

ORDINANCE 1005

CITY OF LACEY

AN ORDINANCE RELATING TO ENVIRONMENTAL PERFORMANCE STANDARDS AND THE RESPONSIBILITY FOR CONFORMANCE WITH SUCH STANDARDS AND AMENDING SECTIONS 16.57.020, 16.57.070 AND 16.57.080 OF THE LACEY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of the City of Lacey, Washington, as follows:

Section 1. Section 16.57.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.57.020 Environmental performance standards. It shall be the responsibility of the operator and/or the proprietor of any permitted use and the owner of the property upon which such use is to be developed or conducted to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity or the development of the property for such use or activity is or will be in compliance with the requirements and performance standards of this chapter code.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor or property owner from compliance with the requirements and environmental performance standards of this title code.

Section 2. Section 16.57.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.57.070 Compliance ~~to Chapters 14.26 and 14.32 with other requirements and standards.~~ In addition to the specific requirements set forth in this chapter, All uses in every zoning district and the development of land for the conduct of such uses shall be in compliance with Chapter 14.26 and Chapter 14.32 of the Lacey Municipal Code pertaining to the Shoreline Master Program and land clearing, respectively the requirements, including the performance standards, of titles 14, 15 and 16 of this code.

Section 3. Section 16.57.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.57.080 Enforcement.

- A. In the enforcement of the chapter, the enforcing officer may require the operator or owner of an existing or proposed activity or use or the owner of the property upon which such activity or use is to be developed or conducted to submit reasonable evidence and technical data to demonstrate that the use or activity is or will be in compliance with the ~~performance standards~~ requirements of this chapter. The developer, operator and property owner shall each be responsible to ensure that all such evidence and data is developed using accepted means and methods to attest to its accuracy.
- B. The enforcing officer may undertake independent studies and engage such technical assistance as may be needed for such studies or to evaluate data or information submitted by an applicant in connection with the performance standards of any activity.
- C. The developer, operator or ~~proprietor~~ property owner shall pay for or reimburse the city for the costs incurred in the conduct of such tests as the city may require and for costs incurred by the city to engage technical consultants for review and interpretation of data and findings submitted by or on behalf of the developer, operator or ~~proprietor~~ property owner.
- D. If significant environmental degradation occurs or, in the judgment of the enforcing officer is likely to occur in the development of the property for the permitted use, the enforcing officer shall require the developer or property owner or both such persons or firms to undertake such steps as are necessary to prevent, repair or mitigate such degradation. The developer and property owner shall be liable jointly and severally for all costs incurred in carrying out such required actions.

If significant environmental degradation occurs or, in the judgment of the enforcing officer is likely to occur in the conduct of the permitted use or in other operations on the property, the enforcing officer shall require the operator or property owner or both such persons or firms to undertake such steps as are necessary to prevent, repair or mitigate such degradation. The operator and property owner shall be liable jointly and severally for all costs incurred in carrying out such required actions.

The actions called for in this subsection D. may include emergency mitigation measures. Prior approval by the enforcing officer of means or methods of development or operation proposed by the developer, operator or property owner, shall not prevent the enforcing officer from requiring corrective action to prevent, repair or mitigate environmental degradation.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 28th day of November, 1994.

CITY COUNCIL

By Jan W. Helwson
Mayor

Attest:

Approved as to form:

Charlotte M. Taylor
City Clerk

[Signature]
City Attorney

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Wednesday