

**Title 1**  
**GENERAL PROVISIONS**

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**Chapter 1.01**  
**CODE ADOPTION**

**Sections:**

- 1.01.010** Adoption of code.
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- 1.01.030** Codification authority.
- 1.01.040** Reference applies to all amendments.
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**1.01.010** Adoption of code.

The Brier Municipal Code, as compiled from the ordinances of the city, and edited and published by Code Publishing Company of Seattle, Washington, is adopted as the official code of the city. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 209 §1, 1988)

**1.01.020** Title, citation and reference.

This code shall be known as the "Brier 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 Brier Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Brier Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 209 §2, 1988)

**1.01.030** Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Brier, Washington, codified pursuant to the provisions of RCW35A.21.130 and 35.21.500 through 35.21.570. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 209 §3, 1988)

**1.01.040** Reference applies to all amendments.

Whenever a reference is made to this code as the "Brier Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 365 §1(Exh.A)(part), 2009; Ord. 209 §3, 1988. Formerly 1.01.050)

**1.01.050** 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. 365 §1(Exh. A)(part), 2009: Ord. 209 §6, 1988. Formerly 1.01.060)

**1.01.060 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect documents or other matters of record that refer to or are otherwise connected with ordinances that are specifically designated, by number or otherwise, and that are included in this code. Such reference shall be construed to apply to the corresponding provisions contained in this code. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 209 §7, 1988. Formerly 1.01.070)

**1.01.070 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 city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at the 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. 365 §1(Exh. A)(part), 2009: Ord. 209 §8, 1988. Formerly 1.01.080)

**1.01.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause in the ordinance or revive any ordinance that was repealed by the repealing clause. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 199 §9, 1988. Formerly 1.04.090)

**1.01.090 Effective date.**

This code was adopted originally pursuant to Ordinance No. 209. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 209 §9, 1988)

**1.01.100 Severability.**

If any term, phrase, sentence, or provision of this code shall, to any extent, be held invalid or unenforceable by a valid order of any court or regulatory agency, the remainder of this code shall be valid and enforceable in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision that had been held invalid or unenforceable is no longer invalid or unenforceable, said provision shall return to full force and effect without further action by the city. If, as determined by the city upon appropriate legal advice, or applicable court decision, any term, phrase, sentence, or provision of this code imposes a requirement that is prohibited by applicable federal or state law, or prohibits an action that must be allowed under applicable federal or state law, then any such term, phrase, sentence, or provision shall be construed to not impose the requirement that is prohibited by valid federal or state laws or not to prohibit the action that must be allowed under valid federal or state law. If for any reason this code should be declared invalid or unenforceable, then the original ordinance or ordinances, existing previously to the effective date of the code, shall return to full force and effect. The ordinance codified in this chapter shall take effect after passage, posting and publication as required by law. (Ord. 365 §1(Exh. A)(part), 2009:

Ord. 209 §10, 1988)

**Chapter 1.04**  
**GENERAL PROVISIONS**

**Sections:**

- 1.04.010**      **Definitions.**
- 1.04.020**      **Titles 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.**

**1.04.010**      **Definitions.**

The following words and phrases, whenever used in the ordinances of the city, 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 or more particularly directed to the use of such words or phrases

- A. "City" or "town" each mean the city of Brier, Brier, or the area within the territorial limits of the city of Brier, Brier, and such territory outside Brier over which the city has jurisdiction or control by virtue of any constitutional or statutory provision
- B. "Council" means the city council of the city of Brier. "All its members" or "all councilmembers" means the total number of councilmembers holding office
- C. "County" means the county of Snohomish
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Brier, 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, or 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" means 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 curblines and the adjacent property lines 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 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

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 other

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

T. "Year" means a calendar year. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 199 §2, 1988)

**1.04.020 Titles of office.**

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 199 §2, 1988)

**1.04.030 Interpretation of language.**

All words and phrases shall be construed according to 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. 365 §1(Exh. A)(part), 2009; Ord. 199 §3, 1988)

**1.04.040 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinances of the city, 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 the future tenses, and vice versa, unless manifestly inapplicable. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 199 §4, 1988)

