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ORDINANCE NO. 857

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 13.96 CMC PROHIBITIONS, PENALTIES AND ENFORCEMENT; CLARIFYING THE VENUE AND PROCEDURE FOR ADMINISTRATIVE APPEALS OF UTILITY CODE VIOLATIONS ARISING UNDER TITLE 13 CMC; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carnation operates a combined water-sewer utility and has codified regulations therefore at Title 13 CMC; and

WHEREAS, the procedures and standards for enforcing said regulations are set forth at Chapter 13.96 CMC; and

WHEREAS, the City Council desires to amend Chapter 13.96 CMC in order to clarify the City's Hearing Examiner as the exclusive venue for adjudicating administrative appeals from notices of violation issued thereunder; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 13.96 CMC. Chapter 13.96 CMC is hereby amended by the addition of a new Section 13.96.080 Appeals to provide in its entirety as follows:

13.96.080 - Appeals.

A. The recipient of a notice of violation issued pursuant to this chapter may appeal such notice to the hearing examiner. Any such appeal must:

1. Be in writing;

2. Be filed with city clerk's office within 14 days of the date of the challenged notice of violation;

3. Be accompanied by the applicable appeal fee, as established by ordinance or resolution of the city council;

4. Set forth the grounds for the appeal, including any alleged factual, legal or procedural errors contained in or otherwise directly related to the challenged notice of violation; and

5. Identify the specific relief requested.

B. Failure to satisfy the requirements of subsection (A) of this section shall conclusively waive the appeal.

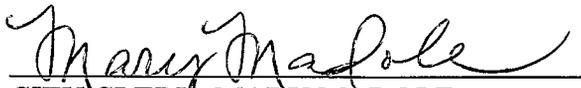
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 3rd day of February, 2015.


MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:


CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: 01/29/2015
PASSED BY THE CITY COUNCIL: 02/03/2015
PUBLISHED: 02/11/2015
EFFECTIVE DATE:..... 02/16/2015
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