

ORDINANCE NO. 1197

CITY OF LACEY

AN ORDINANCE AMENDING SECTIONS 5.40.060, 5.42.060, 14.34.100, 16.68.025, 16.75.130, AND 16.75.180 SO THAT THEY ARE CONSISTENT WITH ORDINANCE 1192, WHICH WAS ENACTED BY THE LACEY CITY COUNCIL ON NOVEMBER 11, 2002, AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1: Section 5.40.060 of the Lacey Municipal Code is hereby amended to read as follows:

5.40.060 Revocation of license. The director of Finance shall revoke a license issued pursuant to this chapter if the Director finds any of the following conditions to exist:

- A. The licensee has made a false statement or given false information in connection with the application for the applicable license.
- B. The licensee has violated or permitted violation of any provisions of this chapter.
- C. The licensee has been convicted of or forfeited bail to any of the crimes which would have caused the director to refuse to issue the license upon the initial or renewal application.

Appeal from either the denial of a license or the revocation of a license shall be made to the Hearings Examiner in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards, provided for in Chapter 2.40 of this code.

Section 2: Section 5.42.060 of the Lacey Municipal Code is hereby amended to read as follows:

5.42.060 Revocation of licenses. The director of finance shall revoke an adult live entertainment center license or an entertainer's license issued pursuant to this chapter if the director finds any of the following conditions to exist:

- A. The licensee has made a false statement or given false information in connection with the application for the applicable license.
- B. The licensee has violated or permitted violation of any provisions of this chapter.
- C. The licensee has been convicted or forfeited bail to any of the crimes which would have caused the director to refuse to issue the license upon the initial or renewal application.

Appeal from either the denial of a license or the revocation of a license shall be made to the hearings examiner in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards, provided for in Chapter 2.40 of this code.

Section 3: Section 14.34.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.100 Duties and responsibilities of the building official. Duties of the building official shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 14.34.140(A) are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.34.030, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 14.34.130 and 14.34.140.

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required in Section 14.34.100(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 14.34.080(C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards, as provided in Chapter 2.40.

Section 4: Section 16.68.025 of the Lacey Municipal Code is hereby amended to read as follows:

16.68.025 Review process.

- A. ~~All requests to locate wireless communication facilities in Lacey shall receive site plan review approval be reviewed through either the site plan review process pursuant to Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards of Chapter 16.84 or the conditional use permit approval process pursuant to Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. of Chapter 16.87.~~
- B. Wireless communication facilities proposed for co-location or location on existing commercial buildings or public structures or public property shall require approval through the site plan review process of Chapter 16.84.
- C. Wireless communication facilities proposed as free-standing support structures shall require conditional use permit approval pursuant to Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. ~~approval through the conditional use permit process of Chapter 16.87.~~
- D. Third party review of submittal requirements. Because of the complexity of technical data and analysis required for adequate review of proposals, a third party may be contacted for review and analysis of such applications, particularly where disputes arise regarding the capability of meeting city goals, standards or policies in siting these facilities. The third party analysis will be at the discretion of the Community Development Director and will be at the expense of the applicant. The cost of such analysis will be agreed to and paid prior to processing or any action on the permit application.

Section 5: Section 16.75.130 of the Lacey Municipal Code is hereby amended to read as follows:

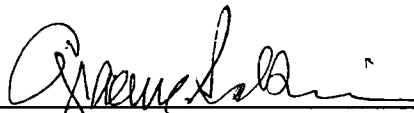
16.75.130 Variances. Variances from provisions of this chapter may be granted by the hearings examiner in accordance with Chapter 16.90 2.40 of the Lacey Municipal Code.

Section 6: Section 16.75.180 of the Lacey Municipal Code is hereby amended to read as follows:


16.75.180 Visual quality. The administrator is empowered to prepare graphic materials such as photographs and drawings of sign types and styles acceptable to the city, and to disallow proposed signs that do not comply with the general types and styles represented by these graphic materials. Appeals of such administrator decisions shall be to the land use hearing examiner in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. ~~as specified in Lacey Municipal Code Chapter 2.40.~~

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 19th day of DECEMBER, 2002.

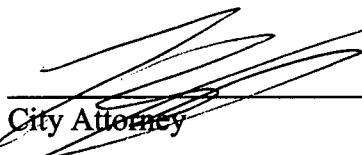
CITY COUNCIL

By 
Mayor

Attest:


Deputy City Clerk

Approved as to form:


City Attorney

Published: DECEMBER 23, 2002

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1197

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on DECEMBER 19, 2002, Ordinance No. 1197, entitled "AN ORDINANCE AMENDING SECTIONS 5.40.060, 5.42.060, 14.34.100, 16.68.025, 16.75.130, AND 16.75.180 SO THAT THEY ARE CONSISTENT WITH ORDINANCE 1192, WHICH WAS ENACTED BY THE LACEY CITY COUNCIL ON NOVEMBER 11, 2002, AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

Sections 5.40.060, 5.42.060, 14.34.100, 16.68.025, 16.75.130, AND 16.75.180 of the Lacey Municipal Code have been amended to correspond to the newly amended Chapter 1 of the City of Lacey's Development Guidelines and Public Works Standards, adopted by Ordinance 1192, which was enacted by the Lacey City Council on November 11, 2002.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: DECEMBER 23, 2002.