CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 09-12

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING SECTION 1.01.060 BUCKLEY MUNICIPAL CODE, AND APPROVING THE JULY 23, 2012, DRAFT VERSION AS THE CITY OF BUCKLEY SHORELINE MASTER PROGRAM TO AMEND THE EXISTING SHORELINE MASTER PROGRAM; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State of Washington requires periodic updates of the city’s Shoreline Master Program; and

WHEREAS, legislative changes were made to the Shoreline Management Act since the city’s Shoreline Master Program was adopted; and

WHEREAS, the existing Shoreline Master Program was last updated in 1999 under Ordinances 21-99, 33-99, and 50-99; and

WHEREAS, the city’s 1999 Shoreline Master Program needed to be amended to meet the new changes to the Shoreline Management Act; and

WHEREAS, the City of Buckley obtained state funding under Grant #G1000038; and

WHEREAS, the City of Buckley conducted an open house on January 24, 2011; and

WHEREAS, the Department of Ecology requires certain definitions be placed in the Shoreline Master Program that are similar to the city’s existing definitions in Title 1; and

WHEREAS, the City of Buckley submitted drafts to the Department of Ecology on November 18, 2011, March 5, 2012, and June 13, 2012; and
WHEREAS, the 60-day notice was sent March 7, 2012, to the Washington State Department of Commerce informing it of the proposed change in development regulations; and

WHEREAS, the environmental review was performed under the State Environmental Policy Act with a determination of non-significance issued on March 14, 2012; and

WHEREAS, the planning commission conducted a public hearing on this proposal on July 9, 2012; and

WHEREAS, the planning commission met July 23, 2012, discussed the hearing comments, modified the proposed SMP in response to those comments, and recommended approval;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals and the staff report dated July 25, 2012, as legislative findings in support of this ordinance. The Council further finds as follows:

Section 2. Amendment. Section 1.01.060 is hereby revised as follows:

1.01.060 Definitions.
The following words and phrases whenever used in the ordinances of the city shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) “City” or “town” mean the City of Buckley, Washington, or the area within the territorial limits of the City of Buckley, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provisions;
(2) "Council" means the city council of the City of Buckley, Washington. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the state of Washington;

(3) "County" means the county of Pierce;

(4) "Day" means a calendar day unless otherwise stated in ordinance;

(5) "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the City of Buckley, Washington, and when appropriate, any and all rules and regulations which may be promulgated thereunder;

(6) "May" means the action is acceptable, provided it conforms to the provisions of this code;

(7) "Must" and "Shall" each means a mandate; the action must be done;

(8) "Oath" includes affirmation;

(9) "Office." The use of the title of any officer, employee, or any office, or ordinance means such officer, employee, office, or ordinance of Buckley unless otherwise specifically designated;

(10) "Ordinance" means a law of the city; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution;

(11) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local government unit however designated, association, club, company, corporation, business, trust, or the manager, lessee, agent, servant, officer or employee of any of them;

(12) "State" means the State of Washington;

(13) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

(14) "Written" includes printed, typewritten, mimeographed or multigraphed.

Section 3. Adoption. The attached Shoreline Master Program together with appendixes A, B, and C referenced as Exhibit A is hereby adopted.

Section 4. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
Section 6. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force immediately upon approval by the Washington State Department of Ecology (DOE).

Introduced, passed, and approved this 14th day of August, 2012

Mayor Pat Johnson

Attest:

Joanne Starr, Deputy City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: August 22, 2012
EFFECTIVE: Upon DOE Approval