



CITY COUNCIL REGULAR MEETING AGENDA

May 16, 2016

7:00 p.m. – Regular Meeting

7:05 p.m. – 7:20 pm – Reception Honoring Advisory Board Members
and Volunteers

PAGE NO.

- | | | | | |
|---|---|--------------------------------|---------------------|-----|
| 1. CALL TO ORDER | | 2. PLEDGE OF ALLEGIANCE | | |
| | | | 3. ROLL CALL | |
| 4. ADVISORY BOARD MEMBERS AND VOLUNTEERS | Recognition of Advisory Board Members and Volunteers. | | | |
| 5. RECESS FOR RECEPTION | (Approximately 7:05 p.m.) | | | |
| 6. AGENDA CONFIRMATION | | | | |
| 7. PUBLIC COMMENT | Individuals will please limit their comments to two minutes on general issues not on the agenda. Concerns will be referred to staff for a response as appropriate and will be included in the next City Manager’s Report. The Council will take comments for a maximum of 20 minutes. | | | |
| 8. PROCLAMATIONS | a. Proclamation Proclaiming June 2016 as <i>MUSIC4LIFE</i> Month. | | | 3. |
| | b. Proclamation Proclaiming May 15-21, 2016 as Public Works Appreciation Week. | | | 5. |
| | c. Proclamation Proclaiming May 15-21, 2016 as National Police Week. | | | 7. |
| | d. Proclamation Proclaiming May 16-22, 2016 as Affordable Housing Week. | | | 9. |
| 9. PRESENTATIONS | a. Presentation of the Annual Police Report. (30 mins) | | | 11. |
| 10. CORRESPONDENCE TO THE COUNCIL | a. Letter Dated April 18, 2016, from Evella Kuxhaus. | | | 39. |
| | b. Email Dated May 5, 2016, from Lisa Sawoya. | | | 41. |
| | c. Email Dated May 5, 2016, from Marianne Hudson. | | | 43. |
| | d. Email Dated May 6, 2016, from Brian Gill. | | | 47. |
| | e. Email Dated May 10, 2016, from Rachael Levine. | | | 49. |
| | f. Email Dated May 11, 2016, from Chestine Edgar. | | | 51. |

City Council meetings are accessible to people with disabilities. Please phone (206) 248-5517 at least 48 hours prior to the meeting to request assistance. American Sign Language (ASL) interpretation and assisted listening devices are available upon request.

COUNCILMEMBERS

Lucy Krakowiak, Mayor	Bob Edgar, Deputy Mayor	Stephen Armstrong
Austin Bell	Lauren Berkowitz	Nancy Tosta
		Debi Wagner

City Hall, 400 SW 152nd Street, 1st Floor

CITY COUNCIL REGULAR MEETING AGENDA

May 16, 2016

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|----------------------------------|--|------|
| 11. CONSENT AGENDA | a. Approval of Check Register: Check Numbers 43441-43579 in the Amount of \$787,615.96 for Payment on May 16, 2016; and, Payroll Salaries and Benefits Approval Check Numbers 6822 - 6834 for Direct Deposits and Wire Transfers in the Amount of \$349,070.98 for April 15 – April 30, 2016, Paid on May 5, 2016. | 55. |
| | b. Approval of Minutes: Regular Meeting, May 2, 2016. | 75. |
| | c. Motion to Adopt Ordinance No. 639, Granting a Non-Exclusive Cable Franchise to CenturyLink. | 79. |
| 12. BUSINESS AGENDA | a. Discussion and Potential Action on Proposed Ordinance No. 638, Amending BMC Title 15, Buildings and Construction. (20 mins) | 115. |
| | b. Discussion and Potential Action to Adopt Ordinance No. 640, Relating to Shoreline Master Program. (20 mins) | 197. |
| | c. Discussion on Resolution Regarding Sea-Tac Airport Operations and Impacts. (30 mins) | 217. |
| | d. Review of Council Proposed Agenda Schedule. (10 mins) | 221. |
| 13. COUNCIL REPORTS | | |
| 14. CITY MANAGER'S REPORT | | 229. |
| 15. ADJOURNMENT | | |



**PROCLAMATION
OF THE CITY OF BURIEN
Washington**

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF BURIEN,
WASHINGTON, PROCLAIMING

**JUNE 2016 AS *MUSIC4LIFE* MONTH
IN THE CITY OF BURIEN**

WHEREAS, the benefits of participation in instrumental music at any age can last a lifetime; and

WHEREAS, research shows that students who participate in instrumental music programs tend to do better in math, science, history, literature, reading, writing, international languages, and other academic disciplines; and

WHEREAS, the cost of owning or renting an instrument is a barrier preventing students from low income families from participating in instrumental music; and

WHEREAS, *Music4Life* is a non-profit organization that has been repairing and providing ready-to-play instruments to participating public school districts for use by the students of low income families since 2007; and

WHEREAS, all instruments donated to *Music4Life* will be used exclusively for the benefit of students in the school district in which they are donated; and

WHEREAS, *Music4Life* has provided approximately 1,800 musical instruments to children in the greater Seattle area including those attending Highline Public Schools.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
DOES HEREBY PROCLAIM

**JUNE 2016 AS *MUSIC4LIFE* MONTH
IN THE CITY OF BURIEN**

and encourage our residents to visit *Music4Life* organization at www.Music4Life.org and to donate any lovingly used musical instruments and/or funding to this fine local organization.

Dated this 16th Day of May, 2016

Mayor Lucy Krakowiak

Deputy Mayor Bob Edgar
Councilmember Austin Bell
Councilmember Nancy Tosta

Councilmember Stephen Armstrong
Councilmember Lauren Berkowitz
Councilmember Debi Wagner

City of Burien

Mayor



**PROCLAMATION
OF THE CITY OF BURIEN
Washington**

**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
PROCLAIMING May 15-21, 2016 AS**

PUBLIC WORKS APPRECIATION WEEK

WHEREAS, streets, sidewalks, and storm water facilities are examples of public works infrastructure and facilities that must be maintained, repaired, replaced, rebuilt or expanded to ensure that our community is safe, healthy and economically vital; and

WHEREAS, this on-going and vital work would not happen without the dedicated efforts of the City's public works employees who daily are expected to do so much with limited resources; and

WHEREAS, the quality and effectiveness of public works facilities, as well as their planning, design, and construction are vitally dependent upon the efforts and skill of public works professionals; and

WHEREAS, the morale and efficiency of the qualified and dedicated personnel who serve in the City's public works department is materially influenced by the people's attitude toward and understanding of the importance of the work they perform.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES
HEREBY ASK ALL BURIEN CITIZENS TO JOIN TOGETHER TO PROCLAIM**

May 15-21, 2016 as Public Works Appreciation Week

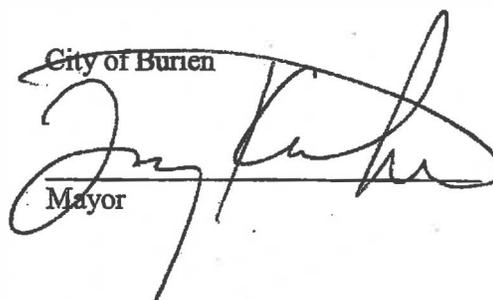
**in the City of Burien and urges all citizens of Burien to join the City of Burien in appreciation of
Burien's public works department.**

Dated this 16th Day of May, 2016

Mayor Lucy Krakowiak

**Deputy Mayor Bob Edgar
Councilmember Austin Bell
Councilmember Nancy Tosta**

**Councilmember Stephen Armstrong
Councilmember Lauren Berkowitz
Councilmember Debi Wagner**

City of Burien

Mayor



**PROCLAMATION
OF THE CITY OF BURIEN
Washington**

**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF BURIEN,
WASHINGTON, PROCLAIMING**

**MAY 15-21, 2016 AS NATIONAL POLICE WEEK
IN THE CITY OF BURIEN**

WHEREAS, in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week; and

WHEREAS, a Memorial Service began in 1982 as a gathering in Washington, DC of approximately 120 survivors and supporters of law enforcement, and decades later, this event grew into a major commemorative event at our Nation's Capital and across the county during National Police Week; and

WHEREAS, this week, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in a number of planned events to honor those that have paid the ultimate sacrifice; and

WHEREAS, many jurisdictions around the world pause to honor their police; and

WHEREAS, the Burien Police Department officers and staff work hard every day to fulfill their responsibilities of preserving life and property in the City of Burien.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
DOES HEREBY PROCLAIM**

**MAY 15-21, 2016 AS NATIONAL POLICE WEEK
IN THE CITY OF BURIEN**

and encourage all residents and organizations to join together in thanking our Burien Police personnel for their dedicated performance of duties to keep us safe.

Dated this 16th Day of May, 2016

Mayor Lucy Krakowiak

Deputy Mayor Bob Edgar
Councilmember Austin Bell
Councilmember Nancy Tosta

Councilmember Stephen Armstrong
Councilmember Lauren Berkowitz
Councilmember Debi Wagner

City of Burien

Mayor



**PROCLAMATION
OF THE CITY OF BURIEN
Washington**

**PROCLAIMING THE WEEK OF MAY 16-22, 2016 AS
AFFORDABLE HOUSING WEEK IN THE CITY OF BURIEN**

WHEREAS, the Burien Comprehensive Plan states that Burien's plans and regulations should facilitate home ownership and rental opportunities for all economic segments of the community; and

WHEREAS, the Burien Comprehensive Plan identifies a variety of strategies to preserve and create affordable housing including preservation and rehabilitation of existing stock, appropriate zoning and incentives, promoting new multi-family and mixed use development in the downtown area and commercial nodes, use of accessory dwelling units, and others; and

WHEREAS, in the King County area housing costs have been rising in recent years, affecting the availability of affordable housing choices; and

WHEREAS, numerous communities throughout King County are recognizing the week of May 16-22, 2016 as Affordable Housing Week to inform the public of the critical need to preserve and provide affordable housing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY PROCLAIM

**THE WEEK OF MAY 16-22, 2016 AS
AFFORDABLE HOUSING WEEK IN THE CITY OF BURIEN**

Dated this 16th Day of May, 2016

Mayor Lucy Krakowiak

Deputy Mayor Bob Edgar	Councilmember Stephen Armstrong
Councilmember Austin Bell	Councilmember Lauren Berkowitz
Councilmember Nancy Tosta	Councilmember Debi Wagner

City of Burien

Mayor



CITY OF BURIEN
ANNUAL POLICE SERVICE HIGHLIGHTS & DATA
2015

Provided for the Residents by:

Police Chief Scott Kimerer, City of Burien Police Department

14905 6th Ave. SW

Burien, WA 98166

(206) 296-3333

Scott.Kimerer@kingcounty.gov

City of Burien Administration

MAYOR	Lucy Krakowiak
DEPUTY MAYOR	Bob Edgar
COUNCIL MEMBERS	Steve Armstrong Lauren Berkowitz Austin Bell Nancy Tosta Debi Wagner
CITY MANAGER	Kamuron Gurol
CHIEF OF POLICE	Chief Scott Kimerer



From Your Police Chief

February 2016

Dear Burien Residents,

I am pleased to present the 2015 Police Services Report for the City of Burien. It has been my honor to continue and serve as your Police Chief for the last twelve years. I believe in our residents being informed of the public safety issues and the priorities of your police department.



The Burien Police Department works tirelessly on making our city a place where businesses thrive and the community feels safe in their neighborhoods. Your Police Department has dedicated resources to improve the safety of our downtown, enhance traffic and DUI enforcement, and continues to work diligently on violent and property crime reduction. We strive to improve our communication with the community and our very diverse population. It is our goal to ensure the quality of life that every citizen in Burien deserves.

I would like to thank the City of Burien staff, City Council and our residents for their continued support of this community. I would further like to commend the members of the Burien Police Department for their outstanding efforts to reduce crime and help make Burien a great place to live.

Sincerely,

K. Scott Kimerer
Police Chief



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About the Annual Police Service Highlights & Data Report

The Annual Police Service Highlights & Data Report contains information on the service efforts and accomplishments of the Burien Police Department to support its mission, goals, and objectives. The goal of the report is to keep the City of Burien residents, staff, administrators, and elected officials informed of police service and crime activity in the city. The report is produced by the City of Burien Police Department in partnership with the King County Sheriff's Office (KCSO) Research, Planning and Informational Services and Contracts Units. Questions about the report can be directed to the Burien chief of police.

The Police Service Highlights section gives a narrative of police efforts and year-to-year comparisons of selected crime and police service data. Most of the data in this section is taken from the Police Services Data section unless otherwise indicated as being from a difference source.

The Police Service Data section provides further detailed crime and police service data. Please note that numbers in this section may differ slightly from numbers in the Police Services Highlights due to rounding differences.

Burien Police Department Mission, Goals, & Core Values

Mission

The mission of the Burien Police Department is to prevent crime and create an environment where people feel safe, while providing quality, professional law enforcement services designed to improve public safety.

Core Values

The Burien Police are committed to the core values of Leadership, Integrity, Service and Teamwork. We firmly believe in our core values and let these values guide all work that we do in the community.

Goals & Objectives

In order to realize this mission, the City of Burien Police Department has adopted the following goals and objectives:

Goal # 1: Provide high-quality, cost-effective, and accountable services to the City of Burien

Objective: Provide responsive services to residents.

Objective: Provide cost-effective services to residents.

Goal # 2: Reduce crime and the fear of crime

Objective: Use information for crime analysis

Objective: Apprehend offenders

Objective: Prevent crime

Objective: Improve residents' feeling of security

Goal # 3: Increase diversity, including gender diversity, in the workplace



City of Burien
Police Service Highlights
2015



City Cost Comparison

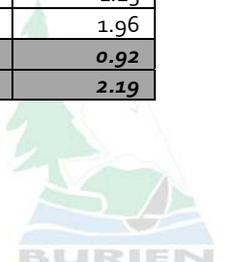
The annual police cost comparison study is conducted by the KCSO Contracts Unit. The study accounts for budget differences and may factor in (or out) certain line items in order to allow for “apples-to-apples” comparisons. Burien’s cost per capita here is different than the contract cost per capita, which only includes Burien’s law enforcement contract paid to the county.

City	2015 Police Budget	2015 Population	2015 Sworn	Cost/ Capita	Cost/ Sworn	Sworn/ 1000
Algona	\$1,139,825	3,105	7.00	\$367	\$162,832	2.25
Auburn	\$22,756,221	75,545	108.00	\$301	\$210,706	1.43
Beaux Arts	\$19,809	300	0.10	\$66	\$198,090	0.33
Bellevue	\$38,350,350	135,000	180.00	\$284	\$213,058	1.33
Black Diamond	\$1,581,716	4,200	8.00	\$377	\$197,715	1.90
Bothell	\$12,217,925	42,640	58.00	\$287	\$210,654	1.36
Burien	\$10,878,500	48,810	50.36	\$223	\$216,015	1.03
Carnation	\$490,789	1,790	2.53	\$274	\$193,988	1.41
Clyde Hill	\$1,502,200	3,020	9.00	\$497	\$166,911	2.98
Covington	\$3,478,449	18,520	17.08	\$188	\$203,656	0.92
Des Moines	\$8,519,512	30,100	36.00	\$283	\$236,653	1.20
Duvall	\$2,061,030	7,345	14.00	\$281	\$147,216	1.91
Edmonds	\$8,817,474	40,490	53.00	\$218	\$166,367	1.31
Federal Way	\$21,589,604	90,760	131.00	\$238	\$164,806	1.44
Hunts Point	\$279,000	410	1.20	\$680	\$232,500	2.93
Issaquah	\$7,559,620	33,330	35.00	\$227	\$215,989	1.05
Kenmore	\$3,361,477	21,500	15.96	\$156	\$210,619	0.74
Kent	\$30,813,979	122,900	148.00	\$251	\$208,203	1.20
Kirkland	\$24,488,092	83,460	98.00	\$293	\$249,878	1.17
Lake Forest Park	\$3,617,589	12,810	19.00	\$282	\$190,399	1.48
Lynnwood	\$9,533,924	36,420	70.00	\$262	\$136,199	1.92
Maple Valley	\$3,830,490	24,700	18.18	\$155	\$210,698	0.74
Marysville	\$12,936,515	64,140	61.00	\$202	\$212,074	0.95
Medina	\$2,051,095	3,095	9.00	\$663	\$227,899	2.91
Mercer Island	\$6,231,102	23,480	33.00	\$265	\$188,821	1.41
Mill Creek	\$4,484,269	19,760	25.00	\$227	\$179,371	1.27
Mukilteo	\$4,692,914	20,900	28.00	\$225	\$167,604	1.34
Newcastle	\$1,957,637	10,940	9.81	\$179	\$199,555	0.90
Normandy Park	\$1,865,337	6,420	10.00	\$291	\$186,534	1.56
North Bend	\$1,433,260	6,460	8.20	\$222	\$174,788	1.27
Puyallup	\$14,807,151	38,950	57.00	\$380	\$259,775	1.46
Redmond	\$25,233,918	59,180	86.00	\$426	\$293,418	1.45
Renton	\$27,900,705	98,470	120.00	\$283	\$232,506	1.22
Sammamish	\$5,050,198	49,980	25.22	\$101	\$200,246	0.50
SeaTac	\$9,623,846	27,650	43.57	\$348	\$220,882	1.58
Seattle	\$313,468,654	662,400	1,374.00	\$473	\$228,143	2.07
Shoreline	\$10,968,440	54,500	52.80	\$201	\$207,736	0.97
Skykomish	\$28,538	195	0.13	\$146	\$219,521	0.67
Snoqualmie	\$3,821,312	12,850	15.80	\$297	\$241,855	1.23
Sumner	\$4,079,927	9,660	19.00	\$422	\$214,733	1.97
Tukwila	\$15,018,347	19,300	76.00	\$778	\$197,610	3.94
University Place	\$3,745,912	31,720	16.00	\$118	\$234,120	0.50
Woodinville	\$2,926,468	11,240	13.82	\$260	\$211,756	1.23
Yarrow Point	\$404,528	1,020	2.00	\$397	\$202,264	1.96
	<i>Partner City Averages (weighted)</i>			\$195	\$210,830	0.92
	<i>Non-Partner City Averages (weighted)</i>			\$354	\$218,511	2.19



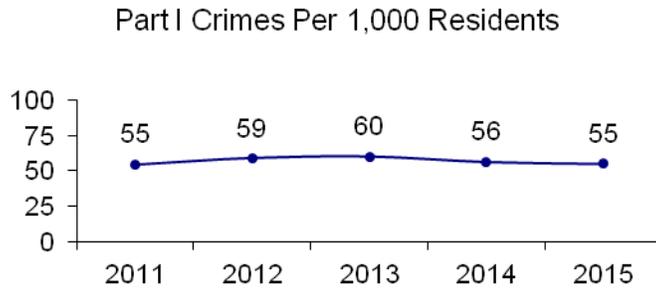
Data sources:

1. Budgets found on city websites or via city finance personnel.
2. Population is from the Office of Financial Management.



Burien's Crime Rate

The Crime Rate is a calculation of the number of Part I Crimes divided by population in thousands. Part I Crimes is a category of crimes established by the Federal Bureau of Investigation (FBI). It includes criminal homicide (which includes murder and non-negligent manslaughter, but excludes deaths by negligence, attempts to kill, suicides, accidental deaths, justifiable homicide, and traffic fatalities), forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.



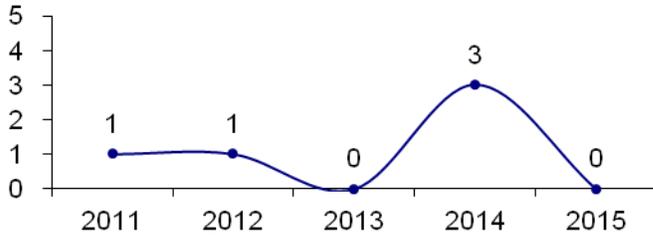
Source: Police Services Data



Part I Violent Crimes against People

Part I Crimes include crimes categorized as “violent crimes” or “crimes against people.” The following are Burien’s Part I Violent Crimes.

Homicide

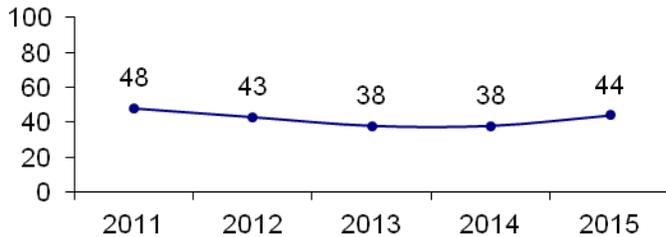


Source for all below: Police Services Data

Homicide

The willful killing of one human being by another. Includes murder and non-negligent manslaughter, justifiable homicide, and manslaughter by negligence.

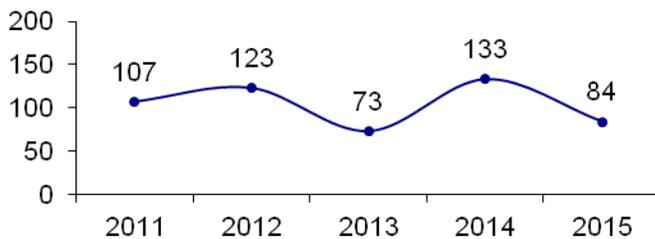
Rape



Rape

Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included in this count. Statutory offenses (no force used—victim under age of consent) are excluded.

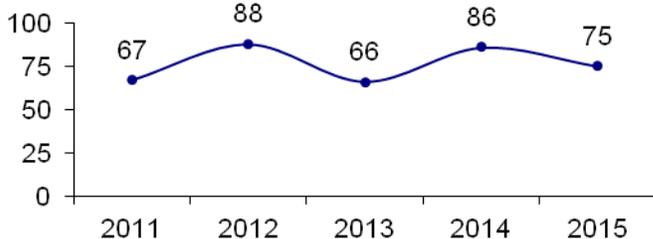
Aggravated Assault



Aggravated Assault

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Robbery



Robbery

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person by force, threat of force, violence, or by putting the victim in fear.

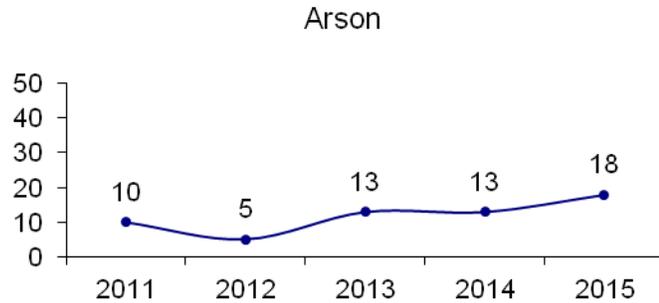


Part I Non-Violent Crimes against Property

The second group of Part I Crimes is known as “non-violent crimes,” “crimes against property,” or “property crimes.” The following are Burien’s Part I Crimes against Property. Information about vehicle theft, also included in this category, can be found with traffic and automobile incident information.

Arson

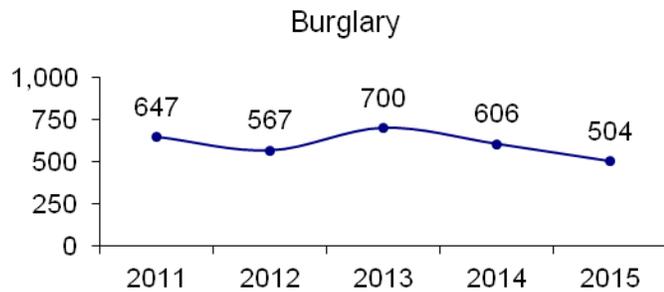
Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.



Source for all below: Police Services Data

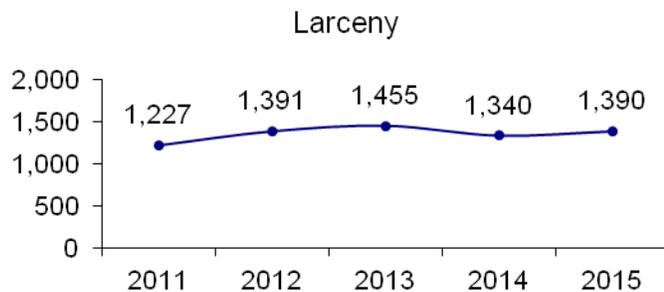
Burglary (breaking or entering)

Burglary is the unlawful entry of a commercial or residential structure with the intent to commit a crime. Attempted forcible entry is included.



Larceny (except vehicles)

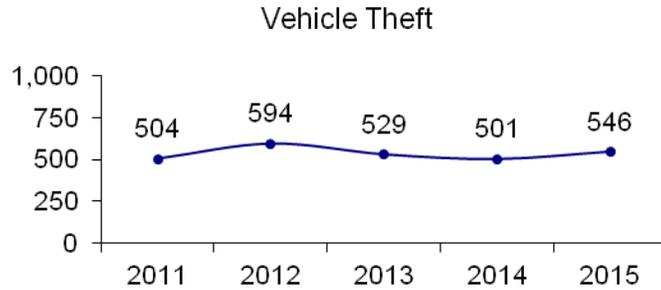
Larceny is the unlawful taking, carrying, leading, or riding away of property of any value amount from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, forgery, check fraud, and like crimes are excluded.



Traffic and Automobile Incident Information

Vehicle theft

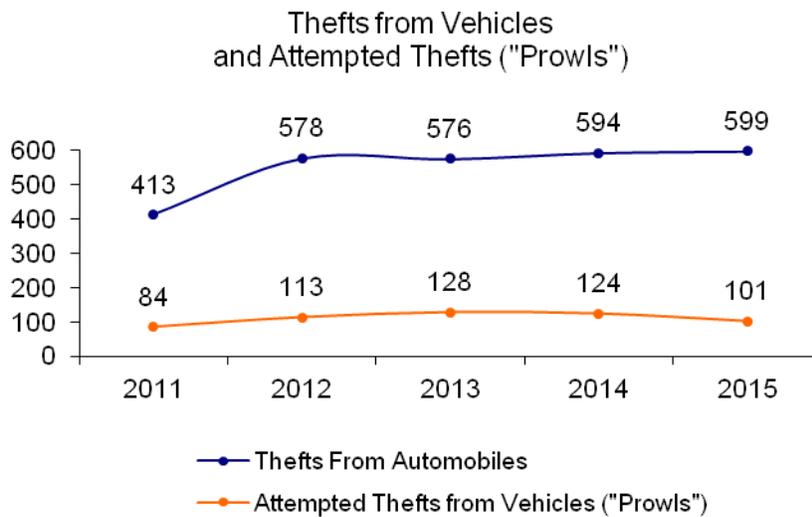
Vehicle theft is included in Part I Crimes against Property. It is the theft or attempted theft of a motor vehicle, which is defined as being self-propelled and running on a land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.



Source: Police Services Data

Thefts and Attempted Thefts ("Prowls") from Automobiles

A theft or attempted theft ("prowl") from an automobile is the act or attempted act of taking something from the inside of an automobile.

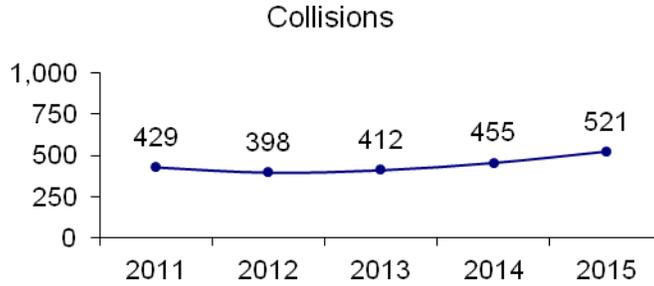


Source: Police Services Data and CAD System



Traffic Collisions

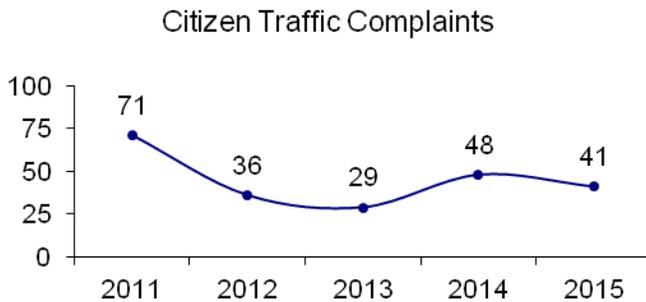
Collision information includes reports for injury, non-injury, and fatality vehicle collisions. Driving under the influence (DUI) collisions and hit-and-runs are excluded from this category.



Source: Police Services Data

Citizen Traffic Complaints

Citizen traffic complaints include all reports residents make regarding chronic traffic violations and requests for traffic enforcement. Complaints are assigned out to specific traffic enforcement units as well as patrol and are worked on a regular basis. Some complaints are resolved relatively quickly, while others become the site of on-going traffic enforcement projects.

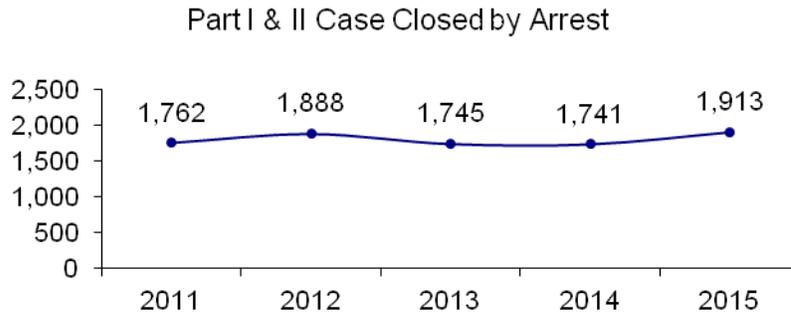


Source: Police Services Data



Part I & II Cases Closed by Arrest

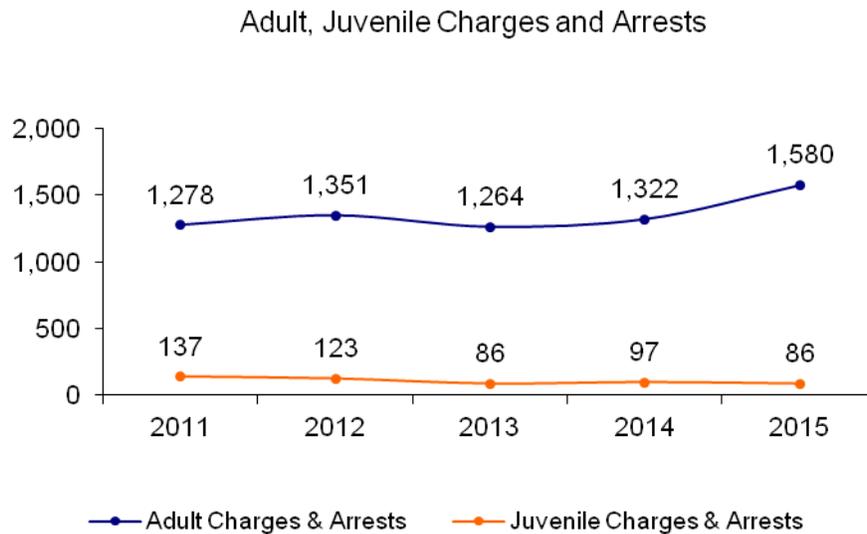
The cases below represent incidents where an officer or detective has recommended that the King County Prosecutor’s Office file criminal charges against the case suspect. These criminal charges may result in an arrest or another form of punitive action, such as a citation. A prosecuting attorney is solely responsible for the decision to formally file charges and prosecute defendants.



