

ORDINANCE 968

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, MAKING CERTAIN HOUSEKEEPING AMENDMENTS TO THE LACEY MUNICIPAL CODE PRIOR TO ITS LOCAL CODIFICATION TO MODIFY GENDER REFERENCES, MAKE CLARIFICATIONS AND CORRECT NON-SUBSTANTIVE ERRORS AND SPECIFICALLY AMENDING SECTIONS 1.01.010(B), 1.08.030(A), 2.04.010, 2.10.010, 2.20.050, 2.20.060, 2.56.060, 2.56.120(A), 3.45.020(A), 5.12.015(D), 9.20.050(A), 9.52.020, 14.07.020, 14.28.510(C), 14.33.290 AND 15.16.150(A), REPEALING SECTION 14.07.030 ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY.

WHEREAS, the City has determined to publish its own Lacey Municipal Code and in the process of preparing for such publication, members of the City Staff have carefully reviewed the existing provisions of the Lacey Municipal Code and have determined that a number of non-substantive changes are necessary to said Code; and

WHEREAS, the necessary changes to the first titles of said Code have been presented to the City Council and the Council finds said changes to be in order and wishes, by passage of this Ordinance, to make said changes and corrections, now, therefore

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

Section 1. Section 1.01.010(B) of the Lacey Municipal Code is hereby amended to read as follows:

- B. "Council" means the city council of the city of Lacey, Washington. ~~"All its members" or "all councilmen" mean~~

~~the total number of councilmen provided by the general laws of the state of Washington;~~

Section 2. Section 1.08.030(A) of the Lacey Municipal Code is hereby amended to read as follows:

A. The three public places designated as the official posting places for city notices in the city are as follows:

1. Main entrance to Lacey City Hall located at 420 College St. S.E., Lacey, Washington;
2. The main customer service area of the Lacey Public Library located at ~~4516 Lacey Boulevard S.E.~~ 500 College St. S.E., Lacey, Washington;
3. The main entrance area of the Lacey Fire Station located at 5608 Pacific Avenue, S.E., Lacey, Washington.

Section 3. Section 2.04.010 of the Lacey Municipal Code is hereby amended to read as follows:

The city council shall hold its regular meetings on the second and fourth Thursdays of each calendar month with the exception of the months of November and December of each calendar year, during which months the regular meetings of the city council shall be held on the first and third Thursdays. All regular meetings of the city council shall commence at 7:30 p.m. on such days and shall be held at ~~the Lacey Community Center, located at 1147 Willow Street S.E., in Lacey, Washington until such time as a new Lacey city hall is completed at 420 College Street S.E., whereupon all the city council meetings shall be held in the city council chambers at such address, or at such~~

other place as may be determined by the city council in accordance with the requirements of the State Open Meetings Act.

Section 4. Section 2.10.010 of the Lacey Municipal Code is hereby amended to read as follows:

The compensation of each city council member shall be the sum of \$450.00 per calendar month, ~~payable on the least day of each calendar month.~~ Provided, however, the monthly compensation for each calendar year subsequent to 1985 shall be an amount which results from adding an amount equal to the percentage increase in the All Urban Consumer Price Index for the Seattle Region for the prior calendar year to the monthly salary applicable to the prior calendar year. Said compensation shall be so determined and paid by the city without further action by the city council.

Section 5. Section 2.20.050 of the Lacey Municipal Code is hereby amended to read as follows:

The director of public works shall be responsible for and in charge of the public works department of the city, which department shall include the water, streets, sewer and ~~building inspection departments~~ such other departments as are designated by the city manager.

Section 6. Section 2.20.060 of the Lacey Municipal Code is hereby amended to read as follows:

The director of public works shall be responsible for all planning, construction, maintenance and operation of the Lacey

public utilities and streets and ~~building inspection~~ for such other functions as shall be assigned by the city manager.

Section 7. Section 2.56.060 of the Lacey Municipal Code is hereby amended to read as follows:

The appointing authority may suspend an employee for cause without pay for a period not to exceed thirty days within any twelve-month period. Such action and the reasons therefor shall be reported in writing to the ~~administrative services director~~ city manager and the affected employee and made a part of the employee's personnel file. Any civil service employee shall be subject to the rules and privileges of the civil service rules of the city.

Section 8. Section 2.56.120(A) of the Lacey Municipal Code is hereby amended to read as follows:

- A. Leave without pay may be granted by the department head for a period of one to fifteen normal working days, and by the appointing authority for extended periods. In all such instances a written report shall be filed with the ~~administrative services director~~ city manager, and a copy placed in the employee's personnel record.

Section 9. Section 3.45.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

- A. All sewerage extension capacity charges levied pursuant to Section 13.16.027~~(B)(2)~~ and received by the city;

Section 10. Section 5.12.015(D) relating to temporary sales under a master certificate is hereby amended to read as follows:

D. The city shall have the authority to inspect the premises and the merchandise of each seller at any reasonable time to carry out the provisions of this chapter. If, upon the basis of the inspection, it is determined that there is a reasonable likelihood that stolen property is being sold or fraud upon the public is being perpetrated by an individual seller, the police chief or his designee may prohibit further sales by the seller; provided, however, that an individual seller shall have the right to appeal the prohibition to the director of ~~administrative services~~ finance within five days after the prohibition taking effect.

Section 11. Section 9.20.050(A) of the Lacey Municipal Code is hereby amended to read as follows:

A. No person or firm being the owner of or agent for or in possession and control of any property within the city limits which is located in zone districts ~~R-1, R-2, R-3, C-1, C-2, C-3~~ or P-R low density, moderate density, medium density and high density residential, central business, general commercial, highway commercial, office commercial, limited business, community commercial, neighborhood commercial and open space/institutional shall construct, maintain or allow to exist any barbed wire or electric fence except as herein provided.

