DRAFTING GUIDE

FOR

KING COUNTY

LEGISLATION

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INTRODUCTION

The King CountyCharter provides that the county council exercises its legislative power by the adoption and enactment of ordinances (Section 220.20 of the King County Charter) and motions (Section 240 of the King County Charter). This drafting guide is prepared to assist all county agencies in drafting both ordinances and motions for the council’s consideration (K.C.C. 1.24.075). Because many ordinances are codified in the King County Code, uniformity is necessary in the drafting process. Uniformity also allows more certainty in interpretation, application and enforcement of the law. Questions regarding drafting ordinances and motions should be directed to the clerk of the council, the code reviser or the clerk’s staff.

Appendices in this drafting guide contain samples of motions, ordinances, amendments and other items. The clerk’s office will also provide both hard copy and electronic forms for ordinances or motions on request.

This drafting guide is available at the clerk of the council’s web page, and is also available for council staff at M:\CLERK\Drafting Guide. The electronic versions reflect the most-recent updates of the drafting guide.

For other information on legislative drafting, please see the Bill Drafting Guide, published by the Washington State Office of the Code Reviser, which is available on the Internet at <http://slc.leg.wa.gov>.

Some useful books on legal drafting are:

*Black’s Law Dictionary.* 6th ed. West Publishing Co., 1990.

Garner, Bryan A. *A Dictionary of Modern Legal Usage.* 2nded. Oxford University Press, 1995.

Singer, Norman J. *Statutes and Statutory Construction.* 5th ed. Clark Boardman Callaghan, 1994. Also known and cited as *Sutherland Statutory Construction.*

If you wish to have more information, please contact the office of the Clerk of the Council. Any suggestions or corrections are welcome.

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ORDINANCES

The King County Charter identifies the county council as the legislative and policy-making body of county government. This authority generally is exercised by adopting and enacting ordinances. Ordinances are used for a variety of purposes, such as to:

A. Levy taxes and impose fees;

B. appropriate revenue and enact the budget;

C. Enact capital improvement programs;

D. organize county departments;

E. Enact comprehensive, community and functional plans and policies;

F. establish the county compensation system;

G. Enact regulatory laws in such areas as public safety, public health and zoning;

H. authorize contracts that commit the county to expenditures from future appropriations; and

I. Accomplish other actions such as declaring property surplus or approving an interlocal agreement.

A proposed ordinance must be limited to one subject and may be introduced by a councilmember, by initiative petition by residents of the county or by institutional initiative by cities within the county. Regardless of the method of introduction, an ordinance must have seven days between its introduction and a public hearing unless it is an emergency ordinance. The public hearing must be held before council action. Once the council adopts an ordinance, the ordinance must be presented within five days to the county executive. The executive then has ten days to sign the ordinance, veto the entire ordinance or any object of expense in an appropriation ordinance or let the ordinance be enacted without signature. Once either the executive has approved the ordinance or ten days have elapsed without veto or signature, or the council has overridden a veto by six votes, the ordinance is enacted. An ordinance takes effect ten days after enactment unless it specifies a later date as the effective date. An ordinance adopted as an emergency is both enacted and effective on the date the council adopts it. However, emergency appropriations ordinances, which are subject to the veto power of the executive, are enacted and effective when: approved by the executive; the time for executive approval expires; or, if vetoed and overridden, when overridden.

Ordinances that amend, add to or repeal sections of the King County Code and that are of a permanent or general nature are codified. Ordinances that are temporary, or that relate only to specific circumstances, are not codified but are kept in the clerk’s office for reference.

In general, an ordinance must contain: a title; an ordaining clause; the text; and closing phrases and legal signatures. An ordinance might also contain: a preamble, statement of facts or findings; definitions; and attachments.

**ORDINANCE TITLES**

An ordinance may contain only one subject. The title of an ordinance should be general, comprehensive and short, and should only reflect material that is actually in the ordinance. The title of an ordinance is a quick index to the ordinance itself and consideration of eventual indexing should be a guide in drafting the ordinance title. Do not include substantive provisions, including definitions and acronyms, in the title. Also, it is unnecessary to include redundancies, such as "AN ORDINANCE *of King County*…."

A. The components of a title are (bolding, wording and numbers for illustrative purposes only):

1. A broad statement of subject matter:

**AN ORDINANCE relating to musical entertainment.**

2. (Optional) A brief explanation of the contents of the ordinance:

AN ORDINANCE relating to musical entertainment, **limiting the use of brass instruments in public**.

3. The recitation of sections amended, if any (in the order they appear in the ordinance):

AN ORDINANCE relating to musical entertainment, limiting the use of brass instruments in public; **and amending Ordinance 187, Section 1, and K.C.C. 6.52.050.**

4. The recitation of sections added, if any (in the order they appear in the ordinance):

AN ORDINANCE relating to musical entertainment, limiting the use of brass instruments in public; amending Ordinance 187, Section 1, and K.C.C. 6.52.050 **and adding a new section to K.C.C. chapter 6.52.**

5. The recitation of chapters added, if any (in the order they appear in the ordinance):

AN ORDINANCE relating to musical entertainment, limiting the use of brass instruments in public; amending Ordinance 187, Section 1, and K.C.C. 6.52.050, adding a new section to K.C.C. chapter 6.52 **and adding a new chapter to K.C.C. Title 6.**

6. The recitation of recodified sections, if any (in the order they appear in the ordinance). Decodified sections would also go here, in a similar fashion, following any recodified sections (also in the order they appear in the ordinance):

AN ORDINANCE relating to short subdivisions, making amendments under chapter 58.17 RCW, defining completed applications for preliminary short subdivisions, revising the short subdivision standards and procedures, relating to short subdivision alteration and vacation; **and recodifying K.C.C. 19.26.510.**

7. The recitation of sections or ordinances repealed, if any (in the order they appear in the ordinance):

AN ORDINANCE relating to short subdivisions, making amendments under chapter 58.17 RCW, defining completed applications for preliminary short subdivisions, revising the short subdivision standards and procedures, relating to short subdivision alteration and vacation; recodifying K.C.C. 19.26.510 **and** **repealing Ordinance 3113, Section 3, and K.C.C. 19.26.010 and Ordinance 9543, Section 19, as amended, and K.C.C. 19.04.290.**

B. If more than one section is being amended or repealed, list each section by ordinance, section and K.C.C. number together, as in "Ordinance 13145, Section 2, and K.C.C. 1.45.090, Ordinance 13145, Section 3, and K.C.C. 1.45.100 and Ordinance 13145, Section 4, and K.C.C. 1.45.110." Do **not** use a format that combines sections, such as "Ordinance 13145, Sections 2 through 4, and K.C.C. 1.45.090 through 1.45.110."

C. Cite ordinance sections being amended by the original ordinance and section number and K.C.C. section number. If the section has been amended since the original ordinance that created it, add ", as amended," after the original ordinance section number and before the K.C.C. section number.

D. Specialized ordinances also require additional clauses in the title (bolding for illustrative purposes):

1. If the ordinance prescribes penalties:

AN ORDINANCE related to the conversion of real property to condominium ownership, requiring relocation assistance and code inspection and repair requirements; repealing Ordinance 4189, Section 1, and K.C.C. 20.58.010 **and prescribing penalties**.

**SEE APPENDIX Penalties**

2. If the ordinance appropriates money:

AN ORDINANCE making [**an/a supplemental/a net supplemental] appropriation** of $4,750,000 to the 1991 Series A building acquisitions fund for purchase of Washington center; and amending **the 1991-1992 Biennial Budget Ordinance, Ordinance 9720, Section 94, and Attachment 1, as amended**.

**NOTE: The title also cites the year and that it is the budget ordinance being amended, along with the ordinance and section numbers. Do not use "to provide the appropriate level of appropriation authority" in the title.**

SEE APPENDIX Appropriations

3. If the ordinance has an effective date later than what is provided for in the charter, a contingent effective date, an expiration date or a contingent expiration date:

AN ORDINANCE relating to zoning and comprehensive planning, revising definitions of the rural area zone and urban residential zone to be consistent with comprehensive plan policies; amending Ordinance 10870, Section 27, as amended, and K.C.C. 21A.04.060, Ordinance 10870, Section 29, as amended, and K.C.C. 21A.04.080 and Ordinance 10870, Section 330, as amended, 21A.04.080 and 21A.08.030 **and establishing an effective date.**

AN ORDINANCE …; **and establishing a contingent effective date.**

AN ORDINANCE … **and establishing an expiration date.**

AN ORDINANCE …; **and establishing a contingent expiration date.**

4. If the ordinance carries an emergency clause:

AN ORDINANCE permitting King County to enter into a six-year lease agreement for the department of public works for office space in the 400 Yesler Building and to allow King County to secure an option to purchase the building; **and declaring an emergency.**

**NOTE: The phrase "and declaring an emergency." should be underlined and should be the last phrase in the title. Because of the way the computer system operates, the underlining will not appear on agendas, but will show up on the actual legislation.**

SEE APPENDIX Emergency

##### PREAMBLE, STATEMENT OF FACTS, FINDINGS

Background or supporting information may be contained in a preamble, a statement of facts or findings. If findings are required, they must be included in the body of the ordinance. With a proposed ordinance from the executive, the background or supporting information is often contained in a cover letter accompanying the proposed ordinance. Use all preambles, statements of facts and findings sparingly; do not use them as a substitute for what should be in the substantive text of the ordinance.

A preamble, which is a statement of intent or policy, should not be a section of the ordinance. If in an ordinance, the preamble should precede the ordaining clause ("BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:"). A preamble does not contain numbered paragraphs.

A statement of facts, which operates much like a preamble but sets forth the facts underlying the ordinance, is also inserted before the ordaining clause. The paragraphs of a statement of facts are numbered.

Findings are used to include information that is legally required, such as to support the enactment of an emergency ordinance. If used, findings should be included as a section of the ordinance, coming after the ordaining clause.

Generally, preambles, statements of facts and findings are not codified; preambles and statements of facts are not part of the law.

**Tips:**

A. Do not use "whereas" clauses in an ordinance. "Whereas" clauses are only appropriate in motions.

B. A preamble, statement of facts or findings should not be used in a motion. Background information for a motion may be contained in the "WHEREAS" clauses.

C. Do not include legal descriptions of property in a preamble.

D. Ordinances with emergency clauses must always contain findings that support the finding of an emergency, as well as a separate section declaring that an emergency exists.

