

**ORDINANCE NO. 1466**

**AN ORDINANCE OF RUSTON, WASHINGTON, RELATING TO AMENDING PROJECT PERMIT APPLICATION PROCEDURES, AMENDING SECTION 19.09.050 OF THE RUSTON MUNICIPAL CODE TO REFLECT CHANGES OF PROCEDURE WHEREBY THE DECISION-MAKER FOR APPEALS OF INTERPRETATIONS SHALL BE THE CITY'S HEARING EXAMINER RATHER THAN THE CITY COUNCIL, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS in January 2015, the City Council created the Office of the Hearing Examiner by adoption of Ordinance No. 1450 which is codified as Chapter 1.20 of the Ruston Municipal Code ("RMC"); and

WHEREAS, in accordance with RMC 1.20.020(A), the City Council is authorized to appoint the City Hearing Examiner; and

WHEREAS, on February 17, 2015, the City Council by Resolution No. 598 appointed a City Hearing Examiner; and

WHEREAS, in order to have the Hearing Examiner hear certain matters for the City, the Ruston Municipal Code needs to be updated to change the applicable decision maker to the City's Hearing Examiner; and

WHEREAS, by passage of Ordinance Nos. 1453 and 1454, the City Council has adopted revisions to the City Code to utilize the Hearing Examiner for appeal of enforcement procedures under Chapter 12.40 RMC and 25.03 RMC; and

WHEREAS, by adoption of Ordinance No. 1463, the City Council will update the permit processing procedures contained in Chapter 19.01 RMC, including establishing the Hearing Examiner as the decision-maker for Appeals of Interpretations under Chapter 19.09 RMC; and

WHEREAS, Section 19.09.050 of the Ruston Municipal Code contains the requirements for Appeals of Interpretations and will need to also be updated to make the Hearing Examiner, rather than the City Council, the decision-maker; and

WHEREAS, on August 18, 2015, the City Council held the first reading of this Ordinance; and

WHEREAS, on September 1, 2015, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Section 19.09.050 of the Ruston Municipal Code is hereby amended to read as follows:

**19.09.050 - Appeals.**

Appeal of an administrative decision resulting from a request for interpretation shall be submitted to the ~~Town Council~~ City Hearing Examiner as stated in RMC 19.04.030 and 19.01.011.

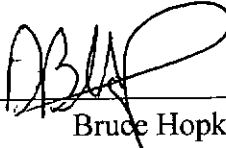
**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause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

**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

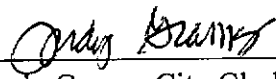
**Section 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 1st day of September, 2015.

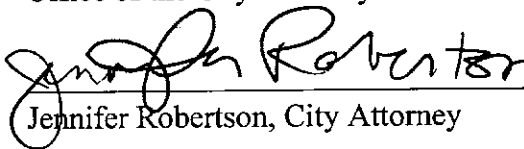
APPROVED by the Mayor this 1st day of September, 2015.

  
\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Judy Grams, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Jennifer Robertson, City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
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