

ORIGINAL

WP0008C-ORD
07/10/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4390

AN ORDINANCE relating to the Storm and Surface Water Utility Inspection and Maintenance Code; designating the Hearing Examiner as the hearing body for appeals; and amending Sections 24.08.110, .130, .140, .150, .160 and .180 of the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 3339 (part) and Section 24.08.110 of the Bellevue City Code is hereby amended to read as follows:

24.08.110. Notice and Order. Whenever the Director determines that any detention facility is in violation of this Code or of the Utility Standards and Regulations, he/she may issue a notice and order of violation with a correction schedule to either the owner or operator of the source of the violation, the person in possession or control of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order shall be sent to such person by certified mail and shall contain:

- A. The street address, when available, and a description of the property sufficient for identification of where the violation occurred or is located;
- B. A statement specifying the nature of the violation and citing the provision of this Code or of the Utility Standards and Regulations violated;
- C. A statement of the corrective action required to be taken. The notice and order shall provide that all required permits be secured and the work completed within such time as the Director determines is reasonable;
- D. A statement advising that: 1) if any required work is not completed within the time specified, a civil penalty in the amount authorized by Section 24.08.120 may be assessed; and 2) if any assessment is not paid, the Director will initiate action in Superior Court to collect such assessment.
- E. A statement advising that the notice and order shall become final and binding, unless, no later than 10 days after the notice and

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order is received, any person aggrieved by the notice and order files an appeal with the Hearing Examiner.

Section 2. Section 1 of Ordinance No. 3339 (part) and Section 24.08.130 of the Bellevue City Code are hereby amended to read as follows:

24.08.130. Appeals. Any person aggrieved by any notice and order of change in rate issued pursuant to Section 24.08.100, by a notice and order of violation issued by the Director pursuant to Section 24.08.100, or by a notice and order of penalty assessment issued pursuant to Section 24.08.120, may appeal such notice and order by filing said appeal with the Hearing Examiner. Any appeal must be received by the Hearing Examiner within 10 calendar days of receipt of the notice and order or said notice and order shall be deemed final and binding. A notice is deemed received three days after mailing.

Section 3. Section 1 of Ordinance No. 3339 (part) and Section 24.08.140 of the Bellevue City Code are hereby amended to read as follows:

24.08.140. Appeal - Hearing. Upon receiving an appeal, the Hearing Examiner shall set a date for the hearing of the appeal. The parties to the appeal are the appellant and the Utility.

Section 4. Section 1 of Ordinance No. 3339 (part) and Section 24.08.150 of the Bellevue City Code are hereby amended to read as follows:

24.08.150 Appeal - Determination. The Hearing Examiner shall make his/her determination based on the record before him/her. The Hearing Examiner shall make written findings and conclusions in support of his/her decision.

Section 5. Section 1 of Ordinance No. 3339 (part) and Section 24.08.160 of the Bellevue City Code are hereby amended to read as follows:

24.08.160. Final Determination. Decisions of the Hearing Examiner shall be final and binding.

Section 6. Section 1 of Ordinance No. 3339 and Section 24.08.180 of the Bellevue City Code are hereby amended to read as follows:

24.08.180. Collection of Penalties. Any civil penalty assessed pursuant to Section 24.08.120 of this Code which is not timely appealed or becomes final after determination by the Hearing Examiner, pursuant

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to Section 24.08.100, shall be paid to the Director within ten days of receipt for demand for such payment. In the event payment is not made, an action for recovery of said assessment shall be brought in Superior Court. Any costs incurred in collecting said assessment, including attorney fees, shall be paid by the person owing the outstanding assessment.

Section 7. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 20th day of July, 1992, and signed in authentication of its passage this 20th day of July, 1992.

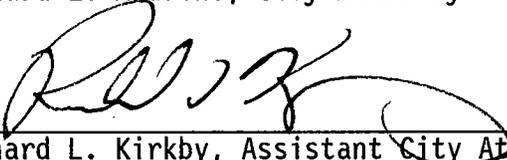
(SEAL)



Cary Bozeman, Mayor

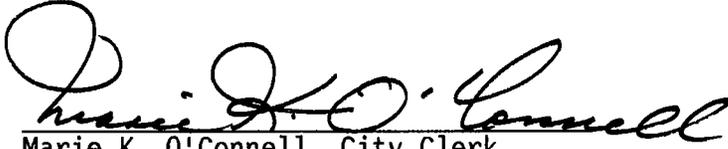
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published July 27, 1992