

ORDINANCE 2020-11

**AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON TO
AMEND SECTION 2.50.080 OF THE TOPPENISH MUNICIPAL CODE
ENTITLED "DUTIES" TO ENUMERATE THAT THE HEARING
EXAMINER HAS THE DUTY TO HEAR APPEALS RELATIVE TO THE
CODES ADOPTED IN CHAPTER 15.01 TMC AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS the City Council is adopting amendments to the building codes adopted in Chapter 15.01 TMC, and

WHEREAS the codes adopted in Chapter 15.01 TMC require that a Board of Appeals be established, and

WHEREAS the Hearing Examiner has been designated to act as the required Board of Appeals, and

WHEREAS the City Council finds it necessary to clearly enumerate this as a duty of the Hearing Examiner, and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Subsection 2.50.080(B) of the Toppenish Municipal Code is hereby amended as follows:

B. Appeals. With respect to appeals submitted before him the hearing examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the appeal, for the following appeals:

1. Appeals from development plan and zoning permit review decisions;
2. Appeals from sign permit decisions;
3. Appeals from administrative interpretation decisions;
4. Appeals from administrative design review decisions;
5. Appeals of administrative SEPA determinations where an administrative appeal is provided;
6. Closed record appeals of administrative decisions made by the local planning staff;
7. Appeals from accessory dwelling unit permit decisions;
8. Appeals from administrative variance decisions;
9. Appeals from downtown design review decisions;
10. Appeals from multifamily design review decisions;
11. Appeals from short subdivision decisions;
12. Appeals from stop-work orders or notices of violation issued by a city official in the administration or enforcement of the provisions of the Toppenish Municipal Code;
13. Appeals of SEPA determinations;
14. Appeals from orders, decisions or determinations of the city relative to the application and/or interpretation of the codes adopted in Chapter 15.01 TMC, except that the hearing examiner shall have no authority to waive the requirements of the codes adopted in Chapter 15.01 TMC.

1415. Such other matters as may be designated by ordinance.

Section 2 Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful 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 chapter.

Section 3. This ordinance shall become effective five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on September 14, 2020.



MARK OAKS, Mayor

ATTEST:



HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM



GARY M. CUILLIER, City Attorney

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2020-11 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 14th day of September, 2020, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 15th day of September, 2020.



Heidi Riojas, CMC, City Clerk

Official Newspaper: *Sunnyside Sun*

Published: September 23, 2020

Effective: September 28, 2020