**SEE APPENDIX Preamble, Statement of Fact and Findings**

**SEE APPENDIX Emergency**

**ORDINANCE TEXT**

The text of an ordinance should be limited to those statements that are intended to have the force of law. An ordinance may create new material, add new material to an existing ordinance, amend an existing ordinance or repeal an existing section or ordinance. The text should be clear and logically divided into sections according to the subject matter. Generally, if the content of a section cannot be described in a one-line caption, the section should be divided into two or more sections. Short sentences and sections facilitate both comprehensibility and future amendment.

##### General Considerations

A. It is imperative to use the most current version of the law. At the beginning of the process of drafting, consult with the clerk’s office. The staff will assist you with getting an up-to-date version of the law to use as the base of the legislation, the proper formatting for the legislation and drafting concerns and approaches to take with the legislation.

B. Ordinances amending an existing ordinance must include the full text of the ordinance or resolution section or sections as last amended or, if the material has been codified, the full text of the K.C.C. section or sections as last amended. Citation to the amended sections must be included in both the title and the text of the ordinance. Appropriations ordinances have rules specific to them; **SEE APPENDIX Appropriations.**

C. In many instances, an ordinance has been amended several times. All amending ordinances are deemed merged into the original. Therefore, if amending a section that has already been amended, it is technically necessary only to cite the number and section of the underlying ordinance and make note that the section has been amended.

D. If amending a code section, research the code to be certain that all sections affected in the code reflect recent amendments. Do this by both looking in the written and electronic versions and by contacting the clerk’s office. Other sections of the code might refer to the item you are amending and might also require amendment.

E. If amending an existing ordinance's section, which is usually codified section, the entire section must be quoted and the changes must be expressed as shown in the following (K.C.C. 1.24.075):

1. Deleted language and punctuation are set forth in full and enclosed by double parentheses and indicated by single strikeout like this: ((~~material to delete~~)).

2. Material added to an amendatory section is underlined like this.

3. Deletions should precede new material.

4. If only single words or phrases are left in the middle of deleted or added material, an amendment can be difficult to read. In those cases, it is permissible to delete an entire word or phrase and reinsert the new word or phrase as new material.

5. Do not mistake a word processor's "track changes" function for the same thing as showing these changes as required. Though track changes looks the same as underlining and striking through, it is merely showing how a document has been changed; those underlines and strikeouts are an editing tool for a document-in-progress and should not be used in legislation or amendments under consideration by the council or a committee.

6. If adding or subtracting an "s" or an "es" from a word, it is permissible to change that part only. For example, "amends" and "amend((~~s~~))" are permitted. However, if the entire form of the word is being changed by changing a suffix or a similar change, strike the entire word and insert the new word. For example, "((~~amends~~)) amending."

**SEE APPENDIX Form of Amendment to Existing Ordinance or Code**

F. Do not include hyperlinks in the text of legislation. They create many ambiguities, including their substantive and archival impacts and what happens when the link is no longer active, and are not compatible with the computer system used by the county. Spelling out a Uniform Resource Locator, also known as a URL, for a cross reference is permissible, but could likely become outdated.

##### Attachments (Substantive Attachments)

A. If an ordinance refers to attached materials, reliable identification of the attachment is necessary. An attachment that is referred to in an ordinance is a "substantive attachment." A substantive attachment should be clearly labeled by attachment number, title and date. The labels of "Attachment A," "Attachment B," and the like are preferred. Refer to substantive attachments in the form "Attachment A to this ordinance" or "Attachment B to this motion." If a substantive attachment is titled "agreement," "addendum," "Exhibit A" or a similar title, state the title of the attachment in the body of the ordinance to which the attachment is attached. Do not restate or summarize the contents of the attachment as a substitute for its name, though a restatement or summary may be used to supplement the description of the attachment. Be sure that references to an attachment accurately reflect the attachment’s title.

B. If an item intended to be an attachment has its own attachments, they should all be part of a single attachment to the legislation. For example, the materials attached to the legislation would not be Attachment A (the main body of the attachment) plus Attachment B (the attachment to the attachment), but one attachment, Attachment A, that consists of both the main body of the attachment and the main body's own attachment.

C. Substantive attachments are not codified. Because of this, information that states the law or gives the public notice of the operation of the law should be included in the ordinance itself and should not be contained in an attachment.

Number each page of a substantive attachment sequentially. Split a document into several attachments if having several attachments increases clarity and facilitates page numbering. Using a variety of computer programs to create a single attachment can be difficult; collecting them into a pdf file as a single attachment might be a helpful approach.

D. If amending a substantive attachment, also change the attachment’s date, or date the attachment if the original attachment does not have a date, so identification of the proper version is possible. Amend references to the attachment in the ordinance to reflect any change.

E. Do not include as a substantive attachment a document that is not mentioned in the body of the ordinance.

Substantive attachments are listed at the end of the signature report on all proposed legislation. The list is generated when the attachments are entered into the Legistar system by staff. The disclosure looks like this:

A. If there is not a substantive attachment:

Attachments: None

B. If there are one or more substantive attachments:

**Attachments:** A. East Sammamish Community Plan dated 9/13/92, B. Area

Zoning Map dated 9/11/92

F. Avoid including hyperlinks in an attachment. They create many ambiguities, including their substantive and archival impacts and what happens when the link is no longer active. Spelling out a Uniform Resource Locator, also known as a URL, for a cross reference is permissible, but could likely become outdated.

##### Captions and part headings.

Typically, sections of an ordinance, or chapters being created in an ordinance, should not have captions, and an ordinance should not have part headings. Captions should be created only as part of the codification process after legislation becomes law. Captions and part headings are not part of the law and to include them in legislation creates ambiguity. There are some rare exceptions in which captions are customarily used, such as findings and severability clauses, but they are never mandatory. See K.C.C. 1.02.040.

##### Effective, Contingent Effective, Expiration, or Contingent Expiration Date

A. A section establishing an effective date should only be added if the ordinance is intended to take effect on a date later than the date provided in the charter, which is usually ten days after signature by the executive. The only method to ensure an earlier effective date is by adoption of the ordinance as an emergency.

B. A contingent effective date may be used if a condition must be met for the legislation to take effect. Many legal issues might arise in this type of situation, so you must confer with legal counsel if taking this approach.

C. Expiration dates or contingent expirations may also be used, in with similar cautions as for effective dates and contingent effective dates.

D. A later effective date or a contingent effective date should be referenced in an ordinance's title as earlier stated in this guide’s earlier Ordinance Title section.

**SEE APPENDIX Effective, Contingent Effective, Expiration, and Contingent Expiration Dates**

###### Emergency

The purpose of an emergency clause is to ensure that an ordinance takes effect on the day the council adopts the ordinance. Also, an emergency allows immediate adoption without waiting seven days for a public hearing and it precludes a referendum on the adopted ordinance. An ordinance adopted with an emergency clause is not subject to the executive’s veto power unless the ordinance is an emergency appropriation ordinance. An ordinance containing an emergency clause requires six votes to be adopted by the council. In drafting an ordinance with an emergency clause:

A. Add "and declaring an emergency" at the end of the title. The phrase must be underlined in the legislation.

B. Set forth in a findings section in the ordinance the specific facts that constitute the emergency.

**SEE APPENDIX Preamble, Statement of Facts and Findings**

C. Add as the last section of the ordinance the following for most emergency ordinances:

SECTION x. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

If the emergency ordinance includes changes to land-use provisions and requires waiver of procedural requirements, use the following after consulting with legal counsel:

SECTION x. A. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

B. Enactment of this temporary moratorium as an emergency under Section 230.30 of the King County Charter waives certain procedural requirements, including SEPA review under chapter 43.21C RCW and K.C.C. chapter 20.44, notice to the state under RCW 36.70A.106 and published notice under K.C.C. 20.18.110.

**SEE APPENDIX Emergency**

##### New Material

A. If a new section is being added to an existing chapter of the code, it should begin with "NEW SECTION. SECTION [x]. There is hereby added to [K.C.C chapter/Ordinance] a new section to read as follows:". If several sections are to be added to the same chapter of the code, a section directing the codification may be used: "SECTION [y]. Sections 2 through 14 of this ordinance should each be added to K.C.C. chapter …."

B. If adding a new chapter to the code, identify the title into which the chapter is to be codified and which sections of the ordinance are to be included in the chapter. For example, "SECTION 17. Sections 18 through 32, 34 and 35 of this ordinance should constitute a new chapter in K.C.C. Title 20."

C. Sections relating only to the ordinance that are neither being codified nor being added to another ordinance are not prefaced with "NEW SECTION." These sections include severability, effective date and codification directive sections.

**SEE APPENDIX New Section**

##### Penalties

An ordinance that establishes a penalty must include "and prescribing penalties" in the title.

The maximum penalty for a criminal misdemeanor is either a fine not to exceed one thousand dollars or imprisonment in the county jail for a period not to exceed ninety days, or both.

The ordinance may instead also state that "punishment is provided by the laws of the state of Washington."

##### SEE APPENDIX Penalties

##### Provisos

Provisos are appropriate as legal restrictions on appropriations and may be used for that purpose in the budget ordinance and supplemental appropriations. Otherwise, provisos, which are clauses in documents making qualifications, conditions or restrictions and introduced by "provided, that," should not be used. They are considered legalese and are inherently ambiguous. Instead, set out any exception to the general provisions of the ordinance in an independent sentence immediately following the general provisions. Using the form "provided" without including the grammatically necessary "that" does not avoid the problem.

Legal counsel must be consulted when drafting a budget ordinance proviso or an amendment to a proviso. The proviso should specify clearly what is conditioned upon compliance with the proviso and what the consequences for the violation of the proviso are. Expenditure restrictions in the budget ordinance should be treated the same way.

**SEE APPENDIX Provisos and Expenditure Restrictions**

##### Repeals

A. If repealing a section of the code, both the ordinance section and the code section must be cited.

B. If repealing an ordinance that has been amended, it is technically necessary only to cite the original ordinance. However, if all amendments are known, it is permissible to repeal them as well. Be certain you do not repeal an amended section that should be retained.

C. If repealing an entire chapter, repeal each section, stating the ordinance number, section and code section for each, and that they "are hereby repealed." Do not state "K.C.C. chapter 20.58 is hereby repealed," because that approach permanently removes the chapter number 20.58 from the code. A principle of codification is to not use the same code number twice. For example, if a code section is repealed, the same number in the code should not be used again. This principle greatly helps keeping track of the history of the code, which is a vital tool in interpretation and drafting.

D. Do not use the procedure of "repeal and replace" in changing the code. If a section is to be changed to such a degree that it is preferable to repeal the section and substitute another, both repeal the section and add a new section to the code, codified in the same chapter as the repealed section and containing the new language. In this way, a record in the code, independent of the ordinance itself, can be made indicating that language has been changed.