Source: KCSO RPIS Unit

Adult and Juvenile Charges and Arrests

One or more charges can result from a single arrest. Charges also can be filed when probable cause exists against a person who may not have been arrested. The following are the total number of felony and misdemeanor charges and arrests by adult and juvenile status.



Source: Police Services Data

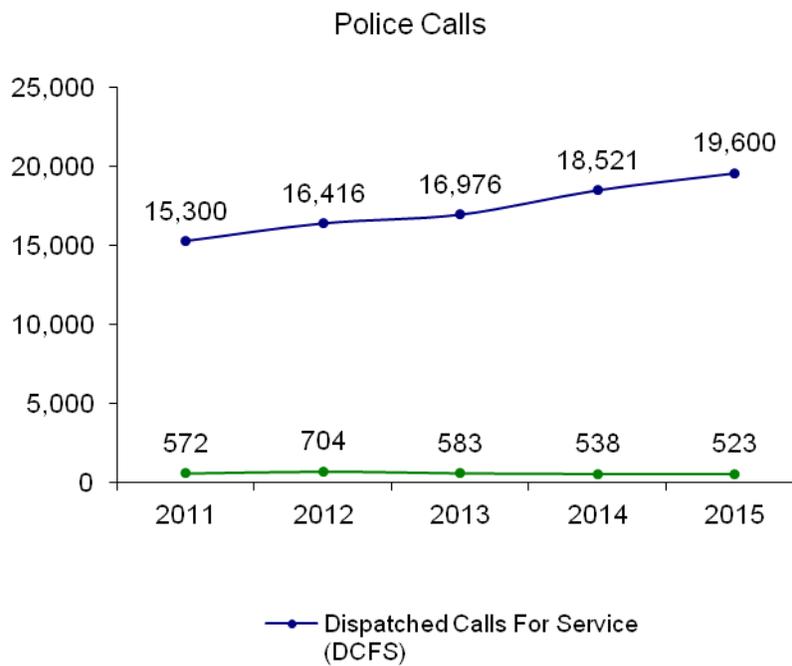


Calls for Police Assistance

The public receives police assistance in a variety of ways. Residents can call the Emergency 911 Communications Center to have one or more officers dispatched to the field, called a “dispatched call for service.”

In addition to dispatched calls for service, 911 center operators can take certain types of reports over the phone through alternative call handling (ACH). This allows police officers more time to respond to those who need an officer present at the location of their incident.

Following are the numbers of dispatched calls for service (DCFS) and alternative call handling (ACH) incidents reported.



Source: Police Services Data and CAD



Dispatched Calls For Service (DCFS): The number of DCFS shown here includes calls that are verified to take place inside the city limits and that are charged to the city as part of its police contract. Total DCFS counts, as shown in the Police Service Data section, may be slightly higher (usually less than 5 percent higher).



Response Times to High Priority Calls

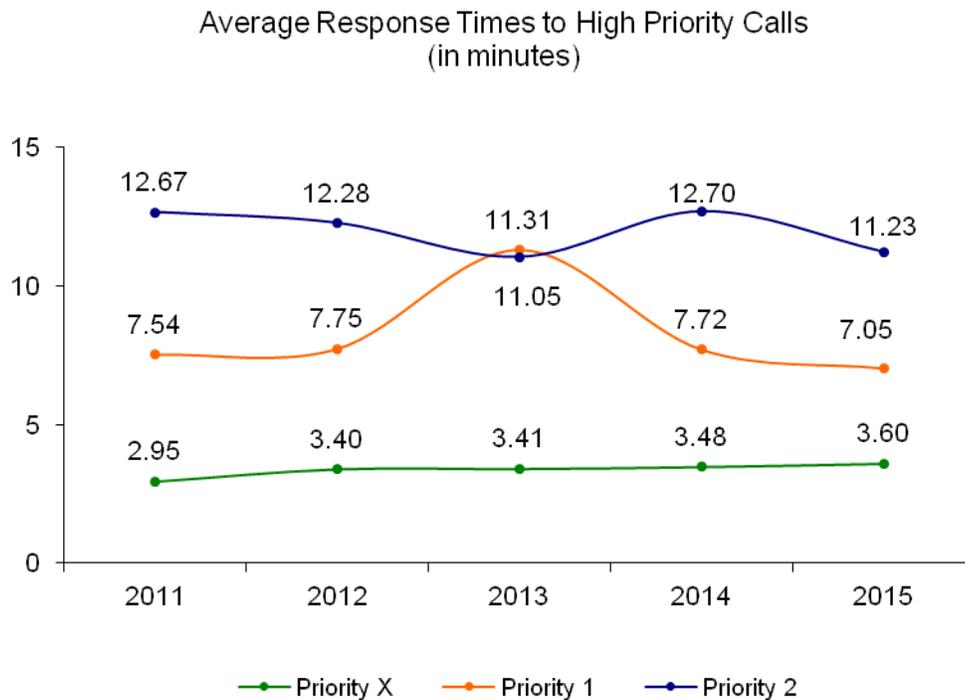
When calls for police assistance are received by the Emergency 911 Communications Center, they are entered into the Computer Aided Dispatch (CAD) system and given a “priority” based on the criteria described below. If the call receiver is in doubt as to the appropriate priority, the call is assigned the higher of the two priority designators in question.

“Priority X” designates critical dispatches. These are incidents that pose an obvious danger to the life of an officer or citizen. It is used for felony crimes in-progress where the possibility of confrontation between a victim and suspect exists. Examples include shootings, stabbings, robberies or burglaries.

“Priority 1” designates immediate dispatches. These are calls that require immediate police action. Examples include silent alarms, injury traffic accidents, in-progress crimes or crimes so recent that the suspect may still be in the immediate area.

“Priority 2” designates prompt dispatches. These are calls that could escalate to a more serious degree if not policed quickly. Examples include verbal disturbances and blocking traffic accidents.

Following are the City of Burien’s Police response times for the above priority calls. Response times include all time from the receipt of a phone call to the moment an officer arrives at the location of the incident.



Source: Police Services Data

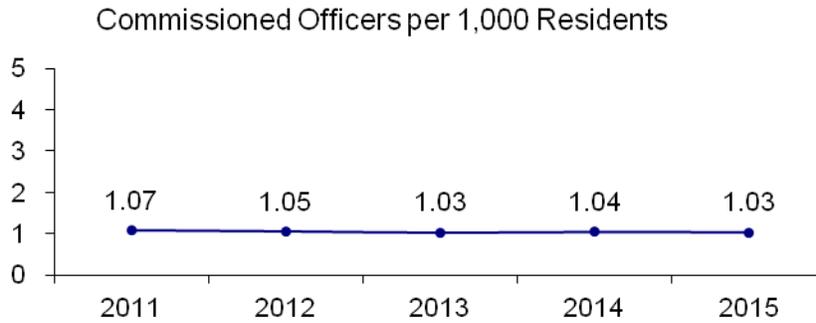


Computer Aided Dispatch (CAD): A computerized communication system used by emergency response agencies for dispatching and tracking calls for emergency assistance.



Commissioned Officers per 1,000 Residents

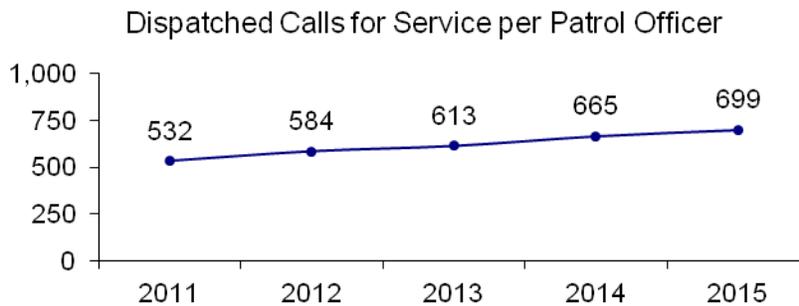
Commissioned officers per 1,000 residents shows how many commissioned police officers are employed by Burien for every 1,000 residents. This number includes commissioned officers who work in supervisory or other non-patrol related positions as well as special services officers who work part-time for the city. It does not include professional (i.e. non-commissioned) support staff.



Source: KCSO Contracts Unit

Dispatched Calls for Service (DCFS) per Patrol Officer

Dispatched calls for service (DCFS) per patrol officer is the average number of dispatched calls one patrol officer responds to within a year. This number uses only dispatched calls Burien pays for and does not include the number of responses an officer initiates (such as witnessing and responding to traffic violations, called "on views"). Also, the numbers below are *patrol only* and exclude non-patrol commissioned officers (such as supervisors or special duty officers/detectives).



Source: KCSO Contracts Unit



Costs of Police Services per Capita

The City of Burien contracts with the King County Sheriff's Office (KCSO) for police services. Among other benefits, contracting for services from a larger law enforcement agency allows for cost savings through "economies of scale." Specific economies of scale provided through the contract with KCSO include:

- Mutual aid agreements with other law enforcement agencies in Washington State
- A large pool of officers if back-up help is necessary
- Coverage if city officers are away
- Expertise of specialized units to assist officers
- More experienced officers to select from for city staffing
- Cost sharing throughout the department to keep city costs down

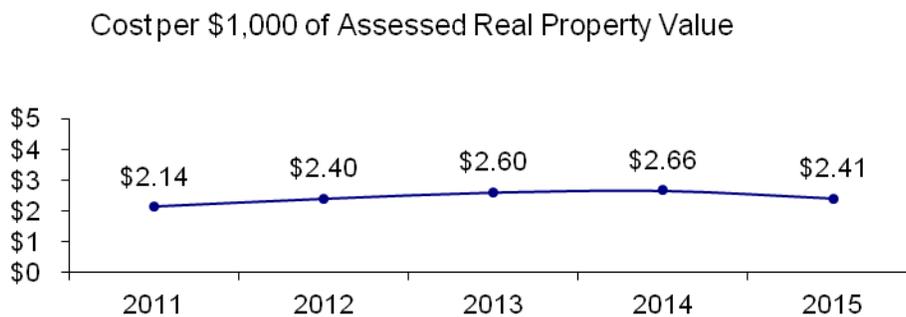
Costs for police services vary depending on a city's resources and the level and type of police services the community wants. The City of Burien may have additional funds or expenditures for special projects or programs as part of the city's law enforcement budget. These additional costs are not reflected in the contract cost per capita, which shows the contract cost for police services divided by Burien's population.



Source: KCSO Contracts Unit

Cost per \$1,000 of Assessed Real Property Value

Cost per \$1,000 of assessed real property value shows Burien's contract cost in relationship to the property values of Burien.



Source: King County Assessor's Office

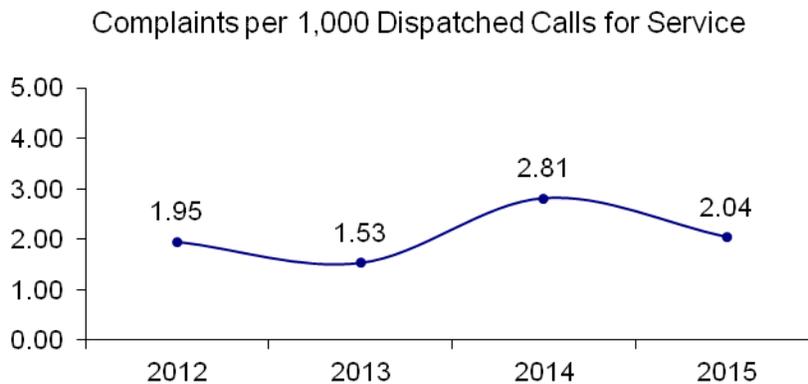


Complaints against Officers

Complaints against city police officers can originate from the public or internal police department personnel. All complaints are accepted and reviewed. When a complaint is made, the King County Sheriff’s Office Internal Investigations Unit (IIU) will review the complaint. While serious complaints are investigated by IIU, the majority of complaints are far less serious and are handled at the worksites by supervisors. The following are the preliminary number of internal and external complaints that were investigated for city officers. Please note that these numbers are preliminary counts; final numbers will be published in the IIU Annual Report, released each spring.

Note: Beginning in 2012, a new methodology for reporting and collecting information about Complaints against Officers was implemented. This new methodology takes advantage of improved reporting features available in the database used to collect complaints. This method will be used going forward and will provide a more accurate view of complaints received. Therefore, less than 5 years of data will be shown until 2016.

	2012	2013	2014	2015
Number of Complaints	32	26	52	40
Number of Dispatched Calls for Service	16,416	16,976	18,521	19,600



Source: KCSO Internal Investigations & Human Resource Units



City of Burien Police Service Data 2015



CRIME SUMMARY	1-Q	2-Q	3-Q	4-Q	YTD
TOTAL PART 1 OFFENSES	661	654	609	737	2661
TOTAL PART 2 OFFENSES	913	899	810	930	3552
Officers Assaulted	1	2	3	4	10
Total Domestic Violence Offenses	125	176	146	138	585
Gang Incidents	30	23	20	12	85
ADULT ARREST TOTAL	436	386	384	374	1580

AUTO RECOVERIES	1-Q	2-Q	3-Q	4-Q	YTD
Inside / Inside	71	76	80	94	321
Outside / Inside	61	60	48	78	247

PART 1 Cases Closed/Cleared					
for the following offenses:	1-Q	2-Q	3-Q	4-Q	YTD
Homicide	0	0	0	0	0
Rape (including attempt)	0	4	3	1	8
Robbery	2	2	7	0	11
Aggravated Assault	7	16	12	12	47
Commercial Burglary	2	4	2	2	10
Residential Burglary	8	5	6	5	24
Larceny +250	8	7	10	9	34
Larceny 0-250	32	25	21	32	110
Arson	2	0	1	0	3
TOTAL	61	63	62	61	247

PART 2 Cases Closed/Cleared					
for the following offenses:	1-Q	2-Q	3-Q	4-Q	YTD
Assault 4th Degree	76	87	76	76	315
Narcotics	43	40	48	46	177
Check Frauds	9	7	4	4	24
TOTAL	128	134	128	126	516



PART 1 OFFENSES	1-Q	2-Q	3-Q	4-Q	YTD
Assault, Hands	9	12	16	11	48
Assault, Knife	2	2	3	6	13
Assault, Firearm	2	5	4	4	15
Assault, ODW	4	2	1	1	8
HOMICIDE	0	0	0	0	0
Robbery, Bank	0	0	2	0	2
Robbery, Chain Store	10	4	4	6	24
Robbery, Commercial	0	0	0	0	0
Robbery, Gas Station	2	0	0	1	3
Robbery, Highway	8	4	3	7	22
Robbery, Miscellaneous	5	3	1	4	13
Robbery, Residence	1	3	0	0	4
Robbery, Carjack	1	1	1	4	7
Attempted Rape	0	1	0	0	1
Rape	6	9	7	7	29
Child Rape	4	7	1	2	14
Comm Burglary, FE	28	26	29	27	110
Comm Burglary, NF	5	6	6	6	23
Comm Burglary, ATT	7	2	5	5	19
Residential Burglary, FE	68	39	36	48	191
Residential Burglary, NF	20	30	26	53	129
Residential Burglary,ATT	9	9	6	8	32
Larceny, +250	147	154	143	145	589
Larceny, 0-250	191	199	182	225	797
Vehicle Theft	126	130	125	161	542
Truck-Bus Theft	0	0	1	0	1
Other Vehicle Theft	0	1	1	1	3
Theft Boat/RV	1	0	2	1	4
Arson Confirmed	5	5	4	4	18
TOTAL PART 1 OFFENSES	661	654	609	737	2661



PART 2 OFFENSES	1-Q	2-Q	3-Q	4-Q	YTD
Assault 4th Degree	90	120	104	109	423
Total Sex Offenses	41	32	23	44	140
Family/Juvenile Offenses	128	130	109	103	470
Forgery/Fraud Offenses	70	63	47	65	245
Commercial Vice	1	5	1	1	8
Gambling, Other	0	0	0	0	0
Kidnapping	1	1	1	1	4
Weapons	12	12	13	16	53
All Other	181	152	149	190	672
Viol Crt Order (misd)	38	38	46	25	147
Viol Crt Order (felony)	4	5	6	6	21
HATE CRIMES	1	0	0	0	1
Stolen Property	6	1	4	10	21
Trespass	193	164	149	177	683
Vandalism	64	88	67	84	303
Disorderly Conduct	3	3	7	4	17
Liquor Violation	1	1	4	1	7
D U I	36	44	32	47	159
HEROIN, etc	21	25	24	23	93
SYNTHETIC NARCOTICS	16	13	22	22	73
OTHER NARCOTICS	0	0	0	0	0
MARIJUANA	6	2	2	2	12
TOTAL PART 2 OFFENSES	913	899	810	930	3552



DISPATCHED CALLS					
FOR SERVICE	1-Q	2-Q	3-Q	4-Q	YTD
N1	711	790	792	756	3049
N2	712	872	922	810	3316
N3	697	770	750	635	2852
N4	473	490	537	532	2032
N5	1455	1545	1577	1631	6208
N6	579	599	665	592	2435
TOTAL DCFS	4627	5066	5243	4956	19892

AVG Response Time	1-Q	2-Q	3-Q	4-Q
Critical Dispatch X=	4.19	3.09	3.37	3.74
Immediate Dispatch 1=	6.57	7.08	7.31	7.22
Prompt Dispatch 2=	11.47	10.74	11.74	10.96
Routine Dispatch 3=	33.30	33.51	32.27	34.58

LARCENY OFFENSES	1-Q	2-Q	3-Q	4-Q	YTD
Gas	0	0	0	0	0
APA	7	13	4	9	33
Bike	6	7	16	7	36
COMD	1	1	3	1	6
NSC	35	49	50	48	182
P/P	4	4	0	0	8
P/S	2	4	1	1	8
S/L	87	68	64	69	288
TFA	148	136	128	187	599
TFB	48	71	59	48	226
TOTAL	338	353	325	370	1386



ARRESTS	1-Q	2-Q	3-Q	4-Q	YTD
Juvenile Arrests					
Felony	5	4	3	5	17
Misdemeanor	22	20	13	14	69
Homicide	0	0	0	0	0
JUVENILE ARREST TOTAL	27	24	16	19	86
Adult Arrests					
Felony	63	64	81	64	272
Misdemeanor	373	322	303	310	1308
Homicide	0	0	0	0	0
ADULT ARREST TOTAL	436	386	384	374	1580
Grand Total Arrests					
	463	410	400	393	1666



JUVENILE FEL. ARRESTS	1-Q	2-Q	3-Q	4-Q	YTD
Aggravated Assault	1	0	0	1	2
Arson	0	0	0	0	0
Burglary	0	0	0	1	1
Counterfeiting / Forgery	0	0	0	0	0
Disorderly Conduct	0	0	0	0	0
D U I	0	0	0	0	0
Embezzlement	0	0	0	0	0
Forcible Rape	1	0	0	1	2
Fraud	0	0	0	0	0
Gambling, Other	0	0	0	0	0
Larceny	0	0	0	0	0
Liquor Violation	0	0	0	0	0
Marijuana	0	0	0	0	0
Narcotics / Drug Violation	0	0	0	1	1
Other (except Traffic)	1	0	0	0	1
Other (Traffic Violations)	1	0	0	0	1
Prostitution - VICE	0	0	0	0	0
Robbery	0	2	2	0	4
Sex Offense (No Rape)	0	0	0	0	0
Simple Assault	0	0	0	0	0
Stolen Property	0	0	0	0	0
Vandalism	0	1	0	0	1
Vehicle Theft	1	1	0	1	3
Weapons Violations	0	0	1	0	1
TOTAL	5	4	3	5	17

JUVENILE MISD ARRESTS	1-Q	2-Q	3-Q	4-Q	YTD
Aggravated Assault	0	1	0	0	1
Arson	1	0	0	0	1
Burglary	0	0	0	1	1
Counterfeiting / Forgery	0	0	0	0	0
Disorderly Conduct	0	0	0	0	0
D U I	1	0	0	1	2
Embezzlement	0	0	0	0	0
Forcible Rape	0	0	0	0	0
Fraud	0	0	0	0	0
Gambling, Other	0	0	0	0	0
Larceny	2	3	0	2	7
Liquor Violation	0	0	0	0	0
Marijuana	0	0	2	1	3
Narcotics / Drug Violation	0	0	0	0	0
Other (except Traffic)	3	2	3	4	12
Other (Traffic Violations)	5	2	2	1	10
Prostitution - VICE	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offense (No Rape)	0	0	0	0	0
Simple Assault	7	11	5	3	26
Stolen Property	0	0	0	0	0
Vandalism	2	1	0	0	3
Vehicle Theft	0	0	0	0	0
Weapons Violations	1	0	1	1	3
TOTAL	22	20	13	14	69



ADULT FEL. ARRESTS	1-Q	2-Q	3-Q	4-Q	YTD
Aggravated Assault	8	8	12	11	39
Arson	1	0	1	0	2
Burglary	7	4	8	4	23
Counterfeiting / Forgery	1	0	1	1	3
Disorderly Conduct	0	0	0	0	0
D U I	1	0	0	0	1
Embezzlement	0	0	0	0	0
Forcible Rape	1	2	1	2	6
Fraud	1	1	1	0	3
Gambling, Other	0	0	0	0	0
Larceny	1	0	4	2	7
Liquor Violation	0	0	0	0	0
Marijuana	0	0	0	0	0
Narcotics / Drug Violation	8	11	19	9	47
Other (except Traffic)	13	7	9	10	39
Other (Traffic Violations)	1	4	3	5	13
Prostitution - VICE	0	0	0	0	0
Robbery	6	5	7	0	18
Sex Offense (No Rape)	0	1	2	1	4
Simple Assault	0	0	0	0	0
Stolen Property	2	0	0	2	4
Vandalism	0	5	2	0	7
Vehicle Theft	11	13	8	14	46
Weapons Violations	1	3	3	3	10
TOTAL	63	64	81	64	272

ADULT MISD ARRESTS	1-Q	2-Q	3-Q	4-Q	YTD
Aggravated Assault	1	0	0	0	1
Arson	0	0	0	0	0
Burglary	0	1	0	0	1
Counterfeiting / Forgery	2	1	0	0	3
Disorderly Conduct	6	3	3	5	17
D U I	39	44	35	49	167
Embezzlement	0	0	0	0	0
Forcible Rape	0	0	0	0	0
Fraud	1	1	1	0	3
Gambling, Other	0	0	0	0	0
Larceny	44	30	31	42	147
Liquor Violation	3	2	1	0	6
Marijuana	0	0	0	0	0
Narcotics / Drug Violation	0	0	2	4	6
Other (except Traffic)	85	74	91	66	316
Other (Traffic Violations)	106	66	46	52	270
Prostitution - VICE	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offense (No Rape)	0	3	0	1	4
Simple Assault	72	78	80	74	304
Stolen Property	2	2	0	4	8
Vandalism	11	14	11	9	45
Vehicle Theft	0	1	0	1	2
Weapons Violations	1	2	2	3	8
TOTAL	373	322	303	310	1308



Lead @ 7:10 PM
4/18/16 CJD

April 18, 2016
CTC: 5/11/16

cc: Chip Davis, Community Development Director
Barb Canfield, Code Compliance Officer

Dear Burien City Council,

I have lived at 13512 6th Ave. SW for my entire life. The block has gone through a lot of changes but nothing as dramatic and unappealing as the two new structures under construction on the property at 13502 6th Ave. SW.

It appears that the city is so focused on encouraging new development that it has no regard for the impact on the existing neighborhoods. They say new development increases the value of properties. In the case of these two new structures I think all the rest of the block has been devalued.

These two structures are totally out of place on this block. When cars drive by and roll down their windows and say "Those are hideous" I don't think that says much for the design. A neighbor one block south said "My husband and I cringe when a home goes up for sale for fear they put up something like those awful things." An Easter dinner guest asked if we'd been beyond for commercial because they looked like low cost medical centers.

These structures are extremely tall. I'm wondering if they are over the height limit. They look just ridiculous with the rest of the residences on the block.

Two 5 bedroom homes side by side seems like a parking nightmare is going to occur since more than 1 car per household appears to be the way things are. With multiple cars at each house it's going to look like a sea of asphalt with a parking lot.

It's sad to see the integrity of a neighborhood go downhill. I would suggest that the city look at the impact on an entire block and make suggestions for revisions before issuing permits. The rest of us on the block have no say in what happens.

Thank you for your time.

Sincerely,

Evella Kuphaus

Carol Allread

From: Public Council Inbox
Sent: Thursday, May 05, 2016 9:57 AM
To: 'Lisa Sawoya'; Public Council Inbox
Subject: RE: PLEASE EXTEND THE C.A.R.E.S. PROGRAM!!

Dear Ms. Sawoya,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 5/16/16

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

cc: Dan Trimble, Economic Development Manager

From: Lisa Sawoya [mailto:lsawoya@gmail.com]
Sent: Monday, May 02, 2016 6:19 PM
To: Public Council Inbox <council@burienwa.gov>
Subject: PLEASE EXTEND THE C.A.R.E.S. PROGRAM!!

Greetings:

I am a resident of Burien and a registered voter who actually does vote.

I kindly ask that the C.A.R.E.S. contract be extended until Jan 1, 2017. I believe this organization does much good for our community and it would be a shame to lose them. Being under animal control services of King County is only a set-back for us as a city. Actually, I hope their contract is even extended further into 2017. Let's support our animals please!

PLEASE EXTEND THE C.A.R.E.S. PROGRAM!!

Thank you!

Lisa Sawoya

Carol Allread

From: Public Council Inbox
Sent: Thursday, May 05, 2016 9:53 AM
To: 'Marianne'; Public Council Inbox
Subject: RE: RASKC vs Burien CARES

Dear Marianne,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 5/16/16

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

CC: Dan Trimble, Economic Development manager

From: Marianne [mailto:mehud7@aol.com]
Sent: Tuesday, May 03, 2016 7:15 PM
To: Public Council Inbox <council@burienwa.gov>
Subject: RASKC vs Burien CARES

Dear Mayor Krakowiak, Deputy Mayor Edgar, and Council Members Armstrong, Bell, Tosta, Berkowitz, and Wagner,

Please refer to my attached letter regarding Regional Animal Services of King County as the best choice for the animals and residents of Burien.

Thank you,
Marianne

May 2, 2016

I would like to thank members of the Burien City Council for voting in early April, not to extend the contract of CARES, in order to research the alternative of Regional Animal Services of King County (RASKC) as the animal control agency for the animals of Burien.

RASKC provides animal control services to 25 cities and unincorporated King County. They provide 24 hour public safety response to dangerous animals. They also provide 24 hour service for injured animals and animal abuse.

Their animal control officers respond to over 5000 calls each year. They cover 1100 square miles for a population of 1 million people.

Clearly RASKC knows what they are doing,

RASKC also:

- Provides a clean and healthy environment in a newly renovated shelter
- Partners with PIMA medical institute to host an on-site vet tech program
- Has two licensed veterinarians and three licensed vet techs who perform initial exams, treat wounds and illnesses, and alter all animals adopted from the shelter
- Partners with two low cost spay/neuter clinics to alter the pets of the public (Pasado's Spay Station and Northwest Spay and Neuter Clinic) at a reduced cost (feral cats are free)
- Partners with Seattle Meowtropolitan, Petco, and The Whole Cat and Kaboodle for off-site adoptions
- Has a huge volunteer program
- Has a 13% euthanasia rate, which is one of the lowest in the country-and they have to take every single animal that comes through their doors from their service area (even chickens-which I once found five and brought in)

CARES' contract is currently \$170,000 per year. The 2013 quote for services with RASKC was \$320,000. The difference between the level of care that animals would receive at RASKC compared to CARES is staggering.

Currently CARES:

- Enforces Burien Municipal Code Title 6-animals
- Responds to dog bites and dangerous dog reports
- Impounds stray dogs
- Provides education on pet ownership
- Rescues sick or injured animals
- Provides referrals to other animal agencies

Cats? What about cats? CARES has a few, but their contract states they are not responsible for accepting cats at their facility—friendly or feral. Their stance on stray cats in the past has been, “Leave them alone and they will go away.”

I visited CARES for the third time a few weeks ago. Some of my concerns include:

- Tiny kittens on the floor with the public being invited to freely entered a crudely walled off area to play with them
- The kittens wore thick bandages on their necks, apparently for identification
- They may have been unvaccinated (I got two different answers when I asked)
- If they were vaccinated, it was only their first, not full protection against deadly diseases
- The facility smelled of cigarette smoke
- Inappropriate/vulgar language was used in reference to animals by an animal control officer and volunteer

RASKC on the other hand has always made me feel that the animals I bring in are in the best hands. For example, recently I brought in an elderly stray cat from White Center. RASKC ran bloodwork on her immediately and were able to tell her owners (when they came to pick her up) that their cat was hyperthyroid. When I bring feral cats with no other options to RASKC, I know that Barn Cats R Us is there as a safety net.

There may be a place for CARES in the community, but it is not as the city’s animal care and control. Since CARES is a 501 (c) 3 non-profit organization, a better solution for them would be to join the multitude of rescue groups in the community—groups such as Motley Zoo, Kitty Harbor, Emerald City Pet Rescue, 6degrees Dog Rescue, Friends of the Animals Foundation, or Saving Great Animals.

For high quality, consistent, and professional animal care, it is imperative that the City of Burien join 25 other cities and unincorporated King County and partner with Regional Animal Services of King County.

Thank you for your time,

Marianne Hudson

110 SW 116th St. #A34

Seattle, WA 98146

(206) 719-4864

Carol Allread

From: Public Council Inbox
Sent: Friday, May 06, 2016 11:34 AM
To: 'sapphire1471@comcast.net'
Subject: RE: Speeding in my neighborhood

Dear Mr. Gill,

Thank you for writing to the City Council to express your concerns. Your inquiry has been forwarded to staff for follow-up, and will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

CTTC: 5/16/16

Staff to Follow up: Marya Andrews
Public Works Director

From: Cobalt Oh [mailto:cobaltdraconus@gmail.com]
Sent: Wednesday, May 04, 2016 2:40 PM
To: Public Council Inbox <council@burienwa.gov>
Subject: Speeding in my neighborhood

Burien City Counsel,

I am writing in concern to the constant speeding along my street. My address is 2420 S 116th Way Burien. I have lived here for over ten years and in that time I see people speeding up and down my street

on a regular basis. This includes everyday drivers as well as Burien police and King County Sheriffs. There is only one posted speed limit sign which can only be seen when heading west, the east bound

sign has disappeared. There are two arterial streets that feed in after the posted sign so many may not be aware of the speed limit. I am tired of seeing all the dead animals and pets, of the accidents and

near accidents from those who are speeding. I am tired of taking a risk pulling into and out of my drive way due to speeders, of people walking to the near by store from a rather large apartment complex

having to dodge drifting cars. My street is a blind curving hill with ten or so driveways along it so being able to view oncoming traffic is poor. I know there may not be many of us who live on the street but

that doesn't mean we should have to play Russian roulette each time we pull in and out of our homes. I have complained to King county, the Sheriff, the Burien police, and now finally you. I suggest the

placement of more speed limit signs and the addition of two speed bumps to help prevent anymore problems. I have even looked into the cost of speed bumps, and found that I could buy and install rubber

ones for about \$400.00 per piece of which a total of four would be needed. Not that much to pay for safety in my mind.

