

SNOHOMISH HEALTH DISTRICT BOARD OF HEALTH

ORDINANCE NO. 18-01

AN ORDINANCE OF THE SNOHOMISH HEALTH DISTRICT BOARD OF HEALTH ADOPTING CHAPTERS 1 THROUGH 5 OF THE SNOHOMISH HEALTH DISTRICT CODE FOR CODIFICATION PURPOSES CONSISTENT WITH RCW 35.21.500-.570; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the present Sanitary Code of the Snohomish Health District (“District”) contains various scrivener errors, misspellings or incorrect code references; and

WHEREAS, the District has contracted with Code Publishing Co. to provide for a recodification and republishing of the District Sanitary Code to correct errors and present the sanitary code using a numbering and nomenclature system common amongst Washington public entities; and

WHEREAS, codification of District policies, rules, and legislative enactments will benefit the District Board of Health, District Administration, and the general public in finding, applying, and understanding the rules, regulations, standards, and requirements of the District; and

WHEREAS, the Snohomish Health District Board of Health (hereafter “Board of Health”) finds that the statutory provisions contained in RCW 35.21.500 through 35.21.570 applicable to cities and towns is adopted by reference herein to serve as a guide to codification of the District’s Ordinances and Resolutions previously enacted and enacted hereinafter;

NOW, THEREFORE, THE BOARD OF HEALTH OF THE SNOHOMISH HEALTH DISTRICT ORDAINS AS FOLLOWS:

Section 1. Editorial Revisions in the Code.

Consistent with RCW 35.21.500, while under contract with the Snohomish Health District, Code Publishing Co. is hereby authorized to make the following changes while codifying, recodifying, and republishing current and future code adoptions by the Board of Health:

- 1) Editing ordinances and /or resolutions to the extent deemed necessary or desirable, for the purpose of modernizing and clarifying the language of such ordinances or resolutions, but without changing the meaning of any such ordinance or resolution.
- 2) Substituting for the terms “this ordinance” or “this resolution” where necessary, and the terms “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require.
- 3) Correcting manifest errors in reference to other ordinances, resolutions, laws, and statutes, and manifest spelling, clerical, or typographical errors, additions, or omissions.
- 4) Dividing long sections into two or more sections and rearranging the order of sections to ensure a logical arrangement of subject matter.
- 5) Changing the wording of section captions, if any, and providing captions to new chapters and sections.

- 6) Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

Section 2. Official District Code.

The codification of the ordinances and resolutions of the District of a general, public, or permanent nature as contained and set forth in a printed copy thereof on file in the office of the District Administrator or Executive Assistant – Administration entitled “Snohomish Health District Code” is adopted as the official code of the District consistent with RCW 35.21.500 through 35.21.570.

Section 3. Liberal Construction.

All regulatory legislation contained in the Snohomish Health District Code is enacted as an exercise of the authority vested by law in the Board of Health to provide for, promote, protect, and preserve the public peace, health, safety, and welfare, and such legislation shall be liberally construed for the accomplishment of said purposes. It is expressly the purpose of such legislation to provide for and protect the general public health and welfare and not to create or otherwise establish or designate any particular class or group of persons who will, or should, be especially protected or benefited by the terms of such legislation.

Nothing contained in any regulatory legislation of the District is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the Board or its officers, employees, or agents for any injury or damage resulting from the failure of any member of the public to comply with applicable regulations, or from the failure of any facility, program, or policy of the District to comply with applicable code requirements, or by reason, or in consequence, of any plan check, inspection, notice, order, certificate, or approval, issued in connection with the implementation or enforcement of regulatory legislation, or by reason of any action, or inaction, on the part of the Board, or its officers, employees, or agents, in connection with the implementation, or enforcement, of regulatory legislation.

Section 4. Copies as Proof of Ordinances or Resolutions.

Consistent with RCW 35.21.550, copies of such code in published form shall be received without further proof as the ordinances or resolutions of permanent and general effect of the District by all courts and administrative tribunals of the state.

Section 5. Adoption of New Material.

New material shall be adopted by the Board of Health as separate ordinances or resolutions prior to the inclusion thereof in such codification; provided, that any ordinance or resolution amending the codification shall set forth in full the section or sections of the codification being amended, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or resolution nor any section thereof shall be revised or amended unless the new ordinance or resolution sets forth the revised ordinance or resolution or amended section in full.

Section 6. Title and Citation of Code.

The codification hereby adopted shall be known as the “Snohomish Health District Code” and may be cited as such. The titles, chapters, and sections as set forth in the codification hereby

adopted shall be, and they are, declared to be the titles, chapters, and sections by which the provisions of the Snohomish Health District Code may be designated and cited.

Section 7. Purpose of Catchlines.

The catchlines appearing in connection with the titles, chapters and sections of the Snohomish Health District Code are inserted as a matter of convenience, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of the Snohomish Health District Code.

Section 8. Continuation of Ordinances or Resolutions.

The provisions of the Snohomish Health District Code, insofar as they are substantially the same as ordinances and resolutions heretofore adopted by the Board of Health, shall be construed as continuations thereof and not as new enactments.

Section 9. Reference Applies to Amendments.

Whenever a reference is made to any portion of the Snohomish Health District Code, or to any ordinances or resolutions of the District, such reference shall apply to all amendments and additions now or hereafter made.

Section 10. Effective Date.

This ordinance shall take effect five business days following adoption unless the Board of Health declares an emergency to exist, in which case the ordinance shall take effect immediately upon adoption. This ordinance will be published by summary in the Health District's newspaper of record within five business days following adoption by the Board of Health.

Section 11. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

ADOPTED by the Board of Health and APPROVED by the Chair this 8th day of May 2018.

SNOHOMISH HEALTH DISTRICT

ATTEST:


Adrienne Fraley-Monillas, Chair


Jefferson S. Ketchel, Administrator

APPROVED AS TO FORM:


Grant Weed, Health District Attorney