

ORDINANCE NO. 39-18

AN ORDINANCE of the City of Richland amending Chapter 2.20 of the Richland Municipal Code related to the Code Enforcement Board.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity; and

WHEREAS, over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult; and

WHEREAS, on May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices; and

WHEREAS, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment; and

WHEREAS, an element of the City's strategic plan is to ensure that proper foundational authorities are in place to allow for successful government.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Chapter 2.20, entitled Code Enforcement Board, as first enacted by Ordinance No. 05-10, and last amended by Ordinance No. 29-15, is hereby amended as follows:

**Chapter 2.20  
CODE ENFORCEMENT BOARD**

**Sections:**

2.20.050 Purpose.

2.20.010 Code enforcement board created ~~ion~~; membership.

~~2.20.020 Membership.~~

~~2.20.030 Removal—Vacancies.~~

2.20.040 Meetings, ~~officers, records, and quorum.~~

2.20.050 ~~Powers and d~~ Duties.

2.20.060 Severability. ~~Expenditures—Budget.~~

~~2.20.070 Staff assistance.~~

### **2.20.050 Purpose.**

The purpose and intent of this chapter is to establish an impartial board of citizen members serving in a quasi-judicial capacity to hear appeals and render decisions regarding civil violations of the Richland Municipal Code.

### **2.20.010 Code enforcement board creation; membership.**

There is created a code enforcement board (~~hereinafter referred to as the "board"~~) for the city of Richland (hereinafter "board"). ~~The board shall hear appeals and render decisions regarding civil violations of the Richland Municipal Code.~~ The board shall be composed of five (5) voting members appointed by city council pursuant to RMC 2.04.110. Members shall serve staggered two-year terms and until their successors are appointed and confirmed.

### **2.20.020 Membership.**

~~The board shall be composed of five voting members appointed by city council. All members of the board shall be residents of the city of Richland, both at the time of their appointment and for the full term of their appointment. Selection of members shall follow established procedures as set forth in RMC 2.04.120. Members shall serve staggered two-year terms and until their successors are appointed and confirmed. No person shall serve more than four terms or eight consecutive years. In the instance of an appointment to fill a vacancy for an unexpired term, a full term shall be considered a period in excess of one year.~~

### **2.20.030 Removal—Vacancies.**

~~The board may, by majority vote, recommend to the city council removal of an appointed member upon such grounds as may be deemed appropriate. The city council, by majority vote, may remove any appointed member of the committee and declare the position vacant. Vacancies created by removal of office, resignation, change in residency outside of the city of Richland or for any other reason, other than by expiration of term, shall be filled for any unexpired term in the manner used for regular appointments.~~

### **2.20.040 Meetings, officers, records, and quorum.**

~~The board shall elect its own chairperson and vice chairperson and create and fill such other offices as it may determine it requires. The committee board shall hold regular meetings at a time to be determined at the first meeting of each year. Workshops and special meetings may be called by the board at the board's discretion. All meetings shall be open to the public and a specific time period will be provided on the agenda to receive public comments. It shall adopt rules for transaction of business and shall keep a record of its meetings, resolutions, transactions, findings and determinations, which record shall be open to public inspection. All quasi-judicial hearings held by the board shall be audio-recorded.~~

~~Any three members of the board shall constitute a quorum for the transaction of business. An agenda shall be prepared and distributed prior to each meeting, which sets forth a specified time period during which individual items of business shall be discussed. The time period may be extended, but only by a vote of a majority of board members present.~~

~~Board action requires three affirmative votes of those present at any regular or special meeting.~~

**2.20.050 ~~Powers and~~ Duties.**

The code enforcement board's ~~express mission and purpose~~ shall perform the following duties include the following:

- A. Conduct hearings on civil violations of the Richland Municipal Code;
- B. Determine whether the city has established by a preponderance of the evidence that a civil violation of the Richland Municipal Code has occurred;
- C. Assess monetary penalties in instances where it has been determined that civil violations of the Richland Municipal Code have occurred;
- D. Adopt rules of procedure for hearings concerning civil violations of the Richland Municipal Code;
- E. Conduct hearings on appeal of any notice of civil trespass issued pursuant to Chapter 2.34 RMC;
- ~~F. Act in an advisory capacity to the city council, city manager and staff in matters relating to code enforcement and civil violations;~~
- FG. Perform such other duties and provide such additional information, assistance and advice to the city council as the city council may request or direct.

**2.20.060 ~~Severability. Expenditures — Budget.~~**

~~The expenditures of the committee, exclusive of donations, shall be limited to appropriations. All services requiring appropriations shall be submitted through the budget of the police services department.~~ If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity to the remaining portions of this chapter and the same shall remain in full force and effect.

**~~2.20.070 Staff assistance.~~**

~~The staff of the various departments within the city, as assigned by the city manager, shall provide staff assistance and shall also serve to facilitate communications by the code enforcement board to the city council.~~

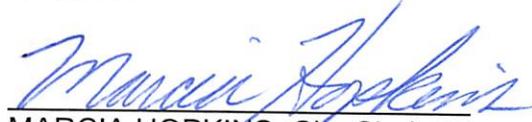
Section 2. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 7<sup>th</sup> day of August, 2018.

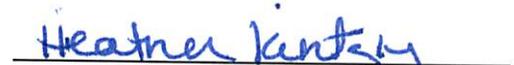


ROBERT J. THOMPSON  
Mayor

ATTEST:

  
MARCIA HOPKINS, City Clerk

APPROVED AS TO FORM:

  
HEATHER KINTZLEY, City Attorney

Date Published: August 12, 2018