Sincerely
Brian Gill



Virus-free. www.avast.com

Carol Allread

From: Public Council Inbox
Sent: Tuesday, May 10, 2016 4:18 PM
To: 'Rachael Levine'; Public Council Inbox
Subject: RE: Great "CARE"

Dear Ms. Levine,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 5/16/16

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

CC: Dan Trimble, Economic Development manager

From: Rachael Levine [mailto:rachael.levine@centurylink.net]
Sent: Tuesday, May 10, 2016 3:26 PM
To: Public Council Inbox <council@burienwa.gov>
Subject: Great "CARE"

CouncilDear Council Members,

Having fed a "feral" cat for several months, I needed help in neutering, marking and vaccinating this "Kitty". It was obvious as she announced her gender, that she would become my responsibility. If her vocalizing attracted a mate, serious consequences for both "kitty" and me would ensue.

So I called "CARES". My experience, as well as that of now "my cat", was more than satisfactory. Being provided with a cage that was humanely designed and efficient; having the cage delivered to my door with a clean, cozy blanket and food to entice her; and having her picked up promptly after she was in the cage gave me confidence that her experience would make it possible for her to return to her mole and rat patrol in my back yard.

Her needs were met, including the extraction of three decayed teeth and a rather complicated surgery. The CARE provider was very professional as well as reassuring. Based on my experience, CARES does provide service that appears to meet both human and animal needs. In my opinion, we are fortunate to have this level of service in our community. Please keep CARES in the Burien community.

Sincerely,

Rachael Levine
430 S. 124th St.
Burien, WA 98168Co

Carol Allread

From: Public Council Inbox
Sent: Wednesday, May 11, 2016 3:38 PM
To: 'chestine edgar'
Subject: FW: CARES data

Dear Mrs. Edgar,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 5/16/16

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

*cc: Dan Trimble, Economic Development manager
Soojin Kim, City Attorney
attachments forthcoming*

From: chestine edgar [mailto:16collingham@gmail.com]
Sent: Wednesday, May 11, 2016 11:54 AM
To: Monica Lusk <MONICAL@burienwa.gov>
Subject: CARES data

Please include this in the next Council packet. I will bring the attachments in.

May 11, 2016

To the Burien City Council;

Over a week ago, I made an appointment with Nhan Nguyen, came in and asked that he provide me with some answers about the documents that had been provided to the Council and citizens relating to CARES. He didn't get back to me prior to his leaving his position. For that reason, I am writing to you.

The CARES Organization that Burien first contracted within 2011 and extended the contract with in 2013 was made up of two organizations-CARES and CARES of Burien. CARES today is now(starting as of 2015)made up of four organizations-CARES, CARES of Burien, B-Town Dog and Paws and Relax Doggie Day Care. The problems with this arises when a person tries to compare the 2012 and the 2015 Cares Profit and Loss sheets to each other. Staff salaries in 2012 were about \$75,000 but staff salaries in 2015 have now risen to about \$184,000-see the attached profit and loss sheets for each year. Likewise, the cost for utilities(\$5,000 for 2012 to \$11,000 for 2015) and rent(\$21,000 for 2012 to \$51,250 for 2015) has risen astronomically between these two years. So it is unclear to the reader whether these significant increases are related to Burien Animal Control costs or whether they are now the

combined costs of all four of these organizations. What Burien Animal Control is costing is not broken out and is unclear in its real costs.

Additionally, there are other serious questions that are unanswered about what is the real staffing count, who are the staff members, what is their level of training, what equipment is being rented, what are the real fees and fines collected and remitted to the city, what are the fees collected from adoptions, what are the actual amounts from donations and what portions/services of the contract and extended contract there are that are still not being done by CARES. The data that I have been able to collect shows inconsistencies in dollars amounts and animal counts. This is concerning to me as a citizen and Mr. Nguyen was unable to answer any of my questions.

these specific examples of the problems;

1. The orange 2015 CARES report that was distributed approximately in Feb. 2016 only shows 3 quarters of data. Was another report that shows all four quarters for 2015 ever distributed? This report has animal number counts that are not correct on some of the pages and are not consistent between various pages. Why? Additionally, this orange report has dollar amounts that are not consistent with the CARES Profit and Loss –January 1 through November 13, 2015 (white sheet) Report. On page 11, line 5 of the orange report, REVENUE COLLECTED ON BEHALF OF THE CITY (FINES AND PET LICENSING)= \$17,368 but on the white Profit and Loss sheet for 2015 there is no record of this money being taken in and remitted back to the City. Why? As money flowing through this organization, it should be accounted for.

2. It seems that a number of items that are grouped together in one Cares report is inconsistent with the other CARES report and items would best be displayed separately. An example of this is in the orange report, page 11, item four, DONATIONS RECEIVED/ADOPTION REVENUE=\$56,200 but then on the white Profit and Loss 2015 sheet Adoption Fees are shown as \$22,987.50 and the Total Contributions/Donations=\$60,594.40. This clearly appears to be an inconsistency between the two reports. Why?

3. The orange report, pg. 11 shows 2 full time animal control officers. However, the report I got from Mr. Nyugen was that there was only one and a half animal control officers, only one was state trained, he didn't know the other officers name and only one officer had any recognized training. The unnamed officer had no training. Likewise there have been claims that there are anywhere from 1 ½ jobs to 8 jobs at CARES. Mr. Nyugen could not tell me how many paid staff and who the people were at CARES other than, Alex, Monique and Debra George. Is the Director of CARES/President of the Board receiving a salary and what is the amount? And how does that compare to \$184,000 for salaries?

4. How is the insurance divided between the four organizations and who pays for it? And how are the other costs for all four of these organizations are being divided out and displayed to the city and public? And what part of this is the City of Burien responsible for in case of legal action against CARES?

5. How are animal case calls being counted? Debra George stated on the B-Town Blog that the city had told CARES how to count calls. Mr. Nyugen stated that he didn't know of any mandate/contract language from the City that spelled out how animal case calls were to be counted. This perhaps explains why the sheet I have included about Animal Control service calls, pg. no. 295 makes little to no sense. It is unclear from the 2015 orange report how animal case calls are being really counted. There are so many categories of calls that the real case calls can't easily be extracted from the report.

While there appears to be an abundance of data from CARES, it is inconsistent and lacking in necessary dissemination topics/categories, full year data and explanations. I encourage the Council to ask for the full year data for specifically Burien's Animal Control.-for the 5 years of the contract.

A petition was turned into the Council and it appeared in the last meeting's packet. Again this petition raises questions about the accuracy of the statement people signed about and who are the real stake holders in Burien's Animal Control. More than half of the signatures collected were not Burien citizens. So why would people from Normandy Park, Des Moines, Kent, Edgewood, Bellingham, Seattle, Vermont and Donald Trump be concerned about Burien's Animal Control!? Is this a service that is being used by persons from outside of the city? And why should Burien citizens be paying for services for them?

The Council needs to examine what parts of the current contract, CARES has still not followed through on; vaccinations on site, animal behaviorist training, ventilation, condition of the surfaces and cages, computer data entry, etc.

I strongly encourage the Council to ask for more thorough data. Without this information, it remains unclear what is the best animal control for the City or how to even compare services against another contractor bid. The major and only driving force about Burien's Animal Control has always been how cheap can Burien get it. Right now the CARES Board consists of three people who do not live in the city and should something happens to them, it is unclear what the succession plan is for CARES. It could disappear when one key person disappears. That will not happen with a RASKC contractor. Council members, please do your homework before taking a vote on animal control services for the city.

Respectfully,

C. Edgar

Note-Letters to the Council in the packet only allow limited attachments. So I have turned in a packet of attachments to Monica Lusk for the Council to review, 2015 orange report, 2012 and 2015 white reports, Service Calls report sheet-295, State filing for CARES, historical letters about the establishment and development of CARES from 2011 on.

COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY

APPROVE FOR PAYMENT ON This 16th day of May 2016 THE FOLLOWING:

CHECK NOS. 43441-43579

IN THE AMOUNT OF \$787,615.96

WITH VOIDED CHECK NOS. 0

PAYROLL SALARIES AND BENEFITS APPROVAL

FOR April 15th – April 30th PAID ON May 5th 2016

CHECK NOS. 6822-6834

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: \$349,070.98

Accounts Payable

Checks for Approval



User: cathyr
 Printed: 05/11/2016 - 7:53 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43441	05/16/2016	General Fund	Professional Services	4Leaf inc	12,600.00
Check Total:					12,600.00
43442	05/16/2016	Street Fund	Office and Operating Supplies	Ace Hardware	47.60
43442	05/16/2016	Street Fund	Office and Operating Supplies	Ace Hardware	18.59
43442	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	66.75
43442	05/16/2016	Street Fund	Office and Operating Supplies	Ace Hardware	15.70
43442	05/16/2016	Street Fund	Office and Operating Supplies	Ace Hardware	3.90
43442	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	3.90
43442	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	253.89
43442	05/16/2016	Street Fund	Office and Operating Supplies	Ace Hardware	37.97
Check Total:					448.30
43443	05/16/2016	Street Fund	Office and Operating Supplies	Alpine Fence Company	409.28
Check Total:					409.28
43444	05/16/2016	Street Fund	Office and Operating Supplies	Alpine Products Inc	264.44
43444	05/16/2016	Street Fund	Office and Operating Supplies	Alpine Products Inc	413.91
43444	05/16/2016	Street Fund	Office and Operating Supplies	Alpine Products Inc	58.04
43444	05/16/2016	Street Fund	Office and Operating Supplies	Alpine Products Inc	158.78
Check Total:					895.17
43445	05/16/2016	General Fund	Fuel Consumed	Amerigas	401.02
Check Total:					401.02
43446	05/16/2016	General Fund	Office and Operating Supplies	Aramark Uniform Services	33.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	33.59
43447	05/16/2016	Street Fund	Registration-Training/Workshop	Argus Pacific Inc.	200.00
43447	05/16/2016	Street Fund	Registration-Training/Workshop	Argus Pacific Inc.	100.00
43447	05/16/2016	Surface Water Management Fund	Registration-Training/Workshop	Argus Pacific Inc.	100.00
				Check Total:	400.00
43448	05/16/2016	General Fund	Registration-Training/Workshop	Aquatic Specialty Services Inc	130.00
43448	05/16/2016	General Fund	Repairs and Maintenance	Aquatic Specialty Services Inc	1,390.65
				Check Total:	1,520.65
43449	05/16/2016	General Fund	Telephone/Internet	AT&T Mobility	16.71
				Check Total:	16.71
43450	05/16/2016	General Fund	Professional Services	Kenneth Barger	45.00
43450	05/16/2016	General Fund	Strawberry Festival	Kenneth Barger	45.00
				Check Total:	90.00
43451	05/16/2016	Surface Water Management Fund	Repairs and Maint - Fleet	Bowen Scarff Ford	2,592.95
43451	05/16/2016	Street Fund	Repairs and Maint - Fleet	Bowen Scarff Ford	2,592.96
				Check Total:	5,185.91
43452	05/16/2016	General Fund	Prof. Svcs-Instructors	Vivian D. Bowles	400.00
				Check Total:	400.00
43453	05/16/2016	General Fund	Printing/Binding/Copying	Brim Press LLC	657.00
				Check Total:	657.00
43454	05/16/2016	General Fund	Prof. Svcs-Instructors	Eileen Broomell	264.00
				Check Total:	264.00
43455	05/16/2016	General Fund	Prof. Svcs-Instructors	Viola Brumbaugh	942.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	942.00
43456	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	28.82	
43456	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	125.17	
43456	05/16/2016	Street Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	125.17	
					Check Total:	279.16
43457	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	97.53	
43457	05/16/2016	General Fund	Office and Operating Supplies	Burien Bark LLC	140.13	
					Check Total:	237.66
43458	05/16/2016	General Fund	Animal Control Services	CARES	14,594.51	
					Check Total:	14,594.51
43459	05/16/2016	General Fund	Software Licensing Fees	CDW-G	667.14	
43459	05/16/2016	General Fund	Software Licensing Fees	CDW-G	8,944.99	
					Check Total:	9,612.13
43460	05/16/2016	General Fund	Professional Services	Creative Fuel Studios	227.50	
					Check Total:	227.50
43461	05/16/2016	Transportation CIP	Design - Engineering	CH2M Hill	34,578.27	
					Check Total:	34,578.27
43462	05/16/2016	General Fund	Website	Civic Plus	280.65	
					Check Total:	280.65
43463	05/16/2016	General Fund	Software Licensing Fees	Active Network LLC	7,266.73	
					Check Total:	7,266.73
43464	05/16/2016	General Fund	Office and Operating Supplies	Clay Art Center Inc	235.53	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	235.53
43465	05/16/2016	General Fund	Telephone/Internet	CenturyLink	60.82	
					Check Total:	60.82
43466	05/16/2016	General Fund	Online Video Streaming	Comcast Corporation	57.38	
43466	05/16/2016	General Fund	Telephone/Internet	Comcast Corporation	87.99	
43466	05/16/2016	General Fund	Telephone/Internet	Comcast Corporation	96.27	
43466	05/16/2016	Street Fund	Telephone	Comcast Corporation	48.13	
43466	05/16/2016	Surface Water Management Fund	Telephone	Comcast Corporation	48.14	
					Check Total:	337.91
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	470.62	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	313.75	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	78.44	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	196.09	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	509.85	
43467	05/16/2016	General Fund	IT Office & Operating Suppli	Complete Office LLC	196.10	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	274.53	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	549.07	
43467	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Complete Office LLC	274.53	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	470.63	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	588.29	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	394.96	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	86.73	
43467	05/16/2016	General Fund	Office and Operating Supplies	Complete Office LLC	680.82	
					Check Total:	5,084.41
43468	05/16/2016	General Fund	Operating Rentals and Leases	Construction Site Services	125.00	
43468	05/16/2016	General Fund	Operating Rentals and Leases	Construction Site Services	125.00	
					Check Total:	250.00
43469	05/16/2016	General Fund	Professional Services	Laura R Crandall	587.80	
					Check Total:	587.80
43470	05/16/2016	General Fund	Instructors Prof Svcs	Janet S. Crawley	216.00	
43470	05/16/2016	General Fund	Prof. Svcs-Instructors	Janet S. Crawley	350.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	566.00
43471	05/16/2016	General Fund	Instructors Prof Svcs	Chris S Crites	60.00	
					Check Total:	60.00
43472	05/16/2016	Surface Water Management Fund	TV Inspection and Vactoring	Crystal Clean	1,162.50	
					Check Total:	1,162.50
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	461.07	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	19.53	
43473	05/16/2016	General Fund	Utilities	City of Seattle	18.69	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	144.51	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	59.13	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	282.75	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	16.02	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	16.05	
43473	05/16/2016	General Fund	Utilities	City of Seattle	39.54	
43473	05/16/2016	General Fund	Utilities	City of Seattle	276.71	
43473	05/16/2016	General Fund	Utilities	City of Seattle	43.46	
43473	05/16/2016	General Fund	Utilities	City of Seattle	43.46	
43473	05/16/2016	General Fund	Utilities	City of Seattle	394.19	
43473	05/16/2016	General Fund	Utilities	City of Seattle	879.79	
43473	05/16/2016	General Fund	Utilities	City of Seattle	1,923.48	
43473	05/16/2016	General Fund	Utilities	City of Seattle	839.95	
43473	05/16/2016	General Fund	Utilities	City of Seattle	43.29	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	7.80	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	165.78	
43473	05/16/2016	Street Fund	Utilities - Traffic Signals	City of Seattle	134.57	
					Check Total:	5,809.77
43474	05/16/2016	General Fund	Utilities	City Of Seattle	16.10	
43474	05/16/2016	General Fund	Utilities	City Of Seattle	24.80	
43474	05/16/2016	General Fund	Utilities	City Of Seattle	27.45	
43474	05/16/2016	General Fund	Utilities	City Of Seattle	183.24	
43474	05/16/2016	General Fund	Utilities	City Of Seattle	27.45	
43474	05/16/2016	General Fund	Utilities	City Of Seattle	24.80	
					Check Total:	303.84
43475	05/16/2016	Street Fund	Office and Operating Supplies	WaterCo of Pac.NW Inc	18.34	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43475	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	WaterCo of Pac.NW Inc	18.35
				Check Total:	36.69
43476	05/16/2016	General Fund	Federal Lobbying Services	Michael D. Doubleday	1,625.00
				Check Total:	1,625.00
43477	05/16/2016	Surface Water Management Fund	PWTFL Principal Payment	Department of Commerce	83,030.85
43477	05/16/2016	Surface Water Management Fund	Interest on PWTFL Pond	Department of Commerce	4,566.70
43477	05/16/2016	Debt Service Fund	PWTFL Principal - SW 152nd St	Department of Commerce	129,177.32
43477	05/16/2016	Debt Service Fund	PWTFL Interest - SW 152nd St	Department of Commerce	3,875.32
43477	05/16/2016	Debt Service Fund	PWTFL Principal - SW 152nd St	Department of Commerce	52,777.78
43477	05/16/2016	Debt Service Fund	PWTFL Interest - SW 152nd St	Department of Commerce	1,847.22
43477	05/16/2016	Debt Service Fund	PWTFL Principal - 1st Ave S	Department of Commerce	120,269.61
43477	05/16/2016	Debt Service Fund	PWTFL Interest - 1st Ave S	Department of Commerce	5,412.13
				Check Total:	400,956.93
43478	05/16/2016	General Fund	Community Survey	DHM Research	22,250.00
				Check Total:	22,250.00
43479	05/16/2016	General Fund	Teen Programs	Jeffrey Dixon	209.88
				Check Total:	209.88
43480	05/16/2016	Transportation CIP	Project Development	Daily Journal of Commerce	193.60
				Check Total:	193.60
43481	05/16/2016	Street Fund	Office and Operating Supplies	RON DOBSON	76.62
				Check Total:	76.62
43482	05/16/2016	General Fund	Office and Operating Supplies	Dunn Lumber Co.	167.40
43482	05/16/2016	Street Fund	Office and Operating Supplies	Dunn Lumber Co.	23.51
				Check Total:	190.91
43483	05/16/2016	General Fund	Repairs and Maintenance	Elidrew, LLC	11.83
43483	05/16/2016	General Fund	Repairs and Maintenance	Elidrew, LLC	11.83
43483	05/16/2016	General Fund	Repairs and Maintenance	Elidrew, LLC	4.92

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	28.58
43484	05/16/2016	General Fund	Office and Operating Supplies	Alpha Eden	93.08
				Check Total:	93.08
43485	05/16/2016	General Fund	City Hall Bldg Maintenance	Eastside Glass & Sealants	558.45
				Check Total:	558.45
43486	05/16/2016	General Fund	Office and Operating Supplies	Fastenal Company	14.45
				Check Total:	14.45
43487	05/16/2016	General Fund	Prof. Svcs-Instructors	Clay Fife	150.00
				Check Total:	150.00
43488	05/16/2016	General Fund	Public Defender	Ganem Law PLLC	1,000.00
				Check Total:	1,000.00
43489	05/16/2016	General Fund	Fuel Consumed	Glendale Heating	301.88
43489	05/16/2016	General Fund	Fuel Consumed	Glendale Heating	237.46
				Check Total:	539.34
43490	05/16/2016	General Fund	Office and Operating Supplies	Grainger	423.58
				Check Total:	423.58
43491	05/16/2016	General Fund	Parks Building Security	Guardian Security	65.00
				Check Total:	65.00
43492	05/16/2016	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	150.75
43492	05/16/2016	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	576.00
				Check Total:	726.75
43493	05/16/2016	Street Fund	Office and Operating Supplies	Home Depot Credit Services	123.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43493	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Home Depot Credit Services	123.32
43493	05/16/2016	General Fund	Small Tools & Minor Equipment	Home Depot Credit Services	86.58
43493	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Home Depot Credit Services	113.12
43493	05/16/2016	Street Fund	Office and Operating Supplies	Home Depot Credit Services	113.12
Check Total:					559.46
43494	05/16/2016	General Fund	Prof. Svcs-Instructors	Cristina Herrera	75.00
Check Total:					75.00
43495	05/16/2016	General Fund	Repairs and Maintenance	Hiline Auto Repair	41.23
Check Total:					41.23
43496	05/16/2016	General Fund	Operating Rentals and Leases	Highline School District #401	404.25
Check Total:					404.25
43497	05/16/2016	General Fund	Instructors Prof Svcs	Molly Elizabeth Hueffed	276.00
Check Total:					276.00
43498	05/16/2016	Street Fund	Office and Operating Supplies	IBS, INC.	142.74
43498	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	IBS, INC.	142.75
Check Total:					285.49
43499	05/16/2016	Street Fund	Office and Operating Supplies	ICON Materials	212.70
43499	05/16/2016	Street Fund	Office and Operating Supplies	ICON Materials	205.11
43499	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	ICON Materials	548.37
43499	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	ICON Materials	355.74
43499	05/16/2016	Street Fund	Office and Operating Supplies	ICON Materials	782.07
Check Total:					2,103.99
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	135.17
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	40.55
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	67.58
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	135.17
43500	05/16/2016	Surface Water Management Fund	Telephone	Integra Telecom	67.58
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	121.65
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	162.20

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	351.44
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	47.47
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	44.74
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	44.74
43500	05/16/2016	Street Fund	Telephone	Integra Telecom	48.18
43500	05/16/2016	Surface Water Management Fund	Telephone	Integra Telecom	48.17
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	44.74
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	775.54
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	40.55
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	121.65
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	81.10
43500	05/16/2016	General Fund	Telephone/Internet	Integra Telecom	27.04
Check Total:					2,405.26
43501	05/16/2016	General Fund	Instructors Prof Svcs	Shari Kaufman	100.00
Check Total:					100.00
43502	05/16/2016	Street Fund	Office and Operating Supplies	King County Dept. Fleet Admin.	267.02
43502	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	King County Dept. Fleet Admin.	254.17
Check Total:					521.19
43503	05/16/2016	Street Fund	Professional Services	KING COUNTY FINANCE	3,336.25
43503	05/16/2016	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	4,937.45
Check Total:					8,273.70
43504	05/16/2016	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	2,366.20
Check Total:					2,366.20
43505	05/16/2016	Surface Water Management Fund	Miller/Salmon/Seola Basin Plan	King County Office of Finance	10,612.44
Check Total:					10,612.44
43506	05/16/2016	General Fund	Instructors Prof Svcs	North American Youth Activitie	1,680.00
Check Total:					1,680.00
43507	05/16/2016	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	14,000.00
43507	05/16/2016	General Fund	Public Defender Investigations	Kirshenbaum & Goss, Inc., P.S	234.72

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	14,234.72
43508	05/16/2016	Transportation CIP	Design Engineering	KPG Inc	8,266.45
				Check Total:	8,266.45
43509	05/16/2016	General Fund	Parks Maintenance	LandCare	33,366.73
				Check Total:	33,366.73
43510	05/16/2016	General Fund	Instructors Prof Svcs	Lauren Laughlin	288.00
				Check Total:	288.00
43511	05/16/2016	General Fund	Repairs and Maintenance	Long Building Technologies Inc	86.51
				Check Total:	86.51
43512	05/16/2016	General Fund	Prof. Svcs-Instructors	Lori Leberer	60.00
				Check Total:	60.00
43513	05/16/2016	General Fund	Prof. Svcs-Instructors	Alexander Lewis	1,650.00
				Check Total:	1,650.00
43514	05/16/2016	General Fund	Prof. Svcs-Instructors	Jacob Matthew	280.00
				Check Total:	280.00
43515	05/16/2016	General Fund	Prof. Svcs-Instructors	John William McLaughlin	95.00
				Check Total:	95.00
43516	05/16/2016	Street Fund	Office and Operating Supplies	McLendon Hardware Inc	8.64
43516	05/16/2016	General Fund	Office and Operating Supplies	McLendon Hardware Inc	16.26
43516	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	McLendon Hardware Inc	74.79
				Check Total:	99.69
43517	05/16/2016	General Fund	Office and Operating Supplies	PATRICIA MEJIA	57.07

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	57.07
43518	05/16/2016	General Fund	Instructors Prof Svcs	Kaitlin Stacy Melgoza	120.00
				Check Total:	120.00
43519	05/16/2016	General Fund	Postage	Microflex	172.24
43519	05/16/2016	Street Fund	Dt Business License Svcs	Microflex	3,998.40
43519	05/16/2016	General Fund	B&O Tax Collect and Audit	Microflex	1,927.74
43519	05/16/2016	Street Fund	Postage	Microflex	33.35
				Check Total:	6,131.73
43520	05/16/2016	General Fund	Instructors Prof Svcs	Paul Miller	400.00
				Check Total:	400.00
43521	05/16/2016	General Fund	Office and Operating Supplies	Miller Paint Company Inc	67.92
43521	05/16/2016	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	40.85
				Check Total:	108.77
43522	05/16/2016	General Fund	Instructors Prof Svcs	Shariana Mundi	1,078.00
				Check Total:	1,078.00
43523	05/16/2016	General Fund	Instructors Prof Svcs	New City Dance Company	270.00
				Check Total:	270.00
43524	05/16/2016	General Fund	Memberships and Dues	National Fire Protection Assoc	175.00
				Check Total:	175.00
43525	05/16/2016	General Fund	Instructors Prof Svcs	Andrew Nicklas	252.00
				Check Total:	252.00
43526	05/16/2016	General Fund	Prof. Svcs-Instructors	Pamela Odegard	135.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	135.00
43527	05/16/2016	Surface Water Mgmt CIP	Design-Engineering	OTAK, Inc	13,754.75
43527	05/16/2016	Surface Water Management Fund	Professional Services	OTAK, Inc	5,182.71
				Check Total:	18,937.46
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	52.70
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	729.91
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	283.11
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	473.51
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	339.31
43528	05/16/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	381.59
				Check Total:	2,260.13
43529	05/16/2016	Street Fund	Operating Rentals and Leases	Pacific Rim Equipment Rental	358.53
43529	05/16/2016	Surface Water Management Fund	Operating Rentals and Leases	Pacific Rim Equipment Rental	358.53
				Check Total:	717.06
43530	05/16/2016	General Fund	Instructors Prof Svcs	Johawna Olena Perry	92.00
				Check Total:	92.00
43531	05/16/2016	Transportation CIP	Design Engineering	Perteet Inc	4,195.34
				Check Total:	4,195.34
43532	05/16/2016	General Fund	Prof. Svcs-Instructors	Chiara Pfeifer	80.00
				Check Total:	80.00
43533	05/16/2016	General Fund	Prof. Svcs-Instructors	Amy Pinon	75.00
				Check Total:	75.00
43534	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Pacific Industrial Supply	10.40
43534	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Pacific Industrial Supply	113.59
43534	05/16/2016	Street Fund	Office and Operating Supplies	Pacific Industrial Supply	113.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	237.58
43535	05/16/2016	General Fund	Office and Operating Supplies	Pizza Gallery	111.64
				Check Total:	111.64
43536	05/16/2016	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company	1,091.87
				Check Total:	1,091.87
43537	05/16/2016	General Fund	Human Svc-Family/Youth	PARA LOS NINOS	3,750.00
				Check Total:	3,750.00
43538	05/16/2016	General Fund	Printing/Binding/Copying	Print Place	467.57
				Check Total:	467.57
43539	05/16/2016	Street Fund	Utilities - Maintenance Shop	Puget Sound Energy	23.33
43539	05/16/2016	Surface Water Management Fund	Utilities - Maintenance Shop	Puget Sound Energy	23.34
43539	05/16/2016	General Fund	Utilities	Puget Sound Energy	37.60
43539	05/16/2016	General Fund	Utilities	Puget Sound Energy	185.29
43539	05/16/2016	General Fund	Utilities	Puget Sound Energy	917.60
43539	05/16/2016	General Fund	Utilities	Puget Sound Energy	123.63
43539	05/16/2016	Surface Water Management Fund	Utilities - Maintenance Shop	Puget Sound Energy	49.47
43539	05/16/2016	Street Fund	Utilities - Maintenance Shop	Puget Sound Energy	49.48
				Check Total:	1,409.74
43540	05/16/2016	General Fund	Miscellaneous	Ramlyn Engraving & Sign Co.	37.23
43540	05/16/2016	General Fund	Miscellaneous	Ramlyn Engraving & Sign Co.	8.76
				Check Total:	45.99
43541	05/16/2016	General Fund	Refund Clearing Account -Parks	Luisa Bangs	269.00
				Check Total:	269.00
43542	05/16/2016	General Fund	Planning & Devel Fees/Charges	John Feeney	1,375.00
				Check Total:	1,375.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43543	05/16/2016	General Fund	Professional Services	River Oaks Communications Corp	1,445.50
43543	05/16/2016	General Fund	Franchise Deposit	River Oaks Communications Corp	8,914.50
Check Total:					10,360.00
43544	05/16/2016	General Fund	Instructors Prof Svcs	Vladimir Roca	112.50
Check Total:					112.50
43545	05/16/2016	General Fund	Office and Operating Supplies	Rosso Gardens, LLC	213.72
Check Total:					213.72
43546	05/16/2016	General Fund	Office and Operating Supplies	Safeway Inc	42.09
43546	05/16/2016	General Fund	Office and Operating Supplies	Safeway Inc	31.92
43546	05/16/2016	General Fund	Office and Operating Supplies	Safeway Inc	55.35
Check Total:					129.36
43547	05/16/2016	General Fund	Office and Operating Supplies	School Specialty Inc.	156.51
43547	05/16/2016	General Fund	Office and Operating Supplies	School Specialty Inc.	159.94
Check Total:					316.45
43548	05/16/2016	General Fund	Jail Contracts	SCORE	59,922.67
Check Total:					59,922.67
43549	05/16/2016	Transportation CIP	Design Engineering	Seattle Times	249.76
43549	05/16/2016	General Fund	Franchise Deposit	Seattle Times	444.64
43549	05/16/2016	General Fund	Advertising/Legal Publications	Seattle Times	78.05
43549	05/16/2016	General Fund	Advertising/Legal Publications	Seattle Times	86.97
43549	05/16/2016	Surface Water Mgmt CIP	Design-Engineering	Seattle Times	357.30
43549	05/16/2016	Transportation CIP	Project Development	Seattle Times	165.02
Check Total:					1,381.74
43550	05/16/2016	General Fund	City Hall Bldg Maintenance	Seatown Locksmith	90.00
43550	05/16/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	12.77
43550	05/16/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	12.77
43550	05/16/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	12.79

