Ordinance No. 2789

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 7/5/1988
Amending Ord. 2233, Section 4 and 2.54.140 deleting the requirement that Hearing Examiner decisions be sent by certified mail, and adding authorization of use of first class postage prepaid mailings and affidavits of mailings

Sec. 2.54.140 (now: 2.32.130) Amended by Ord. 3424
Amended by Ord. 4044 (Sec. 2.32.130)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
AN ORDINANCE of the City of Kent, Washington, amending Ordinance 2233, Section 4, and Kent City Code 2.54.140 deleting the requirement that Hearing Examiner decisions be sent by certified mail, and adding authorization of use of first class postage prepaid mailings and affidavits of mailings.

WHEREAS, RCW 35A.63.170 authorizes the Kent City Council to adopt a Hearing Examiner System, and to proscribe procedures to be followed by the Hearing Examiner; and

WHEREAS, the Kent City Council has previously proscribed procedures for the Hearing Examiner System by adoption of Ordinance 2233, as codified in Kent City Code Chapter 2.54; and

WHEREAS, the Council now determines that there exists good cause to modify one procedure contained therein, namely, the requirement that the Hearing Examiner findings and conclusions be transmitted by certified mail, return receipt, should be deleted, and replaced with a less costly procedure wherein first class mailings and affidavit of mailings are authorized; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code 2.54.140, is amended as follows:

2.54.140. EXAMINER'S DECISION AND RECOMMENDATION--FINDINGS REQUIRED. When the Examiner renders a decision or recommendation, the Examiner shall make and enter written findings from the record and conclusions therefrom which support such decision, which decision shall be rendered within fourteen calendar days of the conclusion of the hearing. The copy of such decision including findings and conclusions, shall be transmitted by certified mail, return receipt requested first.
class mail, postage prepaid, to the applicant and other parties of record in the case requesting the same. There shall be kept on file in the Planning Department a signed affidavit which shall attest that each mailing was sent in compliance with this provision.

In the case of applications requiring Council approval, the Examiner shall file a decision with the City Council at the expiration of the period provided for a rehearing or within fourteen days of the conclusion of a rehearing, if one is conducted. (0.2233, §14)

Section 2. That portion of previously enacted Ordinance 2233 which required mailing by certified mail return receipt requested, and which conflicts with this ordinance is repealed to the extent of the conflict.

Section 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

DAN KELLEHER, MAYOR

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the ___ day of July, 1988.
APPROVED the ___ day of ___ , 1988.
PUBLISHED the ___ day of ___ , 1988.
I hereby certify that this is a true copy of Ordinance No. 2-289, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)

MARIE JENSEN, CITY CLERK