Similar to the principle of not using the same code number twice, avoiding the technique of "repeal and replace" helps avoid problems in tracing the history of a section. "Repeal and replace" makes understanding and interpreting historic material unnecessarily difficult by not clearly showing the changes made to the law.

E. If it is important to retain the section number for practical reasons, such as continued reference to the same subject matter, but the section is being entirely changed, strike through all existing text of the section, surrounding the strikethrough with double parentheses, and replace the text with underlined material. Check with the clerk for assistance if doing this.

F. A repeal must be made using an ordinance section. Citing a repeal in an ordinance’s title only is not sufficient to effect the repeal.

G. Striking material from an existing ordinance is not a "repeal." "Repeal" should only apply to the revocation of an entire section of an ordinance. "Repeal" does not apply to motions; motions can be "rescinded."

**SEE APPENDIX Repeals**

##### Reports

A. When requiring a report, be clear on who is responsible for creating and filing the report, what the report must contain, when the report is due, where the report is filed and to whom the report is distributed. Generally, reporting is now being done electronically. A typical clause for the filing and distribution, as found in the biennial budget ordinance, is:

The executive [unless agency is not an executive agency as other elected officials or the auditor then use that agency head's title] should electronically file the [report/plan] and motion required by this proviso no later than [insert date], with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the [insert name of committee], or its successor.

B. A provision regarding a report should not be codified unless the report is ongoing, which often means annual.

##### Severability

A severability clause is an indication of the council’s intent that even if any portion of the ordinance or its application to a specific person or circumstance were unlawful, the council would have enacted the remainder of the ordinance and the remainder should stay in effect.

A severability clause should be the last section of the ordinance unless there is a section declaring an emergency.

Courts usually interpret laws as severable, so severability clauses are often superfluous.

Severability clauses are not codified.

Rarely, a nonseverability clause has been employed. Check with the clerk of the council or legal counsel if considering using a nonseverability clause.

**SEE APPENDIX Severability**

MOTIONS

A. A motion is used to do such things as:

1. Express policy;

2. Authorize administrative acts and procedures;

3. Express legislative intent;

4. Create special committees;

5. Express an opinion to other groups or bodies;

6. Express recognition for meritorious service or commendation;

7. Express recognition for a special event or commemoration;

8. appoint committee members; and

9. Request information, by the council, from any other agency of county

government.

B. A motionshould contain:

1. A title that is general and comprehensive but that contains sufficient information for ready identification. The title should briefly state the purpose of the motion. A motion should contain only one subject.

2. "WHEREAS" clauses that explain the necessity or reason for the motion. Each paragraph of the "WHEREAS" clauses should begin with "WHEREAS,"; if more than one paragraph is necessary, each paragraph except for the last should end with ", and" and the next paragraph should begin with "WHEREAS," (the last paragraph ends with ";"). The "WHEREAS" part of the motion should not be extensive, but should clearly explain the need or reason for the motion. There are rare occasions when "WHEREAS" clauses are not used, such as in some appointments or reappointments.

3. A "moving" clause that states: "NOW, THEREFORE, BE IT MOVED by the Council of King County:". If there are not any "WHEREAS" clauses, the phrase "BE IT MOVED by the Council of King County:" is used.

4. A body that must refer to the specific act, procedure, policy or intent the council is approving or declaring.

5. A notation at the bottom of the signature report citing any substantive attachment or noting that there is none.

**SEE APPENDIX Motion**

Motions may also include **attachments**. See the discussion of attachments under **ORDINANCE TEXT** in this drafting guide for more information.

committee and council Amendments to Proposed LEGISLATION

It is important to be clear in what sense the term "amendment" is being used when discussing amendments.

If an ordinance has become law, an ordinance including an amendment is used to change the original ordinance. That type of amendment calls for following the formatting and other requirements discussed under **ORDINANCE TEXT** this drafting guide. A motion may not be amended after being adopted by the council; to change a motion, the motion must be rescinded and a new motion must be created to accomplish the change. The only exceptions to this are organizational motions, which may be amended in a manner similar to ordinances and which are addressed in K.C.C. 1.24.320.

However, another type of amendment, a committee or council amendment, is used to change proposed legislation before the proposed legislation becomes law. That type of amendment may be made whether the proposed legislation is an ordinance or a motion. It is an instruction of how to rewrite the proposed legislation. And that is the type of amendment discussed in this part of the drafting guide.

Amending proposed legislation is the most-misunderstood and easily confused element of legislative drafting. Before working on that type of an amendment, check with the clerk's office for assistance.

A. A committee or council amendment must be provided to the clerk or committee assistant in writing, either before or at the meeting, and distributed to each councilmember. The amendment must contain the date, the name of the councilmember offering the amendment, the number of the proposed ordinance or motion to be amended and the page and line number of the proposed ordinance or motion to be amended.

There are two main types of amendments. Line amendments affect specific wording in the proposal. A striking amendment, on the other hand, is one that strikes all text of an ordinance or motion after the title and inserts new language. Any amendment that affects anything less than a striking amendment is a line amendment.

Oral amendments (usually referred to as "verbal amendments"), often used to expediently fix a problem with the proposal, may also be used. However, because oral amendments also increase the probability of uncertainty and inaccuracy, they should be used sparingly.

Effect statements are often used to explain amendments. Be sure that the claims of the effect statement are accurate and complete.

**SEE APPENDIX Line Amendment to Proposed Legislation**

B. A committee or council amendment to proposed legislation changes the piece of legislation that is, in turn, changing the law. Do not think of an amendment as simply changing the law. That distinction will help avoid some common errors in drafting amendments.

Use quotation marks (not apostrophes) for all quoted material. Quote exactly what appears in the proposed legislation and what is being inserted or deleted; account for all punctuation, underlining and strikethroughs. Do not inadvertently add any material within quoted material. To avoid misinterpretation, do not put a period at the end of each amendment to "finish" what looks like a sentence.

Keep amendments simple. Identifying the context for a line amendment with "after "\_\_\_\_\_"" but adding more context, such as "and before "\_\_\_\_\_"," to the amendment is not necessary. Also, be sure the same word used to identify the placement does not show up in another spot close enough to cause confusion. If that happens, use more words to identify the context.

Do not assume that any other amendments are incorporated. Write amendments directly to the legislation being amended.

Never use underlining and strikethrough, commonly known as "legislative format," when amending new material. Only use underlining and strikethrough if amending material that is amending existing ordinance, as shown in the examples.

C. Examples.

1. Line amendments to a new section, whether or not the new section is being codified.

Example being amended:

SECTION 1. The executive is hereby authorized to enter an interlocal agreement.

a. To add new material:

On page 1, line 1, after "agreement" insert "with the city of Issaquah"

b. To delete material:

On page 1, line 1, after "enter an" strike "interlocal"

c. To add and delete material in the same place in a new section:

On page 1, line 1, after "enter" strike "an interlocal" and insert "a new"

2. Line amendments to an amendatory section. Amending a proposed ordinance that is itself making amendments to a codified or uncodified ordinance can be confusing. Think of what the proposed ordinance being amended will look like after the amendment is integrated into it. Be sure to ask the clerk's office for assistance.

Example being amended:

SECTION 1. Ordinance 4514, Section 1, and K.C.C. 6.01.180 are hereby amended to read as follows:

The director or designee is authorized to take such lawful action, including ((~~the~~)) writing and insurance of misdemeanor citations, as ((~~may~~ ~~be~~)) is required to enforce the provisions of any business license codified in this title.

a. To add new material to an existing ordinance (note that new material must be shown by underlining):

On page 1, line 4, after "citations" insert "and the posting of notices of violation"

b. To delete material in an existing ordinance (note that a direction to delete or strike material is in itself insufficient to change material in an existing ordinance – the material being deleted must be shown in the ordinance as struck out and within double parentheses):

On page 1, line 5, after "license" strike "codified" and insert "((~~codified~~))"

c. To restore material being struck by the proposed ordinance (note that the restored language is not underlined):

On page 1, line 4, after "including" strike "((~~the~~))" and insert "the"

d. Finally, this amendment not only restores a proposed change to the original language of the code but also makes an additional change in that same place of the code:

On page 1, line 3, after "citations, as" strike "((~~may be~~)) are" and insert "((~~may~~)) might be"

D. If adding or deleting one or more sections in a line amendment, add this phrase to the end of the amendment:

Renumber the remaining sections consecutively and correct any internal references accordingly.

This directive instructs the person preparing the final version ("engrossing" the legislation) to make those types of changes. The directive is not in quotation marks.

This type of directive could also be used for moving subsections in sections comprised solely of new material. However, it should not be used to effect changes within amendatory sections. For amendatory sections, each change must be indicated with the necessary strikethroughs, including double-parentheses bracketing, and underlines, and should not be done merely by directive.

Also, keep in mind that a title amendment might also be necessary if sections are being added or deleted.

E. A **striking amendment** is one that strikes all text of an ordinance or motion after the title and inserts new language. The new language may not change the scope and object of the proposed ordinance. A striking amendment may be used if there are substantial changes to the proposed ordinance or motion. If the amendments are not considerable, the line amendment process should be used. A striking amendment strikes all language of the legislation through the last line of text. A striking amendment often requires an accompanying title amendment to correct the ordinance’s title. Changes to attachments are also sometimes required.

Do not confuse an amendment that strikes some, but not all, text with a striking amendment. An amendment that changes anything less than the entire text after the title is not a "striking amendment" but is a "line amendment." Even when an attachment is replaced, that is a "line amendment" and not a "striking amendment."

**SEE APPENDIX Striking Amendment**

F. If amending an attachment, replace the attachment to the proposal with a new version of the attachment. The effect statement of the amendment may be used to explain what changes are being made. For example:

Strike Attachment A, Interlocal Agreement between King County and Woodinville, dated April 1, 2020, and insert Attachment A, Interlocal Agreement Between King County and Woodinville, dated April 15, 2020.

STYLE GUIDE

##### General Considerations

A. Everything named in an ordinance should be given its correct current name. For county-related names, this name is usually found in the ordinance that created it. Colloquial and popular names are not appropriate. Also, popular acronyms and initialisms should not be used if the acronym or initialism is not defined in the context of the legislation, and generally should not be used.

B. Everything referenced in the title of an ordinance must be included in the body of the ordinance. References in the title include amendments, new sections, repeals, recodifications and decodifications to code or ordinances, penalties and emergencies. See the section on **ORDINANCE TITLES** in this drafting guide.

