

ORDINANCE NO. 2012-916

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SUBSECTION 15.04.010(F) OF THE DEER PARK MUNICIPAL CODE, DESIGNATING THE CITY HEARING EXAMINER AS THE BOARD OF APPEALS FOR UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS MATTERS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, in 2010, the City established a Hearing Examiner system for purposes of hearing and making final decisions on quasi judicial matters previously decided by the City Council, City Board of Adjustment, or City Planning Commission; and

WHEREAS, the Hearing Examiner provisions applicable in the City as adopted by the aforementioned ordinance are set forth in Chapter 2.48 of the Deer Park Municipal Code and should be used for purposes of enforcement actions related to the Uniform Code for Abatement of Dangerous Buildings; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Subsection (F) of Section 15.04.010 of the Deer Park Municipal Code is hereby amended to read as follows:

CHAPTER 15.04 BUILDING CODES

...

15.04.010 Adopted by Reference.

The City of Deer Park hereby adopts the following codes by reference, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074, for the purpose of

establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

F. The 1997 Uniform Code for the Abatement of Dangerous Buildings. For purposes of Section 205 of Chapter 2, Enforcement, the Hearing Examiner for the City of Deer Park is designated as the Board of Appeals.

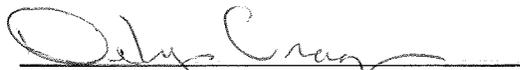
Section 2. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.



APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK
PASSED BY THE CITY COUNCIL
PUBLISHED
EFFECTIVE DATE
ORDINANCE NO. 2012-916

: 10/2/12
: 10/3/12
: 10/5/12
: 10/12/12
:

SUMMARY OF ORDINANCE NO. 2012-916

of the City of Deer Park, Washington

On the 3 day of October, 2012, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2012-916. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SUBSECTION 15.04.010(F) OF THE DEER PARK MUNICIPAL CODE, DESIGNATING THE CITY HEARING EXAMINER AS THE BOARD OF APPEALS FOR UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS MATTERS, AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4 day of October, 2012.

Deby Cragun
CITY CLERK, DEBY CRAGUN

Chapter 2.48 HEARING EXAMINER

Sections:

- 2.48.010 Hearing examiner appointment.
- 2.48.020 Hearing examiner pro tempore.
- 2.48.030 Powers and authority.
- 2.48.040 Jurisdiction.
- 2.48.050 Applications to the hearing examiner.
- 2.48.060 Notice of hearing – Effect of notice.
- 2.48.070 Hearings.
- 2.48.080 Presentation of evidence.
- 2.48.090 Site inspections.
- 2.48.100 Reopening or continuing hearings.
- 2.48.110 Dismissal of application.
- 2.48.120 Findings and decision.
- 2.48.130 Record of hearing.
- 2.48.140 Reconsideration – Grounds – Petition – Clerical errors.
- 2.48.150 Appeals.
- 2.48.160 Conflict.
- 2.48.170 Cross-references.

Prior legislation: Ord. 334.

2.48.010 Hearing examiner appointment.

The position of hearing examiner is hereby established. The mayor shall have the power to appoint an individual necessary to fulfill the function of hearing examiner for the city, subject to the prior confirmation of the appointee by the city council, subject further to the execution of an agreement between the city and the appointee providing for the terms of the appointment including compensation. The appointment of the hearing examiner by the mayor, as approved by the city council, shall be for the period of time set forth in the appointment. For purposes of this chapter, the appointed individual may be another government agency appointed through an interlocal agreement approved by the city council. (Ord. 891 § 1, 2010)

2.48.020 Hearing examiner pro tempore.

The mayor may appoint one or more hearing examiners pro tempore to serve in absence of the hearing examiner, if the absence is the result of the hearing examiner having a conflict of interest in any specific matter. Appointment of a hearing examiner pro tempore does not require prior city council confirmation. A hearing examiner pro tempore shall have all of the power and authority of the hearing examiner as set forth in this chapter and the Deer Park Municipal Code. Compensation for a hearing examiner pro tempore shall be established by the mayor consistent with the compensation of the hearing examiner. (Ord. 891 § 1, 2010)

2.48.030 Powers and authority.

The hearing examiner shall have the power and authority to hear and make final decisions on all matters coming before the hearing examiner and specifically shall hear and decide applications for the following:

- A. Conditional use permits;
- B. Variances;



C. Appeals of administrative decisions or determinations relating to city development regulations or zoning provisions; and

D. Such other matters assigned to be heard by the hearing examiner or board of adjustment by ordinances of the city or the Deer Park Municipal Code, as the same presently exist or as may hereafter be adopted or amended by the city. (Ord. 891 § 1, 2010)

2.48.040 Jurisdiction.

A. The powers and authority of the hearing examiner shall be subject to all applicable ordinances of the city and the Deer Park Municipal Code. All orders, recommendations, permits, decisions or determinations made by the hearing examiner shall be consistent with city ordinances and Deer Park Municipal Code provisions.

B. The hearing examiner shall not rehear any case on the same grounds within a period of one year following the date of the hearing examiner's final decision. (Ord. 891 § 1, 2010)

2.48.050 Applications to the hearing examiner.

Applicants to be heard by the hearing examiner shall make application on forms provided by the city community services director, or his or her designee, and shall supply such information as the hearing examiner may require. The application shall be accompanied by any applicable filing fees related to the process being pursued by the applicant. (Ord. 891 § 1, 2010)

2.48.060 Notice of hearing – Effect of notice.

A. Each public notice requirement for the hearing of an application before the hearing examiner shall conform to applicable statutory, ordinance, and Deer Park Municipal Code requirements.

B. Unless otherwise set forth in this chapter, the city community services director, or his or her designee, shall provide all notices required by state law, city ordinance, the Deer Park Municipal Code, and/or the hearing examiner for matters coming before the hearing examiner and comply with all applicable requirements for the posting of notices on any property involved in an application before the hearing examiner. The notice shall contain a statement that the hearing will be conducted in the manner set forth in this chapter.

C. Failure of a person entitled to receive notice to appear at the hearing does not affect the jurisdiction of the hearing examiner to hear the application when scheduled and render a decision, if the notice was properly published, mailed and posted.

D. A person is deemed to have received notice if the person appears at the hearing, or submits written comments on the merits of the application, and the person fails to object to the lack of notice promptly after the person obtains actual knowledge of the hearing date.

E. If required notice is not given and actual notice is not received, the hearing examiner may reschedule the hearing or keep the record open on the matter to receive additional evidence. (Ord. 891 § 1, 2010)

2.48.070 Hearings.

A. The hearing examiner shall hold hearings to consider matters at such times as are specially set by the hearing examiner.

B. All hearings before the hearing examiner shall be public, and conducted pursuant to the rules and procedures set forth in this chapter and/or established by the hearing examiner. Any interested person may appear and be heard subject to the rules and procedures adopted by the hearing examiner. Attendance at hearings by city officials may be compelled by the hearing examiner. The applicant, opponents, and proponents may submit written materials for consideration by the hearing examiner, provided the materials are submitted prior to the close