



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

MARCH 13, 2015

4:00 P.M.

COUNCIL CHAMBERS

Please note change in date/time

1. HOUSEKEEPING AMENDMENTS

- [Designate City Clerk as Public Records Officer \(LMC 2.24.020\)](#)
- [Parking in Handicap Space \(LMC 10.04.02z1\)](#)
- [Human Rights Commission \(repeal LMC 2.36\)](#)
- [Lodging Tax \(LMC 3.03.020\)](#)

DAVE SCHNEIDER, CITY ATTORNEY
(ATTACHMENT)



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

March 13, 2015

SUBJECT: Housekeeping Amendments relating to Lacey Municipal Code Chapters 2.24, 2.36, 3.03, 10.02, and 10.14.

RECOMMENDATION: Forward proposed housekeeping amendments to the full City Council for approval.

STAFF CONTACT: Scott Spence, City Manager 
David Schneider, City Attorney 

ORIGINATED BY: City Manager & City Attorney

ATTACHMENTS: 1. [Draft Ordinances](#)

FISCAL NOTE: None anticipated.

PRIOR REVIEW: This is the first review of the proposed amendments.

BACKGROUND:

In an ongoing effort to keep the Lacey Municipal Code current, staff periodically reviews sections of the code that may need revisions due to clarification, additions, deletions, or compliance with state regulations.

The following amendments are recommended to sections 2.24.020, 2.36, 3.03.020, 10.02.021, 10.14.035 and 10.14.040 of the Lacey Municipal Code.

- **LMC 2.24.020** (Powers and duties of the city clerk): RCW 42.56.580 requires each state and local agency to appoint and publicly identify a public records officer to serve as a point of contact for the public. This information is available on the city's website and on city publications. However, language should be added to the municipal code designating the City Clerk as the city's official records officer.
- **LMC 2.36** (Human Rights Commission): This commission was disbanded by the county in 1983 due to a lack of citizen interest and duplication of county and state services. The Thurston Council on Cultural Diversity was formed in 1993 after 18 months of consultation with citizens, including people involved with the Human Rights Commission. It was not to be

an enforcement body, but rather a public education effort, which would be interjurisdictional. Although efforts were made to have an interjurisdictional agreement in place, it did not come to fruition. Therefore, the County unilaterally formed the Thurston Council on Cultural Diversity. As a result, LMC 2.36 (Human Rights Commission) should be repealed.

- **LMC 3.03.020** (Lodging Tax Advisory Committee): RCW 67.28.080 is the authorizing statute for the lodging tax. This statute was recently amended. The amendments were to the definitions of “Tourism Promotion” and “Tourism-related Facility.” The authorization for cities to collect the lodging tax requires conformity with the RCW. As such, the LMC requires amendment to include these new definitions.
- **LMC 10.04.021, 10.14.035 and 10.14.040** (Vehicles & Traffic – Parking in spaces designated for physically disable persons): RCW 49.19.050 is the state statute relating to parking in spaces designated for persons with disabilities. That statute mandates a two hundred dollar (\$200) assessment in addition to any penalty imposed. The relevant LMC language does not include this mandatory assessment. Further, the LMC language is not included in the city’s parking ordinance, LMC 10.14. It makes sense to incorporate the mandatory RCW by reference and place that reference in Lacey’s parking ordinance.

ADVANTAGES:

1. The proposed revisions will keep the Lacey Municipal Code up to date with current state laws and the intentions of the City Council.

DISADVANTAGES:

1. No disadvantages are foreseen.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO THE DUTIES OF THE CITY CLERK, AMENDING SECTION 2.24.020 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, RCW 42.56.580 requires each state and local agency to appoint and publicly identify a public records officer to serve as a point of contact for the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 2.24.020 of the Lacey Municipal Code is hereby amended to read as follows:

2.24.020 Powers and duties of the city clerk.

The city clerk has all of the applicable powers and duties as set out in RCW [35.23.121](#) and RCW [35A.42.040](#). The city clerk is the designated public records officer of the city to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements. Additional duties may be assigned to the city clerk by the ~~finance director or~~ city manager.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this _____ day of _____, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLIC ATION
ORDINANCE NO _____
CITY OF LACEY

The City Council of Lacey, Washington passed on _____, 2015,
Ordinance No. _____, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATING TO
THE DUTIES OF THE CITY CLERK, AMENDING SECTION 2.24.020 OF THE LACEY
MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance names the City Clerk at the designated public records officer for the city.
2. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO PARKING FOR PERSONS WITH DISABILITIES, REPEALING CHAPTER 10.04.021, ADDING NEW CHAPTER 10.14.035, AND AMENDING CHAPTER 10.14.040, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 10.04.021 of the Lacey Municipal Code is hereby repealed.