C. Use gender-neutral language. If referring to a single person, name the person to avoid using a pronoun. Do not use "he or she," "his or her," "he/she" or "his/hers" or similar constructions.

##### Grammar

A. **"Shall," "may," "will" and "must."**

1. Draft in the present tense; legislation speaks at the time it is read. Therefore, "shall" should not be used to state a proposition in the future tense. "Evidence is admissible . . ." is preferable to "evidence shall be admissible . . .."

2. "Shall" should be used to create a legal obligation, that is, to require the performance of an act. For example, "the executive shall appoint a director . . .." "Shall" is mandatory. See K.C.C. 1.02.030.

3. "May" indicates discretion and is used to confer a right, privilege or power. "May" is permissive. See K.C.C. 1.02.030.

4. "May not" and "shall not" are prohibitive. Both "a person shall not" and "a person may not" work, though "a person shall not" is used most-often and is preferred. However, avoid using a negative subject with an affirmative shall. ""A person shall not" should be used rather than "no person shall . . .." The latter means that no one is required to act, which is generally not what is intended.

5. Do not confuse the words "may" and "might." "May" confers authority, as in "A person may file a petition." "Might" describes a possibility, as in "The director shall alert the emergency coordinator if there might be snow."

6. To determine whether the use of "shall" or "may" is correct, a helpful test is to substitute for the word "may" the words "has the authority to" and substitute for the word "shall" the words "has the duty to." This reading makes it readily apparent whether the word is correct.

7. "Will" should generally be avoided, because it is ambiguous as to meaning and is more a prediction than a requirement or authorization. For the King County Code, in K.C.C. 1.02.030, it is defined as mandatory, but that is not always clear in context. "Shall" is clear and preferable for mandatory language.

8. "Must" is generally not used. It can be useful in situations like this, but other wording is usually a better alternative:

The applicant "must be" (inactive verb) an adult.

Prior convictions "must be set forth" (active verb in passive voice) in the application.

Use "must not" if the verb it qualifies is an inactive verb or an active verb in the passive voice. Examples:

The applicant "must not be" (inactive verb) a convicted felon.

The application "must not be filed" before the end of the reporting period.

Active voice is preferable to passive voice. If the word "must" seems appropriate because of passive voice, the drafter should improve the phrase to avoid ambiguity.

9. Always check the context in which words are being used. Many words and phrases have been defined in the code.

B.**"That" and "which."** "That" introduces a restrictive clause. "Which" introduces a nonrestrictive clause. If the drafter does not clearly differentiate between restrictive and nonrestrictive clauses, "that" and "which" are misused. These are examples of the differences between the two uses:

Cats that love to chase dogs shall go to the kennel [refers to certain types of cats].

Cats, which love to chase dogs, shall go to the kennel [refers to all cats, indicating that all cats have a common love of chasing dogs, and all shall go to the kennel].

This sentence is incorrect because of its ambiguity:

Cats which love to chase dogs shall go to the kennel.

"Which" is seldom the appropriate word in drafting legislation because legislation is usually intended to specify items and not merely describe them.

C. **"This"** and **"these."** "This" and "these" should be used for the document speaking about itself, most commonly in phrases such as "this ordinance" or "this section." "The," "that," or "those" can typically work for references to other documents, items, or actions cited in the text.

D. **Provisos.** Provisos should not be used except in budgetary matters. See the discussion under **ORDINANCE TEXT** in this drafting guide.

E. **Tense, mood and voice.**

1. Use the present tense instead of the future tense. "A person who violates this section . . ." is preferable to "A person who shall violate this section . . . ." Similarly, use the present perfect tense instead of the future perfect tense. "After apprehending a person who has violated this section . . ." is preferable to "After apprehending a person who shall have violated this section . . . ." (though ". . . a person who violated . . ." is even better).

2. Proper drafting uses both the indicative mood and the imperative mood, but the uses of the two moods are distinct. The proper role of the imperative mood is to create a legal duty or prescribe a rule of conduct, as in, "The department shall adopt rules." The imperative mood should not be used merely to state a legal result. "This chapter shall not apply to . . ." and ""Vehicle" shall mean . . ." are both "false imperatives" because the purpose of the provision is achieved by the very act of declaring the legal result. As self-executing provisions, the indicative mood is proper, as in "This chapter applies to . . ." and ""Vehicle" means . . . ." In neither situation is the subjunctive mood appropriate, as in "If the director shall decide that . . . ."

3. The active voice is preferable to the passive voice. The active voice forces the drafter to identify the party who is required or authorized to act. Thus, "The commission shall adopt rules . . ." is less ambiguous than "Rules shall be adopted . . ." or "Rules must be adopted . . . ."

F. **"Fewer" and "less."** "Fewer" refers to number or individual countable items. "Less" refers to degree or quantity or general amounts. Examples:

Nonfat milk has fewer calories than whole milk.

We have less milk than I thought.

G. **Words and phrases to avoid.** Using the suggested substitutes for the following words or phrases can eliminate ambiguity, wordiness and legalese.

|  |  |
| --- | --- |
| **Avoid** | **Use** |
| above | be more specific; for example,  cite the section or subsection |
| afforded or accorded | given |
| aforesaid, aforementioned,  before-mentioned | "the," "that" or "those" |
| and/or | "either A or B, or both" or "any  combination of . . . or" |
| any and all | (either word) |
| as provided in this chapter | (usually unnecessary – delete) |
| at such time as | when |
| at the time of | when |
| authorized and empowered  to | may |
| be and the same is hereby | is |
| below | be more specific; for example,  cite the section or subsection |
| carry out | "execute" or "complete" |
| commence | begin |
| constitute and appoint | appoint |
| deal with | "address" or "conduct" |
| deemed to be | is |
| $1,000,000 dollars | one million dollars |
| during such time as | while |
| during the course of | during |
| , e.g. | ", such as" or a new sentence  beginning "For example," |
| each and all | (use either word) |
| either directly or indirectly | (do not use) |
| "…" (ellipses) | " . . . " (two periods in a row  cause problems for the  computer system).  Avoid ellipses Generally,  though. |
| employ (meaning to use) | use |
| etc. | (do not use) |
| every person, all persons | a person |
| except when otherwise provided | (do not use) |
| expend | spend |
| fail, refuse or neglect | fail |
| following section | section (fill in number) |
| formulate | make |
| for the duration of | during |
| for the reason that | because |
| forthwith | immediately |
| from and after | after |
| from July 1 | after June 30 |
| full and complete | full |
| fund (when referring to  something other than an  accounting unit created under  K.C.C. chapter 4A.200. | "moneys." 'proceeds" or  another appropriate word. |
| give consideration to | consider |
| greater than | more than |
| has the duty to | shall |
| have need of | need |
| hereafter | after the effective date of this  ordinance (or section) |
| hereby | (do not use) |
| herein, hereinafter,  hereinbefore, hereinabove,  above, below, following,  preceding | (these are objectionable if  referring to the position of a section or other position; if reference is necessary, specify the title, chapter, section or subsection by number) |
| heretofore | before the effective date of this  ordinance (or section) |
| i.e. | "; that is," or "in other words,"  (but is the phrase necessary?) |
| in case | if |
| initiative (if used to mean a  proposal or proposed legislation) | "proposal" or "proposed  legislation" ("initiative" has a Charter-related meaning, which is legislation proposed by petition) |
| in order to | to |
| inquire | ask |
| institute (verb) | "begin" or "start" |
| in the event that | if |
| in the interests of | for |
| is able to | can |
| is applicable | applies |
| is authorized to | may |
| is binding upon | binds |
| is defined as and shall be  construed to mean | means |
| is directed to | shall |
| is empowered to | may |
| is entitled to | may |
| is hereby authorized to and it  shall be the person’s duty to | shall |
| is required to | "shall" (if an action) or "must" (if  a condition). But see  discussion of "shall," "may,"  "will" and "must" in this  drafting guide. |
| is unable to | cannot |
| it is the person’s duty to | shall |
| it is lawful to | may |
| make application | apply |
| make payment | pay |
| make provision for | provide for |
| means and includes | "means" or "includes" as  required |
| modify | change |
| necessitate | require |
| no later than June 30th | by July 1 |
| none whatever | "none" or "no" |
| "nonprofit" or "non-profit" (as a noun) | "nonprofit organization" or "nonprofit corporation" as appropriate |
| not later than | by |
| null and void | void |
| occasion (verb) | cause |
| of a technical nature | technical |
| on and after July 1st | after June 30 |
| on the person’s own application | at the person’s request |
| on or after July 1st | after June 30 |
| on or before July 1st | by July 1 |
| operable | operative |
| or, in the alternative, | or |
| per (when intended to mean "as  authorized by," "regarding,"  "referring to," "in accordance  with" or similar specific phrase | "as authorized by,' "regarding,"  "referring to," "in accordance  with" or appropriate specific  phrase |
| per annum | a year |
| per centum | percent |
| period of time | "period" or "time" as required |
| prior to | before |
| promulgate | adopt |
| provided (conjunction) | "if" or "but" |
| provided, that | "except," "but" or "however," or  start a new sentence |
| provision of law | law |
| purchase | buy |
| pursuant to | "in accordance with," "under," "as authorized by" or "in carrying out" |
| render (meaning "to give") | give |
| retain | keep |
| rules and regulations | rules |
| said | "the," "that" or "those" |
| same | (use appropriate noun or pronoun) |
| set forth in | in |
| shall be | is |
| shall be construed to mean | means |
| shall be deemed to be | is |
| shall constitute | is |
| shall have the power to | may |
| shall mean | means |
| sole and exclusive | exclusive |
| subject to the provisions of | under |
| subsequent to | after |
| such | the |
| suffer | allow |
| sunsets | expires |
| terminate | end |
| the provisions of | (do not use) |
| to provide the appropriate level of  appropriation authority | (do not use, especially in the  title of an appropriation  ordinance) |
| to wit | (do not use, or use "namely") |
| under the provisions of | under |
| unless and until | "unless" or "until" as required |
| until such time as | until |
| utilize | use |
| whatsoever | whatever |
| whensoever | "when" or "if" |
| wheresoever | where |
| whomsoever | (archaic; improper) |
| whosoever | whoever |

Do not make up words. Be extremely reluctant to use words that are not found in the dictionary.

Do not use made-up words such as verbs created from nouns. Those words often end in "**-ize**" or "**-ization**."

Avoid the use of "**such**" or "**said**" as a substitute for "**the,**" "**that**" or a pronoun. Instead, use "**the,**" "**that**" or the appropriate pronoun (keeping things gender-neutral, though). "**The**" is usually preferable, and is usually perfectly clear. If a sentence is not clear enough that "**the**" can be used, consider rewriting the sentence. If "**such**" must be used, "**such**" requires the addition of "a" before a true singular noun, as in "**such a** person."

