

CITY OF LACEY

AN ORDINANCE RELATING TO APPEALS FROM RULINGS, INTERPRETATIONS OR ACTIONS OF CITY OFFICIALS CHARGED WITH ENFORCING UNIFORM CONSTRUCTION CODES OF THE CITY, PROVIDING FOR APPEAL TO THE CITY'S HEARINGS EXAMINER IN LIEU OF A BOARD OF APPEALS, REPEALING SECTION 14.18.030 AND ENACTING A NEW SECTION 14.18.030 IN LIEU THEREOF AND AMENDING SECTIONS 2.30.010 AND 2.30.090, ALL OF THE LACEY MUNICIPAL CODE.

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

Section 1. Section 14.18.030 of the Lacey Municipal Code is hereby repealed.

Section 2. There is hereby adopted a new section, 14.18.030 to read as follows:

All appeals authorized by those codes adopted by chapters of this title, preceding this chapter as to the suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing said codes shall be to the city's hearings examiner pursuant to the provisions of Chapter 2.30 of this code. The hearings examiner shall serve in lieu of all boards of appeals mentioned or described in the uniform codes adopted by this title and said codes are hereby amended to the extent necessary to provide for such substitution.

Section 3. Section 2.30.010 of the Lacey Municipal Code is hereby amended to read as follows:

Pursuant to RCW Chapter 35A.63, the office of land use hearing examiner, hereinafter referred to as "examiner," is created. The examiner shall interpret, review and implement land use regulations as provided in this chapter or by other ordinance. In addition, the examiner shall hear appeals relating to the city's uniform construction codes as described in Section 14.18.030 of this code. Unless the context requires otherwise, the term examiner, as used in this chapter, shall include deputy examiner and examiners pro tem.

Section 4. Section 2.30.090 of the Lacey Municipal Code is hereby amended to read as follows:

The examiner shall receive and examine all available information, conduct public hearings and prepare a record thereof and enter decisions as provided for herein:

A. The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the city council pursuant to Section 2.30.160:

1. Short plat modification or variance requests;
2. Short plat appeals;
3. Site plan review appeals;
4. Shoreline variance permit appeals;
5. Administrative zoning appeals;
6. Preliminary plat approval extension requests
7. Nonplatted street application appeals;
8. The variance requests from the terms of Title 16,

Zoning.

B. The decision of the hearing examiner on the following matters shall constitute a recommendation to the city council:

1. Rezone applications; provided, that rezone applications initiated by the city or county to implement a newly adopted or amended comprehensive plan shall be heard by the planning commission;
2. Preliminary plat applications;
3. Preliminary plat modification requests;
4. Shoreline substantial development and shoreline conditional use permits and permit rescissions;
5. Planned residential development applications;
6. Conditional use applications.

C. The decision of the hearing examiner on the following matters shall be final:

1. Appeals relating to the city's uniform construction codes as provided for in Section 14.18.030 of this code.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 26th day of July, 1990.

CITY COUNCIL

By Kay M. Boyd
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

SUMMARY FOR PUBLICATION
ORDINANCE 889

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on July 26, 1990, Ordinance No. 889 entitled "AN ORDINANCE RELATING TO APPEALS FROM RULINGS, INTERPRETATIONS OR ACTIONS OF CITY OFFICIALS CHARGED WITH ENFORCING UNIFORM CONSTRUCTION CODES OF THE CITY, PROVIDING FOR APPEAL TO THE CITY'S HEARINGS EXAMINER IN LIEU OF A BOARD OF APPEALS, REPEALING SECTION 14.18.030 AND ENACTING A NEW SECTION 14.18.030 IN LIEU THEREOF AND AMENDING SECTIONS 2.30.010 AND 2.30.090, ALL OF THE LACEY MUNICIPAL CODE."

A section by section summary of this ordinance is as follows:

Section 1 repeals Section 14.18.030 of the Lacey Municipal Code which section had established a multimember appeals board for appeals from the enforcement of the Uniform Construction Codes of the city.

Section 2 adopts a new section, 14.18.030 to the Lacey Municipal Code to specify that appeals authorized by the various Uniform Construction Codes of the city and adopted by Chapters 14.03 through 14.17 of the Lacey Municipal Code will be to the city's hearings examiner who shall serve in lieu of all boards of appeals which are mentioned in said codes.

Section 3 amends Section 2.30.010 of the Lacey Municipal Code detailing the duties of the hearings examiner to now include the hearing of appeals from the city's Uniform Construction Codes.

Section 4 amends Lacey Municipal Code Section 2.30.090 to provide that the decision of the hearings examiner on appeals from the city's Uniform Construction Codes will be final.

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: July 29, 1990.

Summary approved by motion of the City Council this 26th day of July, 1990.

Kay M. Boyd
Mayor

Published: July 29, 1990.