

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

Agenda Item #: Action A 2
Date: April 9, 2009
SUBJECT: Code Scrub
CONTACT PERSON: Laura Koenig, City Clerk/Deputy Finance Director

Issue:

The issue before the Council is the introduction of Ordinances to amend or repeal sections of the Sultan Municipal Code that are no longer needed or pertinent as a part of the 2009 Code scrub.

Staff Recommendation:

Introduction of Ordinances:

- 1) 1034-09 to amend Chapter 2.28 City Elections (Attachment A)
- 2) 1035-09 to repeal Chapter 2.24 Official Bonds (Attachment B)
- 3) 1039-09 to repeal Chapter 5.08 Bowling Alleys, Pool Halls and Gaming Rooms (Attachment C)

Summary:

The City will be contracting with Code Publishing in 2009 to provide an updated version of the Sultan Municipal Code. As a part of the GMA compliance requirements and the Comprehensive Plan process, the Planning Department has been updating and revising the development codes. There are several other sections of the Sultan Municipal Code that also need to be updated and code sections that are no longer applicable needed to be repealed.

As a part of the review of Title 2, staff found there were sections that dealt with city elections and official bonds that were no longer applicable. RCW 29A.04.216 requires the County Auditor to supervisor all elections and provide for the necessary notices. SMC 2.28 requires publication of notices by the City which is in conflict with state law. The code section has been amended to hold elections in accordance with state law.

RCW 35A.12.080 (Attachment D1) requires an annual official bond for employees. Sultan Municipal Code (SMC) 2.08.055 and 2.11.050 provide terms and conditions for a blanket bond coverage for the Finance Director and City Clerk.(Attachment D 2) The City's insurance policy under CIAW provides a blanket bond for all employees that handle city funds. SMC 2.24 should be repealed as it is not consistent with other sections of the City code.

Chapter 5.08 regulating bowling alleys, pool halls and gaming rooms was adopted under Ordinance 96 in 1917. The code establishes hours of operations and provides for no other regulations. The City Attorney has recommended the code section be repealed.

Alternatives:

1. Move to introduce the Ordinances. This will cleanup the SMC and eliminate funds and code sections that are no longer needed or pertinent.
2. Do not introduce the Ordinances for a first reading. This alternative will leave the existing code in place.

Recommended Action:

Introduction of Ordinance 1034-09 to amend Chapter 2.28 City Elections, for a first reading and pass it on to a second reading.

Introduction of Ordinance 1035-09 to repeal Chapter 2.24 Official Bonds, for a first reading and pass it on to a second reading.

Introduction of Ordinance 1039-09 to repeal Chapter 5.08, Bowling Alleys, Pool Halls and Gaming Rooms, for a first reading and pass it on to a second reading.

Attachments:

- A. Ordinance 1034-09 Repeal Chapter 2.28 City Elections
- B. SMC 2.28 City Elections
- C. Ordinance 1035-09 Repeal Chapter 2.24 Official Bonds
- D. SMC 2.24 Official Bonds and RCW 35A.12.080
- E. Ordinance 1039-09 Repeal Chapter 5.082.25 Bowling Alleys, Pool Halls and Gaming Rooms
- F. SMC 5.08 Bowling Alleys, Pool Halls and Gaming Rooms

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1034-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
AMENDING CHAPTER 2.28 OF THE SULTAN MUNICIPAL
CODE, RELATING TO CITY ELECTIONS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 29A.04.216 provides that the county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special; and

WHEREAS, it shall be the county auditor’s duty to provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of such primaries and elections in the manner provided by law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.28, City Elections, is hereby amended to read as follows:

2.28.010 Elections: All elections in the city shall be held in accordance with the general election laws of the state as provided in RCW 29A.04.216 and any amendments thereto.

Section 2. Severability. Should any section, 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk
Approved as to form:

Margaret J. King, City Attorney Date of Publication:

**Chapter 2.28
CITY ELECTIONS**

Sections:

2.28.010 Publication of notice setting forth dates and offices to be filled.

2.28.010 Publication of notice setting forth dates and offices to be filled.

Not more than 10 days nor less than five days prior to the date upon which the county auditor may accept declaration of candidacy for an ensuing election, the city clerk/treasurer shall publish a notice in any legal newspaper of general circulation in the city, setting forth the dates between which declaration of candidacy will be accepted for the ensuing election, and setting forth the elective positions and offices to be filled at such ensuing

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1035-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
REPEALING CHAPTER 2.24 OF THE SULTAN MUNICIPAL
CODE, RELATING TO OFFICIALS BONDS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 35A.12.080 provides for an annual official bond; and

WHEREAS, Sultan Municipal Code (SMC) 2.08.055 and 2.11.050 provide terms and conditions for a blanket bond coverage for the Finance Director and City Clerk; and

WHEREAS, under the Cities insurance policy, a blanket bond is provided for all employees that handle city funds; and

WHEREAS, SMC 2.24 is no longer necessary to meet the requirements of RCW 25A.12.080;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.24, Official Bonds is hereby repealed in its entirety.