Section 2. There is hereby adopted a new Chapter 10.14.035 of the Lacey Municipal Code to read as follows:

10.14.035 Parking for persons with disabilities.

Chapter 46.19.050 of the Revised Code of Washington as the same currently exists or is hereafter amended is hereby adopted and by this reference made a part of this chapter as though fully set forth herein.

Section 3. Chapter 10.14.040 of the Lacey Municipal Code is hereby amended to read as follows:

10.14.040 Violation-Fine.

The violation of any of the provisions of this chapter shall constitute a parking infraction, with a monetary penalty not exceeding ~~\$250~~450.00.

Section 4. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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 5. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 6. The Summary Attached is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, at a regularly-called meeting thereof, held this _____ day of _____, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLIC ATION
ORDINANCE NO _____
CITY OF LACEY

The City Council of Lacey, Washington passed on _____, 2015, Ordinance No. _____, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATED TO PARKING FOR PERSONS WITH DISABILITIES, REPEALING CHAPTER 10.04.021, ADDING NEW CHAPTER 10.14.035, AND AMENDING CHAPTER 10.14.040, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The ordinance repeals chapter 10.04.021.
2. The ordinance adopts RCW 46.19.050 by reference.
3. The ordinance increases the maximum fine under LMC 10.14.010 to \$450.00.
4. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO THE HUMAN RIGHTS COMMISSION, REPEALING CHAPTER 2.36 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, in 1968 Ordinance No. 90, codified in Section 2.36 of the Lacey Municipal Code, approved an agreement between the City of Lacey, Thurston County, and the City of Olympia to form a Human Rights Commission to serve within those three jurisdictions, and

WHEREAS, an interlocal agreement was passed on July 2, 1968 to carry out the objectives of the Human Rights Commission, and

WHEREAS, the Human Rights Commission was eventually disbanded due to duplicate efforts between the county and state, and

WHEREAS, the City Council finds it in the best interests of the City of Lacey to repeal unused and/or inoperative Sections of the Lacey Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. That Section 2.36 of the Lacey Municipal Code is hereby repealed.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 4. The Summary Attached is hereby approved for publication

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this _____ day of _____, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLIC ATION
ORDINANCE NO _____
CITY OF LACEY

The City Council of Lacey, Washington passed on _____, 2015,
Ordinance No. _____, entitled "AN ORDINANCE OF THE CITY OF LACEY, REPEALING
CHAPTER 2.36 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY
FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance repeals Chapter 2.36 of the Lacey Municipal Code, relating to the Human Rights Commission.
2. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, RELATING TO THE LODGING TAX, AMENDING SECTION 3.03.020 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, RCW 67.28.180 authorizes cities to collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging that is subject to tax under RCW 82.08, and

WHEREAS, the authorization to collect the special tax is conditioned upon conformity with RCW 67.28, and

WHEREAS, the definition of “Tourism promotion” and “Tourism-related facility” contained in RCW 67.28.080 have changed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 3.03.020 of the Lacey Municipal Code is hereby amended to read as follows:

3.03.020 Definitions.

- A. “Tourism” means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.
- B. “Tourism promotion” means activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists.
- C. “Tourism-related facility” means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor, that is: (a)(i) Owned by a public entity; (ii) owned by a nonprofit organization described under section 501(c)(3) of the federal internal revenue code of 1986, as amended; or (iii) owned by a nonprofit organization described under section 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, destination marketing organization, main street organization, lodging association,

or chamber of commerce and (b) used to support tourism, performing arts, or to accommodate tourist activities.

D. "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

E. The definitions of "selling price," "seller," "buyer," "consumer" and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levy herein.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 4. The Summary Attached is hereby approved for publication

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, at a regularly-called meeting thereof, held this ____ day of _____, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLIC ATION
ORDINANCE NO _____
CITY OF LACEY

The City Council of Lacey, Washington passed on _____, 2015,
Ordinance No. _____, entitled “AN ORDINANCE OF THE CITY OF LACEY, RELATING TO
THE LODGING TAX, AMENDING SECTION 3.03.020 OF THE LACEY MUNICIPAL
CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends the definitions of “Tourism Promotion” and “Tourism-related facility” to conform with RCW 67.28.020.
2. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.