

CITY OF GRANITE FALLS

ORDINANCE NO 542

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADDING A NEW CHAPTER TO BE KNOWN AS CHAPTER 6.06.010 OF THE GRANITE FALLS MUNICIPAL CODE AS CODIFIED IN CHAPTER 6.06 RELATING TO LAND USE AND ADDING DEFINITIONS OF PUBLIC NUISANCE AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Washington State Legislature has by Chapter 98, Laws of 1995, adopted Initiative 164 known as the Private Property Regulatory Fairness Act, which act substantially affects the means whereby the City regulates the use of land within the City limits; and

WHEREAS, the City Council has previously discussed at public meetings and workshops the content thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, AS FOLLOWS:

Section 1.

There is hereby added to the Granite Falls Municipal Code, Chapter 6.06, Private Property Regulatory Fairness.

Section 2.

There is hereby added to the Granite Falls Municipal Code, Section 6.06.010 Nuisance Defined for Purpose of Private Property regulatory Fairness Act, as follows:

For the purposes of the provisions of the Private Property Regulatory Fairness Act, Chapter 98, Laws of 1995, of the State of Washington, a public nuisance is one which affects equally the rights of an entire community or a neighborhood, although the extent of the damage may be unequal. Public nuisances shall include, but not be limited to, the following:

- (1) Those public nuisances enumerated in RCW 7.48;
- (2) Violations or non-compliance with,
 - (a) zoning regulations;
 - (b) Building Code standards and regulations;
 - (c) utility regulations and standards;
 - (d) environmental regulations and standards;
 - (e) comprehensive plan;
 - (f) the rules, regulations and city wide planning goals adopted pursuant to the Growth Management Act.
- (3) The establishment of any use of property which by its operation, use or development substantially depreciates the value of other

- properties in the neighborhood.
- (4) Moral nuisance - nuisance as defined in Granite Falls Municipal and Chapter 7.48 RCW.
 - (5) Drug nuisances, pursuant to Chapter 9.20 of the Granite Falls Municipal Code and Chapter 7.43 RCW.
 - (6) Unfit dwellings, buildings, and structures pursuant to the Granite Falls Municipal Code and Chapter 35.80 RCW.
 - (7) Land use which creates unsanitary conditions or danger from fire or explosion.
 - (8) Land use which creates a traffic hazard.
 - (9) Land use which poses a general danger to the public health, safety, welfare, or economic well being of the neighborhood or the City at large.

Section 3. It is hereby added to the Granite Falls Municipal Code, Section 6.06.020, the following Section.

Applicant to pay costs of environmental review of project. The applicant of any project which requires the preparation of an environmental review pursuant to the applicable provisions of the Revised Code of Washington or any rules and/or regulations promulgated thereunder shall bear the actual costs, including City staff time and expense, of such review.

Section 4. There is hereby added to the Granite Falls Municipal Code Section 6.06.030, the following Section.

State Responsibility for Compensation. Pursuant to the provisions of the Private Property Regulatory Fairness Act, Chapter 98, Laws of 1995, the State of Washington shall be responsible for the compensation liability of the City for any action which restricts the use of property when such action is mandated by the Revised Code of Washington, by the Washington Administrative Code, by any rule or regulation of the State, or by any State agency or official. Such regulation includes, but is not limited to, any rule, regulation, opinion interpretation, direction, restriction, requirement, or enforcement related to the following:

- (1) Creation or enforcement of the comprehensive plan, as now enacted or hereafter amended;
- (2) Growth Management Act, RCW 36.70A;
- (3) State Subdivision Act, RCW 58.17;
- (4) Shoreline Management Act, RCW 90.58;

- (5) State Environmental Protection Act, RCW 43.21C and the Washington Administrative Code Sections promulgated thereunder;
- (6) State construction codes, including, but not limited to the State Building Code;
- (7) State criminal provisions which affect land use;
- (8) State nuisance provisions which affect land use;
- (9) Statutes related to surface water or ground water, including, but not limited to, RCW 90.03;
- (10) State Hydraulic Code, RCW 75.20;
- (11) Model Toxics Control Act, RCW 70.105D;
- (12) Any decision of any state created and/or operated board, including any environmental, appellate or regulatory board;
- (13) Any federal mandate administered by the State or a State agency and/or any attendant statute, rule, or regulation arising therefrom;
- (14) Any requirement held by any court with jurisdiction to be a requirement of any State statute, administrative code, rule, or regulation, federal mandate administered by the State, any interstate compact or other enactment of the State.

Section 5.

There is hereby added to the Granite Falls Municipal Code Section 6.06.040, known as Appeals Process.

Appeals of decisions under the Private Property Regulatory Fairness Act, Chapter 98, Laws of 1995, shall be as follows:

- (1) the decision of the responsible City official shall be final and conclusive unless within ten (10) business days from the date of mailing, as shown by the post mark, of the decision to the applicant, the applicant or any individual with a vested real property interest in the property which is the subject of the decision shall file a written appeal of such decision with the City Clerk on the appropriate form which shall be readily available from the City, together with the appropriate filing fee, which shall be established by the City Council in the fee setting resolution. Pending addition of said fee to the fee resolution, the fee shall be

\$250.00. On adoption of the same or any other fee in the fee resolution, the amount set forth herein shall be considered superseded. Said appeal shall be heard by the hearing examiner or in the absence such other persons as appointed by the Mayor in accordance with the provisions of the City of Granite Falls Municipal Code.

- (2) The action of the City Council on all matters related in whole or in part to land use actions governed by the Private Property Regulatory Fairness Act, Chapter 98, Laws of 1995, shall be final and conclusive unless, within ten (10) working days from the date of the Council's action or decision an applicant or aggrieved party makes an application to the Superior Court of Snohomish County for a writ of certiorari, a writ of prohibition, a writ of mandamus or a land use complaint. Compliance with this section of the Granite Falls Municipal Code is a prerequisite to making a claim for equitable relief under the Private Property Regulatory Fairness Act, Chapter 98, Laws of 1995.

PASSED BY CITY COUNCIL this 18 day of July, 1995,
and approved by the Mayor this 18 day of July, 1995.

Rella Q. Morris
RELLA MORRIS, Mayor

ATTEST:

Berry James
City Clerk

APPROVED AS TO FORM:

Cheryl L. Buyer
City Attorney

FIRST READING: July 18, 1995
PUBLISHED: July 26, 1996
EFFECTIVE DATE: August 1, 1995