WP0522C-ORD
11/22/95

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4819

AN ORDINANCE implementing the requirements of City and State regulatory reform legislation; repealing provisions in the Bellevue City Code establishing a Board of Adjustment; shifting authority from the Board of Adjustment to the Hearing Examiner and the Director of the Department of Community Development; providing correct citations to hearing examiner appeal processes; repealing Chapters 2.14 and 3.65 of the Bellevue City Code; and amending sections 5.08.060, 5.20.080, 5.28.100, 5.30.220.C, and 9.16.060 of the Bellevue City Code.

WHEREAS, the state legislature passed regulatory reform legislation in 1995 including Chapter 347, Laws of 1995; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated that each city planning under the Growth Management Act establish an integrated and consolidated project permit review process and provide for improved public participation in that process; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated that each city planning under the Growth Management Act issue its final notice of decision on a project permit within 120 days of receipt of a complete application for such permit; and

WHEREAS, the City of Bellevue is amending its Land Use Code to fulfill the mandates of Chapter 347, Laws of 1995; and

WHEREAS, the Bellevue City Code must also be amended to comply with the mandates of Chapter 347, Laws of 1995 and to correspond with the amendments to the Land Use Code; now, therefore,

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

Section 1. Chapter 3.65 of the Bellevue City Code establishing a Board of Adjustment, is hereby repealed.

Section 2. Section 5.08.060 (Cabaret and Adult Entertainment License Appeals) of the Bellevue City Code is hereby amended as follows:

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5.08.060 Appeal.

A. Denial of License. Any person aggrieved by the action of the clerk in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the hearing examiner, or to such other hearing body as may hereafter be established by the city council for the hearing of license appeals, by filing notice of appeal with the clerk within 10 days of notice of the refusal to issue or renew. The appeal shall be processed under Process II, LUC 20.35.200, et seq. The hearing examiner or other hearing body shall set a date for hearing such appeal, to take place within 45 days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the hearing examiner or other hearing body. The hearing examiner or other hearing body shall render its decision on the appeal within 15 days following the close of the appeal hearing.

B. Appeal to Superior Court. Any person aggrieved by the decision of the hearing examiner or hearing body may appeal to the superior court for a writ of certiorari, prohibition or mandamus .

Section 3. Section 5.20.080 of the Bellevue City Code (Garbage Collection License appeals) is hereby amended as follows:

5.20.080 Appeal.
Any person aggrieved by the action of the clerk in refusing to issue or renew, or in canceling or revoking any license issued hereunder shall have the right to appeal such action to the city hearing examiner by filing a notice of appeal with the clerk within 10 days of receiving notice of the action from which appeal is taken. The hearing examiner shall set a date for hearing such appeal and at such hearing the appellant may appear and be heard, subject to reasonable rules and regulations provided by the hearing examiner. The filing of such appeal shall hold in abeyance the action of the administrative official, pending a decision of the hearing examiner.

Section 4. Section 5.28.100 of the Bellevue City Code (Massage Parlors and Public Bathhouses license appeals) is hereby amended as follows:

5.28.100 Appeal.
Any person aggrieved by the action of the clerk in refusing to issue or renew, or in revoking or suspending any license issued under this chapter shall have the right to appeal such action to the city hearing examiner by filing a notice of appeal with the clerk within 10 days of receiving notice of the action from

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which appeal was taken. The hearing examiner shall set a date for hearing such appeal and at such hearing the appellant may appear and be heard, subject to reasonable rules and regulations provided by the hearing examiner. The filing of such appeal shall stay the action of the clerk pending the decision of the hearing examiner.

Section 5. Section 9.16.060 of the Bellevue City Code (False Alarms - Appeal from administrative decision, finality) is hereby amended as follows:

9.16.060 Appeal from administrative decision, finality.
Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right of appeal therefrom to the city hearing examiner. Unless notice of appeal is filed with the hearing examiner within 10 days of receipt of notice of imposition of an administrative sanction, said sanction is deemed to be final.

Section 6. Section 5.30.220.C of the Bellevue City Code (Cable Communications Franchise Revocation and Termination) is hereby amended as follows:

. . .

C. Prior to any termination or revocation, the city shall provide a grantee with detailed written notice of any substantial violation or material breach upon which it proposes to take action. A grantee shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the city's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the city to correct the violation or breach. If, at the end of said 60-day period, the city reasonably believes that a substantial violation or material breach is continuing and a grantee is not taking satisfactory corrective action, the city may declare a grantee in default, which declaration must be in writing. Within 20 days after receipt of a written declaration of default from the city, a grantee may request, in writing, a hearing before a "hearing examiner" as described in Chapter 3.68 BCC. The hearing examiner shall conduct a full public proceeding in accordance with the applicable procedures of "Process II," as set forth in Land Use Code Section 20.35.200, et seq., and a grantee may appeal a decision of the hearing examiner to any court of competent jurisdiction. The city may, in its discretion, provide an additional opportunity for a grantee to remedy any violation or breach and come into compliance with this chapter so as to avoid the termination or revocation.)

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Section 7. Chapter 2.14 of the Bellevue City Code is hereby repealed.

Section 8. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 27th day of November, 1995, and signed in authentication of its passage this 27th day of November, 1995.

(SEAL)

Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published December 1, 1995