

ORDINANCE 2009-030

AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON AMENDING CHAPTER 2.36 OF THE SEQUIM MUNICIPAL CODE RELATING TO PLANNING COMMISSION; REPEALING ORDINANCES IN CONFLICT; ESTABLISHING PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Council desires to amend Chapter 2.36 of the Sequim Municipal Code relating to Planning Commission;

NOW, THEREFORE, the City Council of the City of Sequim, Washington, ordains as follows:

Section 2.36 of the Sequim Municipal Code (SMC) is hereby AMENDED to read as follows:

Chapter 2.36
PLANNING COMMISSION

Sections:

- 2.36.010 Creation – Terms of office – Vacancies.
- 2.36.020 Powers and duties.
- 2.36.030 Planning commission to report to council.
- 2.36.040 Secretary of the planning commission.
- 2.36.050 Annual report to council.
- 2.36.010 Creation – Terms of office – Vacancies.

A. Pursuant to the authority conferred by Chapter 35A.63 RCW, there is created a city planning commission, consisting of seven members who shall be recommended by the mayor and the city council planning commission liaison member, and confirmed by the city council. No more than one-third of the members may be ex officio members by virtue of office held in the city.

B. The term of office of the seven members shall be four years. The terms of the current members in position #5 and position #6 shall end the second Monday of January, 2007; the term of the member in position #7 shall end on the second Monday of January, 2010; the terms of the members in positions #3, #4 and #1 shall end the second Monday of January, 2005; the term of the member in position #2 shall end the second Monday of January 2008. Members of the planning commission may be appointed from among the residents of the city of Sequim. Not more than two

members of the planning commission may be appointed from outside of the city of Sequim provided that they reside within the Sequim school district boundaries in Clallam County.

C. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term as set forth in SMC 2.36.010 (A). Members may be removed, after public hearing, by the appointing official, with the approval of his or her council or board, for inefficiency, neglect of duty or malfeasance in office. If any person or persons on a planning agency concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her duties on such an agency, he or she shall disqualify himself or herself from participating in the deliberations and the decision making process with respect to the matter. (Ord. 2004-001; Ord. 2001-010; Ord. 95-029 § 2; Ord. 311 § 1, 1974)

2.36.020 Powers and duties.

The planning commission shall have all of the powers and perform each and all of the duties specified by ~~Chapter 44, Laws of Washington of 1935, as amended (Chapter 35A.63 RCW, as amended),~~ and as set forth or amended by ordinance (Ord. 311 § 2, 1974)

2.36.021 Hearing Examiner.

Any duties allowed to be performed by a Hearing Examiner pursuant to RCW 35A.63.170 may be assigned to such Hearing Examiner by the Council. The position of Hearing Examiner may be established by the council by contract or other means.

2.36.030 Planning commission to report to council.

The city council may refer to the planning commission for its recommendation and report any ordinances, resolutions or other proposals relating to any of the matters and subjects referred to in ~~Chapter 44, Laws of Washington of 1935, as amended (Chapter 35A.63 RCW, as amended),~~ and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 311 § 3, 1974)

2.36.040 Secretary of the planning commission.

The planning commission may designate one of its members to act as secretary without salary, or if requested by the commission, the

~~mayor city manager~~ shall designate a member of the paid staff of the city to serve as such secretary. (Ord. 311 § 4, 1974)

2.36.050 Annual report to council.

~~The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the city council of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may to it seem proper~~ department shall, either separately or in its annual budget documents report the cost and expenses of the department. (Ord. 311 § 5, 1974)

Purpose, definitions, text, penalty or remedy (must use ~~strikeout for deleted text~~ and underline for added text of code provision being amended)

Section 3. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Savings Clause. [If needed] Those portions of Ordinance ___ and SMC ___ which are repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance.

Such repeals and amendments shall not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits issued thereunder and in effect on the effective date of this ordinance shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be in any way modified. Further, it is not the intention of these actions to reenact any ordinances or parts of ordinances previously repealed or amended, unless this ordinance specifically states such intent to reenact such repealed or amended ordinances.

Section 5. 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 6. Effective Date. This Ordinance shall become effective five days after publication of the ordinance, or a summary thereof, in the official newspaper of the City.

Effective date. This ordinance shall be in full force and effect July 1, 2009.

Approved by the City Council this 2nd day of June, 2009.



Laura Dubois, Mayor

Attest:



Karen Kuznek-Reese, CMC
City Clerk

Approved as to form:



Craig Ritchie, City Attorney

6/2/09

Approved Date

6/6/09

Publication Date

7/1/09

Effective Date