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	128.33
43551	05/16/2016	General Fund	Domestic Violence Advocate	Nancy Shattuck	1,551.00
				Check Total:	1,551.00
43552	05/16/2016	Parks & Gen Gov't CIP	Design-Engineering	Site Workshop LLC	7,500.00
				Check Total:	7,500.00
43553	05/16/2016	Street Fund	Repairs and Maint - Fleet	Six Robblees' Inc.	63.01
43553	05/16/2016	Surface Water Management Fund	Repairs and Maint - Fleet	Six Robblees' Inc.	63.02
				Check Total:	126.03
43554	05/16/2016	General Fund	Professional Services	Public Health-Seattle K.C.	593.00
				Check Total:	593.00
43555	05/16/2016	General Fund	Human Svc-Family/Youth	Public Health-Seattle K.C.	6,000.00
				Check Total:	6,000.00
43556	05/16/2016	General Fund	Human Svc-Family/Youth	Sound Mental Health	2,500.00
				Check Total:	2,500.00
43557	05/16/2016	General Fund	Office and Operating Supplies	SPORTS-FAB Inc	489.39
				Check Total:	489.39
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	142.33
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	553.00
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	63.00
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	63.00
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	63.00
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	285.00
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	205.67
43558	05/16/2016	General Fund	Utilities	Southwest Suburban Sewer Dist.	63.00
				Check Total:	1,438.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43559	05/16/2016	General Fund	Instructors Prof Svcs	John Arnold Taylor	576.00
				Check Total:	576.00
43560	05/16/2016	Surface Water Management Fund	Software Licensing Fees	TDC Group Inc	1,250.00
				Check Total:	1,250.00
43561	05/16/2016	General Fund	Instructors Prof Svcs	Debra A Thoma	225.00
43561	05/16/2016	General Fund	Instructors Prof Svcs	Debra A Thoma	187.50
				Check Total:	412.50
43562	05/16/2016	General Fund	Teen Programs	Reginald Thomas	629.64
				Check Total:	629.64
43563	05/16/2016	Street Fund	Neighborhood Traffic Control	Traffic Count Consultants Inc	150.00
43563	05/16/2016	Street Fund	Neighborhood Traffic Control	Traffic Count Consultants Inc	980.00
				Check Total:	1,130.00
43564	05/16/2016	General Fund	Repairs and Maintenance	Tri-Tec	438.00
				Check Total:	438.00
43565	05/16/2016	Surface Water Mgmt CIP	Construction	Tri-State Construction Inc	12,902.73
43565	05/16/2016	Surface Water Mgmt CIP	Retainage Payable	Tri-State Construction Inc	-645.14
				Check Total:	12,257.59
43566	05/16/2016	Surface Water Mgmt CIP	Retainage Payable	US Bank Attn: Amanda Team 2	645.14
				Check Total:	645.14
43567	05/16/2016	Surface Water Mgmt CIP	Design-Engineering	Utilities Service Co Inc	3,165.65
				Check Total:	3,165.65
43568	05/16/2016	General Fund	Postage	US Postal Service	3,675.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	3,675.00
43569	05/16/2016	General Fund	Office and Operating Supplies	Judith A Verner	21.90	
					Check Total:	21.90
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	53.84	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	205.00	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	61.50	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	205.00	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	41.00	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	41.00	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	43.14	
43570	05/16/2016	Street Fund	Landscape Maint - Utilities	King County Water Dist. No 20	123.00	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	47.42	
43570	05/16/2016	General Fund	Utilities	King County Water Dist. No 20	61.50	
43570	05/16/2016	Street Fund	Landscape Maint - Utilities	King County Water Dist. No 20	61.50	
					Check Total:	943.90
43571	05/16/2016	General Fund	Probate/Public Defndr Screening	Tammy Weigel	960.00	
					Check Total:	960.00
43572	05/16/2016	Surface Water Management Fund	Office and Operating Supplies	Wilbur-Ellis Company	243.36	
					Check Total:	243.36
43573	05/16/2016	General Fund	Jury and Witness Fees	Efrain Quin Campos	12.16	
					Check Total:	12.16
43574	05/16/2016	General Fund	Jury and Witness Fees	James Milnor-Lewis	11.08	
					Check Total:	11.08
43575	05/16/2016	General Fund	Jury and Witness Fees	Christian Stacy	11.62	
					Check Total:	11.62
43576	05/16/2016	General Fund	Memberships and Dues	Washington Municipal Clerks As	75.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	75.00
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	-337.91	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	-168.95	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	-56.32	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	571.25	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	285.63	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	95.21	
43577	05/16/2016	General Fund	Office and Operating Supplies	Walter E Nelson Co	162.88	
					Check Total:	551.79
43578	05/16/2016	General Fund	State Surcharge	STATE TREASURER	451.50	
					Check Total:	451.50
43579	05/16/2016	Street Fund	Registration-Training/Workshop	WSU Conference Management	480.00	
					Check Total:	480.00
					Report Total:	787,615.96



CITY COUNCIL REGULAR MEETING MINUTES

May 2, 2016

7:00 p.m.

400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

CALL TO ORDER

Mayor Krakowiak called the Regular Meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Krakowiak led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Lucy Krakowiak, Deputy Mayor Bob Edgar, Councilmembers Austin Bell, Lauren Berkowitz (via telephone), Nancy Tosta and Debi Wagner. Councilmember Stephen Armstrong was excused.

Administrative staff present: City Manager Kamuron Gurol; Police Captain Bryan Howard; City Attorney Soojin Kim; Economic Development Manager Dan Trimble; Communications Officer Katie Trefry; Public Works Director Maiya Andrews; Recreation Manager Debbie Zemke; Parks, Recreation and Cultural Services Director Steve Roemer; and, City Clerk Monica Lusk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to affirm the May 2, 2016, Agenda.

PUBLIC COMMENT

Byron Richardson, 3222 Southwest 166th Street, Burien
MaryAnne Hudson, 110 Southwest 116th Street, Burien
Quinton Thompson, P.O. Box 98484, Seattle

PRESENTATIONS

Presentation on the Hi-Liners Youth Musical Theater by Board President Gerry Gilbert and Artist Director Kathleen Edwards.

Gerry Gilbert, Hi-Liners Youth Musical Theater Board President, spoke about the Hi-Liners' history, the uniqueness of the theatre, its budget and facilities.

Kathleen Edwards, Artist Director, spoke about the Theater's current and future programs.

CORRESPONDENCE TO THE COUNCIL

- a. Letter Dated April 20, 2016, from Barbara G. Reamer.
- b. Email Dated April 21, 2016, from Bob Bemis.
- c. Email Dated April 23, 2016, from Karen Falk.
- d. Letter Dated April 23, 2016, from Quinton J. Thompson.
- e. Email Dated April 25, 2016, from Jim and Lynn Coleman.
- f. Email Dated April 25, 2016, from JoAnn Pasek.
- g. Email Dated April 24, 2016, from Teva Weissman.
- h. Email Dated April 26, 2016, from Ron Steinman.
- i. Email Dated April 26, 2016, from Lynda Isernio.
- j. Petition Received April 27, 2016, from Ramona Fletcher.

CONSENT AGENDA

- a. Approval of Check Register: Check Numbers 43337 - 43440 in the Amount of \$249,400.30 for Payment on May 2, 2016; and, Payroll Salaries and Benefits Approval Check Numbers 6814 - 6821 for Direct Deposits and Wire Transfers in the Amount of \$261,938.05 for April 1 – April 15, 2016, Paid on April 20, 2016.
- b. Approval of Minutes: Regular Meeting, April 18, 2016; and, Study Session, April 25, 2016.

Direction/Action

Motion was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to approve the May 2, 2016, Consent Agenda.

BUSINESS AGENDA

Debrief on 2016 State Legislative Session.

Public Comment

None received.

Jennifer Ziegler, Lobbyist, provided a general background on the legislative sessions and spoke about the overall challenges, the 2016 General Fund results and the local government impacts, the Capital Budget results, the supplemental transportation budget, the legislative action on policy items, and the next steps.

Communications and Community Engagement Update.

Public Comment

None received.

Follow-up

Staff will provide the percentage of cost that is covered by the revenue generated by the *Burien Magazine*, and schedule a joint Council meeting with the Parks and Recreation Board.

Discussion on Ordinance No. 639, Granting a Non-Exclusive Cable Franchise to CenturyLink.

Public Comment

None received.

Direction/Action

Councilmembers reached consensus to place Ordinance No. 639, granting a non-exclusive cable franchise to CenturyLink on the Consent Agenda for a future meeting.

Discussion and Potential Action on Resolution No. 371, Urging Action by the State Legislature and U.S. Congress to Respond to SCOTUS Decision in *Citizens United v. Federal Election Commission*.

Public Comment

Charles Schaefer, 258 South 156th Street, Burien
Annie Phillips, 17600 Sylvester Road Southwest, Burien
Bill Opfermann, 15227 26th Avenue Southwest, Burien
Bob Barry, 11635 19th Avenue Southwest, Burien
Kate Richardson, 16414 12th Avenue Southwest, Burien

Direction/Action

Motion was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to adopt Resolution No. 371 urging action by the State Legislature and U.S. Congress to respond to SCOTUS decision in *Citizens United v. Federal Election Commission*.

Direction/Action

Mayor Krakowiak adjourned the meeting to hold a break at 9:04 p.m. and reconvened the meeting at 9:15 p.m.

Review of Council Proposed Agenda Schedule.

Direction/Action

Councilmembers reached consensus to remove the following from its *Future Agenda Items* as listed in an E-mail dated March 25, 2016, from Kamuron Gurol to Council Members: discussion on the Community Recreation Center, discussion on Burien 2025, and consideration of a "State of the City" Report as they are part of the Strategic Plan; discussion on banning plastic bags as it is scheduled for August 1, 2016; and, discussion on a potential letter to the State and the Port of Seattle with a copy to the Puget Sound Regional Council regarding aircraft emissions and health effects as it is scheduled for May 16, 2016.

Follow-up

Staff will reschedule the Strategic Plan discussion to June 6, 2016, and the potential action to June 20, 2016; remove the CenturyLink Cable Franchise and the Citizens United resolution from the May 16, 2016, agenda; send the draft proclamation for National Public Works Appreciation Week to the Council and add the proclamation to the May 16, 2016, agenda; and, receive suggestions from the Council on organizations to spotlight on the agenda.

Staff will work with the Mayor to schedule the remaining Council's *Future Agenda Items*: discussion on managing community assets (White Center Library and Downtown Fire Station); discussion on Wi-Fi service in the Library/City Hall common areas; and, discussion on establishing multiple rates within the Business and Occupation (B&O) Tax according to different sizes or types of businesses.

COUNCIL REPORTS

Deputy Mayor Edgar noted he attended the Clean Sweep event on April 30, 2016, along with Councilmember Armstrong.

Deputy Mayor Edgar noted that he attended the Sustainable Airport Master Plan (SAMP) Roundtable on April 27, 2016, along with City Manager Gurol.

Councilmember Tosta reported on the South Correctional Entity (SCORE) meeting she attended on April 27, 2016. She noted that she would provide a report on the other meetings that she has attended.

CITY MANAGER'S REPORT

Direction/Action

Councilmembers reached consensus to support a Community Heroism Award Recognition Program.

ADJOURNMENT

MOTION was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to adjourn the meeting at 9:58 p.m.

Lucy Krakowiak, Mayor

Monica Lusk, City Clerk

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 639

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO CENTURYLINK TO USE THE CITY'S PUBLIC RIGHT-OF-WAY TO OPERATE AND MAINTAIN A CABLE SYSTEM; AND SETTING FORTH THE TERMS AND CONDITIONS OF THE FRANCHISE

WHEREAS, since the City of Burien's incorporation in 1993, when the first cable franchise was granted to TCI Cablevision of Washington, residents and businesses within the City have been provided with cable services by a single franchisee; and

WHEREAS, TCI Cablevision of Washington was succeeded by Comcast of Washington IV, Inc., which was granted a new cable franchise, effective from October 27, 2006 through October 26, 2011, by the City Council's adoption of Ordinance No. 457; and

WHEREAS, the City Council subsequently adopted Ordinance No. 593, extending the Comcast Franchise through December 31, 2014; and

WHEREAS, after Comcast changed its corporate name to Comcast Cable Communications Management, LLC, the City Council subsequently adopted Ordinance No. 612, extending and renewing the cable franchise for a term of five (5) years, commencing January 1, 2015 and running through December 31, 2019; and

WHEREAS, the City has received a complete application for a cable franchise from Qwest Broadband Services, Inc. d/b/a/ CenturyLink ("CenturyLink"), which if granted, would mean that Burien would be served by two cable service providers; and

WHEREAS, on April 18, 2016, a public hearing was held to receive comment on whether there would be benefit to the public of granting a franchise, whether CenturyLink has the qualifications and capabilities to build, operate and maintain a cable system in the City, and other relevant issues; and

WHEREAS, the public has had adequate notice and opportunity to comment on this Franchise during a public proceeding; and

WHEREAS, based on CenturyLink's application, CenturyLink's April 18, 2016 presentation to the City Council, and the Franchise terms and conditions by which CenturyLink would be bound, the City has determined that CenturyLink has adequate capacity, facilities, legal, financial and technical capability, customer service capability, and would adequately support public and governmental access programming; and

WHEREAS, Section 621(a)(1) of the Cable Act, 47 U.S.C. Section 541(a)(1) prohibits local

franchising authorities such as the City from unreasonably refusing to award an additional competitive franchise; and

WHEREAS, the public would benefit from competition in the cable services market and the City Council’s previously stated goal of diversity in cable services would be served; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, and maintain a cable system within the boundaries of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Cable Franchise – Grant and Authorization. The City hereby grants to CenturyLink a non-exclusive franchise which, once it becomes effective, shall authorize CenturyLink to use the City’s public rights-of-way within the Franchise Area to install, construct, repair, replace, reconstruct, maintain, or retain a Cable System for the deployment of Cable Services over the Cable System all in the manner and upon the terms and conditions as are set forth in the Cable Franchise attached hereto as Exhibit A, which Cable Franchise is incorporated by this reference as though fully set forth herein.

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 take effect five days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2016.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Soojin Kim, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:

EXHIBIT A
CABLE FRANCHISE AGREEMENT

This Cable Franchise Agreement (“Franchise”) is entered into in Burien, Washington, this ____ day of May, 2016 by and between the City of Burien, Washington, a municipal corporation, (hereinafter “City”) and Qwest Broadband Services, Inc. d/b/a/ CenturyLink (hereinafter “Grantee”). The City and Grantee are sometimes referred to hereinafter collectively as the “parties.”

WHEREAS, the Grantee, desires to provide cable communications services and to construct, operate and maintain a competitive cable television system within the City; and

WHEREAS, the City has reviewed Grantee’s application and has determined that Grantee’s plans for operating and maintaining its Cable System are adequate; and

WHEREAS, the public has had adequate notice and opportunity to comment on this Franchise during a public proceeding; and

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of state-of-the-art cable communications service, the high technical capability and reliability of a cable system in the Franchise Area, the availability of local programming and quality customer service; and

WHEREAS, diversity in Cable Service is an important policy goal and the Grantee’s Cable System should offer a broad range of programming services; and

WHEREAS, flexibility to respond to changes in technology and Subscriber interests within the Cable Service market should be an essential characteristic of this Franchise; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate and maintain a cable system within the boundaries of the City;

NOW, THEREFORE, in consideration of the mutual promises made herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Grantee do hereby agree as follows:

SECTION 1. DEFINITIONS

For the purposes of this Franchise and the Exhibit attached hereto, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word “shall” is always mandatory and not merely directory.

1.1 “Access” means the availability for Non-Commercial use by various governmental and educational agencies, institutions, organizations, and other groups and individuals in the community, including the City and its designees, of particular Channels on the Cable System to distribute programming to Subscribers, as permitted under applicable law and this Franchise.

(A) “Public Access” means Access where the public is the primary user having editorial control over programming and services.

(B) “Educational Access” means Access where Schools are the primary users having editorial control over programming and services.

(C) "Government Access" means Access where governmental institutions or their designees are the primary users having editorial control over programming and services.

1.2 "Access Channel" means a Channel designated for Access purposes or otherwise made available to facilitate or transmit Access programming.

1.3 "Affiliate" when used in connection with Grantee means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

1.4 "Bad Debt" means amounts lawfully owed by a Subscriber and accrued as revenues on the books of Grantee, but not collected after reasonable efforts by Grantee.

1.5 "Basic Service" means the lowest Tier of Cable Service that includes, at a minimum, the retransmission of local television Broadcast Signals and Access programming.

1.6 "Broadcast Signal" means a television signal transmitted over the air to a wide geographic audience, and received by an antenna, microwave, satellite dishes or any other means.

1.7 "Cable Act" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, and any amendments thereto.

1.8 "Cable Operator" means any Person or groups of Persons, including Grantee, who provides Cable Service over the Cable System and directly or through one or more Affiliates owns a significant interest in such Cable System or who otherwise control(s) or is(are) responsible for, through any arrangement, the management and operation of such a Cable System.

1.9 "Cable Service" means the one-way transmission to Subscribers of Video Programming, or other programming service and Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

1.10 "Cable System" means the Grantee's facility in the Franchise Area, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves Subscribers without using any public Right-of-Way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the federal Communications Act (47 U.S.C. 201 et seq.), except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. 541(c)) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (4) an open video system that complies with 47 U.S.C. 573; or (5) any facilities of any electric utility used solely for operating its electric utility systems.

1.11 "Channel" means a portion of the frequency band capable of carrying a Video Programming Service, an audio service or a combination of Video Programming services and audio services, whether delivered in an analog or digital format.

1.12 "City" means the City of Burien, Washington, a municipal corporation.

1.13 "Complaint" means a Subscriber contact with the Grantee to express a grievance or dissatisfaction concerning Cable Service that has been escalated by Grantee. Complaints do not include matters not within

the regulatory control of the City. A Complaint may be verbal or in writing but need not include initial contacts where an issue is promptly resolved to the Subscriber's satisfaction.

1.14 "Designated Access Provider" means the entity or entities designated by the City to manage or co-manage Access Channels and facilities. The City may also be a Designated Access Provider.

1.15 "Dwelling Unit" means any residential building, or each portion thereof that has independent living facilities, including provisions for cooking, sanitation and sleeping and that is designed for residential occupancy. Buildings containing more than one set of facilities for cooking are multiple unit buildings unless the additional facilities are clearly accessory.

1.16 "Expanded Basic Service" means cable programming services not included in the Basic Service and excluding, for example, premium or Pay-Per View Services.

1.17 "FCC" means the Federal Communications Commission or its lawful successor.

1.18 "Franchise" means this document, a contractual agreement, and any amendments and modifications thereto executed between the City and Grantee, containing the specific provisions of the authorization granted to operate a Cable System in the City.

1.19 "Franchise Area" means the area within the jurisdictional boundaries of the City, including any areas annexed by the City during the term of this Franchise.

1.20 "Gross Revenues" means all revenue derived directly or indirectly by the Grantee, or by Grantee's Affiliates, from the operation of Grantee's Cable System to provide Cable Services in the Franchise Area. Gross Revenues include, by way of illustration and not limitation, monthly fees charged Subscribers for Cable Services including Basic Service and all other Tiers of Cable Service; Pay-Per-View Service; Cable Service installation, disconnection, change-in-service and reconnection fees, Leased Access Channel fees, late fees, payments received by the Grantee from programmers for carriage of Cable Services on the Cable System and recognized as revenue under generally accepted accounting principles ("GAAP"), revenues from rentals of Cable System equipment such as converters; advertising revenues; advertising sales commissions if recognized as revenue under GAAP; additional outlet fees, Franchise Fees, and revenues from home shopping Channels. Gross Revenues shall not include (i) Bad Debt, provided, however, that all or part of any such Bad Debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; (ii) the monthly Capital Contribution referenced in subsection 9.5 or (iii) any taxes on services furnished by the Grantee which are imposed directly on any Subscriber or user by the State, City or other governmental unit and which are collected by the Grantee on behalf of said governmental unit. The Franchise Fees are not such a tax and are therefore included in Gross Revenues.

1.21 "Headend" means Grantee's primary facility for signal reception and dissemination on the Cable System, including cables, antennas, wires, satellite dishes, monitors, switchers, modulators, processors and other related equipment.

1.22 "Leased Access Channel" means any Channel or portion of a Channel commercially available for programming in accordance with Section 612 of the Cable Act.

1.23 "Mosaic" or "Mosaic Channel" means a channel which displays miniaturized media screens and related information for a particular group of channels with common themes. The Mosaic Channel serves as a navigation tool for Subscribers, which displays the group of Access Channels on a single channel screen and also provides for easy navigation to a chosen Access Channel.

1.24 “Non-Commercial” means, in the context of Access Channels, that particular products and services are not promoted or sold for commercial gain. The term will not be interpreted to prohibit an Access Channel operator or programmer from soliciting and receiving financial support to produce and transmit Video Programming on an Access Channel, or from acknowledging a contribution.

1.25 “Pay-Per-View Service” means programming offered on a per-program or per-event basis for which a separate fee is charged.

1.26 “Person” means any individual, partnership, association, joint stock company, trust, corporation, governmental entity (but shall not mean the City) or other entity.

1.27 “Right-of-Way” or “Rights-of-Way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public Right-of-Way, including, but not limited to, utility easements, dedicated utility strips, or Rights-of-Way dedicated for compatible uses now or hereafter held by the City in the Franchise Area, which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, upgrading and maintaining the Cable System. Right-of-Way shall also mean any easement now or hereafter held by the City within the Franchise Area for the purpose of public travel or for utility or public service use dedicated for compatible uses.

1.28 “QC” means Qwest Corporation d/b/a CenturyLink, an Affiliate of Grantee.

1.29 “Qualified Unit” means a distinct address in the QC network inventory database, including, but not limited to, single family homes, multi-dwelling units, and business locations that meet the minimum technical qualifications defined by Grantee for provision of Cable Service.

1.30 “School” means any State accredited public educational institution including, for example, primary and secondary Schools (K-12).

1.31 “State” means the State of Washington.

1.32 “Subscriber” means any Person who lawfully receives Cable Service provided by Grantee by means of the Cable System and whose premises are physically wired and lawfully activated to receive Cable Service from Grantee’s Cable System.

1.33 “Tier” means a group of Channels for which a separate periodic rate is charged.

1.34 “Video Programming” means programming provided by, or generally considered comparable to programming provided by, cable programmers or a television broadcast station.

SECTION 2. GRANT OF FRANCHISE

2.1 Grant

(A) The City hereby grants to Grantee a nonexclusive Franchise authorizing the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Rights-of-Ways within the Franchise Area, and for that purpose to install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Right-of-Way such wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment and use existing poles as may be necessary or appurtenant for the deployment of Cable Services over the Cable System. This Franchise shall constitute both a right and an obligation to provide the Cable Services required by, and to fulfill the obligations set forth in, the provisions of this Franchise.

(B) Grantee, through this Franchise, is granted the right to operate its Cable System using the Rights-of-Way within the Franchise Area. Such use must be in compliance with all lawfully enacted and applicable Municipal Code provisions. In the event of a conflict between the Municipal Code and this Franchise, this Franchise shall control. Subject to federal and State preemption, the material terms and conditions contained in this Franchise may not be unilaterally altered by the City through subsequent amendments to any ordinance, regulation, resolution or other enactment of the City, except within the lawful exercise of the City's police power. The Grantee agrees to comply with all lawful and generally applicable City ordinances. Grantee has the right to challenge any City ordinance or regulation that conflicts with its rights under this Franchise. Grantee acknowledges that its rights hereunder are subject to the police powers of the City to adopt and enforce ordinances necessary to protect the health, safety and welfare of the public, and Grantee agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

(C) This Franchise shall not be interpreted to prevent the City from lawfully imposing additional conditions, including additional compensation conditions for use of the Rights-of-Way, should Grantee provide service other than Cable Service and the City has the right to impose such additional conditions.

(D) Any Affiliate of Grantee directly involved in the offering or delivery of Cable Services in the Franchise Area, or directly involved in the management or operation of the Cable System in the Franchise Area, shall comply with the obligations of this Franchise. However, the Parties acknowledge that QC, an Affiliate of Grantee, will be primarily responsible for the construction and installation of the facilities in the Rights-of-Way which will be utilized by Grantee to provide Cable Service, including Cable Services utilizing QC's Fiber-to-the-Premises Network or Fiber-to-the-node infrastructure. So long as QC does not provide Cable Services to Subscribers in the City, QC will not be subject to the terms and conditions contained in this Franchise. QC's installation and maintenance of facilities in the Rights-of-Way shall otherwise be subject to applicable laws and permit requirements. To the extent Grantee uses any third-parties (whether or not affiliated with Grantee) to fulfill its obligations under this Franchise, Grantee shall ensure such parties comply with the terms and conditions of this Franchise. To the extent Grantee constructs and installs Facilities in the Rights-of-Way, such Facilities will be subject to the terms and conditions contained in this Franchise.

(E) No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

(1) Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the ordinances and laws of the City;

(2) Any permit, agreement or authorization required by the City for Rights-of-Way users in connection with operations on or in Rights-of-Way or public property including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

(F) This Franchise is intended to convey limited rights and interests only as to those Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any Rights-of-Way; it does not provide the Grantee with any interest in any particular location within the Rights-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

(G) This Franchise expressly authorizes Grantee to provide only Cable Services as allowed by applicable law, and to construct, operate or maintain Cable Service facilities in the Franchise Area. This Franchise does not relieve Grantee of any obligation it may have to obtain from the City an authorization to provide non-Cable Services or relieve Grantee of its obligation to comply with any such authorization(s) that may be lawfully required. However, this Franchise shall not be read as a concession by the Grantee that it needs authorization to provide non-Cable Services.

2.2 Use of Rights-of-Way

Within parameters reasonably related to the City's role in protecting the public health, safety and welfare, the City may require that Cable System facilities be installed at a particular time, at a specific place or in a particular manner as a condition of access by Grantee to a particular Right-of-Way and may deny access if Grantee is not willing to comply with the City's requirements.

2.3 Duration

The term of this Franchise and all rights, privileges, obligations and restrictions pertaining hereto shall be five (5) years from the effective date of this Franchise, unless terminated or extended as hereinafter provided.

2.4 Effective Date

(A) This Franchise and the rights, privileges, and authority granted hereunder and the contractual relationship established hereby shall take effect and be in force from and after the effective date of this Franchise.

(B) The effective date of this Franchise shall commence _____, 2016 and run through midnight of _____, 2021. At the expiration of the initial term, the City may offer to extend this Franchise for an additional term of five (5) years by giving written notice to the Grantee, provided that there has not been a change in federal or State law which negatively impacts the City's ability to extend this Franchise. This Franchise may be extended for such additional term of five (5) years, subject to the written agreement of both parties.

2.5 Franchise Nonexclusive

This Franchise shall be nonexclusive, and subject to all prior rights, interests, easements, permits or licenses granted by the City to any Person to use any property for any purpose whatsoever, including the right of the City to use the same for any purpose it deems fit, including the same or similar purposes allowed Grantee hereunder. The City may at any time grant authorization to use the Rights-Of-Way for any purpose not incompatible with Grantee's authority under this Franchise and for such additional franchises for cable systems as the City deems appropriate.

2.6 Effect of Acceptance

By accepting the Franchise, the Grantee: (1) acknowledges and accepts the City's legal right to issue and enforce the Franchise; (2) agrees that it will not oppose the City's intervening, to the extent that the City is legally entitled to do so, in any legal or regulatory proceeding affecting the Cable System; (3) accepts and agrees to comply with each and every provision of this Franchise; and (4) agrees that the Franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

2.7 Competitive Equity

(A) The Grantee acknowledges and agrees that the City reserves the right to grant one or more additional franchises to provide Cable Service within the Franchise Area; provided, the City agrees that it shall amend this Franchise to include any material terms or conditions that it makes available to the new entrant within ninety (90) days of the Grantee's request, so as to ensure that the regulatory and financial burdens on each entity are materially equivalent. "Material terms and conditions" include, but are not

limited to: franchise fees; insurance; system build-out requirements; security instruments; Access channel and support; customer service standards; required reports and related record keeping; and notice and opportunity to cure breaches. If any such additional or competitive franchise is granted by the City which, in the reasonable opinion of the Grantee, contains more favorable or less burdensome terms or conditions than this Franchise, the City agrees that it shall amend this Franchise to include any more favorable or less burdensome terms or conditions in a manner mutually agreed upon by City and Grantee.

(B) In the event an application for a new cable franchise is filed with the City proposing to serve the Franchise Area, in whole or in part, the City shall serve or require to be served a copy of such application upon the Grantee by registered or certified mail or via nationally recognized overnight courier service.

(C) In the event that a wireline multichannel video programming distributor provides video service to the residents of the City under the authority granted by subsequent applicable federal or State legislation or a regulatory entity other than the City, the Grantee shall have a right to request Franchise amendments that relieve the Grantee of regulatory burdens that create a competitive disadvantage to the Grantee. In requesting amendments, the Grantee shall file a petition seeking to amend the Franchise. Such petition shall: (1) indicate the presence of such wireline competitor; (2) identify the basis for Grantee's belief that certain provisions of the Franchise place Grantee at a competitive disadvantage; and (3) identify the regulatory burdens to be amended or repealed in order to eliminate the competitive disadvantage. The City shall not unreasonably withhold consent to the Grantee's petition.

(D) The City and Grantee recognize and acknowledge that other cable franchises granted by the City might contain provisions and conditions that are different than the provisions and conditions that the Grantee has negotiated and accepted in this Franchise. Nothing in this Franchise shall be construed so as to require identical provisions and conditions in other cable franchises granted by the City.

SECTION 3. FRANCHISE FEES AND FINANCIAL CONTROLS

3.1 Franchise Fees

As compensation for the use of the City's Rights-Of-Way, Grantee shall pay as a franchise fee to the City, throughout the duration of this Franchise, an amount equal to five percent (5%) of Grantee's Gross Revenues. Accrual of such franchise fees shall commence as of the effective date of this Franchise. Grantee shall never be required to pay a franchise fee in a greater percentage than any other cable provider in the Franchise Area.

3.2 Payments

Grantee's franchise fee payments to the City shall be computed quarterly for the preceding quarter. Each payment shall be due and payable no later than thirty (30) days after the end of the preceding quarter, after which time interest will accrue. The quarters shall end respectively on the last day of March, June, September and December.

3.3 Acceptance of Payment

No acceptance of any payment shall be construed as an accord by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable or for the performance of any other obligation of Grantee.

