

ORDINANCE NO. 793
AN ORDINANCE OF THE TOWN OF DARRINGTON, WASHINGTON, ADDING
CHAPTER 2.48 "HEARING EXAMINER" TO TITLE 2 "ADMINISTRATION AND
PERSONNEL" OF THE TOWN OF DARRINGTON MUNICIPAL CODE (DMC)

WHEREAS, Darrington is classified as a town pursuant to Chapter 35.27 RCW; and,

WHEREAS, Chapter 35.27 RCW allows for the Town Council to appoint a hearing examiner to decide certain matters of the Darrington Municipal Code; and,

WHEREAS, the Town Council desires to create a position of hearing examiner and utilize that office in the land use and other quasi-judicial decision making as provided by Town ordinances or the DMC;

NOW, THEREFORE, the Town Council of the Town of Darrington do ordain as follows:

Section One. A new Chapter 2.48 entitled "Hearing Examiner" is hereby added to Title 2 "Administration and Personnel", to read as follows:

Sections:

2.48.010 - Hearing examiner established.

There is created the office of the Darrington hearing examiner. The hearing examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by the ordinance codified in this chapter or specified in other chapters of the Darrington Municipal Code. Unless the context requires otherwise, the term "examiner" or "hearing examiner" as used in this chapter shall include examiners pro-tem.

2.48.020 - Appointment.

The mayor shall appoint a hearing examiner and hearing examiners pro-tem, as needed. The mayor is authorized to execute professional service contracts with examiners, in a form approved by the town attorney, provided that such contract conforms with this chapter of the DMC as exists or is hereafter amended. An examiner pro-tem shall serve in the event of the absence or disqualification of the examiner.

2.48.030 - Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. The hearing examiner shall comply with the canons of judicial conduct as promulgated by the Washington Supreme Court.

2.48.040 - Removal.

Examiners may be removed from office for cause by the mayor, subject to confirmation of a majority vote of the town council.

2.48.050 - Freedom from improper influence.

No person, including town officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not be read as prohibiting the town staff from making such reports and recommendations as are required in the exercise of their duties; and provided, further, this section shall not prohibit the town attorney from rendering legal service to the examiner upon request.

2.48.060 - Conflict of interest.

The examiner shall be subject to the same code of ethics as other appointed public officers in towns, as set forth in RCW Chapters 42.23 and 42.52, as the same now exists or may hereafter be amended.

2.48.070 - Rules.

The examiner shall have the power to prescribe rules, consistent with town ordinances, for the scheduling and conduct of hearings and other procedural matters related to the duties of the office.

2.48.080 - Duties.

The hearing examiner is vested with the duty and authority to hold public hearings, render decisions and exercise the following powers:

- A. Receive and examine available information;
- B. Hold and conduct public hearings in accordance with RCW Chapter 42.30, and all other applicable law, and to prepare a record;
- C. Make recommendations and decisions on all applications, permits or approvals if authority is granted to the hearing examiner by the DMC;
- D. Hear and make final decisions on appeals made pursuant to DMC sections and chapters that grant this authority to the hearing examiner;
- E. Administer oaths and affirmations;
- F. Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
- G. Regulate the course of hearings;

- H. Make and enter written findings of fact and conclusions to support his or her decisions;
- I. At the examiner's discretion, hold conferences for the settlement or simplification of the issues;
- J. Conduct discovery;
- K. Dispose of procedural requests of similar matters;
- L. Take official notice of matters of law or material facts;
- M. Issue summary orders in supplementary proceedings; and
- N. Take any other action authorized by or necessary to carry out this chapter and those matters within the jurisdiction of the examiner.

2.44.090 - Conflicting code procedures and rules of procedure.

Any and all provisions of this code, and any and all provisions of the rules of procedure adopted by the examiner, which are in conflict with this chapter are superseded.

Section Two. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Three. Authority to Make Necessary Corrections. The Town Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

Section Four. Effective Date. This Ordinance shall be in full force and effect five days after publication.

PASSED AND ADOPTED by the Town Council of the Town of Darrington, Washington, on this 14 day of Aug, 2024.


Dan Rankin, Mayor

ATTEST:

Dianne Davis, Town Clerk/Treasurer

APPROVED AS TO FORM:


Nikki Thompson, Town Attorney