

ORDINANCE NO. 3962

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 17.40 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADD SECTION 17.40.023, AMNESTY FOR CERTAIN LONG-EXISTING WIRELESS COMMUNICATION FACILITIES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, AT&T proposed a new section ECDC 17.40.023 on May 3, 2013 that would give legal nonconforming status to all wireless facilities in existence on August 5, 1998 even if they had not been permitted upon their establishment; and

WHEREAS, the proposed language of ECDC 17.40.023 was reworded to the current proposed language prior to the planning board's public hearing on the matter; and

WHEREAS, the planning board held a public hearing on December 11, 2013; and

WHEREAS, the planning board unanimously recommended approval of the proposed language after the public hearing; NOW, THEREFORE,

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

Section 1. A new Section, 17.40.023, entitled "Amnesty for certain long-existing wireless communication facilities," is hereby added to the Edmonds Community Development Code to read as follows:

17.40.023 Amnesty for certain long-existing wireless communication facilities.

A. Any wireless communications facility that was established prior to August 5, 1998 and does not conform to the current standards of chapter 20.50 ECDC shall be treated as a legal nonconforming wireless communications facility regardless of whether the original establishment of that wireless communication facility complied with applicable code that existed at the time of such establishment.

B. The owner of such a facility must present substantial evidence that conclusively demonstrates that the wireless communications facility existed on or before August 5, 1998.

C. All maintenance and alterations may be made in accordance with ECDC 17.40.020.

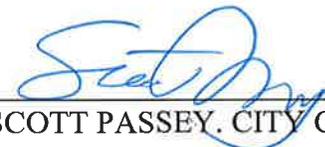
Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

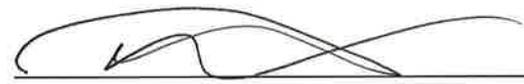
APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


SCOTT PASSEY, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	February 21, 2014
PASSED BY THE CITY COUNCIL:	February 25, 2014
PUBLISHED:	March 2, 2014
EFFECTIVE DATE:	March 7, 2014
ORDINANCE NO.	3962

SUMMARY OF ORDINANCE NO. 3962

of the City of Edmonds, Washington

On the 25th day of February, 2014, the City Council of the City of Edmonds, passed Ordinance No. 3962. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 17.40 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADD SECTION 17.40.023, AMNESTY FOR CERTAIN LONG-EXISTING WIRELESS COMMUNICATION FACILITIES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 26th day of February, 2014.



CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinance Nos. 3961 and 3962 546760

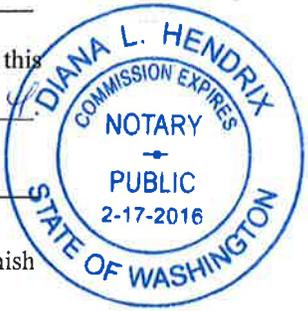
a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

1 issue(s), such publication commencing on 03/02/2014 and ending on 03/02/2014 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is \$ 41.28.

Karen E. Zeman

Subscribed and sworn before me on this 3rd day of March, 2014.

Diana L. Hendrix



Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Edmonds EDH101416 - PO: ORD. 3961 & 3962
ORDERED BY: SCOTT PASSEY

ORDINANCE SUMMARIES
of the City of Edmonds, Washington
On the 25th Day of February, 2014, the City Council of the City of Edmonds, Washington, passed the following Ordinances. The summaries consisting of titles are provided as follows:
ORDINANCE NO. 3961
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 20.50, WIRELESS COMMUNICATION FACILITIES, SECTION 21.05.005, ACCESSORY ANTENNA DEVICE, AND SECTION 17.40.020, NON-CONFORMING BUILDING AND/OR STRUCTURE, OF THE EDMONDS COMMUNITY DEVELOPMENT CODE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.
ORDINANCE NO. 3962
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 17.40 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADD SECTION 17.40.023, AMNESTY FOR CERTAIN LONG-EXISTING WIRELESS COMMUNICATION FACILITIES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.
The full text of any Ordinance will be mailed upon request. Dated this 26th Day of February, 2014.
CITY CLERK, SCOTT PASSEY
Published: March 2, 2014.