3.4 Franchise Fee Reports

Each payment shall be accompanied by a written report to the City, verified by an authorized representative of Grantee, containing an accurate statement in summarized form which includes a breakdown by category of Grantee's Gross Revenues and the computation of the payment amount.

3.5 Audits

Upon forty-five (45) days prior written notice, the City shall have the right to conduct an annual independent audit of Grantee's records necessarily related to the enforcement of this Franchise and to recompute any amounts determined to be payable under this Franchise. If Grantee cooperates in making all relevant records available to the City, the City will attempt to complete each audit within six (6) months, and the audit period shall be no greater than the previous three (3) years, unless the City has information relating to previous years beyond the three (3) years which raises doubt as to the accuracy of payments made under this or previous franchises, in which case an additional three years may be audited. Any undisputed amounts due to the City as a result of the audit shall be paid within sixty (60) days following written notice to the Grantee by the City, which notice shall include a copy of the audit findings. If the audit shows that franchise fees have been underpaid by five percent (5%) or more in any calendar year, Grantee shall pay for the cost of the audit up to fifteen thousand dollars (\$15,000) for the first year of the audit period and seven thousand five hundred dollars (\$7,500) for each year thereafter.

If Grantee disputes all or part of the audit findings, then the parties shall meet in an attempt to resolve the matter. If the parties are unable to resolve the matter, then that matter may be referred to non-binding arbitration by either of the parties. Each party shall bear one-half of the costs and expenses of the arbitration proceedings. The decision of the arbitrator(s) shall be subject to judicial review at the request of either party.

3.6 Financial Records

Grantee agrees to meet with a representative of the City upon request to review Grantee's methodology of record-keeping, financial reporting, the computing of franchise fee obligations and other procedures, the understanding of which the City deems necessary for reviewing reports and records that are relevant to the enforcement of this Franchise.

3.7 Late Payments

In the event any payment due the City is not timely made, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law, from the payment due date until the City receives the payment.

3.8 Underpayments

If a franchise fee underpayment is discovered as the result of an audit, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law, calculated from the date the underpayment was originally due until the date the City receives the payment.

3.9 Maximum Franchise Fees

The parties acknowledge that, at present, applicable federal law limits the City to collecting a franchise fee of five percent (5%) of Gross Revenues in a 12-month period. In the event that at any time throughout the term of this Franchise, the City is authorized to collect an amount in excess of or less than five percent (5%) of Gross Revenues, then this Franchise shall be amended by the parties consistent with such change.

3.10 Additional Commitments Not Franchise Fees

No term or condition in this Franchise shall in any way modify or affect Grantee's obligation to pay franchise fees. Although the total sum of franchise fee payments and additional commitments set forth elsewhere in this Franchise may total more than five percent (5%) of Grantee's Gross Revenues in any 12-month period, Grantee agrees that the additional commitments herein are not franchise fees, nor are they to be offset or credited against any franchise fee payments due to the City, nor do they represent an increase in franchise fees to be passed through to Subscribers.

3.11 Alternative Compensation

In the event the obligation of Grantee to compensate the City through franchise fee payments is lawfully suspended or eliminated, in whole or part, then Grantee shall pay to the City such compensation as is required by law.

3.12 Payment on Termination

If this Franchise terminates for any reason, the Grantee shall file with the City within ninety (90) days of the date of the termination, a financial statement, prepared by a certified public accountant, showing the Gross Revenues received by the Grantee since the end of the previous fiscal year. Within thirty (30) days of the filing of the statement with the City, Grantee shall pay any unpaid franchise fee amounts as indicated. If the Grantee fails to pay its remaining financial obligations as required in this Franchise, the City may satisfy the same by utilizing the funds through any security provided by the Grantee.

3.13 Tax Liability

The franchise fees shall be in addition to any and all taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use, utility, occupation and other taxes, business license fees or other payments. Payment of the franchise fees under this Franchise shall not exempt Grantee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Grantee that may be lawfully imposed by the City.

3.14 Bundling of Cable and Non-Cable Services

In no event will the Grantee unlawfully evade or reduce applicable franchise fee payments required to be made to the City due to discounted bundled services. Customer billing shall be itemized by service(s), and Grantee shall comply with all applicable laws regarding rates for Cable Services and all applicable laws covering issues of cross subsidization.

SECTION 4. ADMINISTRATION AND REGULATION

4.1 Authority

The City shall be vested with the power and right to administer and enforce the requirements of this Franchise and the regulations and requirements of applicable law, including the Cable Act, or to delegate that power and right, or any part thereof, to the extent permitted under law, to any agent in the sole discretion of the City.

Subject to 2.1(B), the Grantee and the City shall be entitled to all rights and be bound by all changes in Local, State and Federal law that occur subsequent to the effective date of this Franchise. The Grantee and

the City acknowledge that their rights and obligations under this Franchise are explicitly subject to all such changes.

4.2 Rate Regulation

All of Grantee's rates and charges related to or regarding Cable Services shall be subject to regulation by the City to the full extent authorized by applicable federal and state laws, and local laws not in conflict with this Franchise.

4.3 No Rate Discrimination

All of Grantee rates and charges shall be published (in the form of a publicly-available rate card), and shall be nondiscriminatory for all Persons of similar classes, under similar circumstances and conditions. Nothing herein shall be construed to prohibit:

(A) The temporary reduction or waiving of rates or charges in conjunction with valid promotional campaigns;

(B) The offering of reasonable discounts to similarly situated Persons; or

(C) The offering of bulk discounts for Multiple Dwelling Units.

4.4 Low Income Discount

Grantee shall provide reasonable needs-based discounts on Cable Services of not less than the amount provided by other Cable Operators serving the City as of the Effective Date of this Franchise, at a minimum to Subscribers that qualify for discounts under the Federal Lifeline/Link-up program. This subsection shall not prohibit Grantee from providing a larger discount or offering the discount to other economically or physically challenged Subscribers. If the incumbent cable operator increases the percentage of its needs-based discount, upon 90 days' notice Grantee will provide a similar percentage needs-based discount.

4.5 Performance Evaluations

(A) Upon written notification, the City may hold performance evaluation sessions whenever necessary to ensure proper performance of the provisions of this Franchise.

(B) Special evaluation sessions may be held at any time by the City during the term of this Franchise.

(C) All evaluation sessions shall be open to the public.

(D) Subject to Section 7.2, topics which may be discussed at any evaluation session include, but are not limited to, Subscriber figures for each classification of service, construction issues, Cable Service rate structures, franchise fee payments, liquidated damages, free or discounted Cable Service, application of new technologies, Cable System performance, Cable Services currently provided and programming offered, future plans of Grantee for new services or programs, Subscriber Complaints, privacy, modifications to this Franchise, judicial and FCC rulings, line extension policies, and the City's or Grantee's rules; provided that nothing in this subsection shall be construed as requiring the renegotiation of this Franchise.

(E) Subject to Section 7.2, during evaluations under this subsection, Grantee shall fully cooperate with the City and shall provide such information and documents as the City may reasonably require to perform the evaluation.

4.6 Leased Access Channel Rates

Grantee shall offer Leased Access Channel capacity on such terms and conditions and rates as may be negotiated with each lessee, subject to the requirements of Section 612 of the Cable Act. Upon request, Grantee shall provide a complete schedule of current rates and charges for any and all Leased Access Channels, or portions of such Channels, provided by Grantee.

4.7 Late Fees

(A) For purposes of this subsection, any assessment, charge, cost, fee or sum, however characterized, that the Grantee imposes upon a Subscriber solely for late payment of a bill is a late fee and shall be applied in accordance with applicable local, State and federal laws.

(B) The Grantee's late fee and disconnection policies and practices shall be nondiscriminatory, and such policies and practices, and any fees imposed pursuant to this subsection, shall apply equally in all parts of the City without regard to the neighborhood or income level of the Subscribers.

4.8 Reserved Authority

The City reserves all of its rights and authority arising from the Cable Act and any other relevant provisions of federal, State or local laws.

4.9 Time Limits Strictly Construed

Whenever this Franchise sets forth a time for any act to be performed by Grantee, the time shall be deemed to be of the essence, and any failure of Grantee to perform within the allotted time may be considered a breach of this Franchise.

SECTION 5. INDEMNIFICATION AND INSURANCE REQUIREMENTS

5.1 Indemnification

(A) General Indemnification. Grantee shall indemnify, defend and hold harmless the City, City Council, and any of the City's officers, officials, boards, commissions, agents and employees acting in an official capacity from any action, claim, damage, loss, liability, cost or expense, including court costs and reasonable attorneys' fees and expenses, arising from the death of or injury to any Person, casualty or accident to equipment or property, and all other damages arising out of, or by reason of, any construction, excavation, operation, maintenance, repair, reconstruction, upgrade, rebuild, upkeep or removal of the Cable System, by or for Grantee, its agents or employees, or by reason of any neglect or omission of Grantee, its agents or employees, except for injuries and damages caused by the sole negligence of the City.

(B) Procedures and Defense. The City shall give the Grantee written notice of any claim or of the commencement of any action, suit or other proceeding covered by the indemnity in this subsection 5.1. If a claim or action arises, the City or any other indemnified party shall then tender the defense of the claim to Grantee, which defense shall be at Grantee's expense. The City may participate in the defense of a claim and, in any event, Grantee may not agree to any settlement of claims financially affecting the City without the City's prior written approval which shall not be unreasonably withheld.

(C) Grantee's Duties. The fact that Grantee carries out any activities under this Franchise through independent contractors shall not constitute an avoidance of or defense to Grantee's duties of defense and indemnification under this subsection 5.1.

(D) Other Counsel. If separate representation to fully protect the interests of both parties is necessary, such as a conflict of interest between the City and the counsel selected by Grantee to represent the City, Grantee shall select additional counsel with no conflict with the City.

5.2 Insurance Requirements

(A) General Requirement. Grantee must have adequate insurance during the entire term of this Franchise to protect the City against claims for death or injuries to Persons or damages to property or equipment which in any way relate to, arise from or are connected with this Franchise, or involve Grantee, its agents, representatives, contractors, subcontractors and their employees.

(B) Minimum Insurance Limits. The Grantee shall maintain the following insurance limits:

(1) Commercial General Liability: \$2,000,000 per occurrence, \$2,000,000 general aggregate and \$1,000,000 products/completed operations aggregate.

(2) Automobile Liability: \$2,000,000 combined single limit.

(3) Workers Compensation Insurance limits in accordance with State law requirements.

(4) Excess or Umbrella Liability: \$5,000,000 each occurrence and \$5,000,000 policy limit.

(C) Endorsements.

(1) Commercial General Liability insurance policies are to contain, or be endorsed to contain, the following:

(a) The Grantee's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Grantee's insurance and shall not contribute to it.

(b) The Grantee's insurance shall name the City as an additional insured.

(2) The insurance provided herein shall not be canceled or the limits reduced so as to be out of compliance with the requirements of this subsection 5.2 without thirty (30) days written notice, certified mail, return receipt requested, first being given to the City. If the insurance is canceled or reduced in coverage, Grantee shall provide a replacement policy.

(D) Acceptability of Insurers. The insurance obtained by Grantee shall be placed with insurers with a Best's rating of no less than "A VII".

(E) Verification of Coverage. The Grantee shall furnish the City with signed certificates of insurance and a copy of the amendatory endorsements, including, but not necessarily limited to, the additional insured endorsement, evidencing the Automobile Liability, Commercial General Liability and Umbrella or Excess insurance of the Grantee upon acceptance of this Franchise. The certificate for each insurance policy is to be signed by a Person authorized by that insurer to bind coverage on its behalf. The certificate for each insurance policy must be on **standard** forms or on such forms as are consistent with standard industry practices. The Grantee hereby warrants that its insurance policies satisfy the requirements of this Franchise.

(F) No Limitation. Grantee's maintenance of insurance policies required by this Franchise shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the coverage provided in the insurance policies, or otherwise limit the City's recourse to any other remedy available at law or in equity.

5.3 Bond

(A) Grantee shall provide to the City a faithful performance bond in the amount of two hundred fifty thousand dollars (\$250,000).

(B) Grantee's maintenance of the bond shall not be construed to excuse unfaithful performance by Grantee, or limit the liability of Grantee to the amount of the bond, or otherwise limit the City's recourse to any other remedy available at law or in equity.

SECTION 6. CUSTOMER SERVICE

6.1 Customer Service Standards

City and Grantee recognize the importance of customer service in the grant of this Franchise. Grantee shall comply with customer service standards as the same may be adopted and amended from time to time by the City Council. Grantee reserves the right to challenge any customer service standard that it believes is inconsistent with its contractual rights granted pursuant to this Franchise or State or federal law. Grantee and the City shall work cooperatively in an effort to develop those standards.

6.2 Subscriber Privacy

Grantee will comply with privacy rights of Subscribers in accordance with federal, State and local laws.

SECTION 7. REPORTS AND RECORDS

7.1 Open Records

The City shall have access to, and the right to inspect, any books and records of Grantee and its Affiliates which are reasonably necessary to monitor and enforce Grantee's compliance with the provisions of this Franchise at the Grantee's regional business office, during normal business hours, and without unreasonably interfering with Grantee's business operations. The City may, in writing, request copies of any such records or books that are not identified as proprietary or confidential, and Grantee shall provide such copies within thirty (30) days of the transmittal of such request. One copy of all reports and records required under this or any other Section shall be furnished to the City at the sole expense of Grantee. If the requested books and records are too voluminous, or identified as proprietary and confidential, or for security reasons cannot be copied or removed, then the City shall inspect them at Grantee's regional office. If any books or records of Grantee are not kept in a regional office and not made available in copies to the City upon written request as set forth above, and if the City determines that an examination of such records is necessary for the enforcement of this Franchise, then all reasonable travel expenses incurred in making such examination shall be paid by Grantee.

7.2 Confidentiality

Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any Affiliate of Grantee that is not providing Cable Service in the Franchise Area. The City agrees to keep confidential any proprietary or confidential books or records of Grantee to the extent permitted by law. For confidential or proprietary books and records, Grantee shall accommodate the review of those books and records through a Non-Disclosure Agreement negotiated with the City or its designated third-party consultant. Grantee shall be responsible for clearly and conspicuously identifying the records as confidential or proprietary, and shall provide a brief written explanation as to why such information is confidential or proprietary and how it may be treated as such under State or federal law. The Grantee shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or State privacy law. For purposes of this subsection, the terms "proprietary or confidential" include, but are not limited to information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Grantee to be competitively sensitive. If the City receives a demand from any Person for disclosure of any

information designated by Grantee as confidential, the City shall, so far as consistent with applicable law, advise Grantee and provide Grantee with a copy of any written request by the Person demanding access to such information within five (5) business days. While it is not a legal obligation, the City, as a courtesy, will allow Grantee up to ten (10) business days to obtain and serve the City with a court injunction to prevent the City from releasing the Documents. If Grantee fails to obtain a Court order and serve the City within the ten (10) business days, the City may release the Documents. The City will not assert an exemption from disclosure on Grantee's behalf.

7.3 Maps and Records Required

Grantee shall make available to the City upon request:

(A) A route map that depicts the general location of the Cable System facilities placed in the Rights-of-Way. The route map shall identify Cable System facilities as aerial or underground and is not required to depict cable types, number of cables, electronic equipment, and service lines to individual Subscribers. The Grantee shall also provide, if requested, an electronic format of the aerial/underground facilities in relation to the Right-of-Way centerline reference to allow the City to add this information to the City's GIS program;

(B) A copy of all FCC filings which relate to the operation of the Cable System in the Franchise Area; and

(C) A list of Grantee's Cable Services, rates and Channel line-up.

7.4 Submittal of Documents

Upon written request, Grantee shall submit to the City a copy of any application, notification, communication or document of any kind, submitted by Grantee or its Affiliates to any federal, State or local courts, regulatory agencies and other governmental bodies if such document directly relates to the operations of Grantee's Cable System within the Franchise Area. Grantee shall submit such documents to the City no later than forty-five (45) days after receipt of the City's request. Grantee shall not claim confidential, privileged or proprietary rights to such documents unless under federal, State, or local law such documents have been determined to be confidential by a court of competent jurisdiction, or a federal or State agency.

7.5 Annual Reports

Upon request, thirty (30) days after the end of the first quarter, Grantee shall submit to the City a written report, which shall include the following information:

(A) The most recently completed annual corporate report;

(B) A Gross Revenue statement for the preceding fiscal year and all deductions and computations for the period, and such statement shall be reviewed by a certified public accountant, who may also be the chief financial officer or controller of Grantee;

(C) A summary of the previous year's activities regarding the development of the Cable System, including, but not limited to, homes passed, beginning and ending plant miles, any technological changes occurring in the Cable System and the number of Subscribers for each class of Cable Service (i.e., Basic, Expanded Basic Service, premium, etc.);

(D) An executive summary of Subscriber Complaints received in the previous year.

7.6 False Statements

Any intentional false or misleading statement or representation in any report required by this Franchise shall be a material breach of this Franchise and may subject Grantee to all remedies, legal or equitable, which are available to the City under this Franchise or otherwise.

7.7 Failure to Report

The failure or neglect of Grantee to file any of the information required under this Franchise (not including clerical errors or errors made in good faith) may, at the City's option, be deemed a breach of this Franchise.

SECTION 8. PROGRAMMING

8.1 Broad Programming Categories

Grantee shall provide at least the following initial broad categories of programming to the extent such categories are reasonably available:

- (A) News, weather and information;
- (B) Sports;
- (C) General entertainment including movies;
- (D) Children, family oriented;
- (E) Arts, culture and performing arts; and
- (F) Science/documentary.

8.2 Deletion of Broad Programming Categories

Grantee shall not delete or so limit as to effectively delete any broad category of programming within its control without prior written notice to the City.

8.3 Ascertainment of Customer Satisfaction

In the event Grantee conducts an ascertainment survey related to Franchise renewal under the guidelines of Section 626 of the Cable Act, Grantee agrees to provide, upon request, the results of said ascertainment survey to the City within thirty (30) days of the completion thereof.

8.4 Parental Control Device

Upon request by any Subscriber, Grantee shall make available a parental control or lockout device, trap or filter to enable a Subscriber to control access to both the audio and video portions of any or all Channels. Grantee shall inform its Subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter. Such devices, traps or filters will be provided at no charge to the Subscriber, unless otherwise provided by federal law.

SECTION 9. ACCESS

9.1 Access Channels

For the purpose of meeting the community's need for Access programming, within 180 days of the acceptance of this Franchise, or other mutually agreed upon date, Grantee shall make available and maintain throughout the term of this Franchise the following Access Channels throughout the Franchise Area:

- one (1) Government Access Channel; and

one (1) Public Access Channel which may carry either local or regional programming and recognizing that the Grantee does not exercise any editorial control over the programming content of this Channel.

Grantee shall make available in high definition format any high definition PEG Access programming that it receives from the City in that format. If newly implemented, high definition PEG Access programming would begin within 180 days or other mutually agreeable date.

The City acknowledges that the Grantee's Cable System provides additional benefits to Access programming needs beyond the requirements listed above. This is accomplished through the inclusion of other regional access programming within the regional channel line-up that services the Franchise Area. The Grantee will endeavor to provide the Subscribers in the Franchise Area with the other regional access channels so long as the programmers offer them for use on the Cable System. Access to other regional programming may be done through the use of a Mosaic Channel. Grantee will provide the same number of Access Channels as the incumbent cable operator.

If Grantee makes a change in its Cable System and related equipment and facilities, or in its signal delivery technology, which directly or indirectly affects the signal quality or method or type of transmission of Access programming or services, Grantee shall take all necessary technical steps and provide necessary technical assistance, including the acquisition of all necessary equipment, up to the point of demarcation to ensure that the capabilities of the Access Channels and delivery of Access programming are not diminished or adversely affected by such change. For example, live and taped programming must be cablecast with as good or better signal quality than existed prior to such change.

9.2 Additional Access Channel

In addition to the Access Channels referenced in subsection 9.1 above, the City may require Grantee to make available an additional Access Channel as established by the triggers set forth below:

One (1) additional channel shall be made available for Government Access use when the Government Access Channel required above is used for original programming (excluding character generated and filler programming, e.g., AM/FM radio programming) during fifty percent (50%) of the hours between 10:00 a.m. and 10:00 p.m., five (5) days per week during any consecutive twelve (12) week period. The programming shall generally be distinct and non-repetitive of the previous channel. Based upon this criteria, the Grantee shall, within 180 days following a written request by the City, make available an additional Access Channel. At no time during the life of this Franchise, shall Grantee be required to carry a greater number of Access Channels than what is being carried by the incumbent provider.

9.3 Management and Control of Access Channels

(A) The City may authorize Designated Access Providers to control, operate and manage the use of any and all Access facilities provided by Grantee under this Franchise, including, without limitation, the operation of Access Channels. The City or its designee may formulate rules for the operation of the Access Channels, consistent with this Franchise.

(B) Regarding the City's and Designated Access Providers use of Access facilities and Access Channels, Grantee shall fully cooperate with requests from the City, and provide all necessary assistance related thereto.

(C) If the City desires to relocate or expand its existing fiber optic return line(s) to new location(s) over the term of this Franchise, upon one hundred eighty (180) days written request by the City and at the City's cost for Grantee's reasonable time and materials, the Grantee shall construct the requested new fiber optic return line(s).

9.4 Location and Quality of Access Channels

(A) All Access Channels provided to Subscribers under this Franchise shall be included by Grantee as a part of the Basic Service Tier or as otherwise provided by federal law. Grantee may place the Access Channels on a Mosaic Channel.

(B) Grantee shall provide as much notice as possible but not less than sixty (60) days advance written notice to the City prior to any relocation of a Government or Public Access Channel. In connection with the movement of those Access Channels to other Channel numbers, Grantee shall provide a bill message on subscriber bills.

(C) Any Access Channels shall have at least the same transmission quality as is used to carry any of the commercial Channels that deliver programming on the Cable System. The Grantee shall provide Headend and hub equipment and routine maintenance and repair and replace, if necessary, any of Grantee's equipment required to carry the Access signal to and from the City's demarcation point and any other Access origination point and the Grantee's Headend and hubs for the Access Channels.

9.5 Monthly Capital Contribution

Grantee shall collect and remit \$0.25 per Subscriber per month capital contribution to the City for Access purposes including, without limitation, for equipment purchases, construction and relocation costs on a quarterly basis at the same time as Franchise Fees are paid. Upon forty-five (45) days written notice, the monthly amount may be adjusted, upon approval by the City Council, but in no event shall the monthly amount exceed \$0.25. Grantee shall not be responsible for paying the Capital Contribution with respect to gratis or Bad Debt accounts. The City shall have discretion to allocate the Capital Contribution in accordance with applicable law. To the extent the City makes Access capital investments using City funds prior to receiving the monthly Capital Contribution funds, the City is entitled to apply the subsequent monthly Capital Contribution payments from Grantee toward such City capital investments. Also, Grantee acknowledges and voluntarily agrees that the capital contribution(s) in this subsection can be used by the City for Access operating support or any other Access Channel related purpose. Grantee further agrees that during this Franchise or any renewal or extension thereof, if the City chooses to use any part of the capital contribution(s) for Access operating purposes, Grantee will not deduct any such amounts from its Franchise fee payments owed to the City. Grantee forever waives any right it may have under applicable law to offset the capital contribution(s) (if used by the City for any Access capital or operating purposes) against Franchise fee payments owed to the City.

The City agrees that the capital contribution may be treated as external costs under applicable federal law. On an annual basis, the City or its designee shall provide Grantee a statement showing the Capital Contribution account balance, the amount expended including a detailed list of purchases, and the interest earned. Grantee shall never be required to collect and remit a different monthly per Subscriber capital contribution amount than being collected from the incumbent cable provider from its subscribers as a capital contribution. The monthly Access amount is not part of gross revenues.

The City shall dedicate the time, personnel and other resources needed to operate the Government Access Channel designated herein.

SECTION 10. GENERAL RIGHT-OF-WAY USE AND CONSTRUCTION

10.1 Right to Construct

Subject to the other provisions of this Franchise, Grantee may perform all construction in the Rights-of-Way for any facility needed for the maintenance, operation or extension of Grantee's Cable System.

10.2 Right-of-Way Meetings

Subject to receiving advance notice, Grantee will make reasonable efforts to attend and participate in meetings of the City regarding Right-of-Way issues that may impact the Cable System.

10.3 General Standard

All work authorized and required hereunder shall be done in a safe, thorough and workmanlike manner. All equipment shall be durable and installed and maintained in accordance with good engineering practices and comply with applicable law.

10.4 Joint Trenching

Grantee agrees to cooperate with others to minimize adverse impacts on the Rights-of-Way through joint trenching and other arrangements.

10.5 Movement of Facilities During Emergencies

During emergencies, except those involving imminent danger to the public health, safety or welfare, the City shall provide notice to Grantee, at a designated emergency response contact number, to allow Grantee the opportunity to respond and rectify the problem without disrupting Cable Service. If after providing notice, there is no immediate response, the City may move Grantee's facilities.

10.6 One Call

The Grantee or QC shall, at its own expense, participate in the call before you dig program required under State Law.

10.7 Permits Required

Prior to doing any work in the Right-of-Way or other public property (with the exception of installations and general maintenance that involves no construction and with no disruption to the use of the Right-of-Way or other public property), Grantee shall apply for, and obtain, in advance, appropriate permits from the City. As part of the permitting process, the City may impose such conditions and regulations as are necessary for protecting any structures in such Rights-of-Way, and for providing for the proper restoration of such Rights-of-Way and to protect the public and the continuity of pedestrian or vehicular traffic. Grantee shall pay all generally applicable fees for the requisite City permits.

10.8 Emergency Permits

In the event that emergency repairs are necessary, Grantee shall immediately notify the City of the need for such repairs. Grantee may initiate such emergency repairs, and shall apply for appropriate permits within forty-eight (48) hours after discovery of the emergency.

10.9 Submittal of Plans

No activities by Grantee shall occur within the Rights-of-Way of the City unless plans therefore shall have been first submitted to the City.

10.10 Compliance with Applicable Codes

(A) City Codes. Grantee shall comply with all applicable City codes, including, without limitation, construction codes, building codes, the Fire Code and zoning codes and regulations.

(B) Regulations and Safety Codes. Grantee shall comply with all applicable federal, State and City safety requirements, rules, regulations, laws and practices. By way of illustration and not limitation, Grantee shall comply with the National Electric Code, National Electrical Safety Code and Occupational Safety and Health Administration (OSHA) Standards.

10.11 Least Interference

Work in the Right-of-Way, or on other public property, shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Grantee's Cable System shall be constructed and maintained in such a manner as not to interfere with sewers, water pipes or any other property of the City, or with any other pipes, wires, conduits, pedestals, structures or other facilities that may have been laid in the Rights-of-Way by, or under, the City's authority. The Grantee's Cable System shall be located, erected and maintained so as not to endanger or interfere with the lives of Persons, or to interfere with new improvements the City may deem proper to make or to unnecessarily hinder or obstruct the free use of the Rights-of-Way or other public property, and shall not interfere with travel and use of public places by Persons during the construction, repair, operation or removal thereof. In the event of such interference, the City may require the removal or relocation of Grantee's lines, cables, equipment and other appurtenances from the property in question at Grantee's expense.

10.12 Prevent Injury/Safety

Grantee shall provide and use any equipment and facilities necessary to control and carry Grantee's signals so as to prevent injury to the City's property or property belonging to any Person. Grantee shall repair, change and improve its facilities to keep them in good repair, and safe and presentable condition. All excavations made by Grantee in the Rights-of-Way shall be properly safeguarded for the prevention of accidents.

10.13 Notice to Private Property Owners

Except in the case of an emergency involving public safety, or where there is approval through a service request or other lawful means, Grantee shall give reasonable advance notice to private property owners or tenants of construction work on or adjacent to such private property.

10.14 Poles and Undergrounding Requirements

(A) If all of the wires and lines of electric and telephone service providers in any given area within the Franchise Area are now or in the future placed underground, the Grantee consistent with RCW 35.99.060, shall place its Cable System distribution cables underground. In any part of the Franchise Area where the wires and lines of the electric and telephone service providers are both aerial and underground, the Grantee shall have the discretion to construct, operate, and maintain all of its distribution cables, or any part thereof, aurally or underground. In areas where the electric and telephone service providers wiring is aerial, the Grantee may install aerial cable, except when a property owner or resident requests underground installation and agrees to bear the additional cost in excess of aerial installation. Nothing in this subsection shall be construed to require the Grantee to construct, operate, or maintain underground any ground-mounted appurtenances such as power supplies, or pedestals. Cable System equipment such as pedestals may be accompanied by landscaping and screening which, if required by the City, will meet with the approval of the City on a case by case basis. Grantee shall not erect or reinstate any poles within the Rights-of-Way of the City for operation of its Cable System.

(B) This Franchise does not grant, give or convey to the Grantee the right or privilege to install its facilities in any manner on poles or equipment of the City or of any other Person.

(C) The Grantee and the City recognize that situations may occur in the future where the City may desire to place its own conduit and fiber optic cable in trenches or bores opened by the Grantee. The Grantee agrees to cooperate with the City in any such construction that involves trenching or boring. The Grantee shall allow the City to lay City conduit and fiber optic cable in the Grantee's trenches and bores, provided that the City and Grantee enter into a mutually acceptable cost sharing arrangement consistent with State law. The City shall be responsible for maintaining its respective conduit and fiber optic cable, which is buried in the Grantee's trenches and bores.

10.15 Restoration of Property

(A) If damage occurs, the Grantee shall attempt to promptly notify the property owner within twenty-four (24) hours.

(B) If in connection with the construction, operation, maintenance, upgrade, repair or replacement of the Cable System, the Grantee disturbs, alters, or damages any public or private property, the Grantee agrees that it shall at its own cost and expense pay for any damage and replace and restore any such property to a condition reasonably comparable to the condition existing immediately prior to the disturbance. Whenever Grantee disturbs or damages any Right-of-Way or other public property, Grantee shall complete the restoration work within forty-eight (48) hours or as authorized by the City's Public Works Director or designee.

(C) Grantee shall warrant any restoration work performed by or for Grantee in the Right-of-Way or on other public property for one (1) year, unless a longer period is required by the Municipal Code or any generally applicable ordinance or resolution of the City. If restoration is not satisfactorily and timely performed by the Grantee, the City may, after prior notice to the Grantee, or without notice where the disturbance or damage may create a risk to public health or safety, cause the repairs to be made and recover the reasonable cost of those repairs from the Grantee. Within thirty (30) days of receipt of an itemized list of those costs, including the costs of labor, materials and equipment, the Grantee shall pay the City.

