

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2013-352**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING CHAPTER 20.10 SMC  
REGARDING TIME PERIODS ASSOCIATED WITH  
HEARING EXAMINER ACTIONS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

WHEREAS, Chapter 20.10 SMC governs the City's Hearing Examiner procedural regulations; and

WHEREAS, time periods associated with various actions are inconsistent throughout the Chapter, sometimes limiting time periods by "calendar days" and sometimes simply as "days"; and

WHEREAS, RCW 35A.63.170(3) and RCW 35.63.130(3) provide that unless previously agreed otherwise, the Hearing Examiner's final decision shall be rendered within ten working days of the close of the hearing, but the SMC presently states that the Hearing Examiner's decision shall be rendered within "10 days" without specifying whether that is ten calendar or ten working days; and

WHEREAS, in the absence of specificity, the Hearing Examiner has interpreted the SMC to require decisions be rendered within ten calendar days of the close of each hearing; and

WHEREAS, amendments are necessary to bring consistency to all time period references in Chapter 20.10 SMC and to bring the decision time period into conformance with state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

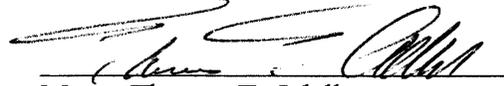
Section 1. Chapter 20.10 SMC Amended. The proposed amendments subject to this ordinance as set forth in Attachment "A" are adopted.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

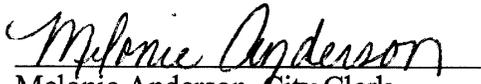
**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 16<sup>th</sup> DAY OF SEPTEMBER, 2013.**

CITY OF SAMMAMISH



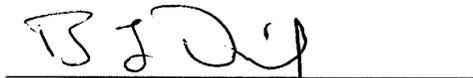
\_\_\_\_\_  
Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:



\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:



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Bruce L. Disend, City Attorney

Filed with the City Clerk:	August 22, 2013
First Reading:	September 3, 2013
Passed by the City Council:	September 16, 2013
Date of Publication:	September 19, 2013
Effective Date:	September 24, 2013

Attachment "A"

**20.10.110 Time limits.**

In all matters where the examiner holds a hearing on applications, the hearing shall be completed and the examiner's written report and recommendations issued within 21 days from the date the hearing opens, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to SMC 20.10.070, the appeal process, including a written decision, shall be completed within 90 days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to SMC 20.10.080. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional 30 days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner. (Ord. O99-29 § 1)

"Days" shall be calendar days unless specified otherwise. "Days" in Section 20.10.240 shall be working days.