Do not use "**and/or**." This construction is unclear. Use the appropriate phrase "**either A or B, or both**" or "**any combination of** . . . or . . . ." Most of the time, either "and" or "or" should suffice.

Avoid **adjectives** such as "**real,**" "**true**" and "**actual**" and **adverbs** such as "**duly**" and "**properly**." Because these ideas are normally implied, expressing them in some instances creates doubt that they are implied elsewhere. Similarly, "**a court of competent jurisdiction**" is the only type of court that could legitimately hear a case, so "of competent jurisdiction" is superfluous.

Be cautious if using "**adopted**," "**enacted**," or "**passed**." According to the charter, "**adopted**" means the time that five affirmative votes of the council, or six affirmative votes for emergency ordinances, are made. "**Enacted**" is when: the executive approves an ordinance, including an emergency appropriation ordinance; the council adopts an emergency ordinance, other than an emergency appropriation ordinance; or a veto is overridden by the council. "**Passed**," as used in the charter, is only used in connection with the approval of motions.

##### Punctuation

A. **Commas.** A comma is to be used only if required. The most important uses of the comma are described in the following:

1. In a series of three or more words or phrases, a comma is used after each item except the last word or phrase before the conjunctive ("and") or disjunctive ("or"), as in "red, white and blue," and "this, that or the other." Draft carefully to avoid ambiguity.

2. Place commas around the year if used in a date. For example: "From December 1, 2022, through November 30, 2025, the department shall . . .."

3. If a qualifying phrase applies to all antecedents instead of the immediately preceding antecedent only, separate the qualifying phrase from the antecedents with a comma. This is called the last antecedent rule. For a discussion on the rule, see the Washington State Bill Drafting Guide.

4. Commas set off a nonrestrictive clause but commas should not set off a restrictive clause, which is essential to the meaning of the word being modified. Compare the following two sentences, which illustrate a restrictive clause and a nonrestrictive clause, respectively:

Children who love to eat should go to that restaurant.

Children, who love to eat, should go to that restaurant.

Compare with the use of "that" and "which" in the **STYLE GUIDE** under **Grammar** in this drafting guide.

5. A comma is used to separate the independent clauses of a compound sentence but should not be used to separate the noun from the verb in a simple sentence. The following examples illustrate the proper use and omission of commas in a simple sentence and a compound sentence, respectively:

The board may adopt rules to implement this chapter and shall report by February 1 each year to the executive.

The board may adopt rules to implement this chapter, and the board shall report by February 1 each year to the executive.

6. A comma is used to separate an introductory phrase from the rest of the sentence, as in: "In 2017, the executive…"

B. **Semicolons.** A semicolon is not used where a comma suffices but is used to separate phrases already containing commas. A semicolon, not a period or a comma, is used following each item in a series listing that is introduced by a colon. For example:

The board has the following duties: approval of minutes; consideration of motions; appropriation of funds; and the hiring, salary range and termination of employees.

However, for a sentence with this kind of structure, tabulation should be seriously considered.

C. **Colons.** A colon is used to introduce a list. See subsection B of this style guide pertaining to semicolons in subsection B. Colons are also used in provisos. See the discussion under **ORDINANCE TEXT** in this drafting guide for more on provisos.

D. **Quotation marks.** Quotation marks are used to set off a particular word or phrase under discussion, as in a definition of a term. If the end of a quotation coincides with another punctuation mark, several rules should be observed. Periods and commas are always placed inside the quotation marks. All other punctuation marks, such as colons, semicolons, question marks and exclamation points are placed inside the quotation marks only if they are part of the material being quoted.

Quotation marks are also used in amendments to proposed legislation. See the discussion under **COMMITTEE AND COUNCIL AMENDMENTS TO PROPOSED LEGISLATION** in this drafting guide.

Regular quotation marks (") rather than "smart" quotation marks (“ ”) must be used, because "smart" quotation marks are often rendered erroneous after text is edited.

E. **Italics.** Italics are used in these instances:

1. Case names. The case name is italicized, but the location information is not. For example: *Citizens Council v. Bjork,* 84 Wn.2d 891 (1975); and

2. Scientific names. For example, the state fossil is the Columbian mammoth of North America (*Mammuthus columbi*). The scientific name is always italicized, with the first word capitalized and the second and subsequent words not capitalized, no matter what their derivation. If the genus name is used by itself (in this case, *Mammuthus*), it is still capitalized and italicized. The scientific name is placed in parentheses after the popular name, if used, but may also be referred to alone. Groups of higher ranks, such as phyla, classes or orders, are not italicized, as in "the phylum Brachiopoda." For examples, see RCW 77.08.020.

F. **Tabulation.**

1. Break a sentence into its parts and present them in tabular form only if this makes the meaning substantially more clear.

2. Use a single "or" to indicate the disjunctive and a single "and" to indicate the conjunctive at the end of the next-to-last item in a series. Use a semicolon at the end of each item in the series.

3. To indicate the disjunctive or conjunctive in a series, use a phrase in the introductory clause of the series that clearly expresses how many of the following items are to be included, as in "any of the following," "one of the following," "all of the following" or "any one or more of the following." This can be done to replace "and" and "or." This is the only place a directional phrase, such as "the following," is appropriate. Do not use phrases such as "above," "below" or "herein," which are ambiguous. See F. **Words and phrases to avoid** under **Grammar** in this **STYLE GUIDE** in this drafting guide.

4. Language that qualifies all of the items should not be included in the last item of the tabulation. That language should be included in the introductory phrases to the tabulation. Rewrite the paragraph if it is too convoluted to be easily understood.

5. Do not place a sentence or paragraph after tabulation. If the sentence or paragraph is not part of the tabulated series, or is not solely part of the last item in the tabulated series, draft it as a separate subsection or paragraph.

6. Do not use bullets or other graphics to indicate items in a list. Enumerating items is the best way to differentiate between them because enumeration allows clear reference to the items. Keep in mind that legislation, not a presentation, is being written.

7. Do not number an item if it is the only item in the list. For example, there should not be a subsection A. if there is not a subsection B.

##### Numbers

A. Quantities and amounts should be written in words, not figures, as in:

one and one-half

two and one-tenth percent

twenty-seven one-thousandths

four hundred sixty-seven feet

population of twenty thousand

one hundred sixteen dollars

nine hundred dollars and sixty-three cents

six percent

The budget ordinance and other appropriation ordinances and tables are exceptions to this rule.

Do not repeat numbers in bracketed numerals (as in "four (4)").

Do not add "and" to longer numbers. For example, write "one hundred one" rather than "one hundred and one."

Compound numbers from twenty-one to ninety-nine are hyphenated. Fractions are also hyphenated unless the numerators or denominators are compound numbers that also require hyphens.

Examples:

two-thirds

two thirty-thirds

twenty-three one-hundredths

B. Dates. A cardinal number (April 1) should be used rather than an ordinal number (April 1st).

April 1, 2010, (commas on each side of year)

April 1 (preferred)

April 1st (though April 1 is preferred)

first day of April (though April 1 is preferred)

first of April (though April 1 is preferred)

April 2nd (though April 2 preferred)

March 31st (though March 31 is preferred)

September 30th (though September 30 is preferred)

the 2011-2012 school year

January 2010 (no commas)

January 2010 through June 2011 (no commas)

January 1, 2010, through June 1, 2011, (commas on each side of years)

Be sure that a computer's automatic correction feature does not turn an ordinal number, which would come up in an address such as "42nd Street," into "42nd Street."

##### 

##### Capitalization

Examples of capitalization for drafting ordinances and motions:

Americans with Disabilities Act

Attachment A to this ordinance

the 2017-2018 Biennial Budget Ordinance, Ordinance 18409, Section 11, Proviso P12

the 2017-2018 biennium

Capital Improvement Program

Cascade mountains

CIP (Capital Improvement Program)

CIP Project 377183, Inventory Tracking and Asset Management

K.C.C. chapter 2.98

city ("city of Redmond")

(North Bend) city council

Civil Rule 60

Comprehensive Plan

(King County) council

(King County) council district one (or council district 1)

county (on its own)

department (of natural resources and parks)

(Washington state) Department of Ecology

(United States) Department of Energy

(parks and recreation) division

Elliott Bay

(King County) executive

federal

federal Endangered Species Act

King County Ferry District

King County Flood Control Zone District

Geographical names: "Elliott Bay," "Cascade mountains," "Lake

Washington," "Duwamish river"

Harborview Medical Center

(Washington state) House of Representatives

Internet

Judge Jones

K.C.C. 20.04.010

K.C.C. chapter 20.04

K.C.C. Title 20

King Conservation District

King County

King County Code [usually written "K.C.C."]

King County council

King County Courthouse (but "courthouse" when "courthouse " is on its own)

King County International Airport

Lake Washington

(Washington state) Legislature

line 4

Maury Island

metropolitan King County council

Names of businesses: "Cascade Chocolate Company"

Names of colleges and universities: "the University of Washington"

Names of county boards, bureaus, departments or officers:

"department of licensing," "director of the department of

licensing"

Names of county funds: "the jail renovation and construction fund"

Names of nations, states, cities, towns and counties: "city of

Bellevue, "Washington state"

Names of outside agencies: "Sound Transit"; "(Washington state) Department of Licensing"; "Federal Aviation Administration" (if "Federal" is part of its proper name); "United States Department of Agriculture"

Names of people: "Judy A. Jones"

Pacific Northwest

page 5

Pine Lake park

Pierce County

Port of Seattle

public health - Seattle & King County

Puget Sound

Puget Sound Emergency Radio Network

Regional Justice Center

Revised Code of Washington (typically written as "RCW")

(Bellevue) school district No. 405

section

section 2 of this ordinance

Ordinance 14000, Section 2, as amended,

(Washington state) Senate

Snohomish County

State Environmental Policy Act

state of Washington

Street names: "Southeast 43rd Avenue" or "SE 43rd Ave"

superior court

Ryerson transit base

United States Congress

United States House of Representatives

United States Senate

Northshore Sewer District

United States Supreme Court

Northshore Utility District

Urban Growth Area

Washington state

Washington state Department of Ecology

Washington State Register

Washington State Patrol

(Washington state) Supreme Court

(Washington state) Treasurer

Northshore Water District

X ray [noun]

X-ray [adjective]

Do not capitalize county titles such as division names, department names, "clerk of the council," "manager" or names or titles of legislation, except in some boilerplate language of ordinances or motions.