10.16 Movement of Cable System Facilities

(A) Relocation at Request of the City. Upon thirty (30) days prior written notice to Grantee, and consistent with RCW 35.99.060, the City shall have the right to require Grantee to relocate any part of the Cable System within the Rights-of-Way when the safety, health or welfare of the public requires such change, and the expense thereof shall be paid by Grantee. Should Grantee fail to remove or relocate any such facilities by the date established by the City, the City may effect such removal or relocation, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. If the City requires Grantee to relocate its facilities located within the Rights-of-Way, the City shall make a reasonable effort to provide Grantee with an alternate location within the Right-of-Way. If public funds are available to any Person using such Rights-of-Way for the purpose of defraying the cost of any of the foregoing, the Grantee may make application for such funds.

(B) In the case of relocation projects where the City hires and designates an independent contractor to accommodate and coordinate the conversion of overhead utilities within a City capital improvement project and the Grantee decides to participate in the joint trench opportunity or fails to remove its facilities from the Rights-of-Way by the date established by the City, then the Grantee consistent with RCW 35.99.060 shall participate in the joint trenching portion of the project and Grantee shall pay to the City Grantee's portion of the traffic control and trench costs, including excavation and other associated costs, trench bedding, and backfill commensurate with Grantee's proportionate share of trench usage. Alternatively, if bids from the City's contractor for placement of Grantee's conduits and vaults/pedestals in the supplied joint trench, in the reasonable estimation of the Grantee, are not acceptable, the Grantee shall have the option to utilize contractor(s) of its choice to complete the required work. The City's contractor shall coordinate with the Grantee's contractor(s) to provide reasonable notice and time to complete the placement of the Grantee's facilities in the supplied joint trench.

(C) Nothing in this Franchise shall prevent the City from constructing any public work or capital improvement. Further, consistent with RCW 35.99.060, the City shall have the right to require Grantee to relocate, remove, replace, modify or disconnect Grantee's facilities and equipment located in the Rights-of-Way or on any other property of the City in the event of an emergency or when necessary to protect or further the health, safety or welfare of the general public, and such work shall be performed at Grantee's expense. Except during an emergency, the City shall provide reasonable notice to Grantee, not to be less than thirty (30) days, and allow Grantee the opportunity to perform such action. In the event of

any capital improvement project exceeding \$500,000 in expenditures by the City which requires the removal, replacement, modification or disconnection of Grantee's facilities or equipment, the City shall provide at least sixty (60) days written notice to Grantee. Following notice by the City, Grantee shall relocate, remove, replace, modify or disconnect any of its facilities or equipment within any Right-of-Way, or on any other property of the City.

(D) If the Grantee fails to complete the above work within the time prescribed by the City, given the nature and extent of the work, or if it is not done to the City's reasonable satisfaction, the City may cause such work to be done and bill the reasonable cost of the work to the Grantee, including all reasonable costs and expenses incurred by the City due to Grantee's delay. In such event, the City shall not be liable for any damage to any portion of Grantee's Cable System. Within thirty (30) days of receipt of an itemized list of those costs, the Grantee shall pay the City.

10.17 Movement of Cable System Facilities for Others

(A) If any removal, replacement, modification or disconnection of the Cable System is required to accommodate the construction, operation or repair of the facilities or equipment of another City franchise holder(s), consistent with RCW 35.99.060, Grantee shall, after at least thirty (30) days advance written notice, take action to effect the necessary changes requested by the responsible entity, as long as, the other franchise holder(s) pay for the Grantee's time and material costs associated with the project and Grantee is issued a permit for such work by the City.

(B) The Grantee shall, upon reasonable prior written request of any Subscriber, relocate its aerial distribution cable facilities underground, as long as, the Subscriber pays for the Grantee's time and material costs associated with the project and Grantee is issued a permit for such work by the City.

(C) In the event an underground conversion of cable facilities is required as part of the street improvement condition(s) of a land use development, not associated with a City designated capital improvement project, this Franchise shall in no way limit the Grantee's right to recoup all time and material costs associated with the underground conversion of the Cable System from the Person responsible for the project, pursuant to RCW 35.99.060.

10.18 Temporary Changes for Other Permittees

At the request of any Person holding a valid permit and upon reasonable advance notice, Grantee shall temporarily raise, lower or remove its wires as necessary to permit the moving of a building, vehicle, equipment or other item. The expense of such temporary changes must be paid by the permit holder.

10.19 Reservation of City Use of Right-of-Way

Nothing in this Franchise shall prevent the City from constructing sewers; grading, paving, repairing or altering any Right-of-Way; laying down, repairing or removing water mains; or installing conduit or fiber optic cable.

10.20 Tree Trimming

The Grantee shall have the authority to conduct minimal pruning and trimming for access to Cable System facilities in the Rights-of-Way subject to compliance with the City Code. In situations involving tree trimming activities for construction activities on its Cable System lines in the Rights-of-Way, the Grantee shall coordinate the trimming with the City per the City Code. All such trimming shall be done at the Grantee's sole cost and expense. The Grantee shall be responsible for any damage caused by such trimming.

10.21 Inspection of Construction and Facilities

The City may inspect any of Grantee's facilities, equipment or construction within the Rights-of-Way and on other public property upon at least twenty-four (24) hours' notice, or, in case of an emergency, upon demand without prior notice. If an unsafe condition is found to exist, the City, in addition to taking any

other action permitted under applicable law, may order Grantee to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition by a time the City establishes. The City has the right to inspect, repair and correct the unsafe condition if Grantee fails to do so, and to reasonably charge Grantee therefore.

10.22 Stop Work

(A) On notice from the City that any work is being performed by Grantee contrary to the provisions of this Franchise, or in an unsafe or dangerous manner as reasonably determined by the City, or in violation of the terms of any applicable permit, laws, regulations, ordinances or standards, the work may immediately be stopped by the City.

(B) The stop work order shall:

- (1) Be in writing;
- (2) Be given to the Person doing the work and be posted on the work site;
- (3) Be sent to Grantee by overnight delivery at the address given herein;
- (4) Indicate the nature of the alleged violation or unsafe condition; and
- (5) Establish conditions under which work may be resumed.

10.23 Work of Contractors and Subcontractors

Grantee's contractors and subcontractors shall be licensed and bonded in accordance with the City's and State's regulations and requirements. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors and subcontractors and others performing work on its behalf as if the work were performed by it, and shall ensure that all such work is performed in compliance with this Franchise and other applicable laws, and shall be jointly and severally liable for all damages and correcting all damage caused by them. It is Grantee's responsibility to ensure that contractors, subcontractors or other Persons performing work on Grantee's behalf are familiar with the requirements of this Franchise and other applicable laws governing the work performed by them.

SECTION 11 CABLE SYSTEM ARCHITECTURE TECHNICAL STANDARDS

11.1 Subscriber Network

(A) Cable System Functionality. The Cable System shall have a bandwidth capable of providing the equivalent of a typical 750 MHz Cable System. As of the Effective Date of this Franchise, Grantee provides its Cable Service utilizing two different methods. First, using a Gigabit Passive Optical Networks ("GPON") platform, the Grantee provides Cable Service to some Qualified Units by connecting fiber directly to the household ("FTTP"). Second, the Grantee provides Cable Service to some Qualified Units by deploying fiber further into the neighborhoods and using the existing copper infrastructure to increase broadband speeds ("FTTN"). Generally speaking, when Grantee deploys FTTN, households located within 4,000 cable feet of a remote terminal shall receive broadband speeds capable of providing Cable Service. In both the FTTP and FTTN footprint, a household receiving a minimum of 25Mbps shall generally be capable of receiving Cable Service after Grantee performs certain network grooming and conditioning. Grantee shall determine in its discretion where to upgrade its network to convert these households to Qualified Units.

(B) Grantee will take prompt corrective action if it finds that any facilities or equipment on the Cable System are not operating as expected, or if it finds that facilities and equipment do not comply with the requirements of this Franchise or applicable law.

11.2 Standby Power

Grantee shall provide standby power generating capacity at the Headend and Central Offices of at least twenty-four (24) hours.

11.3 Emergency Alert

The Grantee shall provide an operating Emergency Alert System in accordance with and at the time required by the provisions of State and federal laws, including FCC regulations.

11.4 Technical Performance

The technical performance of the Cable System shall meet or exceed all applicable federal technical standards, as they may be amended from time to time, regardless of the transmission technology utilized. The City shall have the full authority permitted by applicable law to enforce compliance with these technical standards.

11.5 Cable System Performance Testing

(A) Grantee shall perform all technical tests presently or hereafter required by the FCC related to Grantee's deployed technology.

(B) Upon request, all required FCC technical performance tests may be witnessed by representatives of the City.

(C) Grantee shall maintain written records of its Cable System tests performed by or for Grantee. Copies of such test results will be provided to the City upon request.

(D) Grantee shall promptly take such corrective measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as possible. Grantee's failure to correct deficiencies identified through this testing process shall be a material violation of this Franchise. Sites shall be re-tested following correction.

11.6 Additional Tests

In addition to the above, where there exists other evidence which in the judgment of the City casts doubt upon the reliability or technical quality of the Cable System, after giving Grantee notice and a reasonable opportunity to cure, the City may retain an independent consultant to conduct an analysis of the Cable System and its performance. In conjunction with the foregoing, the City shall have the right and authority, upon thirty (30) days' notice, to require Grantee to conduct additional tests regarding the performance of the Cable System. Grantee shall fully cooperate with the City and the City's consultant in performing such testing. Following testing, the consultant's report shall include the following information:

- (A) the nature of the evidence which precipitated the special tests;
- (B) the Cable System component tested;
- (C) the equipment used and procedures employed in testing;
- (D) the results of the testing and Cable System evaluation, including a description of any problem(s) found;
- (E) the method, if any, in which such problem was resolved; and

- (F) any other information pertinent to said tests and analysis, which may be required.

If the test(s) indicate that the Cable System is not performing in compliance with applicable FCC technical standards, the Grantee shall reimburse the City for all of the City's reasonable costs (including, without limitation, consultant's fees and expenses) with regard to such test(s).

SECTION 12. SERVICE EXTENSION AND SERVICE TO PUBLIC BUILDINGS

12.1 Service Availability

(A) Service Connections. Grantee shall provide Cable Services upon a valid request, from any person in the City who resides in a Qualified Unit within seven (7) business days. A request shall be deemed placed on the date of signing a service agreement, receipt of funds by Grantee, or receipt by Grantee of a verified verbal or written request. Rates and charges may not exceed the Grantee's published rates.

(B) Grantee shall not deny cable service to any group of subscribers or potential residential subscribers based upon race or the income level of the local area in which such group resides, nor shall Grantee base decisions about construction or maintenance of its cable system or facilities based upon race or the income level of residents of the local area in which such group resides.

(C) New Developments. The City shall use its best efforts to provide the Grantee with written notice of the issuance of formal approvals for new subdivisions and/or planned developments, within the Franchise Area, requiring underground installation and/or the conversion of the Cable System as part of the approval condition(s).

(D) Service to Multiple Dwelling Units. The Grantee shall provide Cable Service to Multiple Dwelling Units determined to be Qualified Units in accordance with this Franchise and applicable laws.

12.2 Connection of City and Other Public Facilities

(A) Grantee shall, upon request through the designated City representative and without charge, install a minimum of one outlet of Basic and Expanded Basic Cable Services (and if necessary one (1) set top box to City administrative buildings as designated by the City (whether they are owned or leased), and fire station(s), police station(s), libraries, Access facilities and K-12 public School(s), provided that such City buildings are designated as Qualified Units and no other Cable Operator is providing Cable Services at such location.

(B) If the City building is designated as a Qualified Unit and another Cable Operator is providing Cable Services at such location, and the City requests that Grantee be its Cable Operator, Grantee shall install and furnish, at its sole cost, Complimentary Cable Service, with one set top box, to said building once the other Cable Operator's service is disconnected. A list of City and other public buildings that may qualify for such service is identified on Exhibit A. The recipient of the service will secure any necessary right of entry.

(C) The Cable Service will not be used for commercial purposes, and the outlets will not be located in jail cells or areas open to the public, except for one outlet to be located in a public lobby in City Hall that will be used by the public for viewing City Council meeting broadcasts. The City will take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use, loss or damage to the Cable System. If additional outlets of Cable Service are needed in such buildings, only the Grantee is authorized to complete the Cable Service expansion to support the outlet installation(s) and the building occupant will pay the standard installation fees and pay the costs of any additional set top boxes. Except for the cost of any additional set top boxes, no other Cable Service fees shall be owed in connection with additional outlets. The costs associated with these services shall not be

offset against Franchise Fees, unless another franchised cable provider in the City is permitted to such an offset.

SECTION 13. FRANCHISE VIOLATIONS

13.1 Non-Material Franchise Violations

(A) If the City believes that Grantee has failed to perform any nonmaterial obligation under this Franchise, the City shall notify Grantee in writing, stating with reasonable specificity the nature of the alleged default. Grantee shall have thirty (30) days from the receipt of such notice to:

(1) respond to the City, contesting the City's assertion that a default has occurred, and request a meeting in accordance with subsection (B), below; or

(2) cure the default; or

(3) notify the City that Grantee cannot cure the default within thirty (30) days, because of the nature of the default. In the event the default cannot be cured within thirty (30) days, Grantee shall promptly take all reasonable steps to cure the default and notify the City in writing and in detail as to the exact steps that will be taken and the projected completion date. In such case, the City may set a meeting in accordance with subsection (B) below to determine whether additional time beyond the thirty (30) days specified above is indeed needed, and whether Grantee's proposed completion schedule and steps are reasonable.

(B) If Grantee does not cure the alleged default within the cure period stated above, or denies the default and requests a meeting in accordance with subsection (A)(1), or the City orders a meeting in accordance with subsection (A)(3), the City shall set a meeting to investigate said issues and the existence of the alleged default. The City shall notify Grantee of the meeting in writing and such meeting shall take place no less than fifteen (15) business days after Grantee's receipt of notice of the meeting. At the meeting, Grantee shall be provided an opportunity to be heard and to present evidence in its defense.

(C) If, after the meeting, the City determines that a default exists, Grantee and the City may agree on a plan and schedule to cure the default. Absent such agreement, the City shall order Grantee to correct or remedy the default or breach within thirty (30) days or within such other reasonable timeframe, beyond thirty (30) days as the City shall determine. In the event Grantee does not cure the default within such time to the City's reasonable satisfaction, the City may:

(1) Recommend the revocation of this Franchise pursuant to the procedures in subsection 13.2; or

(2) Pursue any other legal or equitable remedy available under this Franchise or applicable law.

(D) The determination as to whether a non-material violation of this Franchise has occurred shall be within the discretion of the City. Any such determination by the City must be in writing and must be based upon findings that include Grantee's submissions, provided that any such determination may be subject to appeal to the City Council or review by a court of competent jurisdiction under applicable law.

13.2 Material Franchise Violations

(A) After notice as provided in Section 13.2(B), the City may revoke this Franchise and rescind all rights and privileges associated with this Franchise in any of the following circumstances:

(1) If Grantee fails to perform any material obligation under this Franchise;

(2) If Grantee willfully fails for more than three (3) days to provide continuous and uninterrupted Cable Service;

(3) If Grantee attempts to evade any material provision of this Franchise or to practice any fraud or deceit upon the City or Subscribers;

(4) If Grantee becomes insolvent, or if there is an assignment for the benefit of Grantee's creditors; or

(5) If Grantee fails to provide the insurance or other security required by this Franchise.

(B) Prior to forfeiture or termination of the Franchise, the City shall give written notice to the Grantee of its intent to revoke the Franchise. The notice shall set forth the exact nature of the noncompliance. Grantee shall have thirty (30) days from such notice to object in writing and to state its reasons for such objection and provide any explanation. In the event the City has not received a timely and satisfactory response from Grantee, it may then seek a termination of the Franchise in accordance with this subsection.

(C) The City Council shall conduct a public hearing to determine if revocation of the Franchise is warranted.

(1) At least thirty (30) days prior to the public hearing, the City Clerk shall issue a public hearing notice that shall establish the issue(s) to be addressed in the public hearing; provide the time, date and location of the hearing; provide that the City Council shall hear any Persons interested therein; and provide that the Grantee shall be afforded fair opportunity for full participation, including the right to introduce evidence, to require the production of evidence, to be represented by counsel and to question witnesses.

(2) A verbatim transcript shall be made by a court reporter of such proceeding and the cost shall be paid by the Grantee.

(3) Within thirty (30) days after the close of the hearing, the City Council shall issue a written decision regarding the revocation and termination of the Franchise.

(D) Grantee shall be bound by the City Council's decision to revoke the Franchise unless an appeal to a court of competent jurisdiction is filed within thirty (30) days of the date of the City Council's decision.

(E) Grantee and the City shall be entitled to such relief as the court may deem appropriate.

13.3 Termination

(A) If this Franchise expires without renewal or is otherwise lawfully terminated or revoked, the City may, subject to applicable law:

(1) Require Grantee to maintain and operate its Cable System on a month-to-month basis until a new cable operator is selected; or

(2) Purchase Grantee's Cable System in accordance with federal law.

(B) The City may order the removal of the above-ground Cable System facilities and such underground facilities, used exclusively for the provision of cable service, from the City at Grantee's sole expense within a reasonable period of time as determined by the City. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation that is made by it and shall leave all Rights-of-Way, public places and private property in as good a condition as that prevailing prior to Grantee's removal of its equipment and without affecting electrical or telephone wires or attachments. The indemnification, insurance provisions and letter of credit, if any, shall remain in full force and effect during the period of removal, and Grantee shall not be entitled to, and agrees not to request, compensation of any sort therefore.

(C) If Grantee fails to complete any removal required by subsection 13.3 (B) to the City's satisfaction, after written notice to Grantee, the City may cause the work to be done and Grantee shall reimburse the City for the costs and expenses incurred, within thirty (30) days after receipt of an itemized list of the costs and expenses, or the City may recover the costs and expenses through the Grantee's security instruments if Grantee has not paid such amount within the foregoing thirty (30) day time period. Any costs and expenses incurred by the City regarding such removal shall be included in the monies due the City from the Grantee, including reasonable attorneys' fees, and costs and expenses for work conducted by the City staff or its agents.

13.4 Receivership

At the option of the City, subject to applicable law, this Franchise may be revoked after the appointment of a receiver or trustee to take over and conduct the business of Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

(A) The receivership or trusteeship is timely vacated; or

(B) The receiver or trustee has timely and fully complied with all the terms and provisions of this Franchise, and has remedied all defaults under the Franchise. Additionally, the receiver or trustee shall have executed an agreement duly approved by the court having jurisdiction, by which the receiver or trustee assumes and agrees to be bound by each and every term, provision and limitation of this Franchise.

13.5 Alternative Remedies

No provision of this Franchise shall be deemed to bar the City or Grantee from seeking appropriate judicial relief. Neither the existence of other remedies identified in this Franchise nor the exercise thereof shall be deemed to bar or otherwise limit the right of either party to recover monetary damages, as allowed under applicable law, or to seek and obtain judicial enforcement by means of specific performance, injunctive relief or mandate, or any other remedy at law or in equity. The City specifically does not, by any provision of this Franchise, waive any right, immunity, limitation or protection otherwise available to the City, its officers, officials, City Council, Boards, commissions, agents, or employees under federal, State, or local law (including, for example, Section 635A of the Cable Act).

13.6 Assessment of Liquidated Damages

(A) Because it may be difficult to calculate the harm to the City in the event of a breach of this Franchise by Grantee, the parties agree to liquidated damages as a reasonable estimation of the actual damages. To the extent that the City elects to assess liquidated damages as provided in this Franchise, such damages shall be the City's sole and exclusive remedy for such breach or violation and shall not exceed a time period of one hundred eighty (180) days. Nothing in this subsection is intended to preclude the City from exercising any other right or remedy with respect to a breach that continues past the time the City stops assessing liquidated damages for such breach.

(B) Prior to assessing any liquidated damages, the City shall follow the enforcement procedures of this Franchise that provide the Grantee proper notice and a right to cure.

(C) The City shall not assess any liquidated damages if the Grantee has cured or commenced to and completes the cure under the enforcement provisions of this Franchise. In the event Grantee fails to cure, the City may assess liquidated damages and shall inform Grantee in writing of the assessment. Grantee shall have thirty (30) days to pay the damages.

(D) The first day for which liquidated damages may be assessed, if there has been no cure after the end of the applicable cure period, shall be the day after the end of the applicable cure period, including any extension of the cure period granted by the City.

(E) Grantee may appeal (by pursuing judicial relief) any assessment of liquidated damages within thirty (30) days of the assessment.

Pursuant to the requirements outlined herein, liquidated damages shall not exceed the following amounts: one hundred dollars (\$100.00) per day for material departure from the applicable FCC technical performance standards; one hundred dollars (\$100.00) per day for failure to provide the Access Channels or any equipment related thereto which is required hereunder; one hundred dollars (\$100.00) per day for each material violation of the Customer Service Standards; one hundred dollars (\$100.00) per day for failure to provide reports or notices as required by this Franchise; and one hundred dollars (\$100.00) per day for any material breaches or defaults not previously listed.

13.7 Effect of Abandonment

If the Grantee abandons its Cable System during the Franchise term, or fails to operate its Cable System in accordance with its duty to provide continuous service, the City, at its option, may obtain an injunction, or operate the Cable System, or designate another entity to operate the Cable System temporarily until the Grantee restores service under conditions acceptable to the City, or until the Franchise is revoked. If the City operates the Cable System, or designates another entity to operate the Cable System, the Grantee shall reimburse the City or the City's designee, as applicable, for all reasonable costs and expenses incurred. If Grantee permanently abandons its entire Cable System (namely, for a period of one [1] year or more), then, at the City's sole discretion, such Cable System may become the property of the City, and Grantee shall then submit to the City a bill of sale and other conveyance documents, to be approved in advance by the City Attorney, transferring ownership of such property to the City.

SECTION 14. FRANCHISE RENEWAL

Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, as amended, unless the procedures or substantive protections set forth therein shall be deemed to be preempted or superseded by the provisions of any subsequent federal or State law.

SECTION 15. FRANCHISE TRANSFER

(A) Except as allowed under subsection (G), the Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld.

(B) The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Grantee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make this Franchise subject to cancellation unless and until the City shall have consented thereto.

(C) The parties to the sale, transfer or change of control shall make a written request to the City for its approval of a sale, transfer or change of control and shall furnish all information required by law.

(D) The City may condition said sale, transfer or change of control upon such terms and conditions as it deems reasonably appropriate, including, for example, any adequate guarantees or other security, as allowed by applicable law. Additionally, the prospective controlling party or transferee shall effect changes as promptly as practicable in the operation of the Cable System, if any changes are necessary, to cure any violations or defaults presently in effect or ongoing.

(E) The City shall act by ordinance or resolution on the request within one hundred twenty (120) days of the request, provided it has received all information required by law, such as a complete FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(F) Within thirty (30) days of any transfer, sale or change of control, if approved or deemed granted by the City, Grantee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or control, certified and sworn to as correct by Grantee and the transferee or new controlling entity. In the event of a sale or transfer of ownership, the transferee shall also file its written acceptance agreeing to be bound by all of the provisions of this Franchise. In the event of a change in control, in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all of the provisions of the Franchise and will not be required to file an additional written acceptance.

(G) Notwithstanding the foregoing, the City's consent shall not be required for a mortgage, hypothecation or an assignment of Grantee's interest in the Franchise in order to secure indebtedness or for a transfer to an intra-company Affiliate, provided that the Grantee must reasonably notify the City in advance and the Affiliate must have the requisite legal, financial and technical capability to satisfy the City.

SECTION 16. MISCELLANEOUS PROVISIONS

16.1 Discriminatory Practices Prohibited

Throughout the term of this Franchise, Grantee shall fully comply with all equal employment and nondiscrimination provisions of applicable law.

16.2 Notices

Throughout the term of this Franchise, each party shall maintain and file with the other a local address for the service of notices by mail. All notices shall be sent to such respective address, and such notices shall be effective upon the date of mailing. At the effective date of this Franchise,

Grantee's address shall be:

Qwest Broadband Services, Inc.
d/b/a/CenturyLink
Attn: Public Policy
1801 California Street, 10th Floor
Denver, Colorado 80202

With a copy to:
Qwest Broadband Services, Inc.
d/b/a/ CenturyLink
Attn: Public Policy
1600 7th Ave., 15th Floor
Seattle, WA 98101

City's address shall be:

City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166
Attention: City Manager

16.3 Cumulative Rights

All rights and remedies given to the City by this Franchise shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City, at law or in equity.

16.4 Costs to be Borne by Grantee

Grantee shall reimburse the City for all costs of publication of this Franchise, and any notices prior to any public hearing regarding this Franchise, contemporaneous with its acceptance of this Franchise.

16.5 Binding Effect

This Franchise shall be binding upon the parties hereto, their permitted successors and assigns.

16.6 Authority to Amend

In addition to police powers and subsection 3.9, this Franchise may also be amended at any time by mutual written agreement between the parties.

16.7 Governing Laws

This Franchise shall be governed, construed and enforced in accordance with federal, State and local laws and any applicable rules, regulations and orders of the FCC (as such now exist, are later amended or subsequently adopted).

16.8 Captions

The captions and headings of this Franchise are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of any provision of this Franchise.

16.9 No Joint Venture

Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third Persons or the public in any manner which would indicate any such relationship with the other. Further, the Grantee is not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of the City.

16.10 Cooperation

The parties recognize that it is in their mutual best interests for the Cable System to be operated as efficiently as possible. To achieve this, the parties agree to cooperate with each other in accordance with the terms and provisions of this Franchise.

16.11 Waiver

The failure of the City at any time to require performance by Grantee of any provision hereof shall in no way affect the right of the City hereafter to enforce the same, nor shall the waiver by the City of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision, or as a waiver of the provision itself or any other provision.

16.12 Severability

If any Section, subsection, paragraph or provision of this Franchise is determined to be illegal, invalid or unconstitutional by any court or agency of competent jurisdiction, such determination shall have no effect on the validity of any other Section, subsection, paragraph or provision of this Franchise, all of which will remain in full force and effect for the term of the Franchise.

16.13 Entire Agreement

This Franchise and Exhibit represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersede all prior oral and written negotiations between the parties.

16.14 Force Majeure

The Grantee will not be held in violation under, or in noncompliance with, the provisions of this Franchise, nor suffer any enforcement relating thereto, where such noncompliance or alleged violation occurred or was caused by circumstances reasonably beyond the ability of the Grantee to control. This includes war or riots, civil disturbances, floods or other natural catastrophes, labor stoppages, strikes or slowdowns, or power outages exceeding back-up power supplies, and work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached as well as verifiable unavailability of materials and/or qualified labor to perform the work necessary.

Grantee shall have a reasonable time, under the circumstances, to perform the affected obligation under this Franchise or to procure a substitute for such obligation which is satisfactory to the City.

If Grantee believes that a reason beyond its control has prevented or delayed its compliance with the provisions of this Franchise, Grantee shall provide documentation as reasonably required by the City to substantiate the Grantee's claim. If Grantee has not yet cured the deficiency, Grantee shall also provide the City with its proposed plan for remediation, including the timing for such cure.

16.15 Attorneys' Fees

If any action or suit arises in connection with this Franchise (excluding Franchise renewal proceedings), the court shall determine which party shall be entitled to recover all of its reasonable attorneys' fees, costs and expenses in connection therewith, in addition to such other relief as the court may deem proper.

16.16 Acceptance

Within sixty (60) days after the passage and approval of this Franchise by Ordinance by the City Council, and receipt of the Franchise by Grantee, this Franchise shall be accepted by Grantee by filing with the City its written acceptance of all of the terms, provisions and conditions of this Franchise. The failure of Grantee to file such an acceptance shall be deemed a rejection by Grantee, and this Franchise shall then be voidable at the discretion of the City.

IN WITNESS WHEREOF, this Franchise is signed in the name of the City of Burien, Washington, this _____ day of _____, 2016.

CITY OF BURIEN, WASHINGTON

By: _____
City Manager

Attest:

By: _____
City Clerk

Approved as to Legal Form:

By: _____
City Attorney

Accepted and approved this _____ day of _____, 2016.

QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK

By: _____
Title _____

Attest:

By: _____
Title _____

EXHIBIT A

SITE #	SITE NAME	LOCATION
BC 01	FIRE STATION #1	900 SW 146 th ST
BC 02	FIRE STATION #2	1243 SW 112TH ST
BC 03	FIRE STATION #3	135 S NORMANDY RD
BC 04	FIRE STATION #4	1606 S 128TH ST
BC 05	BURIEN CITY HALL	400 SW 152ND ST
BC 06	BURIEN PUBLIC WORKS	18040 DES MOINES MEMORIAL DR
BC 07	BURIEN COMMUNITY CENTER	14700 6TH AVE SW
BC 08	MOSHIER ARTS CENTER	430 S 156TH ST
BC 09	HIGHLINE MEDICAL CENTER	16251 SYLVESTER RD SW
BC 10	SW SUBURBAN SEWER DISTRICT	431 SW AMBAUM BLVD
BC 11	WATER DISTRICT #20	12606 1ST AVE S
BC 12	WATER DISTRICT #49	415 SW 153RD ST
BC 13	HIGHLINE SCHOOL DISTR ADMIN	15675 SW AMBAUM BLVD
BC 14	HSD FACILITIES	18010 8TH AVE S
BC 15	HSD SECURITY/CHOICE ACADEMY	18367 8TH AVE S
BC 16	CEDARHURST ELEMENTARY	611 S 132ND ST
BC 17	GREGORY HEIGHTS ELEMENTARY	16216 19TH AVE SW
BC 18	HAZEL VALLEY ELEMENTARY	402 SW 132ND ST
BC 19	HILLTOP ELEMENTARY	12250 24TH AVE S
BC 20	SEAHURST ELEMENTARY	14603 14TH AVE SW
BC 21	SHOREWOOD ELEMENTARY	2725 SW 116TH ST
BC 22	SOUTHERN HEIGHTS ELEMENTARY	11249 14TH AVE S
BC 23	SUNNYDALE ELEMENTARY	15631 DES MOINES MEMORIAL DR
BC 24	SYLVESTER MIDDLE SCHOOL	16222 SYLVESTER RD SW
BC 25	HIGHLINE HIGH SCHOOL	225 S 152ND ST
BC 26	BIG PICTURE SCHOOLS	440 S 186TH ST
BC 27	PUGET SOUND SKILLS CENTER	18010 8TH AVE S

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion and Potential Action on Proposed Ordinance No. 638, Amending BMC Title 15, Buildings and Construction.		Meeting Date: May 16, 2016
Department: Community Development	Attachments: <ol style="list-style-type: none"> 1. Proposed Ord. No. 683 2. Exhibit A, BMC 15.05 3. Exhibit B, BMC 15.10 4. Exhibit C, BMC15.20 	Fund Source: N/A
Contact: Jan Vogee, Building Official		Activity Cost: N/A
Telephone: 206-248-5523		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes	Initiative Description: Review Development Code	
<p>PURPOSE/ REQUIRED ACTION: The purpose of this agenda item is for the Council to discuss proposed Ordinance No. 638, amending BMC Title 15 by adopting the 2015 Construction and Fire codes and amending BMC Title 15 to reflect changes in the 2015 Construction Codes</p> <p>BACKGROUND (Include prior Council action & discussion): Washington construction codes are updated every three years by the State Building Code Council and adopted by the State Legislature. In the past, the Burien City Council has adopted the codes and amendments by local ordinance on a regular basis.</p> <p>The Washington State Building Code Act (RCW 19.27) requires all jurisdictions in Washington State begin administering the new 2015 State Building codes effective July 1, 2016. Adoption of this proposed ordinance will update BMC Title 15, Buildings and Construction, as mandated by the State. By adoption of these codes, we are permitted to amend the codes within certain limits. The amendments to the codes, as presented in this ordinance, fall within those limits.</p> <p>The proposed changes are primarily administrative. Where the 2015 code section was revised to include changes to the section number, the BMC amendment previously approved by the Burien City Council has been revised to reflect the new numbering system. Where the 2015 codes have incorporated a local amendment previously approved by the Burien City Council, the related BMC local amendment provision has been deleted. A few definitions have been added for clarification in the Construction Administrative code.</p> <p>A major change in the International Building Code is the elimination of Chapter 34, Existing Buildings. This has been replaced with International Existing Buildings Code which now includes most of the provisions that were previously found in Chapter 34 of the IBC. The International Existing Building Code contains provisions that allow a tenant improvement to address code requirements in the work area, instead of the entire building.</p> <p>Along with this change, the City's amendments regarding "Fire Area" has also been amended to allow fire walls to be constructed that define the work area. When this option is selected, it can eliminate the need for fire sprinklers throughout the entire building. This results in reducing one of the impediments for small business owners wanting to lease existing tenant spaces.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Conduct discussion and place proposed Ordinance No. 638 on the June 6, 2016, Consent Agenda for adoption.		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to place Ordinance No. 638 Amending BMC Title 15, Buildings and Construction on the Consent Agenda for the June 6, 2016 Council Meeting.		

