

ORDINANCE NO. 156

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PROVIDING FOR AN ENFORCEMENT MECHANISM AND APPEALS PROCESS FOR THE UNIFORM BUILDING, MECHANICAL, PLUMBING, FIRE AND ABATEMENT OF DANGEROUS BUILDINGS CODES, AS ADOPTED BY THE CITY. AMENDING ORDINANCES NO. 37 AND 45 TO PROVIDE THAT THE CITY'S HEARING EXAMINER SHALL HEAR ALL APPEALS FROM ORDERS AND ADMINISTRATIVE DECISIONS PURSUANT TO THE UNIFORM CODES.

WHEREAS, the legislature of the State of Washington directs cities to enforce the State Building Code, in accordance with RCW 19.27 and RCW 70.92; and

WHEREAS, the City Council on July 24, 1995, passed Ordinance No. 37 adopting by reference sections of the State Building Code, the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code and the Uniform Fire Code Standards, the Uniform Plumbing Code and the Uniform Plumbing Code Standards, the Uniform Code for the Abatement of Dangerous Buildings, the National Electrical Code, and other codes relating to buildings and construction; and

WHEREAS, the City Council on August 14, 1995, passed Ordinance No. 45 amending certain sections of Ordinance No. 37.

WHEREAS, there is a need for an effective enforcement mechanism consistent with the City's civil violation procedure.

WHEREAS, the appeal process to the Uniform Codes needs to be consistent with the other appeal procedures of the City.

WHEREAS, the City Council finds it in the best interest of the public health, safety and welfare to establish comprehensive, uniform processes and procedures; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish an efficient system to enforce violations of the Uniform Codes, adopted and amended by ordinances No. 37 and No. 45, and to provide for a prompt hearings procedure to respond to appeals of orders and decisions made relative to these Uniform Codes.

Section 2. Violations and Penalties. Section 10 paragraphs A and B of Ordinance No. 37 and Section 2 paragraphs A and B of Ordinances No. 45 are amended as follows:

- A. Civil violation. Except as otherwise provided in this ordinance, any violation of any of the provisions of this ordinance shall constitute a civil violation subject to the penalties and abatement process detailed in Ordinance 100. However, the civil violations

procedure shall not replace the abatement process of the Uniform Code for the Abatement of Dangerous Buildings.

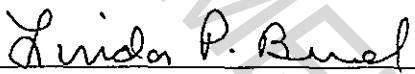
- B. Criminal penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this ordinance, any person, partnership, firm, association, or corporation violating any of the provisions of this ordinance, shall be guilty of a misdemeanor punishable as provided for in RCW9A.20.021.

Section 3. Hearings Examiner - Powers and Duties. All appeals authorized by the Uniform Codes as to suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the Codes shall be to the City's Hearings Examiner as established by Ordinance No. 64. The Hearings Examiner shall utilize the procedures and penalties set forth in Ordinance No. 100. The Hearings Examiner shall serve in lieu of all Boards of Appeals mentioned or described in the Uniform Codes as adopted and amended by the City.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON JUNE 16, 1997.


Linda P. Bird, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: June 18, 1997

Effective Date: June 23, 1997