Capitalize the first letters of each word in the titles of most local, state and federal agencies and statutes and noncounty entities such as businesses or governmental bodies.

Capitalize the first word after a colon only if the word is a proper noun or the start of a complete sentence.

If the King County Code is incorrect in its capitalization, correct the code in any ordinance being written.

If using the scientific name of a plant or animal, capitalize the first word in the genus name but no other scientific names. See the discussion about scientific names under E. **Italics** in this **STYLE GUIDE** in this drafting guide.

##### Spelling

A. Write:

a.m. fulfill

attorneys' fees kidnapped

attorneys general (plural) kidnapping

benefited master's degree

benefiting moneys (not "monies"

canceled p.m.

cancellation rescission

capital (meaning city or money) totaling

capitol (meaning buildings) therefor (for)

commitment therefore (only if meaning consequently)

department of community and human traveling

services's (possessive for a single Veterans Affairs

department with a plural last word voters' pamphlet

in its name) willful

B. The following are written as one word:

aircraft, air…

antifreeze

biweekly

bylaw

cleanup (noun)

cochair (most words with the prefix "co")

coextensive

collocate (place in proximity, especially referring to words; seldom appropriate in

legislation)

colocate (share common facilities)

councilmember

counterclaim

countywide

coursework

courthouse

crosswalk

cutoff (noun or adjective

database

dropout (noun or adjective)

email

handbill

inpatient

insofar

landowner

layoff (noun)

letterhead

livability

marketplace

motorboat

nighttime

nonjudicial (most words with the prefix "non")

nonprofit (most words with the prefix "non")

ongoing

pari-mutuel

payoff (noun)

percent

policyholder

policymaker

posttrial (most words with the prefix "post")

preeminent (most words with the prefix "pre")

punchcard

quitclaim

ratepayer

rearview

recordkeeping

reestablish (most words with the prefix "re")

runoff

safekeeping

secondhand

semiannual (most words with the prefix "semi")

setoff (noun)

shorelands

statewide

stormwater

streetcar

subcommittee

supersede

textbook

tidelands

timberland

timeline

trademark

wastewater

watercourse

watercraft

waterworks

workforce

workload

workplace

worksite

worldwide

Note: In general, words created by using prefixes such as "non," "pre," "re," "semi" and "sub" or suffixes such as "wide" should not be hyphenated ("nonprofit," "reestablish," "nonrevenue"; other typical examples are found in the table). All "multi" words, except those with root words beginning with an "i," are written as one word. Examples: "multifamily"; "multi-industrial." Hyphenation should also be used for clarity. For instance, "re-sign" has a different meaning than "resign." However, those hyphenated terms are extremely rare. Finally, hyphenate if the prefix is before a proper noun, as in "trans-Auburn" or "non-Issaquah."

C. The following are written as two words:

air space

at large

cut off (verb)

day care

decision making (noun)

drop out (verb)

ex officio

part time (noun)

fire fighter

first aid

first class

food fish

full time (adverb)

horse racing

park owner

part time

pay off (verb)

per annum (but per year is

preferred)

per capita

post office

pro rata (but "prorated")

punch board

ride sharing (noun, verb)

rule making (noun, verb)

task force

time frame

to wit

traffic control

X ray (noun)

Note: Some of these two-word phrases should be hyphenated if used as compound adjectives. For examples, see subsection E. of this **STYLE GUIDE** under **Spelling** in this drafting guide (it is just a little bit after this).

D. The following are written as three words:

attorney at law

attorney in fact

miles per hour (except mph if in a table)

reduction in force

right of way (when used as a noun)

E. The following are written as hyphenated words:

before-and-after-school one-half

by-product on-site

clean-up (adjective) out-of-state

court-martial part-time (adjective)

cross-examined pull-tabs

cross-pollination quasi-judicial

cross-reference quasi-municipal

decision-making (adjective) ride-sharing (adjective)

even-numbered right-of-way (adjective)

fact-finder rule-making (adjective)

fact-finding second-hand (adjective)

full-time (adjective) self-esteem

fund-raiser self-incrimination

fund-raising so-called

in-service trade-off

in-state up-to-date

limited-access (highway) vice-chair

long-range vice-presidency

non-Indian vice-president

odd-numbered (do not use well-being

"oddly numbered) X-ray (adjective)

Adjectives composed of two or more words, which are known as compound modifiers, are usually hyphenated when they precede a noun, even though the phrase would not be hyphenated if standing alone, such as "low income," "one year," "full time" and "part time." Example:

A low-income person may serve a three-year term.

This is necessary to avoid ambiguity. Compare the following sentences:

A person may purchase two dollar tickets.

A person may purchase two-dollar tickets.

The ill educated person sold a little used car.

The ill-educated person sold a little-used car.

I came across a person eating tiger.

I came across a person-eating tiger.

Do not hyphenate between an adverb ending in "ly" and the adjective it modifies. For example, "substantially new construction" does not need a hyphen.

##### 

##### Numbering and Citations

A. Subsections and subparagraphs in ordinances' sections are enumerated as follows:

A.

B.

1.

2.

a.

b.

(1)

(2)

(a)

(b)

For motions, the first-level subdivisions, as in A., B., and C, after the "NOW, THEREFORE, …" clause are referred to as "sections" and the subsections and subparagraphs under that first level are the subsections and subparagraphs. The numbering and spacing follows the same pattern as for ordinances.

B. Internal references to the subdivisions in may be made as follows:

section 29.A.1.a. of this ordinance

subsection A. of this section

subsection B.1.a. of this section

subsections A. and B. of this section

subsection A. or B. of this section

subsection A.1. and 2. of this section

subsection A.1. or 2. of this section

this subsection A.1.

this subsection A.2.c.

Internal references may also be made using the entire code citation. For instance, a reference such as "K.C.C. 1.23.040.B.2.a." could be made in K.C.C. 1.23.040A.

Citations to subdivisions in motions follow a similar pattern.

C. Citations.

1. Citation to the King County Code.

The code should be cited as "K.C.C." A code title should be cited as "K.C.C. Title 22." A code chapter should be cited as "K.C.C. chapter 22.04." A code section should be cited as "K.C.C. 22.04.010." Through references should be cited as "K.C.C. 22.04.010 through 22.04.050." A series of sections should be cited as "K.C.C. 22.04.010, 22.04.020 and 22.040.030." Subsections should be cited as "K.C.C. 22.04.070.B" or "K.C.C. 22.04.070B.1.c.(2)." If an ordinance has been codified, a citation in subsequent legislation should be to the code section rather than the ordinance.

2. Citation to the King County Charter.

The charter should be cited as "the King County Charter." An article should be cited as "Article 2 of the King County Charter." A section of the charter should be cited as "Section 220 of the King County Charter." A series of sections should be cited as "King County Charter Sections 220, 230 and 240 of the King County Charter." Through references should be cited as "Sections 220 through 240 of the King County Charter." A subsection should be cited as "Section 220.10 of the King County Charter."

3. Citation within an ordinance.

Use "this ordinance," "section 5 of this ordinance," "section 4B.1 of this ordinance" or similar phrases. Be sure to consider the effect of codification. For example, if a reference is intended to be to the chapter or title of the King County Code into which the section is to be codified, use "this chapter" or "this title." Be careful if using a phrase such as "this ordinance" to be certain that "this ordinance’ is what is intended and not something like "this title" or "this chapter."

4. If an ordinance is being cited as being amended in either the title or text, the citation is done in the following order: Ordinance \_\_\_\_\_, Section \_\_\_, K.C.C. \_\_\_\_\_\_\_. If the section has been amended since its original adoption, add ", as amended," after "Section \_\_\_."

5. Do not use "No." after "Ordinance," "Motion" or "CIP" when citing in either the title or text of an ordinance or motion.

6. Do not divide code numbers. Write each number completely on one line.

7. Citation to the Revised Code of Washington and Washington Administrative Code.

The Revised Code of Washington should be cited as "RCW." An RCW title should be cited as "Title 7 RCW." An RCW chapter should be cited as "chapter 7.24 RCW." An RCW section should be cited as "RCW 7.24.010." A series of sections should be cited as "RCW 7.24.010, 7.24.020 and 7.24.030." Through references should be cited as "RCW 7.24.010 through 7.24.100." Citations to the Washington Administrative Code are done in a similar fashion, as in "WAC 1-06-020." Note that the WAC uses hyphens rather than decimals.

8. Citation to Washington Laws.

Section \_\_\_, Chapter \_\_\_, Laws of Washington 20\_\_.

If the bill has passed but has not yet received a chapter number additional information is helpful:

Section \_\_\_, Chapter \_\_\_, Laws of Washington 20\_\_ (Engrossed Second Substitute House Bill \_\_\_),

Note that citation to a state bill that has not become law should be avoided. Also, do not use abbreviations, such as "ESSHB," but spell the citation out (for example, "Engrossed Second Substitute House Bill").

9. For other citations, use the "Blue Book" (A Uniform System of Citation published by The Harvard Law Review Association) and the State of Washington Bill Drafting Guide.

formatting GUIDE

This formatting guide is intended to assist people drafting legislation intended for future entry into the county’s legislative information system. A drafting template that addresses many of these guidelines is available to council staff. The page should be set up with 1" margins on the top and bottom and 1.25" margins on the left and right, with no gutter. The required indentations are indicated in the samples. The appendixes at the end of this drafting guide also have formatting information.

**Sample Ordinance**

..Title

AN ORDINANCE . . . (Title goes here. Indents 1 inch from both left and right margins).

..Body

PREAMBLE: (if there is one)

Indents for preambles are set 1/2 inch from both margins.

Paragraphs in a preamble are not numbered.

\*\*\*\*or\*\*\*\*

STATEMENT OF FACTS: (if there is one)

1. Set indents for statement of facts are set 1/2 inch from both margins.

2. Number paragraphs beginning with "1." The numbers are flush with the remainder of the paragraph. Be sure that AutoFormat numbering is not on.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

(The ordaining clause is indented 1/2 inch from the left margin.)

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.04 a new section to read as follows:

The introductory material for a section is indented on the first line 1/2 inch from the margin. Also, indent the first line of every paragraph. Use two spaces after "NEW SECTION." (if used) and after the section number ("SECTION 1."). Spacing otherwise follows spacing shown in this drafting guide.

Attachments: A. The name of the electronic file of a substantive attachment MUST be exactly the same as the title on the attachment itself and as listed here. If using the council’s drafting macros, note the names of the attachments in the table at the top of the document (see **APPENDIX Form of Amendment to Existing Ordinance or Code**). B. Any other substantive attachments are listed consecutively. C. The drafting templates for council and executive staff have places in the heading information for listing attachments.