Submitted by: Jan Vogee, Building Official
Administration _____

City Manager _____

Today's Date: May 11, 2016

File Code: [\\File\records\CC\Agenda Bill
2016\051616cd-2 Amend Title 15 Buildings and
Construction.docx](#)

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 638

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING BURIEN MUNICIPAL CODE TITLE 15, (BUILDINGS AND CONSTRUCTION CODE) BY AMENDING CHAPTERS 15.05 (CONSTRUCTION ADMINISTRATIVE CODE), 15.10 (CONSTRUCTION CODES), 15.20 (FIRE CODE), PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Washington statute requires all jurisdictions in the state to adopt by reference and enforce the updated version of the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, the updated version of the State Building Code will go into effect on July 1, 2016; and

WHEREAS, RCW 19.27.040 permits a city to amend the State Building Code as it applies within that city, so long as the minimum performance standards for the Code and the objectives enumerated in RCW 19.27.020 are not diminished; and

WHEREAS, the City Council of the City of Burien has adopted by reference the State Building Code and related construction codes for the health, safety and welfare of the citizens, as set forth in the Burien Municipal Code Title 15; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. BMC Chapter 15.05. Chapter 15.05, Construction Administrative Code, of the Burien Municipal Code is hereby amended by amending various sections as set forth in Exhibit A.

Section 2. BMC Chapter 15.10. Chapter 15.10, Construction Codes, of the Burien Municipal Code is hereby amended by amending various sections as set forth in Exhibit B.

Section 3. BMC Chapter 15.20. Chapter 15.20, Fire Code, of the Burien Municipal Code

is hereby amended by amending various sections as set forth in Exhibit C.

Section 4. 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 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force beginning July 1, 2016.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2016.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Soojin Kim, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Ordinance No.:

Date of Publication:

EXHIBIT A**Chapter 15.05****CONSTRUCTION ADMINISTRATIVE CODE**

Sections:

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15.05.425 Copies to be available.

15.05.010 Short title.

This chapter shall be known as the construction administrative code of the city of Burien, hereinafter referred to as “this code.”

15.05.015 Scope.

The provisions of this code shall apply to the administration of the following construction codes:

- (1) International Building Code – Chapter 51-50 WAC;
- (2) International Residential Code – Chapter 51-51 WAC;
- (3) International Mechanical Code – Chapter 51-52 WAC;
- (4) National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
- (5) Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
- (6) International Fuel Gas Code – Chapter 51-52 WAC;
- (7) Uniform Plumbing Code – Chapter 51-56 WAC;
- (8) International Energy Conservation Code – Chapters 51-11R, C, and A WAC;
- (9) International Existing Building Code – WAC 51-50-480000 ~~except that Chapter 1, part 1 is retained;~~
- (10) Burien Electrical Code.

15.05.020 Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third International Dictionary of the English Language, Unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the city.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or exiting requirements.

“BMC” means the Burien Municipal Code.

“BPMC” means the Burien Building and Property Maintenance Code as adopted by the city of Burien.

"Building official" means the ~~officer~~ person or persons ~~other authority~~ designated by the city manager, or a duly authorized representative, charged with the administration and enforcement of the adopted administrative and construction codes.

"Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

"Code Official" means the person or persons charged with the enforcement of the adopted administrative and construction codes, or any duly authorized representative.

"Complete response" means a written submittal responding to all requests from city staff in sufficient detail to allow the application to proceed or be processed.

"Construction codes" means the construction codes listed in BMC 15.05.015.

"Energy code" means the latest edition of the International Energy Conservation Code promulgated by the International Code Council as adopted by the city.

"IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the city.

"IEBC" means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by the city.

"IPMC" means the Burien Building and Property Maintenance Code as adopted by the city of Burien.

"IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the city.

"IRC" means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by the city.

"NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as amended by the Washington Cities Electrical Code and adopted by the city.

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

"Public service agency" means those agencies providing noncompetitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

"Shall," as used in this chapter, is mandatory.

"UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the city.

"Valuation" or "value," as applied to a building, structure, or building service equipment, shall mean the estimated cost to construct or replace the structure, building and its building service equipment in kind based on current construction or replacement costs. Current construction or replacement include fees

for all architectural, engineering and construction management services, and includes all structural, electrical, plumbing, mechanical equipment and labor, including all contractors' profits and all on-site preparation costs. The building official is authorized to utilize two methodologies to determine valuation. The greater of the two methods (the square footage method vs. the total valuation method) shall be used to determine the construction valuation for the purpose of computing permit fees.

The valuation for a permit renewal or reinstatement shall be based upon the value of all work not completed prior to the permit expiration date, with a minimum valuation of \$4,000 for each required remaining inspection.

15.05.025 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

15.05.030 Intent.

The purpose of this code and the construction codes is to establish the minimum requirements to ~~safeguard the~~ provide a reasonable level of safety, public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

15.05.035 Referenced codes.

The codes listed in BMC 15.05.040 through 15.05.085 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

15.05.040 International Building Code – Scope.

The provisions of the International Building Code (IBC) shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

(a) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with the International Residential Code.

(b) Roads, bridges, sidewalks, drainage structures, retaining walls and similar structures regulated, approved and inspected by the city's public works department.

(c) Electrical transmission towers and telephone poles (not including cell towers) under the control of a utility.

15.05.045 International Residential Code – Scope.

The provisions of the International Residential Code for One- and Two-Family Dwellings (IRC) shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height. -

Exceptions:

(a) Live/work units located in townhouses complying with the requirements of Section 419 of the International Building Code shall be permitted to be ~~built~~ constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. ~~as one- and two-family dwellings or townhouses.~~ Fire suppression required by Section 419.5 of the international Building Code ~~when where~~ constructed under the International Residential Code for One- and Two-family Dwellings shall conform to ~~Section P2904~~ Appendix Q of the International Residential Code.

~~(b) Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings when equipped with a fire sprinkler system in accordance with Section P2904.~~

(b) Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.

(c) Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two- Family Dwellings where equipped with a fire sprinkler system in accordance with Appendix Q.

15.05.050 International Mechanical Code – Scope.

The provisions of the International Mechanical Code (IMC) shall apply to the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed herein.

Exceptions:

(a) The International Fuel Gas Code (IFGC) shall apply to all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG.

(b) International Residential Code shall apply to all structures regulated by the IRC except LPG installations.

(c) NFPA 54 (National Fuel Gas Code) and NFPA 58 (Liquid Petroleum Gas Code) shall apply to all LPG installations for liquefied petroleum gas (LPG) installations.

15.05.055 Liquid Propane Gas Codes – Scope.

The provisions of the National Fuel Gas Code and Liquid Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas.

15.05.060 International Fuel Gas Code – Scope.

The provisions of the International Fuel Gas Code (IFGC) shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code.

15.05.065 International Fire Code – Scope.

The provisions of the International Fire Code (IFC) shall apply to matters affecting or relating to the protection of structures, processes, ~~and premises~~ and safeguards regarding all of the following: ~~from~~

(1) ~~The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;~~

(2) ~~from~~ ~~Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;~~

(3) Fire hazards in the structure or on the premises from occupancy or operation.

(4) Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

~~and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.~~

15.05.070 Uniform Plumbing Code – Scope.

The provisions of the Uniform Plumbing Code shall apply to the erection, installation, alteration, repair relocation, and replacement, addition to, use, or maintenance of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, where connected to a water or sewage system and all aspects of a medical gas system.

15.05.075 Burien Building and Property Maintenance Code – Scope.

The provisions of the Burien Building and Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

15.05.080 ~~International Washington State Energy Conservation Code~~ – Scope.

The provisions of the ~~International Energy Conservation Code~~ Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

(1) WAC 51-11R applies to residential buildings and the buildings sites and associated systems and equipment. This code shall be the maximum and minimum energy code for residential construction in each town, city and county.

(2) WAC 51-11C applies to commercial buildings and the buildings sites and associated systems and equipment.

EXCEPTION: The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for the purposes of this code. However, the installation of other than listed, portable mechanical equipment or listed, portable lighting fixtures is not allowed.

15.05.082 International Existing Building Code – Scope.

The provisions of the *International Existing Building Code* shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of existing buildings not regulated under the *International Residential code*.

15.05.085 Burien Electrical Code – Scope.

The provisions of the Burien Electrical Code apply to the installation of electric conductors, electric equipment and additions, alterations, modifications, or repairs to existing electrical installations for the following:

- (1) Electric conductors, electric equipment, and electrical raceways installed within or on public and private buildings, property or other structures.
- (2) Signaling and communications conductors and equipment, telecommunications conductors and equipment, fiber optic cables, and raceways installed within or on public and private buildings, property or other structures.
- (3) Yards, lots, parking lots, and industrial substations.
- (4) Temporary electrical installations for use during the construction of buildings.
- (5) Temporary electrical installations for carnivals, conventions, festivals, fairs, traveling shows, the holding of religious services, temporary lighting of streets, or other approved uses.
- (6) Installations of conductors and equipment that connect to a supply of electricity.
- (7) All other outside electrical conductors on the premises.
- (8) Optional standby systems derived from portable generators.

Exception: Installations under the exclusive control of electric utilities for the purpose of communication, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

It is the intent of this section that the Burien Electrical Code covers all premises' wiring or wiring other than utility owned metering equipment, on the load side of the service point of buildings, structures, or any other premises not owned or leased by the utility. Also, it is the intent that the Burien Electrical

Code covers installations in buildings used by the utility for purposes other than listed in above, such as office buildings, warehouses, garages, machine shops, and recreational buildings which are not an integral part of a generating plant, substation, or control center.

15.05.090 Applicability.

(1) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes as specified in RCW 19.27.031 shall govern.

(2) New Installations. This code applies to new installations.

Exception: If an electrical, plumbing or mechanical permit application is received after this code has taken effect, but is identified with a building permit application received prior to the effective date of the ordinance codified in this chapter, all applicable codes adopted and in force at the time of a complete building permit application will apply.

(3) Existing Installations. Lawfully installed existing installations that do not comply with the provisions of ~~this the adopted construction codes chapter~~ shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire Code, the Burien Building and Property Maintenance Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(4) Maintenance. Building and structures, including their electrical, plumbing and mechanical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required ~~by this chapter~~ by adopted construction codes shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the systems and equipment. To determine compliance with this provision, the building official shall have the authority to require that the systems and equipment be re-inspected.

(5) Additions, Alterations, Modifications or Repairs. Additions, alterations, modifications or repairs to a building or structure or to the electrical, plumbing or mechanical system(s) of any building, structure, or premises shall conform to the requirements of ~~this the adopted construction codes~~, without requiring those portions of the existing building or system not being altered or modified to comply with all the requirements of this code. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative.

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved by the building official.

Exceptions:

(a) Additions constructed under the International Residential Code with less than 500 square feet of conditioned floor area are exempt from the requirements for Whole House Ventilation Systems, Section M1508.

(b) Additions or alterations to existing buildings constructed under the International Residential Code, which do not require the construction of foundations, crawlspaces, slabs or basements, shall not be required to meet the requirements for radon protection in Section R327.1 and Appendix F.

15.05.095 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.05.100 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

15.05.105 Referenced codes and standards.

The codes and standards referenced in the construction codes shall be considered part of the requirements of that code to the prescribed extent of each such reference.

Where conflicts occur between provisions of the construction code and referenced codes and standards, the provisions of the construction code shall apply.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of the construction codes listed in the Burien Municipal Code, the provisions of this title and the codes listed in BMC 15.05.015, as applicable, shall take precedence over the provisions in the referenced code or standard.

15.05.110 Partial invalidity.

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

15.05.115 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the construction codes, the Burien Building and Property Maintenance Code, the International Fire Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public.

(1) Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the *International Building Code* or *International Residential Code*, as applicable, for new construction.

(2) Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the *International Existing Building Code*, the *International Fire Code*, or as is deemed necessary by the *code official to mitigate an unsafe building*. For the purpose of this section, “unsafe building” is not to be construed as a mere lack of compliance with current code.

(3) Modifications. Repair, Alterations, change of occupancy or use, addition to and relocation of existing structures not regulated by the International Residential Code shall be permitted to be performed in accordance with the ~~WAC 51-50-480000~~ (International Existing Building Code).

(4) Additions, alterations or repairs of structures regulated by the International Residential Code. *Additions, alterations* or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of the International Residential Code, unless otherwise stated. *Additions, alterations, repairs* and relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(5) Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by the International existing building code, the building official shall require the building to meet the requirements of Section 1612 of the *International Building Code*.

(6) Preliminary meeting. When requested by the permit applicant or the *code official*, the *code official* shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or *change of occupancy* in order to establish the specific applicability of the provisions of this code.

Exception: *Repairs and Level 1 alterations.*

(7) Building evaluation. The *code official* is authorized to require an *existing building* to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *code official* if any potential nonconformance with the provisions of this code is identified.

15.05.120 Maintenance.

Structures and installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards shall be maintained in compliance with the code edition under which they were constructed or installed. The owner or the owner’s ~~designated~~ authorized agent shall be responsible for maintenance of structures and installations. To determine compliance with this provision, the building official shall have the authority to require an installation to be reinspected.

15.05.125 Added electrical wiring.

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

15.05.130 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing or proposed structure or installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

15.05.135 Moved buildings.

(1) Buildings or structures moved into or within the city shall comply with the provisions of BMC 15.10.150 (1), the International Residential Code (Chapter 51-51 WAC), the International Building Code (Chapter 51-50 WAC), the International Mechanical Code (Chapter 51-52 WAC), the International Fire Code (Chapter 51-54 WAC), the Uniform Plumbing Code and Standards (Chapters 51-56 and 51-57 WAC), the Washington State Energy Code (Chapter 51-11 WAC), and the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC) for new buildings or structures.

Exceptions: Group R-3 buildings or structures are not required to comply with this section if:

(a) The original occupancy classification is not changed; and

(b) The original building is not substantially remodeled or rehabilitated. For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition, or renovation of foundations.

(2) Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

(3) Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction.

(4) See BMC 12.17.095 (Building moving) for additional permit requirements.

15.05.140 Moved buildings – Electrical requirements.

(1) Electrical requirements for moved buildings shall be in accordance with BMC 15.10.150(2)

(1) Nonresidential buildings or structures moved into or within the jurisdiction must be inspected to ensure compliance with current requirements of this chapter.

(2) Residential buildings or structures wired in the U.S. to NEC requirements and moved into the jurisdiction must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of Chapter 19.28 RCW and the rules developed by the building department if:

~~(a) The original occupancy classification of the building or structure is changed as a result of the move;
or~~

~~(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.~~

~~(3) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into the jurisdiction must be inspected to ensure compliance with the following minimum safety requirements:~~

~~(a) Service, service grounding, and service bonding must comply with the Burien Electrical Code.~~

~~(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:~~

~~(i) CSA listed Type NMD cable, American Wire Gauge No. 10 and smaller installed after 1964, utilizing an equipment grounding conductor smaller than the phase conductors, must be:~~

~~(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or~~

~~(B) Protected by a ground fault circuit interrupter protection device.~~

~~(ii) CSA listed Type NMD cable, No. 8 AWG and larger, must:~~

~~(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;~~

~~(B) Be protected by a ground fault circuit interrupter protection device; or~~

~~(C) Be replaced.~~

~~(c) Other types of wiring and cable must be:~~

~~(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or~~

~~(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.~~

~~(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997, must be listed and identified by laboratory labels approved by the department or CSA labels.~~

~~(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:~~

~~(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."~~

~~(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.~~

~~(iii) CSA listed panelboards used as lighting and appliance panelboards, as described in the NEC, must meet all current requirements of the NEC and this chapter.~~

~~(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of Chapter 19.28 RCW and this chapter.~~

~~(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.~~

~~(h) Four 15-ampere, kitchen small appliance circuits will be accepted in lieu of two 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.~~

~~(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.~~

~~(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.~~

~~(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.~~

~~(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.~~

~~(m) Electric water heater branch circuits must be adequate for the load.~~

~~(n) The location, type, and circuit protection of feeders must meet the Washington State requirements in effect at the time the wiring was installed.]~~

15.05.145 Structures in areas of special flood hazard.

Buildings located in areas of special flood hazard shall be regulated under the International Building Code, the International Residential Code and the Burien Municipal Code.

15.05.150 Building department – Established.

There is established for the city the “building department” which shall be under the supervision and control of the city manager or his/her authorized representative.

15.05.155 Building official designated.

The building official shall be appointed by the city manager.

15.05.160 Deputies.

In accordance with the prescribed procedures of the city of Burien and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

15.05.165 Duties and power of the building official.

The building official is hereby authorized and directed to enforce the provisions of this code and this title. The building official shall have the authority to render interpretations of this code and this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and this title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and this title.

15.05.170 Applications and permits.

The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code and the construction codes.

15.05.175 Notices and orders.

(1) The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code.

(2) Following a city of Burien issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1, or ATC 45 manuals. The procedure shall allow for the tagging of buildings as "inspected," "limited entry" or "unsafe," along with any associated penalties per BMC 15.05.405 and 15.05.410 for removal of building tags. Notice of orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency.

15.05.180 Inspections.

The building official shall make all of the required inspections and shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, at the applicant's expense.

15.05.185 Identification.

Building department personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

15.05.190 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to

locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person have charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to the applicable construction code.

15.05.195 Department records.

The city shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

15.05.200 Liability.

This title shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in this title; nor shall the city or any agent thereof be held as assuming such liability by reason of inspection authorized herein or a certificate of inspection issued by the city or any of its agencies.

The building official or employee charged with the enforcement of this code and this title, while acting for the city of Burien in good faith and without malice in the discharge of the duties required by this code and this title or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code and this title shall be defended by legal representative of the city of Burien until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and this title.

15.05.205 Approved materials and equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

15.05.210 Used materials and equipment.

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

15.05.215 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or ~~owner's representative~~ the owner's authorized agent, provided the building official shall first

find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

15.05.220 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been approved by the building official as provided herein. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section.

15.05.225 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

15.05.230 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city of Burien. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the city for the period required for retention of public records.

15.05.235 Permits required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by ~~this code~~ the construction codes, or to cause any such work to be done, shall first make application to the city and obtain the required permit. A separate permit is required for each building or structure.

Exceptions:

(a) When deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.

(b) A single demolition permit may be issued for the demolition of multiple structures on a single tax parcel.

15.05.240 Electrical permit required.

In accordance with Chapter 19.28 RCW, an electrical permit is required for the following installations:

(1) The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.

(2) The installation and/or alteration of low voltage systems defined as:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(3) Telecommunications Systems.

(a) Installation of telecommunications systems on the customer side of the network demarcation point for projects greater than 10 telecommunications outlets.

(b) All backbone installations, regardless of size, and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations.

(c) The installation of greater than 10 outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous 90-day period requires a permit and inspection.

(d) Backbone installations in multifamily residential dwellings which require penetration of fire barriers or installation of more than 10 outlets in common areas.

(e) Definitions of telecommunications technical terms shall be as set forth in Chapter 19.28 RCW, EIA/TIA standards, and the Burien Electrical Code.

15.05.242 Annual Permit.

Instead of an individual construction permit for each plumbing, mechanical or electrical alteration to an already approved system or equipment or application installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

15.05.245 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city of Burien. Permits shall not be required for the following except when located in a special flood hazard area or other areas within the city requiring critical area review or exemption by the zoning code:

(1) Building.

(a) One-story detached accessory structures which are accessory to residential buildings and constructed under the provisions of the IRC used as tool and storage sheds, tree supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) and the structure is located in accordance with all land use regulations.

(b) Fences six feet (1,829 mm) or less in height.

(c) Oil derricks.

(d) Retaining walls which are four feet (1,219 mm) or less in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

(e) Water tanks not utilized for fire protection water supplies which are supported directly on grade, if the capacity is 5,000 gallons (18,925 L) or less and the ratio of height to diameter or width does not exceed two to one.

(f) Sidewalks and driveways that are not part of an accessible route.

(g) Decks, associated platforms and steps accessory to buildings, which are 30 inches (762 mm) or less above adjacent grade and which are not over any basement or story below and which are not part of an accessible route.

(h) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; provided, that existing accessible features are not altered.

(i) Replacement of nonstructural siding on IRC structures, except for veneer, stucco or "Exterior Finish and Insulation Systems" (EFIS).

(j) In-kind re-roofing of one- and two-family dwellings provided the roof sheathing is not removed or replaced.

(k) Window replacement for IRC structures in Airport Noise Reduction Area 3, where no alteration of structural members is required, the window U-Values meet the prescriptive requirements of the International Energy Conservation Code, the window glazing is not required to be safety glass, and minimum dimensions and placement of any required egress window is not reduced.

(l) Temporary motion picture, television, and theater stage sets and scenery.

(m) Prefabricated swimming pools accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

(n) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.

(o) Swings, slides and other similar playground equipment accessory to a one- or two-family dwelling or Group R-3 occupancy.

(p) Window awnings that are supported by an exterior wall of one- and two-family dwellings, Group R-3 occupancies, or Group U occupancies and that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

(q) Non-fixed and movable cases, counters and partitions five feet nine inches (1,753 mm) or less in height.

(r) Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal dimensions in zones other than residential zones.

(s) Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones.

(t) Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.

(u) Job shacks that are placed at the job site during a construction project, for which a permit has been issued or applied, may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies and which may serve as a temporary office during construction for the purposes of the construction project.

(v) Electrical transmission towers and telephone poles, hydraulic flood control structures, and other structures under the control of a public utility or public agency which are located in a public right-of-way or public easement.

(2) Electrical.

(a) Portable motors or other portable appliances which are energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle, when that cord or cable is permitted by the National Electrical Code.

(b) Repair or replacement of fixed motors, transformers, or fixed approved appliances or devices rated 50 amps or less and which are like-in-kind and in the same location.

(c) Temporary decorative lighting; when used for a period not to exceed 90 days and removed at the conclusion of the 90-day period.

(d) Repair or replacement of current-carrying parts of any switch, conductor or control device, which are like-in-kind and in the same location.

(e) Repair or replacement of attachment plug(s) and associated receptacle(s) rated 50 amperes or less, which are like-in-kind in the same location.

(f) Repair or replacement of any over current device, which is like-in-kind and in the same location.

- (g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
 - (h) Removal of electrical wiring.
 - (i) Telecommunication outlet installations within individual dwelling units.
 - (j) Listed wireless security systems for which power is supplied by a listed Class 2 plug-in transformer and which are installed within dwelling units.
 - (k) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence, by a public or private utility in the exercise of its function as a serving utility.
 - (l) Portable generators serving only cord and plug connected loads supplied through receptacles on the generator.
 - (m) Travel trailers.
 - (n) Like-in-kind replacement of one or more of the following: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing, when replaced on site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; 10 horsepower or smaller motor; and induction detection loops that comply with WAC 296-46B-300(2) and are used to control gate access devices.
 - (o) All wiring for low voltage installations within a one-family dwelling unit or its accessory structure except wired security, fire or smoke alarm systems, provided the power is supplied by a listed Class 2 power supply and none of the wiring penetrates the wall or ceiling between the dwelling unit and an attached garage, or wall separating two dwelling units.
- (3) Gas.
- (a) Portable heating, cooking or clothes drying appliances.
 - (b) Replacement of any minor part that does not alter its approval or make it unsafe.
- (4) Mechanical.
- (a) Portable heating, cooking or clothes drying appliances.
 - (b) Portable ventilation equipment.
 - (c) Portable cooling units.
 - (d) Steam, hot or chilled water piping that is within any heating or cooling equipment regulated by this code.
 - (e) Replacement of any part which does not alter its approval or make it unsafe.
 - (f) Portable evaporative coolers.

(g) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

(5) Plumbing.

(a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipes; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

(c) Reinstallation or replacement of approved prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

(6) Grading.

(a) Grading in an isolated, self-contained area; provided, that there is no danger to the public and such grading will not adversely affect adjoining properties, as determined by the building official.

(b) Excavation for construction of a structure permitted under this code.

(c) Cemetery graves.

(d) Refuse disposal sites controlled by other regulations.

(e) Excavations for wells and trenches for utilities.

(f) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

(g) Exploratory excavations performed under the direction of a registered design professional.

(h) An excavation below existing finished grade for basements and footings of an existing building, retaining wall or other structure, for which the structure is authorized by a valid building permit.

(i) An excavation of less than 50 cubic yards of material, which is less than two feet in depth and which does not create a cut slope of a ratio steeper than two horizontal to one vertical.

(j) A fill of less than 50 cubic yards of material, which is less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical.

15.05.250 Emergency repairs.

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted to the city within the next working business day.

15.05.255 Ordinary repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of, any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

15.05.260 Public service agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering, or other related equipment, which is under the ownership and control of public service agencies.

15.05.265 Application for permit.

To obtain a permit the applicant shall first file a complete permit application in writing on a form furnished by the building department for that purpose. Such application shall include:

- (1) A description of the work to be covered by the permit for which application is made.
- (2) The legal description or tax parcel number, and the street address if available, which will readily identify and definitely locate the proposed building or work.
- (3) The property owner's name, address, and phone number.
- (4) The prime contractor's business name, address, phone number, and current state contractor registration number.
- (5) For building projects valued at over \$5,000, either:
 - (a) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
 - (b) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project.
- (6) The use or occupancy for which the proposed work is intended.
- (7) Plans, diagrams, computations and specifications and other information as required in BMC 15.05.315, 15.05.320 and 15.05.350.
- (8) Valuation of the proposed work.
- (9) Signature of the applicant or the applicant's authorized agent.
- (10) Such other data and information as required by the city.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document, which is issued to the owner, and on the inspection record card, which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state, and the application shall be processed and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide such information as soon as the applicant can reasonably obtain such information.

15.05.270 Areas of flood hazard.

Areas prone to flooding and designated in areas of flood hazard shall provide application information per Chapter 15.55 BMC.

15.05.275 Action on permit application.

(1) City staff shall examine or cause to be examined applications for permits and amendments thereto, prior to acceptance of the building, plumbing, mechanical, electrical, fire prevention or related permit application. If the application is incomplete or the construction documents or other submittal information lacks sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the reasons therefor. If city staff is satisfied that the application and construction documents are complete and provide sufficient information to proceed with review, the building official shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this section or any other provision of this code, no building permit shall be issued until all other project permits related to the project action for which the building permit is sought have been approved and issued and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, building site plans, variances, shoreline permits, and frontage improvement requirements.

(2) Revisions to the submittal documents, not requested by the city, may be accepted by the city; however, the revisions may result in additional fees being assessed. Substantial revisions may require a new permit application to be submitted, as determined by the building official.

15.05.280 Time limitation on permit application.

(1) Permit applications that are received on or after July 1, 2010, for which no permit is issued within 18 months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law.

(2) Permit applications that were received on or before June 30, 2010, for which no permit has been issued shall be permitted to remain active until December 31, 2011. If at that time the permit is not issued, the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law. Where the original permit application was received prior to July 1, 2007, the building official is authorized to require plans and other supporting information to be updated to current codes in order for the permit application to remain active in accordance with this section.

(3) Existing and new applications for which no permit has been issued may be canceled for inactivity, if an applicant fails to respond to the building official's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days, if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information requested by the building official.

(4) The building official may extend the life of an application for an additional 180 days beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress;

(b) Any other city review is in progress, provided the applicant has submitted a complete response to city requests for information or corrections;

(c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final city decision; or

(d) Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

(5) The building official may place a permit application on hold for up to one year, if requested to do so in writing by a permit applicant.

(6) Any balance owing for plan review or other review fees shall be paid prior to any approval for extension of the permit application.

15.05.285 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or the construction codes or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this code or the construction codes or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure when in violation of this code or of any other ordinances of the city. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

15.05.290 Permit expiration.

(1) Every issued permit shall expire two years from the date of issuance. The building official may approve a request for an extended expiration date, when construction work is performed in phases extending beyond the two-year period due to the unique size and scope of project work and a construction schedule is provided by the applicant and approved prior to permit issuance.

(2) Permits issued for applications submitted prior to July 1, 2010, shall be valid for two years from the date of adoption of this code, unless a written request for extension is approved by the building official prior to permit expiration or the permit is renewed in accordance with BMC 15.05.295. Where new

codes have been adopted or required to be enforced per Chapter 19.27 RCW since the time of permit issuance, the building official is authorized to require construction documents to be updated to current codes and submitted as a permit revision for review and approval by city staff.

(3) Mechanical, plumbing, electrical and other ancillary permits shall expire at the same time as the associated building permit, except that if no associated building permit is issued, the mechanical, plumbing, electrical, and/or other ancillary permit shall expire two years from the date of issuance.

15.05.295 Permit extensions and renewals.

Permits may be extended, renewed or re-established by the building official in compliance with the terms and conditions of this section.

(1) Permit Extensions. A permit expiration date may be extended in accordance with the following:

(a) The written request for extension is received prior to the date of permit expiration.

(b) Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee, when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of subsection (2) of this section.

(2) Permit Renewals. A permit may be renewed for a period of no more than one year from the date of original expiration in accordance with the following:

(a) A written request for renewal shall be received prior to the date of permit expiration.