Section 2. Severability. Should any section, 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk
Approved as to form:

Margaret J. King, City Attorney
Date of Publication:

RCW 35A.12.080 Oath and bond of officers.

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

**Chapter 2.24
OFFICIALS' BONDS**

Sections:

[2.24.010](#) Clerk/treasurer.

[2.24.020](#) Magistrate.

[2.24.030](#) Reservation of right by city council to require additional bond.

2.24.010 Clerk/treasurer.

The amount of bond required by law to be given by the city clerk/treasurer of said city shall be set by resolution of the city council. (Ord. 444 § 2, 1983: amended during 1982 codification; Ord. 2 § 2, 1905)

2.24.020 Magistrate.

The amount of the bond required by law to be given by the magistrate of the court shall be set by resolution by the city council. (Ord. 444 § 2, 1983; Ord. 2 § 4, 1905)

2.24.030 Reservation of right by city council to require additional bond.

The city council of said city in adopting this chapter and fixing the bonds of the various officers mentioned in this chapter, reserves itself the right at any time to require any or all of the officers to file additional bond in such amount or amounts as said council may by resolution determine. (Ord. 2 § 5, 1905)

FINANCE DIRECTOR:

2.08.055 Blanket bond coverage.

If available, the city shall subscribe to and maintain blanket bond coverage by and through its insurance authority. Such coverage shall be bound for the finance director before she/he enters upon the discharge of her/his official duties and shall be in an amount of not less than \$10,000.

Should blanket bond coverage not be available, the finance director, before entering upon the discharge of her/his duties, shall enter into an individual faithful performance bond in the amount of not less than \$10,000 with a surety approved by the mayor. The premium on such individual faithful performance bond shall be paid by the city. (Ord. 900-06 § 2)

CITY CLERK

2.11.050 Blanket bond coverage.

If available, the city shall subscribe to and maintain blanket bond coverage by and through its insurance authority. Such coverage shall be bound for the city clerk before she/he enters upon the discharge of her/his duties and shall be in the amount of not less than \$10,000.

Should blanket bond coverage not be available, the city clerk, before entering upon the discharge of her/his duties, shall enter into an individual faithful performance bond in the amount of not less than \$10,000 with a surety approved by the mayor. The premium on such individual performance bond shall be paid by the city. (Ord. 901-06 § 1)

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1039-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
REPEALING CHAPTER 5.08 OF THE SULTAN MUNICIPAL
CODE, RELATING TO BOWLING ALLEYS, POOL HALLS AND
GAMING ROOMS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Ordinance 96 was adopted in 1917 to regulate the hours of operation for bowling alleys, pool halls and gaming rooms: and

WHEREAS, the regulations are no longer applicable to those type of business operations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 5.08, Bowling Alleys, Pool Halls and Gaming Rooms, is hereby repealed in its entirety.

Section 2. Severability. Should any section, 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk
Approved as to form:

Margaret J. King, City Attorney

Date of Publication:

ATTACHMENT F

Chapter 5.08 BOWLING ALLEYS, POOL HALLS, AND GAMING ROOMS

Sections:

[5.08.010](#) Unlawful acts.

[5.08.020](#) Violation – Penalty.

5.08.010 Unlawful acts.

It is unlawful for any person, firm, or corporation conducting, operating, owning, maintaining, or in charge of, any billiard hall, bowling alley, pool hall, cardroom, gaming table or device, or similar room or place, within the city of Sultan, Washington, or any agent, servant or employee of any such person, firm, or corporation, to keep any billiard hall, bowling alley, pool hall, cardroom, or any similar place or room open for business, or to permit any person other than an owner, agent or employee to remain therein or be therein, at an earlier hour than 5:00 a.m. of any weekday, or between the hours of 1:00 a.m. and 5:00 a.m. of any Sunday. (Ord. 96 § 1, 1917)

5.08.020 Violation – Penalty.

Any person violating any provision of this chapter shall be fined in any sum not exceeding \$100.00. (Ord. 96 § 2, 1917)