

## **ORDINANCE NO. 715**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROCEDURES AND DUTIES OF THE LAND USE HEARING EXAMINER, REPEALING CHAPTER 17.10, AND ADDING A NEW CHAPTER 17.10 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, THE REGULATORY REFORM ACT REQUIRES THE CITY TO ADOPT PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS; AND

WHEREAS, THE EXISTING CHAPTER 17.10 GHMC CONTAINS PROCEDURES FOR THE HEARING EXAMINER'S PROCESSING OF PERMITS THAT ARE INCONSISTENT WITH TITLE 19 GHMC; NOW THEREFORE THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 17.10 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new chapter 17.10 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

### **CHAPTER 17.10** **HEARING EXAMINER**

Sections:

17.10.010	Creation of Hearing Examiner System
17.10.020	Appointment and Term
17.10.030	Qualifications
17.10.040	Freedom from Improper Influence
17.10.050	Conflict of Interest
17.10.060	Rules
17.10.070	Powers
17.10.080	Authority

17.10.010 Creation of Hearing Examiner System. The office of the Gig Harbor Hearing Examiner, thereafter referred to as the examiner, is hereby created. The examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term examiner as used in this chapter shall include deputy examiners and examiners pro tem.

17.10.020 Appointment and Term. The Council shall appoint the examiner for a maximum term of one (1) year. The Council may also appoint deputy examiners or examiners pro tem in the event of the examiner's absence or inability to act. The City may terminate the agreement for hearing examiner services at any time with thirty (30) days notice.

17.10.030 Qualifications. Examiners shall be appointed solely with regard to their

qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. Examiners shall hold no other elective or appointive office or position with City government.

17.10.040 Freedom from Improper Influence. No person, including City officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not prohibit the City Attorney from rendering legal service to the examiner upon request.

17.10.050 Conflict of Interest. The examiner shall be subject to the same code of ethics as other appointed public officers in code cities, as set forth in RCW 35.42.020 and chapter 42.23 RCW, as the same now exists or may hereafter be amended.

17.10.060 Rules. The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his or her office.

17.10.070 Powers. The examiner shall have the authority to:

- A. receive and examine available information;
- B. conduct public hearings in accordance with Title 19 GHMC, chapter 42.32 RCW and all other applicable law, and to prepare a record thereof;
- C. administer oaths and affirmations;
- D. issue subpoenas and examine witnesses, provided that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
- E. regulate the course of the hearing;
- F. make and enter written findings of fact and conclusions to support his or her decisions;
- G. at the examiner's discretion, hold conferences for the settlement or simplification of the issues;
- H. conduct discovery;
- I. dispose of procedural requests or similar matters;
- J. take official notice of matters of law or material facts;
- K. issue summary orders in supplementary proceedings, and

L. take any other action authorized by or necessary to carry out this chapter.

The above authority may be exercised on all matters for which jurisdiction is assigned to the examiner by City ordinance, code or other legal action of the City Council. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the examiner.

17.10.080 Authority. The examiner shall have the exclusive authority to hold public hearings make recommendations and decisions on all applications, permits or approvals as described in chapter 19.01 GHMC.

Section 3. 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 4. 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 on March 31, 1996.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY

FILED WITH THE CITY CLERK: 2/12/96  
PASSED BY THE CITY COUNCIL: 2/26/96  
PUBLISHED: 3/6/96  
EFFECTIVE DATE: 3/31/96  
ORDINANCE NO. 715

**SUMMARY OF ORDINANCE 715  
of the City of Gig Harbor, Washington**

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On the 26 day of February, 1996, The City Council of the City of Gig Harbor passed Ordinance No. 715. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROCEDURES AND DUTIES OF THE LAND USE HEARING EXAMINER, REPEALING CHAPTER 17.10, AND ADDING A NEW CHAPTER 17.10 TO THE GIG HARBOR MUNICIPAL CODE.

This ordinance shall take effect on March 31, 1996.  
The full text of this ordinance will be mailed upon request

Dated this 27th day of February, 1996.

CITY ADMINISTRATOR, MARK HOPPEN