the Clerk to the ~~((Board))~~ Council shall forthwith send a copy of the executed document to the code reviser. Thereafter the code reviser shall prepare a master code supplement to accommodate any such documents in the code. Such master supplement should be returned to the Clerk to the ~~((Board))~~ Council no later than ten (10) working days from the date of execution of the original document. Thereafter, the Clerk to the ~~((Board))~~ Council shall forthwith cause the reproduction and distribution of code supplements.

**1.02.130 Proposed county legislation.**

All drafts of proposed county legislation to be submitted for official consideration shall be prepared by the ~~((Board's))~~ Council's legal counsel. Drafts of such proposed legislation shall be identified at the top by a common name for the subject matter, the date on which the first draft was issued, and the draft of the document. The first draft of a piece of proposed legislation shall also be identified at the top as the first draft. Subsequent drafts of the same document shall be numbered consecutively. No draft shall be changed unless a new draft is made up and a new draft number is

assigned. If changes or amendments are proposed in a draft they shall be shown on a separate piece of paper until incorporated in a new draft of the proposed legislation.

**1.02.160 Numbering of official documents.**

All documents passed by the (~~Board of County Commissioners~~) County Council and filed for record with the county auditor shall be numbered by the (~~board of county commissioners~~) County Council in numbers consisting of three (3) components which shall be separated by a dash.

The first component shall be four digits showing the year in which passed. The second component shall be one (1) digit preceded by a zero (0) or two (2) digits, showing the month in which passed. The third component shall be a number assigned to the resolution or ordinance.

Numbers assigned to the third component shall begin with the number one (1). The number one (1) shall show the first resolution or ordinance passed in a month, and the numbers shall be consecutive throughout the month, with the number one being reassigned to the first document acted upon at the beginning of each month.

All documents passed by the (~~board of county commissioners~~) Council and filed for record with the county auditor shall be treated equally in number assignment so that all such documents filed for record within a month are numbered consecutively as a single group.

**1.02.170 Official document form.**

Generally, those documents which simply are an expression of the opinion or mind of the (~~board of county commissioners~~) Council concerning some particular item of business or matter of administration coming within its official cognizance shall be passed as resolutions, except as required differently by state law. Resolutions shall not have the force of law, and the Council, in passing resolutions, needs not comply with procedure requirements for the introduction, consideration and passage of ordinances. (~~Generally, those d~~) Documents which create, amend or repeal permanent and general laws shall be passed as ordinances. If a document which creates, amends or repeals permanent and general laws is passed as a resolution, or if the document should have been an ordinance, it shall have the same force and effect as if it were passed as an ordinance if the document is passed with all the formalities required for enacting ordinances. If a document which creates, amends or repeals permanent and general laws is passed as an ordinance, or if the document should have been a resolution, it shall have the same force and effect as if it were passed as a resolution if the document is passed with all the formalities required for enacting resolutions. All resolutions or ordinances which prescribe a permanent rule of conduct of government and which are of a legislative nature, shall be published in the Clark County Code. All resolutions which deal with matters of a special or temporary character (~~and which are non-legislative in nature,~~) shall not be printed in the Clark County Code.

**1.02.180 General rules of construction.**

- (1) This ordinance shall be liberally construed to effectuate its purposes.
- (2) With the exception of Sections 1, 2, 23, 24, 25, 26 and 27 hereof, the provisions of Ordinance No. 1976-09-57 shall be construed as directory and not mandatory; failure to comply with this chapter in the drafting, enactment, amendment or repeal of a document, or any part thereof, shall not affect the legality or validity of the document adopted or the action taken.
- (3) Any document passed which prescribes general and permanent laws, and which is intended for inclusion in the Clark County Code, shall be construed as a part of said code although not yet codified, and said documents and code, together, shall be considered to be the code of Clark County adopted under the authority of this ordinance.
- (4) Words used in the Clark County Code referring or using the masculine gender may be extended to any gender.

**1.02.190 Sale and distribution of code.**

- (1) The county auditor in his capacity as ex-officio clerk to the (~~board of county commissioners~~) Council shall supply all agencies which are budgeted from the county general fund with copies of the code and its supplementations.

(2) The auditor as clerk to the (~~board~~) Council shall make provision to supply private parties with copies of the Clark County Code and its supplementations and shall charge a reasonable fee to cover the cost of any codes or supplement so supplied. The clerk may also make subscription arrangements with private parties for the continual supplementation of the code. However, no supplement shall be provided to any private party unless the fee for the supplement is paid in advance of delivery. The auditor as clerk may provide for the payment of advance fees to cover the cost of supplements for a specified period of time.

**1.02.200 Historical records.**

The clerk to the (~~board~~) Council shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of both the Clark County Code and the official documents constituting the Clark County Code on the date of the passage of this ordinance. In addition, the clerk shall keep and maintain copies of all portions of the code superseded by supplementation.

**1.02.220 Revised Names Pursuant to Home Rule Charter [NEW SECTION]**

With respect to the Clark County Code:

(1) Clark County's Home Rule Charter changed the name of the County's legislative authority from "Board of County Commissioners" to "Clark County Council." The Home Rule Charter also changed the name of the County's executive from "County Administrator" to "County Manager."

(2) Any Code provision that references the County's legislative authority as the "Board of County Commissioners" or the "Board" or "board," shall be interpreted and construed as referring to the Clark County Council.

(3) Any code provision that references the County's executive authority as the "County Administrator" shall be interpreted and construed as referring to the County Manager.

(4) The Clark County Council may be referred to as "Clark County Council," "County Council," "county council," "Council," or "council."

**Chapter 1.04**  
**COUNTY CLASSIFIED**

Sections:

1.04.010 Second class county.

**1.04.010 Second class county. [REPEAL]**

Clark County shall hereby be known as a second class county.

**Chapter 1.08**  
**DISTRICT COURTS**

**1.08.040 Location of courts.**

The courts shall sit in Vancouver. The courts may also sit in facilities in incorporated cities within Clark County as may be deemed by the ((~~board of county commissioners~~)) Council conducive to the best interests and welfare of the county as a whole.

**1.08.050 Number of commissioners.**

The number of commissioners will be determined by the ((~~board of county commissioners~~)) Council pursuant to Chapter 3.42 RCW.

**1.08.080 Salaries of district court judges. [REPEAL]**

The salaries of the district court judges shall be such total annual sum as may from time to time be prescribed by law. The salary of the commissioners serving Clark County shall be set by the Clark County board of county commissioners.