**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. 365 §1(Exh. A)(part), 2009; Ord. 199 §5, 1988)

**1.04.060 Prohibited acts include causing and permitting.**

Whenever an ordinance of the city makes any act or omission unlawful, it shall also be unlawful to cause, allow, permit, aid, abet, suffer, or conceal the fact of such act or omission. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 199 §6, 1988)

**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. 365 §1(Exh. A)(part), 2009; Ord. 199 §7, 1988)

**1.04.080 Construction.**

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 199 §8, 1988

**Chapter 1.08**  
**CLASSIFICATION OF CITY**

**Sections:**

- 1.08.010 Adoption.**
- 1.08.020 Effective date.**
- 1.08.030 Terms of office—Filling of vacancies.**
- 1.08.040 Effect on existing ordinances, resolutions and orders.**

**1.08.010 Adoption.**

There is adopted for the city the classification of noncharter code city while retaining, pursuant to RCW 35A.02.030, the mayor-council plan of government which is authorized by Chapter 35.24 RCW, now recodified as Chapter 35.23 RCW, under which the city is presently operated, as provided in Chapter 35A.12 RCW, endowed with all the applicable rights, powers, privileges, duties and obligations of a noncharter code city as the same now exists, or may be provided hereafter, including any and all supplements, amendments or other modifications of said title hereafter at any time enacted. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 64 §1, 1979)

**1.08.020 Effective date.**

The city clerk is authorized and directed to forward to the Secretary of State a certified copy of Ordinance No. 64 codified in this chapter for filing pursuant to RCW 35A.02.030 and upon said filing the city shall thereafter be classified as a noncharter code city retaining the mayor-council plan of government authorized by Chapter 35.24 RCW, now recodified as Chapter 35.23 RCW, and shall in all matters other than the structure of city officials, the terms of said offices, and the election thereof be governed by the provisions of Title 35A RCW. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 64 §1, 1979)

**1.08.030 Terms of office—Filling of vacancies.**

The offices of all elected officials shall continue as existing as of the date of passage of Ordinance No. 64, codified in this section, for all positions currently in existence and persons filling those positions shall be unaffected by Ordinance No. 64. The office of all elected city officials, and vacancies occurring in any elective office shall be governed by the provisions of Chapter 35A.12 RCW, the noncharter code city provisions of the optional municipal code. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 6 §1, 1979)

**1.08.040 Effect on existing ordinances, resolutions and orders.**

The ordinances, resolutions and orders adopted under the existing third-class city classification, where not in conflict with state law, shall continue in force until repealed or amended by the city council. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 64 §4, 1979)

**Chapter 1.12**  
**CITY OFFICE HOURS, MEETINGS AND POSTING**

**Sections:**

- 1.12.010 Office hours.**
- 1.12.020 Posting places.**
- 1.12.030 Place for public meetings.**

**1.12.010 Office hours.**

All offices and departments of the city shall be kept open for the transaction of business with the public from the hours of eight a.m. to five p.m., five days per week, Monday through Friday, excepting legal holidays; provided, that the mayor may authorie any office or department to vary from these hours where it will promote the efficiency of the office or department and provide adequate service to the public. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 2.I §1, 2005: Ord. 2.G §1, 1990: Ord. 2(F) §1, 1985

**1.12.020 Posting places.**

All ordinances and notices, or other matters required by law to be posted publicly by the city, and all boards, commissions and agencies thereof, shall be posted for the period required by law in the following public places:

- A. The readerboard located at the intersection of Poplar Way and 214th Southwest
- B. The readerboard located at the Brier Public Library, 23303 Brier Road
- C. The readerboard located at City Hall, 2901 228th Street Southwest. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 10.A §1, 1982. Formerly 1.16.010)

**1.12.030 Place for public meetings.**

All public meetings of the city, including meetings of the park board, civil service commission, planning commission, city council, and any other official board or commission established by ordinance or required by state law, shall be held at the offices of the city of Brier City Hall, 2901 228th Street SW, Brier, WA. Alternative meeting locations may only be identified upon issuance of proper notice and circulation of any required agenda, and by posting at the city of Brier City Hall at least twenty-four ours in advance of the meeting notice of change of location, for any meeting held at other than the city of Brier City Hæ