Section 12. Section 9.52.020 of the Lacey Municipal Code is hereby amended to read as follows:

It is unlawful for any person to participate in, cause or

maintain, or allow to exist on property owned or occupied by said person, any of those conditions or activities listed in Section 9.52.010. A violation of this chapter as it relates to those activities set forth in 9.52.010(A) and ~~(F)~~(E) shall constitute a misdemeanor. Allowing those conditions described in 9.52.010(B), (C), (D), ~~(E)~~, and ~~(G)~~(F) to exist after the date set for correction by a city enforcement officer pursuant to Chapter 14.40 of this code shall likewise constitute a misdemeanor.

Section 13. Section 14.07.020 of the Lacey Municipal Code is hereby amended to read as follows:

There is added to Section ~~10.302~~ 10.505 of the Uniform Fire Code adopted by this chapter, Section ~~10.302(d)~~ 10.505(d) to read as follows:

in addition to the maintenance requirements of Section ~~10.302(a)~~ 10.505(a), all portable fire extinguishers shall be subject to internal maintenance at least annually and at such additional times as shall be indicated by an inspection. However, internal maintenance is not required on portable CO2 fire extinguishers provided that they are maintained per Uniform Fire Code Standard 10-1, as adopted by this code.

Section 14. Section 14.07.030 of the Lacey Municipal Code is hereby repealed.

Section 15. Section 14.28.510 (C) of the Lacey Municipal Code is hereby amended to read as follows:

C. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project have been met and for beginning determining whether additional remedial action or contingency measures must be undertaken. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and, diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

Section 16. Section 14.33.290 of the Lacey Municipal Code is hereby amended to read as follows:

These regulations and the city of Lacey zoning map may from time to time be amended in accordance with the procedures and requirements in the general statutes and as new information concerning priority habitats, species location, management techniques or wildlife become available.

Section 17. Section 15.16.150(A) of the Lacey Municipal Code is hereby amended to read as follows:

A. The completed plat must contain a dedication which shall read as follows; or as approved by the planner.

Know all ~~men~~persons by these presents that we, the undersigned, _____, owners in fee simple of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever, all streets, avenues, places and sewer easements or whatever public property there is shown

on plat and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, avenues, places, etc., shown thereon.

IN WITNESS WHEREOF we have set our hands and seals this 9th day of September, 1993.

Signed and sealed in the presence of

Section 18. The summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 9th day of September, 1993.

CITY COUNCIL

By Jon W. Halverson
Mayor

Attest:

Approved as to form:

Charlotte D. Taylor
City Clerk

[Signature]
City Attorney

Published: Monday, Sept. 13, 1993

SUMMARY FOR PUBLICATION

ORDINANCE 968

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on September 9, 1993, Ordinance No. 968 entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, MAKING CERTAIN HOUSEKEEPING AMENDMENTS TO THE LACEY MUNICIPAL CODE PRIOR TO ITS LOCAL CODIFICATION TO MODIFY GENDER REFERENCES, MAKE CLARIFICATIONS AND CORRECT NON-SUBSTANTIVE ERRORS AND SPECIFICALLY AMENDING SECTIONS 1.01.010(B), 1.08.030(A), 2.04.010, 2.10.010, 2.20.050, 2.20.060, 2.56.060, 2.56.120(A), 3.45.020(A), 5.12.015(D), 9.20.050(A), 9.52.020, 14.07.020, 14.28.510(C), 14.33.290 AND 15.16.150(A), REPEALING SECTION 14.07.030 ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY."

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

Section 1 amends Section 1.01.010(B) of the Lacey Municipal Code to eliminate definitional language which is confusing and not gender neutral.

Section 2 amends LMC 1.08.030(A) to reflect the correct address of the Lacey public library for posting notices.

Section 3 amends LMC 2.04.010 to reflect the correct location of Lacey Council meetings.

Section 4 amends LMC 2.10.010 to eliminate the day of payment of Council compensation which is contrary to current practice.

Sections 5 and 6 amend LMC 2.20.050 and 2.20.060 respectively to change language in conflict with current assigned duties of the Director of Public Works.

Sections 7 and 8 amend LMC 2.56.060 and 2.56.120(A) respectively to eliminate references to a Director position within the City which does not currently exist and substituting the City Manager for such reference.

Section 9 amends LMC 3.45.020(A) to modify an inconsistent section reference.

Section 10 amends LMC 5.12.015(D) to eliminate reference to a City position which does not currently exist and substitute for such reference the Director of Finance of the City.

Section 11 amends LMC 9.20.050(A) to accurately reflect the zones within the current City zoning codes in which barbwire and electric fences are prohibited.

Section 12 amends LMC 9.52.020 to modify incorrect Code Section references.

Section 13 amends LMC 14.07.020 to correct inaccurate references to portions of the Uniform Fire Code.

Section 14 repeals LMC 14.07.030 which Section was a modification of the Uniform Fire Code adoption and which modification is confusing and no longer needed.

Sections 15 and 16 amend LMC 14.28.510(C) and 14.33.290 respectively for the purpose of adding language to said Sections which was inadvertently left out upon adoption of said Sections.

Section 17 amends LMC 15.16.150(A) relating to the form of dedications required for plats to use gender neutral language.

Section 18 adopts this Summary for Publication.

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 Monday, Sept. 13, 1993.

Charlotta M. Taylor
City Clerk