

**CITY OF ILWACO
ORDINANCE NO. 849**

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING THE ILWACO MUNICIPAL CODE IN ORDER TO UNIFORMLY ENFORCE THE CODE REQUIREMENTS WITH REGARDS TO VIOLATION AND PENALTIES AND TO UPDATE POLICY.

WHEREAS, the Council of the City of Ilwaco wishes to make the Ilwaco Municipal Code uniformly consistent for enforcement; and

WHEREAS, certain sections of the Ilwaco Municipal Code require updating;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Ilwaco Municipal Code, is amended to read as follows:

Chapter 15.02

GENERAL PROVISIONS

Sections:

- 15.02.010 Title.
- 15.02.020 Authority.
- 15.02.030 Applicability.
- 15.02.040 Purpose and intent.
- 15.02.050 Minimum requirements.
- 15.02.060 Interpretation—Language construction.
- 15.02.070 Computation of time.
- 15.02.080 Zoning map interpretation.
- 15.02.090 Right-of-way interpretation.
- 15.02.100 Withdrawal of applications.
- 15.02.110 Violations defined.
- 15.02.120 Permit suspension, revocation, or modification.
- 15.02.130 Security agreement.
- 15.02.140 Violations and penalties.
- 15.02.150 Severability.

15.02.010 Title.

This document will be known and may be cited as the Ilwaco Unified Development Ordinance, and is referred to in this document as “this title.” (Ord. 627 (part), 1999)

15.02.020 Authority.

This title is adopted pursuant to the authority contained in Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 35A.58 RCW (Boundaries and Plats), Chapter 36.70A RCW

(Growth Management Act), Chapter 36.70B RCW, Chapter 86.16 RCW (Flood Prevention), Title 58 RCW (Boundaries and Plats), and any other appropriate state regulations. (Ord. 627 (part), 1999)

15.02.030 Applicability.

A. The provisions of this title apply to all development in the city, and no development may occur before obtaining a permit or approval pursuant to this title, except as provided in subsection B below.

B. This title does not affect the validity of any effective development permit that was issued before the effective date of this title.

C. Nothing in this title authorizes development that is inconsistent with and does not further the framework and policy direction provided for in the city's adopted comprehensive plan pursuant to Chapter 36.70A RCW. (Ord. 627 (part), 1999)

15.02.040 Purpose and intent.

The purposes of this title are:

A. To establish regulatory procedures and standards for review and decision-making of all proposed development in the city;

B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the city, in accordance with the comprehensive plan;

C. To adopt a development review process that is efficient, effective and equitable;

D. To prohibit or condition incompatible land uses;

E. To ensure that new development(s) install all private and public infrastructure necessary to serve the new development and protect environmentally sensitive areas;

F. To implement the comprehensive plan of the city;

G. To regulate the subdivision of land to ensure that:

1. Adequate utility and public facilities are provided in developing portions of the city,

2. Land development is coordinated, and

3. Uniform monumenting of land subdivisions and conveyance by accurate legal description is achieved; and

H. To provide for a penalty for the violation of this title. (Ord. 678 § 2, 2003; Ord. 627 (part), 1999)

15.02.050 Minimum requirements.

The requirements in this title are the minimum requirements necessary to accomplish the purposes of this title. (Ord. 627 (part), 1999)

15.02.060 Interpretation—Language construction.

The following rules of construction apply to the text of this document:

A. The words “must” and “will” are always mandatory and not discretionary. The words “should” and “may” are permissive and are discretionary;

B. Words used in the present tense include the future;

C. Words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary;

D. A building or structure includes any part of a building or structure;

- E. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
- F. The word “includes” does not limit a term to the specified examples, but is intended to extend its meaning to all other similar instances or circumstances; and
- G. The use of any genderbased pronoun (e.g., “he”) should not be construed to be gender biased, but is only used for grammatical simplicity. (Ord. 627 (part), 1999)

15.02.070 Computation of time.

The time within which an act is to be done is computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day will be excluded. (Ord. 627 (part), 1999)

15.02.080 Zoning map interpretation.

This unified development code consists of the text of this title, together with a zoning map, which is on file at the office of the city clerk-treasurer. The zoning map shows the boundaries of different use districts within the city and its urban growth area. Boundaries of land use districts should be interpreted as follows:

