

City of Lynnwood
DEC 13 2000
SCANNED

ORDINANCE NO. 1704

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AN ORDINANCE AMENDING CHAPTER 20.02 AND 20.04 OF THE LYNNWOOD MUNICIPAL CODE AND PORTIONS OF ORDINANCE NUMBER 190, DELETING CERTAIN OUTDATED PROVISIONS WHICH REFER TO THE BUILDING OFFICIAL AND ADDING DEFINITION OF AND PROVIDING FOR THE AUTHORITY OF THE DIRECTOR OF PLANNING TO IMPLEMENT AND ENFORCE THE CITY ZONING CODE

WHEREAS, after proper notice, due hearing was held by the City Planning Commission to consider an amendment to Chapter 20.04 LMC; and

WHEREAS, after due deliberation, the Planning Commission recommended to the City Council that such amendment was desirable; and

WHEREAS, the City Council duly considered the Planning Commission recommendation of such amendment; and

WHEREAS, upon motion duly made the City Council of the City of Lynnwood has determined to amend Chapters 20.02 and 20.04 LMC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

SECTION 1. That the following provisions of Chapter 20.04 of the Lynnwood Municipal Code are repealed in their entirety:

- Sec. 20.04.080 DEPUTIES AUTHORIZED
- Sec. 20.04.090 RIGHT OF ENTRY
- Sec. 20.04.100 OCCUPANCY VIOLATIONS
- Sec. 20.04.110 STOP ORDERS
- Sec. 20.04.130 COOPERATION OF OTHER OFFICIALS
- Sec. 20.04.140 BUILDING PERMIT REQUIRED
- Sec. 20.04.150 BUILDING PERMIT APPLICATION
- Sec. 20.04.160 BUILDING PERMIT FEE
- Sec. 20.04.170 CERTIFICATE OF OCCUPANCY REQUIRED - LAND USE & BUILDING ERECTION
- Sec. 20.04.180 CERTIFICATE OF OCCUPANCY REQUIRED - NONCONFORMING USE
- Sec. 20.04.190 APPLICATION FOR CERTIFICATE OF OCCUPANCY
- Sec. 20.04.200 RECORD OF CERTIFICATES
- Sec. 20.04.210 TEMPORARY CERTIFICATES

SECTION 2. That Section 20.04.120 of the Lynnwood Municipal Code which reads as follows, to wit:

The Building Official or any employee charged with the enforcement of this title, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee, because of such act or omission performed by him in the enforcement of any provisions of this title, shall be defended by the Legal Department of the City until final termination of the proceedings.

IS HEREBY REVISED, REPEALED AND AMENDED TO READ AS FOLLOWS:

The Director of Planning or any employee charged with the enforcement of this title, acting in good faith and without malice for the City in the discharge of his or her duties, shall not thereby render the Director liable personally and the Director is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Director of Planning or employee, because of such act or omission performed by that person in the enforcement of any provisions of this title, shall be defended by the City until final termination of the proceedings.

SECTION 3. That Chapter 20.04 of the Lynnwood Municipal Code is hereby amended by adding the following:

20.04.045 Enforcement by Director of Planning

The Director of Planning is charged with the implementation and enforcement of the provisions of this Title.

SECTION 4. That Chapter 20.02 of the Lynnwood Municipal Code is hereby amended by adding the following:

20.02.286 DIRECTOR OF PLANNING

"Director of Planning" also referred to as the Planning Director is the head of the Planning Department, the Director's authorized representative or any representative authorized by the Mayor.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

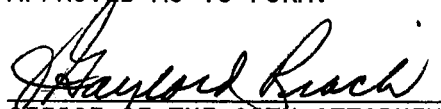
PASSED THIS 10th day of July, 1989, and signed in authentication of its passage this 10th day of July, 1989.


M. J. HRDLICKA, MAYOR

ATTEST:


R. W. NEACK, CITY CLERK

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY