

ORDINANCE NO. 1999

AN ORDINANCE AMENDING SECTION 6.75.090 AND SECTION 6.75.095 OF THE SELAH MUNICIPAL CODE CHAPTER 6.75 "CODE ENFORCEMENT" TO PROVIDE THAT APPEALS BE PROCESSED BEFORE THE CITY COUNCIL AND NOT A BOARD OF APPEALS; ESTABLISHING AN EFFECTIVE DATE; AND, PROVIDING FOR SEVERABILITY

WHEREAS, City staff wishes to utilize the Notice and Order procedure found in Chapter 6.75, Code Enforcement, to address specific code enforcement issues;

WHEREAS, one process under Chapter 6.75 provides that the Code Enforcement Officer may issue a Notice and Order to gain code compliance and that there is appeal available to persons receiving such a Notice and Order;

WHEREAS, the current appeal provisions, sections 6.75.090 and 6.75.095, provide that appeals will go before and be processed by a Board of Appeals;

WHEREAS, the City currently does not have a Board of Appeals and such a Board would be comprised of differing individuals depending upon the nature of the alleged code violation; for instance, a building code violation would be processed before a Board comprised of 5 persons, three of whom are professionals in the building industry, whereas a plumbing code violation would be processed before a Board of 5 persons, all of whom must have plumbing certifications or plumbing backgrounds;

WHEREAS, the City Council has the option of establishing each of the various Boards of Appeal, hearing the appeals themselves, action as an appellate body in a quasi-judicial process, or authorizing such appeals to be heard by the City's Hearing Examiner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. Section 6.75.090 and 6.75.095 relating to code enforcement appeals to a Board of Appeals are amended.

Section 6.75.090, Right of Appeal – Timeliness, amended as follows:

6.75.090 - Right of appeal—Timeliness.

(a) Any person aggrieved by the code enforcement officer's action (defined as an order, decision, ruling or interpretation by the code enforcement officer), may appeal the code enforcement officer's action by filing a written request for appeal with the code enforcement officer within ten calendar days after receiving or otherwise being served with notice of the code enforcement officer's action. When the last day of the period so computed is a Saturday, Sunday, or state

recognized holiday, the period shall run until four-thirty p.m. on the next business day. Failure to file a written request for appeal within time prescribed will result in the code enforcement officer's action becoming a final order and the appellant shall be bound thereby.

(b) A timely filed appeal will be heard by the ~~board of appeals~~ **City Council**. Any appeal of the code enforcement officer's action may be affirmed, reversed, or modified in the ~~board of appeals'~~ **City Council's** final order. The decision of the ~~board of appeals~~ **City Council** shall be a final order and the appellant and the code enforcement officer shall be bound thereby unless, within twenty-one days from the date of the issuance of the ~~board of appeals'~~ **City Council's** final order, a person with standing to appeal files a petition to the superior court. The cost for transcription of all records ordered certified by the superior court for such review shall be borne by the appellant.

Section 6.75.095, Appeal Procedure, amended as follows:

6.75.095 - Appeal procedure.

(a) An aggrieved person who desires to file an appeal of the code enforcement officer's action must do so pursuant to the provisions set forth in this section. **The appeal process set forth in this section replaces an appeal to the Board of Appeals provided for in each of the International Codes, which the City of Selah has adopted by reference under section 11.02.010 of the Selah Municipal Code.** The appellant shall file a written appeal to the code enforcement officer within the time period prescribed in Section 6.75.090(a) and shall pay a filing fee of fifty dollars. The written appeal shall contain the following information:

- (1) The names of all appellants participating in the appeal;
- (2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;
- (3) A brief statement of the relief sought, and the reason why it is claimed the protested code enforcement officer's action should be reversed, modified, or otherwise set aside;
- (4) The signatures of all parties named as appellants and their mailing addresses; and
- (5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(b) Upon the receipt of the appeal and the filing fee, the code enforcement officer shall schedule an appeal hearing before the ~~board of appeals~~ **City Council** and give due notice thereof to the appellants and general public.

(c) At or after the appeal hearing, the ~~board of appeals~~ City Council may affirm, reverse, or modify the code enforcement officer's action or continue the hearing to a date certain for receipt of additional information.

(d) The ~~board of appeals~~ City Council shall issue a written decision within thirty days after the hearing and shall cause copies thereof to be sent to the code enforcement officer and appellants.

(e) All written orders by the ~~board of appeals~~ City Council pursuant to this section and Section 6.75.090 shall include a report giving findings of fact, conclusions, and the ~~board of appeals'~~ City Council's decision.

(f) The written decision of the ~~board of appeals~~ City Council shall be a final order, and the appellant and the code enforcement officer shall be bound thereby unless the order is appealed to superior court within the time period prescribed in Section 6.75.090(b) by a person with standing to appeal.

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, clause or phrase of this Ordinance.

ORDAINED this 14th day of June, 2016.



Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:



Robert F. Noe, City Attorney

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