

ORDINANCE 545

CITY OF LACEY

AN ORDINANCE RELATING TO LAND CLEARING IN THE CITY OF LACEY, AMENDING SECTIONS 14.32.040 AND 14.32.090 AND ADDING A NEW SECTION, 14.32.045 TO THE LACEY MUNICIPAL CODE, AND DECLARING PENALTIES.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 14.32.040 of the Lacey Municipal Code is hereby amended to read as follows:

"No person, corporation, or other legal entity shall engage in timber harvesting or cause land clearing in the city without having ~~obtained a land clearing permit from the building official or having gone through the review process as outlined in Section 14.32.050, provided, however, that this chapter shall not apply to these activities from which municipal regulation is excluded by RCW 76.09.240~~ complied with one of the following:

"A. Received a land clearing permit from the building official;

"B. Having obtained approval of the proposed work under the processes described in Section 14.32.050-A;

"C. Having received a waiver by the building official under the provisions of Section 14.32.045."

Section 2. There is hereby added to the Lacey Municipal Code a new section, 14.32.045, to read as follows:

"Waiver. The building official shall have authority to issue a waiver of the land clearing permit provisions of this chapter for proposed work which consists of commercial timber harvesting or commercial Christmas tree harvesting to be done pursuant to a continuous harvesting and reforestation program on lands which are unplatted or, if platted, were platted prior to January 1, 1960. Said waiver shall only be issued after the receipt of a written statement by the applicant that the harvesting is being done pursuant to a continuous harvesting and reforestation program and that the land upon which the harvesting is to take place shall not be converted to a use other than commercial timber production or commercial Christmas tree production."

Section 3. Section 14.32.090 of the Lacey Municipal Code is hereby amended to read as follows:

~~"Injunctive-enforcement~~ Violations.

"A. Violation of the provisions of this chapter or failure to comply with any of the requirements shall constitute a gross misdemeanor and such violation shall be punished as provided by Title 9 of this code for the commission of a gross misdemeanor. Each day such violation continues shall be considered a separate, distinct offense.

"B. Any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties as set forth in subsection 'A' hereof.

"C. In addition to the penalties set forth in subsections 'A' and 'B' hereof, Any violation of the provisions of this chapter is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 11th day of October, 1979.

CITY COUNCIL

By Karen R. France
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to Form:

[Signature]
City Attorney

Passed: 10-11-79

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