Brier public library board meetings shall be conducted at the Brier Public Library, located at 23303 Brier Road. Alternative meeting locations may only be identified upon issuance of proper notice and circulation of any required agenda, and by posting at the Brier Public Library, at least twenty-four hours in advance of the meeting. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 281 §1, 1996 Formerly 1.18.010)

**Chapter 1.16**  
**DISTRICT COURT**

**Sections:**

**1.16.010 Jurisdiction.**

**1.16.020 Scope of enforcement authority.**

**1.16.010 Jurisdiction.**

The state has, pursuant to Chapters 35A.11 and 35A.12 RCW, empowered noncharter code cities to enact, at their election, ordinances conferring the power of arrest upon police officers for violations of state law, and, pursuant to Chapter 3.46 or 3.50 RCW, ordinances providing for the conferring of jurisdiction upon appropriate county courts to try cases involving violations of state law and city ordinances, with the limitation that any penalty imposed shall not exceed the statutory limits for courts of limited jurisdiction. Therefore, the city confers upon the Snohomish County South District Court the power to entertain and hear all violations, alleged to have occurred within the city, of either state or county ordinances and/or laws, or city ordinances, either by citing to such state law, county ordinance or city ordinance. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 200.A §1(part), 2000: Ord. 101 §1, 1981. Formerly 1.24.010)

**1.16.020 Scope of enforcement authority.**

Those provisions defining criminal misdemeanor, gross misdemeanor, nontraffic civil infractions and traffic infraction behavior in the Revised Code of Washington, Snohomish County ordinances, and this code are made enforceable within the city. (Ord. 365 §(Exh. A)(part), 2009: Ord. 200.A §1(part), 2000: Ord. 101 §2, 1981. Formerly 1.24.020)

**Chapter 1.20**  
**APPEALS OF CITY DECISIONS**

**Sections:**

- 1.20.010**      **Appeal authorized.**
- 1.20.020**      **Appeal procedures.**
- 1.20.030**      **Appeals covered by state law and city ordinance—Specific provisions.**
- 1.20.040**      **Judicial challenge.**

**1.20.010**      **Appeal authorized.**

Any appeal authorized by this code or city ordinance to be taken pursuant to this chapter shall be processed in accordance with this chapter, except to the extent provided otherwise in such code section or city ordinance. (Ord. 365 §1(Exh. A)(part), 2009)

**1.20.020**      **Appeal procedures.**

The person, entity or firm appealing the decision shall do so in writing to the city clerk on forms provided by the city clerk. All such appeals shall be filed within ten business days from the date of the decision. A fee shall be tendered at the time of filing the appeal, which shall be in such amount as established pursuant to Chapter 3.04. The city clerk shall place the appeal on either of the next two regular meeting agendas of the city council for purposes of setting a hearing date for the city council to hear the appeal. The council, in its sole discretion, may opt to appoint a special hearing examiner to hear the appeal and make a final decision. At the conclusion of appeal proceedings the decision maker shall issue a decision. Any party may file with the city clerk, within ten business days of issuance of the decision, a motion for reconsideration. Reconsideration shall be allowed or denied at the sole discretion of the decision maker, but if the decision is reconsidered, it shall be on the grounds of new evidence that could not reasonably have been admitted in the original proceedings, an error in the proposed decision, or in the interests of justice, as determined by the decision maker. Reconsideration shall not require new hearings or proceedings less ordered by the decision maker. A motion for reconsideration may be denied without oral argument and based upon written submittals only. The decision maker shall rule on any motion for reconsideration within fourteen business days after receipt of the motion. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 164.A §1(part), 2002. Formerly 1.20.030)