- A. Boundaries shown as following or approximately following any street will be interpreted as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line will be interpreted as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines will be interpreted as following such lines.
- D. Boundaries shown as following or approximately following natural features will be interpreted as following such features.
- E. Vacated streets and alleys will assume the zone classification of abutting property. The former centerline of the vacated street or alley will be the new boundary.
- F. When any uncertainty exists as to zone boundaries, the planning commission and/or city council may require an applicant to determine the location of boundaries by survey. (Ord. 627 (part), 1999)

15.02.090 Right-of-way interpretation.

- A. Land contained in rights-of-way for streets or alleys will be considered unclassified, except when the areas are specifically designated on the zoning map as being classified in one of the zones provided in this title.
- B. Uses within street or alley rights-of-way will be limited to street purposes as defined by law.
- C. Where a right-of-way is vacated, the vacated area will adopt the zone classification of the adjoining property with which it is first merged. (Ord. 627 (part), 1999)

15.02.100 Withdrawal of applications.

An application may be withdrawn by an applicant at any time. (Ord. 627 (part), 1999)

15.02.110 Violations defined.

Structures or uses which do not conform to this title are violations subject to the enforcement, penalty, and abatement provisions of this title, except approved variances and legal nonconforming uses as specified in this title. Violations include, but are not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a structure in violation of setback, height, and other dimensional standards;
- C. Establishing a permitted use without complying with applicable development standards set forth in other ordinances, regulations, ordinances, rules or laws;
- D. Failing to carry out or observe conditions of a permit or approval, including contract development standards of property-specific agreements;
- E. Failing to secure a required permit or approval before establishing a permitted use; and
- F. Failing to maintain site improvements as required in this title, including but not limited to landscaping, parking or drainage control facilities. (Ord. 627 (part), 1999)

15.02.120 Permit suspension, revocation, or modification.

Any permit or approval issued by the city pursuant to this title may be suspended, revoked, or modified by the city council on one or more of the following grounds:

- A. The permit or approval was obtained by fraud;
- B. The permit or approval was granted based on inadequate or inaccurate information supplied by the applicant or the applicant's representative;
- C. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
- D. The permit or approval granted is being exercised contrary to the terms or conditions of the permit or approval or in violation of any statute, law or regulation; or
- E. The holder of the permit or approval interferes with any authorized city representative in the performance of his or her duties, relevant to the permit or approval or implementation and review of the permit. (Ord. 627 (part), 1999)

15.02.130 Security agreement.

A. When a completion security or maintenance security is required to be posted, the applicant and the mayor must sign a notarized security agreement, approved in form by the city attorney. This security agreement must be recorded with the Pacific County auditor. The security agreement must provide the following information:

1. A description of the work or improvements covered by the security;
 2. The period of time covered by the security;
 3. The amount and nature of the security and the amount of the cash deposit;
 4. The rights and duties of the city;
 5. The rights and duties of the applicant;
 6. An irrevocable license to run with the property to allow the employees, agents or contractors of the city to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making improvements covered by the security;
 7. The mechanism by and circumstances under which the security will be released;
 8. The mechanism by and circumstances under which the security will be forfeited.
- B. When any recorded security mechanism is released by the city to the applicant, a copy of the letter of release must be filed with the Pacific County auditor. (Ord. 627 (part), 1999)

15.02.140 Violations and penalties.

A. **Penalties for violations of this title shall be assessed and enforced pursuant to title 11, "Enforcement Procedures", of this code.** ~~Any firm, business, property owner, corporation,~~

~~entity or person who violates the standards in this title, or the more stringent standards imposed by the city in carrying out the provisions of this title, is guilty of an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code.~~

Provided, the city also has the right to abate any violations of this title by seeking injunctive relief **and may elect to prosecute the violation under section 1.20.020 of this code.** ~~Any firm, business, property owner, corporation, entity or person who violates the standards in this title is responsible for paying the city's court costs and reasonable attorney's fees in any abatement action. All proceedings for the infraction will be done in accordance to Section 1.20.020 of this code. (Ord. 718 (part), 2006; Ord. 627 (part), 1999)~~

15.02.150 Severability.

If any chapter, section, subsection, paragraph, sentence, clause, or phrase of this title is declared unconstitutional or invalid for any reason, the decision will not affect the validity of the remaining portion of this title. (Ord. 627 (part), 1999)

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 13TH DAY OF JULY, 2015.

Mike Cassinelli, Mayor

ATTEST:

Ariel Smith, Treasurer

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: July 22, 2015

EFFECTIVE: July 27, 2015