**Sample Motion**

..Title

A MOTION…(Title goes here. Indents 1 inch from both left and right margins).

..Body

WHEREAS, the "whereas" clauses go first, and

WHEREAS, the first lines of each "whereas" clause are indented 1/2 inch from the left margin, as is the "NOW, THEREFORE,…" line and subsequent paragraphs in the body of the motion, and

WHEREAS, if there paragraphs are to be enumerated within a "whereas" clause, it begins with "1.," and

WHEREAS, each "whereas" clause ends with ", and" except for the last "whereas" clause, and

WHEREAS, the last "whereas" clause ends with a semicolon and no "and";

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The rest of the motion goes here. If paragraphs are to be enumerated, begin with "A." Those paragraphs are referred to as "sections" in the motion. Format the lines and note substantive attachments in a similar manner to the body of an ordinance.

**Formatting Guide Notes**

**Paper:** All proposed ordinances and motions should be prepared on 8 1/2-by-11-inch paper.

**Font:** Times New Roman, 12-point. Bold, underline, strikethrough and italic may be used, in compliance with this drafting guide.

**Spacing:** Double space everything.

**AutoFormat paragraph numbering:** Must be turned off everywhere in the draft.

**Tabs:** Tabs are set at 1/2 inch from the margin (a clear ruler, with no tab stops, also accomplishes this). Some special types of legislation, such as budgets, include different tab stops, which are discussed in this drafting guide.

**Line and page numbering:** Not necessary in draft ordinance or motion, but might be helpful while working on drafts (there is line and page numbering in the templates that are generally used). If used, use continuous line numbering to avoid possible confusion caused by page-by-page line numbering.

**Word wrap:** Use unless starting a new paragraph. Do not use a hard return in the middle of a sentence or at the end of a line of a title.

**Blank lines:** Do not have anywhere, even at the beginning or the end of the document or between paragraphs or sections. Blank lines, when later numbered in the Legislative Information System, add confusion because the final result appears like there might be missing text.

**Document identification:** Place information that is helpful to identify the document, such as typist initials and the person requesting the legislation, at the top of the document. The drafting templates for council staff has space for that information.

**Substitutes – later versions of ordinances.** Legislation that is changed after introduction is a substitute. Changes in either text or an attachment require a substitute. Corrections made before introduction do not create a substitute ordinance.

Substitutes are indicated by the different version numbers. The original ordinance is Version 1, with subsequent versions indicating changes adopted by committees or the council. The version number is indicated at the top of the Signature Report, after the proposed ordinance number, as a number following the decimal point. For example, "2020-0024.2" indicates Proposed Ordinance 2020-0024, Version 2. If the second or higher version is created by a committee, that version also may be referred to as Proposed Substitute Ordinance 2020-0024.

**Sponsors:** The name of the councilmember or councilmembers introducing the legislation are found on the Signature Report in the upper right-hand corner after "**Sponsors.**"

**Tables:** Tables are sometimes used to display material, but they should be avoided if possible because they create formatting problems and tables to not support line numbering, which is useful for citation in various contexts, such as amendments of proposed legislation.

"**..Title" and "..Body":** All material following a part identifier (such as "..Title" or "..Body") is included in that part until another part identifier or the end of the document is reached.

**Nonprinting character view:** It is helpful when using this formatting guide to make the nonprinting characters visible on the computer (go to Tools/Options/View/Nonprinting characters for that feature in Word). The margins and tabbing are displayed in the correct form in this document.

**Subsection numbering and spacing:** Number and space subsections as follows. Indents for all are set at both margins. Set tabs at 1/2 inch. Include two spaces after the number and its punctuation:

A. Use 1 tab. The first word is capitalized;

1. Use 1 tab plus 2 spaces. The first word is capitalized;

a. Use 1 tab plus 4 spaces. The first word is not capitalized unless it begins a complete sentence;

(1) use 1 tab plus 6 spaces. The first word is not capitalized unless it begins a complete sentence; and

(a) use 1 tab plus 8 spaces. The first word is not capitalized.

**Formatting for Special Ordinances**

**APPROPRIATIONS**

**(See also APPENDIX Appropriations)**

SECTION 1. There are hereby approved and adopted an appropriation of $365,990 to the department of adult detention from special programs – executive contingency.

SECTION 2. Ordinance 13678, Section 27, as amended, is hereby amended as follows:

FACILITIES MANAGEMENT – CX – From the current expense fund there is hereby appropriated to:

Facilities management $47,915

The maximum number of additional FTEs for facilities management shall be: 1.00

P1 PROVIDED THAT:

This is where any provisos are added or amended. Show any additions with underlining like this and any deletions with strikethrough and double parentheses ((~~like this~~)). Include all provisos (P1, P2 etc.) and expenditure restrictions (ER1, ER2 etc.). Use the latest version of the provisos and expenditure restrictions, including any amendments made subsequent to the budget ordinance. If there are no changes to the appropriation and FTEs, but there are changes to the provisos or expenditure restrictions, include $0 for the amount in the appropriation line, though this might also require both a disappropriation and an appropriation to encumber the moneys; check with legal counsel if that might be the case.\*\*\*\*

(Note: Set a left tab at 1/2 inch and a right tab at the right margin, which is usually at around 6 inches, for the lines showing the appropriation amount and the FTE amount. Often, there is not an FTE change and that line is omitted.)

**VACATIONS OF PROPERTY**

..Title

AN ORDINANCE authorizing the vacation of a portion of Jones Road, File V-5555; Petitioners: Jane and John Doe.

**(NOTE: Do not have a hard return after the file number and before "Petitioners.")**

..Body

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of that portion of Jones Road hereinafter described.

2. The department of transportation has notified . . . .

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on \_\_\_\_\_\_\_\_\_\_. (Note that the margins of this portion of the statement of facts have the same indentation as the rest of the statement of facts, which is 1/2 inch from each margin.)

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, hereby vacates and abandons that portion of Jones Road . . . described as follows:

The legal description of the property has indents set 1/2 inch from each margin. The first line is not indented further.

**APPENDIX Appropriations**

**An ordinance that appropriates moneys. The numbers are for illustrative purposes only – this is not actually amending Ordinance 18835 or the sections in it. Also, the table at the beginning of this example is not required but can be helpful.**

|  |  |
| --- | --- |
| Date Created: |  |
| Drafted by: |  |
| Sponsors: |  |
| Attachments: |  |

..Title

AN ORDINANCE appropriating $365,990 to the department of adult detention and $47,915 to the facilities management division, and disappropriating ($413,0905) from special programs - executive contingency; and amending the 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Sections 26, 36 and 42, as amended. [do not use "to provide the appropriate level of appropriation authority" or similar language in the title]

..Body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

***[Variations of section 1 are seldom used at this time, and used only when advised by legal counsel, when more than one section of the ordinance affects either the general fund or various other funds. See the language for the types of situations addressed]***

SECTION 1. From the general fund there is hereby appropriated a net total of $xx,xxx to various general fund agencies.

From non-general funds there are hereby disappropriated a net total of $yy,yyy from various non-general fund agencies.

There is hereby appropriated a net total of $zz,zzz,zzz to various capital fund budgets.

SECTION 2. Ordinance 9720, Section 26, as amended, is hereby amended as follows:

FACILITIES MANAGEMENT - From the current expense fund there is hereby appropriated to:

Facilities management $47,915

The maximum number of additional FTEs for facility management shall be: 1.00

SECTION 3. Ordinance 18835, Section 36, as amended, is hereby amended by as follows:

SPECIAL PROGRAMS - EXECUTIVE CONTINGENCY - From the current expense fund there is hereby disappropriated from:

Special programs - executive contingency ($413,905)

SECTION 4. Ordinance 18835, Section 42, as amended, is hereby amended as follows:

ADULT DETENTION - From the current expense fund there is hereby appropriated to:

Adult detention $365,590

The maximum number of additional FTEs for adult detention shall be: 2.00

P1 PROVIDED THAT:

Of this appropriation, $365,590 shall only be expended on [give restriction].

[If there are reports to be filed:] The report required to be submitted by this proviso shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee, or its successor [or whatever distribution scheme is necessary].

**Notes:**

**A. Disappropriations should be mentioned in the title and first section, if there is one. However, moneys coming directly from one fund to another may also be indicated.**

**B. Disappropriations of FTEs should be indicated by placing the number of additional FTEs in parentheses in the same manner as disappropriations of moneys (see section 3 of the example). The same wording is used ("The maximum number of additional FTEs for adult detention shall be: (2.00)")**

**APPENDIX Effective, Contingent Effective, Expiration, and Contingent Expiration Dates**

**To establish an effective date other than ten days after the executive has signed the ordinance, add a section in the following format:**

SECTION 4. This ordinance takes effect June 1, 2020.

**Note: remember to reference the establishment of an effective date in the title. See previous discussion under the Ordinance Titles section of this guide.**

**To establish a contingent effective date, which depends on a separate action to occur that is other than ten days after the executive has signed the ordinance, add a section in the following format (note that the through reference in the first line of the section does not include the contingent effective date section itself:**

SECTION x. **Contingent effective date.** Sections 1 through X of this ordinance take effect only upon submission by the executive to the clerk of the council by June 30, 2020, of a certification in writing that a fully executed purchase and sale agreement has been entered into for the acquisition by King County of development rights and a conservation easement for the Raging river headwaters project. The clerk shall notify all councilmembers when the certification has been filed.

**Note: remember to reference the establishment of a contingent effective date in the title. Expiration and contingent expiration dates are treated similarly. See previous discussion under the Ordinance Titles section of this guide**

**APPENDIX Emergency**

**A. Title for an ordinance title declaring an emergency; a findings section is also typically required, stating the findings upon which the declaration of emergency is based (this also includes the typical table for the text of a proposed ordinance):**

AN ORDINANCE permitting King County to enter into a six-year lease agreement for the department of public works for office space in the 400 Yesler Building and to allow King County to secure an option to purchase the building; and declaring an emergency.

**B. Emergency ordinances must have in the ordinance (almost always the last section of the ordinance) one of the following:**

**For most emergency ordinances:**

SECTION x. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

**For emergency ordinances including changes to land-use provisions and requiring waiver of procedural requirements, though legal counsel should be consulted before using the language; other language might be appropriate (see, for example, Ordinance 19309, Sections 5 and 6):**

SECTION x. A. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

B. Enactment of this temporary moratorium as an emergency under Section 230.30 of the King County Charter waives certain procedural requirements, including State Environmental Policy Act review under chapter 43.21C RCW and K.C.C. chapter 20.44, notice to the state under RCW 36.70A.106 and published notice under K.C.C. 20.18.110.