**1.20.030**      **Appeals covered by state law and city ordinance—Specific provisions.**

Under this chapter, appeals shall not be allowed for any matter or proceeding where any other appeal or review procedure exists pursuant to state law, this code or city ordinance. By way of example, but without limitation, appeals regarding all matters related to the State Environmental Policy Act shall be considered in accordance with the requirements of Chapter 43.21C RCW and city ordinance. All matters heard and reviewed by the planning commission and city council, whether upon individual application or general legislative proceedings, shall be heard strictly in accordance with state law, this code and city ordinance procedures applicable to those proceedings, and not as an appeal under this chapter. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 164.A §1(part), 2002. Formerly 1.20.040)

**1.20.040**      **Judicial challenge.**

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Any person or entity claiming to be affected by any final decision under this chapter shall initiate a judicial challenge to such decision, after the decision has become final, by writ of certiorari only to the Snohomish County superior court, which shall be commenced within ten days after the date of the final decision; provided, that land use appeals shall be reviewed in accordance with the Land Use Petition Act, Chapter 36.70C RCW, of the state of Washington and the time limits set therein. (Ord. 365 § Exh. A)(part), 2009: Ord. 164.A §1(part), 2002. Formerly 1.20.050)

**Chapter 1.24**  
**POWER OF INITIATIVE**

**Sections:**

**1.24.010 Adoption.**

**1.24.010 Adoption.**

The city of Brier hereby adopts the power of initiative and referendum for the qualified electors of the city as provided pursuant to RCW 35A.11.080 through 35A.11.100, including RCW 35A.01.040, 35A.29.170 and 35.17.240 through 35.17.360. Such powers are to be exercised as provided in the above-referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are incorporated in full by this reference. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 241 §1, 1991. Formerly 1.32.010)

**Chapter 1.28**  
**GENERAL PENALTY**

**Sections:**

**1.28.010 Violation—Penalty.**

**1.28.020 Adoption of state and local provisions.**

**1.28.030 Fines, penalties and punishments.**

**1.28.010 Violation—Penalty.**

A. Any person violating any of the provisions or failing to comply with any of the requirements of any ordinance of the city is guilty of a misdemeanor, gross misdemeanor or civil infraction as defined by this chapter. Where no specific fine or penalty is provided, the fine and punishment shall be the same as those specified for a misdemeanor

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Brier is committed, continued or permitted by any such person.

C. This section shall not be construed to confer any authority on the part of the prosecuting authority of the city to select or choose a penalty, fine or forfeiture should any ordinance or enactment provide for an alternative. In the event that alternative fines, penalties or forfeitures are provided by alternative enactments, the maximum fine, penalty, or forfeiture shall apply and there shall be no discretion on the part of the prosecuting authority of the city to select the same. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 200.A §1(part), 2000: Ord. 198 §§1, 2(part), 1988)

**1.28.020 Adoption of state and local provisions.**

There is adopted as a part of the laws of the city, to be effective within the city, all crimes, punishments, misdemeanors and gross misdemeanors as are established or defined by enactment of the state, or by Snohomish County Code, and the same to be of full force and effect within the city. The city police are authorized to effect arrest for violations of the same, and the prosecuting authority of the city to prosecute as crimes of the city all such enactments. Copies of the Revised Code of Washington, all county and city ordinances, including all provisions referenced above, shall be kept on file with the city at City Hall. (Ord. 365 §1(Exh. A)(part), 2009: Ord. 200.A §1(part), 2000: Ord. 200 §§1, 2(part), 1988)

**1.28.030 Fines, penalties and punishments.**

A. Misdemeanor. Every person convicted of a misdemeanor defined by RCW Title 9A or the Brier Municipal Code, where a fine and penalty is not otherwise specifically stated, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

B. Gross Misdemeanor. Every person convicted of a gross misdemeanor where a fine and penalty is not otherwise specifically stated shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine

C. Nontraffic Civil Infractions. For any nontraffic civil infraction, the fine and penalty shall be one hundred dollars, plus court costs, unless specifically provided for in this code

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D. Traffic Infractions. Fines and penalties for all traffic infractions shall be as provided in the Uniform Bail Schedule, as adopted by the court, or as provided for in any specific provision of state, county or city law.

E. Failure to respond to any infraction notice, whether nontraffic or traffic related, shall constitute a misdemeanor. (Ord. 365 §1(Exh. A)(part), 2009; Ord. 200.A §1(part), 2000)