

City of Lynnwood  
DEC 20 2000  
SCANNED

CITY OF LYNNWOOD

ORDINANCE NO. 2019

ORIGINAL  
Do not remove from  
the City Clerk's Office

**AN ORDINANCE AMENDING SECTIONS 2.22.090 AND SECTION 2.22.210 OF THE LYNNWOOD MUNICIPAL CODE REGARDING THE PROCESS USED BY THE HEARING EXAMINER TO ACT ON APPEALS OF ADMINISTRATIVE DETERMINATIONS ON INTERPRETATIONS OF LAND USE REGULATIONS.**

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. A portion of Section 2 of Ordinance 1355, a portion of Section 1 or Ordinance 1312, a portion of Section 9 of Ordinance 1208, and Subsections A and B of Section 2.22.090 of the Lynnwood Municipal Code are revised to read as follows:

2.22.090 HEARING EXAMINER -- POWERS

The Examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter decisions as provided for in this section.

- A. The decision of the Examiner on the following matters shall be final; unless such decision is appealed to the City Council in writing by an aggrieved party:
1. Applications for variances from the zoning ordinance.
  2. Such other quasi-judicial and administrative determinations as may have been delegated to the Board of Adjustment, including but not limited to variances pertaining to the location, size, or dimensional standards of secondary or accessory structures such as fences, signs, parking lots and landscaping, except as otherwise provided in this Code.
- B. The decision of the Hearing Examiner on the following matters shall be final and the only appeal therefrom shall be to the Superior Court:
1. Appeals of administrative determinations of ordinance violations;
  2. Appeals from administrative determinations on interpretations of land use regulations, including determinations of the exact location of any district boundary if there is uncertainty with respect thereto.

Section 2. Section 6 of Ordinance 1251, a portion of Section 18 of Ordinance 1208, and Section 2.22.210 of the Lynnwood Municipal Code is revised to read as follows:

2.22.210 NOTICE OF VIOLATION -- ADMINISTRATIVE APPEAL

A notice of violation issued pursuant to Sections 2.22.180 through 2.22.230 constitutes a determination from which an administrative appeal may be taken pursuant to PROCESS II (LMC 1.35.200 et. seq.). The cumulative civil penalty provided for in Section 1.01.085 as now or

hereafter amended shall not accrue during the pendency of an administrative appeal; however, if the Hearing Examiner finds that the appeal is frivolous and/or intended to delay compliance with the applicable title, the Examiner may impose the per diem penalty from the date of service of the notice of violation.

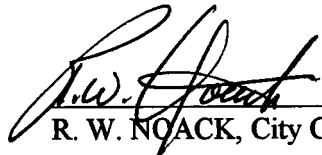
**Section 3. SEVERABILITY.** If any section, subsection sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 4. EFFECTIVE DATE:** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 27th day of December, 19 94, and signed in authentication of its passage this 28th day of December, 19 94.

  
TINA ROBERTS, Mayor

ATTEST:

  
R. W. NOACK, City Clerk

APPROVED AS TO FORM:

  
JOHN P. WATTS  
Office of the City Attorney