**APPENDIX Form of Amendment to Existing Ordinance or Code**

**An ordinance showing amendments to the code.**

|  |  |
| --- | --- |
| Date Created: |  |
| Drafted by: |  |
| Sponsors: |  |
| Attachments: |  |

..Title

AN ORDINANCE establishing definitions for solid waste division of the department of public works; and amending Ordinance 800, Section 1, as amended, and K.C.C. 10.12.010.

..Body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 800, Section 1, as amended, and K.C.C. 10.12.010 are hereby amended to read as follows:

((~~For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. ((~~"Commercial user"~~)) "Certified hauler" means a((~~ny~~)) person engaged in the business of solid waste handling who has a certificate granted by the Washington Utilities and Transportation Commission for that purpose.

B. "Compacted waste" means a((~~ny~~)) solid waste whose volume is less than in the loose condition as a result of containment in a closed volume under pressure.

C. "Disposal site" means a land site where or facility at which permanently discarded solid waste is handled, including, but not limited to, landfills, incinerators((~~,~~)) and transfer stations.

D. "Manager" means the manager of solid waste division or designee.

E. Noncommercial user" means a((~~ny~~)) person not engaged in the business of solid waste handling.

((~~E.~~)) F. "Persons" means an individual, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation((~~,~~)) or any other entity whatsoever.

((~~F.~~)) G. "Regional direct" means solid waste transported to the Cedar Hills disposal site by conventional long haul transfer vehicle transporting solid waste generated and collected in King County from solid waste transfer stations

H. "Solid waste" means ((~~all~~)) putrescible and nonputrescible solid and semisolid materials discarded as a result of ((~~any~~)) industrial, commercial or agricultural operations and from community ((~~or~~)) and residential activities. ((~~It~~)) "Solid waste" does not include solids ((~~n~~))or dissolved material in domestic sewage ((~~n~~))or other pollutants in water resources.

((~~G. "Manager" means the manager of solid waste division, King County department of public works, or his designated representative.~~

~~H.~~)) I. "Uncompacted waste" means ((~~any~~)) solid waste in a loose condition.

Notes: If amending a definitions section such as this, alphabetizing the definitions should be done because it greatly helps the reader. Also, K.C.C. 10.12.010 no longer exists in the King County Code, and is used here merely as an example of formatting.

**APPENDIX Line Amendment to Proposed Legislation**

**A committee or council amendment:**

|  |  |  |  |
| --- | --- | --- | --- |
| [Enter Date] |  |  |  |
| DRAFT ID |  |  |  |
|  |  |  |
|  | Sponsor: | XXXXXXXX | |
| [Drafter's Initials] |  |  |  |
|  | Proposed No.: | 2020-XXXX | |
|  |  |  |  |

**AMENDMENT TO PROPOSED ORDINANCE 2020-XXXX, VERSION 2:**

On page Y, line Z, after "\_\_\_\_\_\_\_\_\_\_" strike "\_\_\_\_\_\_\_\_\_\_"and insert "\_\_\_\_\_\_\_\_\_\_"

**EFFECT prepared by** XXXXXXXX**:** A statement describing the effect of the amendment may be placed here.

**Notes:**

**A. If inserting sections into the proposed ordinance, use a directive to indicate any other changes that might be necessary because of the amendment. This is the typical directive used:**

Renumber the remaining sections consecutively and correct any internal references accordingly.

**B. Place all material quoted in quotation marks ("xx").**

**C. Be cautious using punctuation. Material in quotation marks should reflect the exact language being quoted, including punctuation.**

**D. See APPENDIX Striking Amendment for striking amendments.**

APPENDIX Motion

|  |  |
| --- | --- |
| Date Created: |  |
| Drafted by: |  |
| Sponsors: |  |
| Attachments: |  |

..Title

A MOTION honoring Rosa Parks and dedicating the front seat of bus operations divisions buses to the memory of Ms. Parks and her courageous actions that sparked a defining struggle in the civil rights movement in the United States of America.

..Body

WHEREAS, on December 1, 1955, Rosa Parks, an African-American seamstress in Montgomery, Alabama, refused to give up her bus seat for a white man and was subsequently arrested and fined, and

WHEREAS, in 1986, the metropolitan King County council voted to rename the county in honor of civil rights leader and Nobel Peace Prize winner Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

That the King County executive is requested to dedicate during the month of November 2005 the front seat of bus operations division buses to the memory of Ms. Parks and her courageous actions and to place a notice on each bus.

APPENDIX New Section

An ordinance that adds new sections:

|  |  |
| --- | --- |
| Date Created: |  |
| Drafted by: |  |
| Sponsors: |  |
| Attachments: |  |

..Title

AN ORDINANCE relating to the department of rehabilitative services; and adding new sections to K.C.C. chapter 2.16.

..Body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

The department of rehabilitative services shall administer the following divisions:

\*\*\*

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

***(etc.)***

**APPENDIX Penalties**

**An ordinance title for an ordinance prescribing penalties:**

..Title

AN ORDINANCE related to negligent operation of a watercraft; amending Resolution 28232, Section 4, as amended, and K.C.C. 12.44.040 and prescribing penalties.

\*\*\*

**APPENDIX Preamble, Statement of Facts and Findings**

**A. A preamble is placed after the ordinance title and before the ordaining clause (**"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:"**). A preamble is indented 5 spaces from both the left and right margins. The paragraphs of a preamble should not be numbered.**

PREAMBLE:

In accordance with RCW 36.88.090 and Ordinance 2254, a hearing on the King County road improvement district No. 46 assessment roll was held on July 14, 1997. Testimony presented at the hearing indicates the proceedings have been conducted in conformance with applicable statutes and that the assessments are equitable as revised.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

\*\*\*

**B. A statement of facts is also placed before the ordaining clause and is also indented 5 spaces from the left and right margins. The paragraphs of a statement of facts should be numbered 1, 2 etc.**

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of that portion of Southwest 102nd Street described in this ordinance.

2. The department of public works, in a January 11, 1990, letter to the petitioner, recommended "denial" of the proposed vacation. The petitioner appealed the recommendation before the King County council transportation and public works committee on July 25, 1990. The committee directed council staff to prepare a motion granting the appeal. On August 27, 1990, the King County council passed Motion 8036, which overturned the previous denial and directed the executive to prepare an ordinance granting the requested vacation.

3. The department of public works has notified the various utilities serving the area and has been advised that easements have been granted to Seattle City Light, U.S. West Telephone Company and Southwest Suburban sewer district.

4. At the request of the department of public works, the owner of existing Tax Lot 012303-9387 has granted an easement for ingress and egress to existing Tax Lot 012303-9386 that is adjacent to the west . . ..

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

\*\*\*

**C. Findings are placed after the ordaining clause, usually as section 1. They are formatted in the same way as other section of an ordinance. Findings are usually not codified. The subsections of a findings section should be numbered A., B. etc.**

SECTION 1. **Findings:**

A. Teamsters Local 117 filed a lawsuit against King County on behalf of both Local 117's membership and all nonrepresented employees of King County, as King County superior court case number 97-2-07882-2 SEA, seeking redress of inequalities in pay between various employees based upon the provision or nonprovision of free bus passes.

B. The parties to this suit, King County as defendant and Local 117 as plaintiff in the action, have negotiated a proposed settlement agreement and addendum.

C. King County executive Ron Sims and Teamsters Union, Local 117, Secretary John A. Williams signed the negotiated settlement agreement on July 17, 1997, and the addendum to the settlement agreement on October 30, 1997.

**APPENDIX Provisos and Expenditure Restrictions**

**A sample proviso as used in the budget:**

P1 PROVIDED THAT:

Funds from the appropriation may not be expended or encumbered for the purchase of computer equipment until the council has approved by motion a master computer program plan for the department.

The executive should file the plan and motion required by this proviso by May 31, 2018, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the government accountability and oversight committee, or its successor.

**Subsequent provisos in the same section are prefaced with** "PROVIDED FURTHER THAT:" **and are numbered** "P2," "P3" **and so on, consecutively. Expenditure restrictions are treated the same way and are numbered** "E1," "E2" **and so on, though** "FURTHER" **language is not used in them. Expenditure restrictions come before provisos in sections in which there are both.**

**APPENDIX Repeals**

**An ordinance that repeals sections of the code:**

|  |  |
| --- | --- |
| Date Created: |  |
| Drafted by: |  |
| Sponsors: |  |
| Attachments: |  |

..Title

AN ORDINANCE relating to solid waste; and repealing Ordinance 9271, Section 14, and K.C.C. 10.12.022 and Ordinance 7012, Section 7, as amended, and K.C.C. 10.12.055.

..Body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The following are hereby repealed:

A. Ordinance 9171, Section 14, and K.C.C. 10.12.022; and

B. Ordinance 7012, Section 7, as amended, and K.C.C. 10.12.055.

[if there is only one section being repealed the wording would be:

SECTION 1. Ordinance 9171, Section 14, and K.C.C. 10.12.022 are hereby repealed.]

**APPENDIX Severability**

**A severability section, which is usually the last section unless there is a section declaring an emergency:**

SECTION XX. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**APPENDIX Striking Amendment**

**An amendment that strikes the text of an entire ordinance (see APPENDIX Line Amendment to Proposed Legislation for line amendments):**

|  |  |  |  |
| --- | --- | --- | --- |
| [Enter Date] |  |  |  |
| DRAFT ID |  |  |  |
|  |  |  |
|  | Sponsor: | XXXXXXXX | |
| [Drafter's Initial and Last Name] |  |  |  |
|  | Proposed No.: | 20XX-XXXX | |
|  |  |  |  |

**STRIKING AMENDMENT TO PROPOSED ORDINANCE (or MOTION) 20xx-xxxx, VERSION x**

On page x, beginning on line x, strike everything through page x, line x, and insert:

" "

**EFFECT prepared by** XXXXXXXX**:**

**Note that an accompanying title amendment and changes to the attachments might be necessary.**

**The box in the top right corner is for the amendment number. Consult with the staff clerking the meeting as to what that number should be.**

**If change to an attachment is necessary with a striking amendment, replace the entire attachment with a new version of the attachment and include the new version of the attachment with the amendment. Word the amendment in a manner like this example:**

Strike Attachment A, Interlocal Agreement between King County and Woodinville, dated April 1, 2020, and insert Attachment A, Interlocal Agreement Between King County and Woodinville, dated April 15, 2020.