(b) A permit may be renewed one time subject to approval by the building official, as long as no unauthorized changes have been made to the originally approved plans and the applicant continues to make regular requests for inspections.

(c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.

(3) Expired Permit Re-Establishment. A permit that has expired may be re-established one time in accordance with the following:

(a) A written request for re-establishment is received by the building official within six months after the date of permit expiration.

(b) No unauthorized changes have been made to the originally approved plans, and the applicant agrees to make regular requests for inspections.

(c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.

(d) The re-established permit shall expire one year from the date of re-establishment and may not be further renewed or extended.

15.05.300 Permit suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code, whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or when the permit is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

15.05.305 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project.

15.05.310 Floor and roof design loads.

(1) Live Loads Posted. Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live load shall be conspicuously posted by the owner or owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

(2) Issuance of Certificate of Occupancy. A certificate of occupancy required by BMC 15.05.390 shall not be issued until the floor load signs required by this section have been installed.

(3) Restrictions on Loading. It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building structure or portion thereof, a load greater than is permitted by this code.

15.05.315 Submittal documents.

Submittal documents, consisting of construction documents, statement of special inspection, geotechnical reports, and other data, shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional when required by the state of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

15.05.320 Construction documents.**(1) Building.**

(a) Information on Construction Documents. Construction documents shall be dimensioned and drawn upon material acceptable to the building official. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and shall show in detail that the work will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The plans must include the relevant items listed in this section and any other information or documents as ~~deemed necessary~~ determined by the building official.

(b) Manufacturer's installation instructions. Manufacturer's installation instructions shall be available on the job site at the time of inspection as required by the code official.

~~(bc)~~ Braced Wall Lines. For buildings and structures utilizing braced wall design, All braced wall lines shall be identified on the construction documents, and all pertinent information, including, but not limited to, bracing methods, location and length of braced wall panels, and foundation requirements of braced wall panels at top and bottom, shall be provided.

~~(ed)~~ Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington.

~~(de)~~ Means of Egress. In occupancies within the scope of the International Residential Code the construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the International Residential Code.

In occupancies within the scope of the International Building Code, the construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the International Building Code. In other than Group R-3 occupancies, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

The construction documents for *Alterations—Level 2, Alterations—Level 3, additions and changes of occupancy* shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and in all affected rooms and spaces.

~~(ef)~~ Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings. The construction documents shall include manufacturer's installation instructions, which provides supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, and where applicable, the test procedure used. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the submittal requirements listed in RCW 64.55.020.

Exception: Subject to the approval of the building official, R-3, one- and two-family dwellings, and their accessory structures may be exempted from the detailing requirements of this subsection.

~~(fg)~~ Site Plan. The construction documents submitted with the permit application shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the

site, distances from lot lines, the established street grades, and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan, when the application for permit is for alteration or repair or when otherwise warranted.

(gh) Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC and Chapter 15.55 BMC.

(2) Electrical.

(a) Electrical Plans. Electrical plans for the following installations shall be prepared by, or under the direction of, an electrical engineer registered under Chapter 18.43 RCW and Chapters 392-344, 246-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature:

(i) All educational facilities, hospitals, and nursing homes;

(ii) All services or feeders rated 1,600 amperes or larger;

(iii) All installations identified in the National Electrical Code as requiring engineering supervision; and

(iv) As required by the building official for installations which by their nature are complex, hazardous, or pose unique design problems.

(b) Construction Documents. Construction documents shall identify the name and classification of the facility and clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules, and, when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment.

(c) Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating, and fireblocking.

(d) Load Calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

(e) Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is permitted to waive or modify the requirement for a site plan, where the application for permit is for alteration or repair or where otherwise warranted.

(f) Plan Review Required. Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations including but not limited to:

(i) Educational, institutional, or health care facilities/buildings as follows:

(A) Hospitals.

(B) Nursing home units or long-term care units.

(C) Boarding homes.

(D) Assisted living facilities.

(E) Private alcoholism hospitals.

(F) Alcoholism treatment facilities.

(G) Private psychiatric hospitals.

(H) Maternity homes.

(I) Ambulatory surgery facilities.

(J) Renal hemodialysis clinics.

(K) Residential treatment facilities for psychiatrically impaired children and youth.

(L) Adult residential rehabilitation centers.

(M) Educational facilities.

(N) Institutional facilities.

Exceptions: Electrical plan review is not required for the following types of installations in the above educational, institutional, or health care facilities buildings:

1. Lighting-specific projects that result in an electrical load reduction on each feeder involved in the project.

2. Low voltage systems.

3. Modification to existing electrical installations when all of the following conditions are met:

a. Service or distribution equipment involved is rated less than 100 amperes ~~or greater~~ and does not exceed 250 volts;

b. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

c. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

d. Service and feeder load calculations are increased by five percent or less.

4. Stand-alone utility fed services that do not exceed 250 volts, 100 amperes, where the project's distribution system does not include:

a. Emergency systems other than listed unit equipment per NEC 700.12(F);

b. Critical branch circuits or feeders as defined in NEC 517.2; or

c. A required fire pump system.

~~(ii) Alterations in nonresidential occupancies 2,500 square feet and greater.~~

~~(iii)~~(ii) Installations in occupancies except one- and two-family dwellings where a service or feeder rated 100 amperes or greater is installed or altered or if more than 100 amperes is added to the service or feeder.

~~(iv)~~(iii) All work on electrical systems operating at/over 600 volts.

~~(v)~~(iv) All commercial generator installations or alterations.

~~(vi)~~(v) All work in areas classified as hazardous locations by the NEC.

~~(vii)~~(vi) If 60 percent or more of luminaires change.

~~(viii)~~(vii) Installations of switches or circuit breakers rated 400 amperes or over except for one- and two-family dwellings.

~~(ix)~~(viii) Wind-driven generators.

~~(x)~~(ix) Solar photovoltaic systems.

~~(xi)~~(x) Any proposed installation which cannot be adequately described in the application form.

~~(xii) Temporary electrical services exceeding 400 amps.~~

(3) Plumbing. Plans, engineering calculations, diagrams, and other data shall be submitted in two sets with each application for a permit. When required by the building official, plans, computations, and specifications are to be prepared by, and the plumbing designed by, an engineer, an architect, or both who shall be licensed by the state to practice as such. Plans must be submitted for review and approval whenever the scope of the work includes:

(a) New nonresidential or mixed use buildings.

(b) New multifamily projects with three or more dwelling units (except townhomes as defined in the IRC).

(c) Nonresidential or mixed-use addition or alteration projects with more than 10 fixtures added or altered.

(d) Roof drains/overflow systems.

(e) Tenant improvements involving medical gas piping, commercial kitchens, and food service installations.

(f) Oil/water separator or grease interceptor installation.

(g) Sumps for nonresidential use.

(h) All types of laboratories.

(i) Addition of washing machines in multifamily units.

Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for plumbing systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

(4) Mechanical. Plans must be submitted for review and approval for all mechanical work. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exceptions:

(a) Work in one- and two-family dwellings and IRC townhouses.

(b) The additional or relocation of not more than 15 diffusers connected to existing HVAC equipment provided the work is limited to ducts and diffusers, the building does not have a smoke control system, and ducts do not penetrate a fire rated assembly.

(c) In kind replacement of indoor or outdoor equipment.

15.05.325 Examination of documents.

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

15.05.330 Use of consultants.

Whenever review of a building permit application requires retention by the city for professional consulting services, the applicant shall reimburse the city the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The city may require the applicant to deposit an amount with the city estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement of such costs.

15.05.335 Expedited plan review.

At the time of application, an applicant may request that plans be sent to city approved contract consultants, if the applicant believes that such review may expedite the plan review process. The request must be in writing and acknowledge that the applicant agrees to pay the full consultant fee, which is in addition to the normal plan review and building permit fees collected by the city. The city may require the applicant to deposit with the city an amount estimated by the city to be sufficient to cover anticipated costs for the expedited consultant review and to ensure reimbursement of such costs.

15.05.340 Approval of construction documents.

When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the city. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or a duly authorized representative.

15.05.345 Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. The city is authorized to require that a performance bond or other security acceptable to the city be posted with the city in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The security shall be rescindable or refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request a refund within 180 days of the permit issuance. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

15.05.350 Design professional in responsible charge.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional to act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional to perform the duties required of the original registered design professional. The building official shall be notified in writing by the owner, if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Chapter 17 IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the IBC).

At least one set of documents prepared by a registered design professional shall bear the seal or stamp of the design professional and shall contain the original signature of the design professional.

Exceptions:

(a) Supporting documents such as engineering calculations, geotechnical reports, and specifications need only bear an original stamp and signature on the cover sheet of the supporting documents.

(b) With permission of the building official, a copy of the original stamp and original signature may be accepted on the documents.

15.05.355 Deferred submittals.

For the purposes of this section, "deferred submittals" are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official.

The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. The city is authorized to charge an additional review fee to evaluate deferred submittals under the provisions of this section.

15.05.360 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor field changes subject to the approval of the field inspector. Where changes to the approved plans alter the size, shape, height, location or orientation on the property, major components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid.

15.05.365 Retention of construction documents.

One set of approved construction documents shall be retained by the city for a period of not less than 180 days from date of final inspection approval or permit expiration or as required by state law.

15.05.370 Temporary structures and uses.

(1) General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts less than 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

(2) Electrical. If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installations shall not be granted for a length of time greater than 90 days, except that a permit for a temporary installation to be used for constructing a building may be issued for the period of construction. Where such temporary lighting is over the street area, the proper authorization for such use of the street must first be obtained.

All such temporary installations shall be made in accordance with the requirements of this code; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit covering such installation and disconnect, or order the disconnection of, all energy to such equipment.

(3) Plumbing and Mechanical. The building official is authorized to issue a permit for temporary equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

(4) Utilities. The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

(35) Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code, as necessary to ensure the public health, safety and welfare.

(46) Termination of Approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

15.05.375 Fees.

(1) Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be issued until the additional fee, if any, has been paid.

(2) Schedule of Permit Fees. For buildings, ~~gradings~~grading, demolitions and structures, and for electrical, gas, mechanical, fire protection, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with this code and the fee schedule adopted by resolution of the city council, as now or hereafter amended. In no case shall the building permit fee be less than the city's hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. The city manager is authorized to establish fees for any permit activity not specifically set forth herein.

(3) Plan Review Fees. When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review. The building official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review, and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and shall be in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee may be charged. Any balance owing for plan review shall be paid prior to any approval for extension of the permit application.

(4) Building Permit Valuations. The permit applicant shall provide an estimated permit value at time of application. Permit valuation or valuation shall be as defined in BMC 15.05.020. The final determination of value or valuation under any of the provisions of this code shall be made by the building official.

(5) Work Commencing before Permit Issuance. Any person who commences any work on a building or structure or grading or on any gas, electrical, mechanical, fire protection or plumbing system before obtaining the necessary permits shall be subject to a stop work order and a special investigation fee in

an amount equal to twice the permit fee. The special investigation fee shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the building official, the owner shall comply with the following:

(a) As determined necessary by the building official the owner shall hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected and the compliance of the structure with applicable construction codes and regulations along with the building permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action.

(b) As determined necessary by the building official the owner shall secure building, electrical, fire, plumbing and/or mechanical permits.

(c) As determined necessary by the building official the owner shall remove construction materials in order to validate the systems have been installed correctly.

(d) As determined necessary by the building official, the owner shall substantiate and/or show proof of compliance with all applicable local, state and federal laws pertaining to land use.

(e) As determined necessary by the building official, a site inspection and a life safety inspection shall be obtained, when temporary occupancy approval or use of the building or structure is needed prior to permit issuance and final inspection.

(6) Related Fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(7) Refunds. The building official may authorize refunding not more than 80 percent of the permit fee paid, when no work has been done under a permit issued in accordance with this chapter. The building official may authorize refunding not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. The building official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.05.380 Inspections.

The building official is authorized to require ~~Construction or work for which a permit is required shall be subject to be inspected~~ inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the city. ~~Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant~~ owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material as required to allow for inspection. Electrical systems and

equipment regulated by the Burien Electrical Code shall not be connected to the energy source until authorized by the building official.

(1) Preliminary Inspections. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(2) Manufacturer's Installation Instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

(3) Required Inspections. The building official, upon notification, shall make the following inspections:

(a) Temporary Erosion and Sediment Control Inspection. Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks), entrance rock, and other required elements are in place and prior to commencement of construction and/or clearing the site.

(b) Footing and Foundation Inspection. Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special requirements for wood foundations and for any setbacks required from a property line, building setback line, critical area buffer, and/or the ordinary high water mark on waterfront properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job except that where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

(c) Concrete Slab and Under-Floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(d) ~~Electrical~~ Underground Inspections. Underground inspection shall be made after trenches or ditches are excavated and bedded and piping ~~and~~ or conductors are installed and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks or other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves, or other means.

Exception: Ground-source heat pump loop systems tested in accordance with Section IMC section 1210.10 shall be permitted to be backfilled prior to inspection.

(e) Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R322 and Chapter 15.55 BMC shall be submitted to the building official. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the state of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate.

(f) Exterior Wall Sheathing Inspection. Exterior wall sheathing shall be inspected after all wall framing is complete and strapping and nailing is properly installed but prior to being covered.

(g) Roof Sheathing Inspection. The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved and confirmation that the height of the structure is in conformance with the requirements of the city of Burien zoning code and/or shoreline master program.

(h) IMC/UPC/Gas/Rough-In Inspection. Rough-in mechanical, gas piping, plumbing, and electrical shall be inspected after the roof, framing, fireblocking and bracing are in place and all components to be concealed are complete when the rough-in work is complete and, if required, under test prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. No connections to primary utilities shall be made until the rough-in work is inspected, tested and approved. Joints and connections in the plumbing system shall be gastight and watertight for the pressures required by the test.

No test or inspection shall be required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

(i) Electrical Rough-In Inspection. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete and ~~prior to the installation of wall or ceiling membranes~~ prior to covering or concealment, but before fixtures, equipment or appliances are set or installed, and prior to framing inspection. All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(j) Frame Inspection. Framing inspections shall be made after the roof deck, exterior wall sheathing, all framing, fire blocking, and bracing are in place, pipes, chimneys and vents to be concealed are complete, the rough electrical, plumbing, fire suppression piping, heating wires, pipes, and ducts are approved, and the building is substantially dried in.

(k) Flashing and Exterior Weather Barrier Inspection. Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed but prior to any of the work being covered. Subject to the approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection and documentation requirements of RCW 64.55.020.

Exception: Group R-3 and one- and two-family dwellings are exempt from this inspection.

(l) Exterior Finish and Insulation Systems (EFIS), Lath and Gypsum Board Inspection. EFIS, lath and gypsum board inspections shall be made after backing, lathing or gypsum board; interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Interior gypsum board that is not part of a fire-resistance rated assembly or a shear assembly and is not located in Aircraft Noise Reduction Zone ~~3-1~~ (25-35 dB).

(m) Fire-resistance-rated construction inspections. Where fire-resistance-rated construction is required an inspection of such construction shall be made after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

~~and Smoke Resistant Penetrations.~~ Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

(n) Energy Efficiency Inspection. In addition to the inspections required in Chapter 51-11 WAC, the following inspections are also required:

(i) Envelope.

(A) Wall Insulation. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

(B) Glazing. To be made after glazing materials are installed in the building.

(C) Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.

(D) Slab/Floor Insulation. To be made after the installation of the slab/floor insulation, but before concealment.

(ii) Mechanical.

(A) Mechanical Equipment Efficiency and Economizer. To be made after all equipment and controls required by the construction codes are installed and prior to the concealment of such equipment or controls.

(B) Mechanical Pipe and Duct Insulation. To be made after all pipe, fire suppression piping, and duct insulation is in place, but before concealment.

(iii) Lighting and Motors.

(A) Lighting Equipment and Controls. To be made after the installation of all lighting equipment and controls required by the construction codes, but before concealment of the lighting equipment.

(B) Motors. To be made after installation of all equipment covered by the construction codes, but before concealment.

(iv) Water Heating Equipment

(A) Water Heater efficiency. To be made after water heater is on site, but prior to installation and connection to the water system.

(o) Other inspections. In addition to the specified inspections, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building department.

~~(e)(p)~~ Final Inspection. The final inspection shall be made after all work required by the permit is completed. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in IBC Section 1612.5 or IRC Section R322 and Chapter 15.55 BMC shall be submitted to the building official prior to the final inspection.

(4) Reinspection. The building official may require a structure or portions of work to be re-inspected. A reinspection fee shall be permitted to be assessed for each inspection or reinspection, when such portion of work for which inspection is called is not complete; or when required corrections have not been made; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

~~(5) Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building department.~~

~~(6)~~(5) Special Inspections. In addition to the inspections noted above, the building official is authorized to require special inspections for any type of work related to the construction codes by an inspection agency approved by the building official at no cost to the city.

The building official may require special inspection of equipment or wiring methods, when the installation requires special training, equipment, expertise, or knowledge. When such special inspection is required, it shall be performed by an independent third party acceptable to the building official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the building official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.

Multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection requirements as listed in RCW 64.55.030. Upon completion of an inspection required by RCW 64.55.030, the qualified inspector shall prepare and submit to the appropriate building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated pursuant to RCW 64.55.020. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required by this section has been submitted. The building department is not charged with and has no

responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of this chapter.

~~(7)~~(6) Inspection Agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the applicable requirements as to qualifications and reliability.

~~(8)~~(7) Inspection Requests. It shall be the duty of the holders of the permits or their duly authorized agent to notify the city when work is ready for inspection. It shall be the duty of the permit holders to provide access to and means for inspections of such work that are required by this code.

~~(9)~~(8) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or his or her agent that the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

(9) Correction of violations of other codes. Repairs or alterations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.

15.05.385 Traffic management systems.

(1) The city building official will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems;

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and

(e) Signalization system(s) necessary for the operation of a light rail system. A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The city recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets, and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW, provided they conform with the following standards or are listed on the Washington State Department of Transportation (WSDOT) qualified products list:

(a) WSDOT/APWA Standard Specifications and Plans;

(b) WSDOT Design Manual;

- (c) International Municipal Signal Association (IMSA);
- (d) National Electrical Manufacturer's Association (NEMA);
- (e) Federal Standards 170/Controller Cabinets;
- (f) Manual for Uniform Road, Bridge, and Municipal Construction;
- (g) Institute of Transportation Engineers (ITE); or
- (h) Manual of Uniform Traffic Control Devices (MUTCD).

(3) Associated induction detection loop or similar circuits will be accepted by the city without inspection.

(4) For the licensing requirements of Chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by Chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the city prior to work being performed for this provision to apply.

(5) Jurisdictions with an established electrical inspection authority and WSDOT may perform electrical inspection on their rights-of-way for each other by interlocal agreement. They may not perform electrical inspection on other rights-of-way except as allowed in Chapter 19.28 or 39.34 RCW.

(6) Underground Installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The city will conduct inspections in open trenching within its jurisdiction upon request.

(7) Identification of Traffic Management System Components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (8) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(8) Conductors of Different Circuits in Same Cable, Enclosure, or Raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

15.05.390 Certificate of occupancy.

(1) Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of

occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city.

Exception: Work exempt from permits per BMC 15.05.245.

(2) Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy that contains the following information:

- (a) The permit number.
- (b) The address of the structure.
- (c) The name and address of the owner.
- (d) A description of that portion of the structure for which the certificate is issued.
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the building official.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy.
- (i) The type of construction.
- (j) The design occupant load.
- (k) Whether an automatic sprinkler system is provided and whether the sprinkler system is required.
- (l) Any special stipulations and conditions of the building permit.

Exception: Single-family dwellings and their accessory structures approved under the International Residential Code and group U occupancies associated with single-family residences approved under the International Building Code may be issued a certificate of occupancy in the form of a signed off permit inspection card.

Where applicable, a certificate of occupancy shall not be issued until the floor load signs, required by BMC 15.05.310 have been installed. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the International Building Code or International Residential Code.

(3) Temporary or Phased Occupancy. The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require in addition to the completion of life safety building components, the completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The city is authorized to require that a performance bond or other security acceptable to the city be provided with

the city in an amount equal to 150 percent of the value of incomplete work as determined by the design professional. The security shall be rescindable or refundable upon issuance of a final certificate of occupancy for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request a refund within 180 days of the issuance of the certificate of occupancy. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

(4) Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied by the owner or owner's representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

15.05.395 Service utilities.

(1) Connection of Service Utilities. No person shall make connections from a utility or source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until authorized by the building official.

(2) Temporary Connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(3) Authority to order Disconnect Service Utilities. The building official shall have the authority to ~~authorize~~ order disconnection of utility service to the building, structure or system regulated by ~~this code~~ the construction codes and the referenced codes and standards set forth in ~~this code~~ chapter in case of emergency, when necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and whenever possible the owner, owner's authorized agent, and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(4) Connection after order to disconnect. A person shall not make energy source connections to mechanical, plumbing, or electrical systems regulated by the construction codes, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems. Where a system is maintained in violation of the construction code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

15.05.400 Appeals.

(1) General. Appeals of final orders, decisions, or determinations made by the building official relative to the application and interpretation of this title and the adopted codes may be appealed by the permit applicant, property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within 30 days of the issuance of the final order, decision or determination.

(2) Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this title or the rules adopted thereunder have been incorrectly interpreted, the provisions of this title do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this title.

(3) Participation in the Appeal. Only those parties who have appealed the building official's final order, decision or determination may participate in the appeal in either or both of the following ways:

(a) By submitting written comments or testimony to the hearing examiner prior to commencement of the hearing; or

(b) By appearing in person, or through a representative at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

(4) Decision on the Appeal. The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner's decision on the appeal shall be issued within 90 days from the date the original appeal period closed, unless all parties to an appeal have agreed to an extended time period. Within four business days after it is issued, the hearing examiner's decision shall be mailed to the applicant and to each person who has requested notice of the decision. The hearing examiner's final decision shall be the final decision of the city on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

(5) Judicial Review. Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within 21 calendar days of the issuance of the hearing examiner's decision.

15.05.405 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, property or equipment regulated by this title, or cause the same to be done, in conflict with or in violation of any of the provisions of this title. Signs, tags or seals posted or affixed by the building official shall not be mutilated, destroyed or tampered with or removed without authorization from the building official.

15.05.410 Violations – Penalties.

The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC.

15.05.415 Stop work order.

(1) Authority. Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code, the construction codes, or other pertinent laws or ordinances that are violated during the course of work authorized by the permit, the building official is authorized

to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.

(2) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent, or to the person doing the work and posted in plain site on the premises, structure, fixture, or system as applicable. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Effect.

(a) The building official is authorized to assess a special investigation fee for the issuance of a stop work order, when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375(5), Work Commencing before Permit Issuance.

(b) A stop work order represents a determination that a code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city hearing examiner according to the procedures prescribed by BMC 15.05.400, Appeals.

(e) Failure to appeal the stop work order within the applicable time limits shall render the stop work order a final determination that a code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order is declared to be unlawful and subject to enforcement as provided in BMC 1.15.110.

15.05.420 Unsafe structures and equipment.

(1) ~~General~~Conditions. Structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities or inadequate light and ventilation, which constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. Additionally, a structure that is not secured against entry or which has been abandoned for more than one year or for which the applicant or owner fails to request the required inspection(s) prior to permit expiration or occupancy may be deemed unsafe by the building official.

(2) Evacuation. Where conditions exist that are deemed hazardous to life and property, the building official is authorized to abate summarily such hazardous conditions that are in violation of the codes. The building official shall be authorized to order the immediate evacuation of any unsafe occupied building when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the building official.

(3) **Abatement.** Where a structure has been deemed unsafe, the building official or designee shall first issue a civil notice of violation as prescribed in BMC 1.15.120. The notice of violation shall include a statement requiring the unsafe structure or equipment to be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 15.40 BMC, Burien Building and Property Maintenance Code.

(4) **Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of BMC 15.05.235 and the *International Existing Building Code*.

15.05.425 Copies to be available.

(1) A copy of each code adopted by reference in this title shall be authenticated and recorded by the city clerk.

(2) The codes, standards, rules, and regulations adopted by this title are adopted by reference thereto as though fully set forth in this title. Not less than one copy of each such code, standards, rules, and regulations, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions, and exceptions as provided in this title, shall be filed in the building official's office and be available for use and examination by the public.

Exhibit B**Chapter 15.10
CONSTRUCTION CODES**

Sections:

- 15.10.010 Short title.
- 15.10.020 Purpose.
- 15.10.030 Sound and hours of construction.
- 15.10.040 Referenced codes.
- 15.10.050 Code conflicts resolution.
- 15.10.060 International Building Code adopted.
- 15.10.070 International Residential Code adopted.
- 15.10.080 International Mechanical Code adopted.
- 15.10.090 National Fuel Gas Code (NFPA 54) adopted.
- 15.10.100 Liquefied Petroleum Gas Code (NFPA 58) adopted.
- 15.10.110 International Fuel Gas Code adopted.
- 15.10.120 Uniform Plumbing Code adopted.
- 15.10.130 ~~International Energy Conservation~~ Washington State Energy Code adopted.
- 15.10.140 Washington Cities Electrical Code adopted.
- 15.10.150 International Existing Building Code adopted

15.10.010 Short title.

This chapter is known as and may be referred to as the “city of Burien building and construction code” and may be cited as such.

15.10.020 Purpose.

The purpose of the codes and regulations adopted by this title is to promote the health, safety, and welfare of the occupants or users of buildings and structures and the general public, by the provision of construction codes throughout the city and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations. More specifically, this chapter is designed to effectuate the following purposes, objectives and standards:

- (1) To set forth minimum performance standards and requirements for construction and construction materials, consistent with nationally accepted standards of engineering and fire and life safety.
- (2) To permit the use of current technical methods, devices and improvements.

(3) To eliminate restrictive, obsolete, conflicting, duplicative and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(4) To provide standards and specifications for making buildings and facilities accessible to and usable by physically challenged persons.

(5) To consolidate the administration and enforcement of building and construction codes.

15.10.030 Sound and hours of construction.

Sounds originating from construction sites, including but not limited to sound from construction equipment, power tools and hammering, are prohibited between the hours of 10:00 p.m. to 7:00 a.m. on weekdays and 10:00 p.m. to 9:00 a.m. on weekends, as regulated in BMC 9.105.400.

15.10.040 Referenced codes.

Specific codes referenced in the general codes adopted by this chapter shall be as follows:

(1) Any and all reference to the International Plumbing Code shall be replaced with the Uniform Plumbing Code as adopted in BMC 15.10.120.

(2) Any and all reference to the International Property Maintenance Code shall be replaced with the Burien Building and Property Maintenance Code as adopted in Chapter 15.40 BMC.

(3) Any and all reference to the International Electrical Code, National Electrical Code or NFPA 70 shall be replaced with the Burien Electrical Code as adopted in BMC 15.10.140.

15.10.050 Code conflicts resolution.

(1) The codes enumerated in this title are adopted by the State Building Code Council as provided in RCW 19.27.074 and amended by the State Building Code Council from time to time, and are enacted by the State Legislature.

The State Legislature mandates, as provided in RCW 19.27.050, that all counties and cities throughout the state shall enforce the codes and all amendments thereto. Therefore, the city of Burien automatically adopts by reference these codes and their respective amendments as they are adopted and amended by the State Legislature.

(2) In case of conflict among the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code and the Uniform Plumbing Code, the first named code shall govern over those following.

(3) In case of conflict between other codes and provisions adopted by this chapter, the code or provision that is the most restrictive, as determined by the building official, shall apply.

15.10.060 International Building Code adopted.

The ~~2012-2015~~ Edition of the International Building Code (IBC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-50 WAC, and including

Appendix Chapter E (Accessibility), ICC A117.1-2009 (Accessible Standards), Appendix Chapter H (Signs), and Appendix Chapter J (Grading), excluding Chapter 1, Administration, is hereby adopted by reference, together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IBC Chapter 1, Administration.

~~(1) The 2012 International Existing Building Code (IEBC) is included in the adoption of this code in Section 3401.6 and amended in WAC 51-50-480000, excluding Chapter 1, Part 2 – Administration. The Construction Administrative Code as set forth in Chapter 15.05 BMC shall be used in place of IEBC Chapter 1, Part 2 – Administration.~~

~~(21) The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.~~

~~(32) The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing, except as provided by rule adopted under Chapter 70.114A RCW or Chapter 37, Laws of 1998 (SB 6168). “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110.~~

~~(43) The provisions of this code do not apply to vendor carts. “Vendor cart” means a mobile, portable means of containing or transporting merchandise, vegetables, fruits, or other inventory for the purpose of retail sales. “Vendor cart” shall not mean a building or structure, as defined in this code. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required.~~

(4) Recyclable materials, compost, and solid waste storage. For the purposes of this section, the following definitions shall apply:

COMPOST means biodegradable solid wastes that are separated for composting such as food waste, food soiled paper and yard waste.

RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdictions shall require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

(5) Add new stand-alone section as follows:

Design Criteria shall be as follows:

GROUND AND ROOF SNOW LOAD: 25 PSF

SEISMIC DESIGN CATEGORY: D

WIND SPEED: ~~70 mph sustained with 85 mph 3 sec. gust~~ Risk category I: 100 mph; Risk category II: 110 mph; Risk category III and IV: 115 MPH

WIND EXPOSURE: Site Specific. See IBC Section 1609.4

SOIL BEARING: Site specific. See IBC Chapter 18

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 24°F

SUMMER DESIGN TEMPERATURE: 83°F

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See BMC 15.55

AIR FREEZING INDEX: 148°F- days

MEAN ANNUAL TEMPERATURE: 51.4°F.

~~(56) Amend IBC Section 403.4.8.1, Special requirements for standby power systems~~ Equipment Room, to read as follows:

~~403.4.8.1 Special requirements for standby power systems~~ Equipment room. If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both, and shall be in a separate room from the normal power source including transformers and distribution equipment. Power distribution from the emergency source to the emergency transfer switch shall be by an independent route from the normal power source. System supervision with manual start and transfer features shall be provided at the fire command center. Fuel-fired standby power generator sets and associated fuel storage, including optional landlord- or tenant-owned generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access, require the approval of the fire code official.

~~(76)~~ Add new IBC Section 403.4.8.1.1, Penetrations, to read as follows:

403.4.8.1.1 Penetrations. Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system. Such penetrations shall be protected in accordance with Section 714.

Exception: Metallic piping with no joints or openings where it passes through the standby power system room.

~~(87)~~ Amend IBC Section 403.4.8.23, Standby power loads, to add a fourth item to read as follows:

403.4.8.23 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.6;
2. Ventilation and automatic fire detection equipment for smoke proof enclosures;

3. Elevators.

~~34.~~ Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008; and Where elevators are provided in a high-rise buildings for accessible means of egress, fire service access or occupant self-evacuation, the standby power system shall also comply with IBC Section 1009.4, 3007 or 3008 as applicable.

~~45.~~ Smoke control systems.

~~(98)~~ Add new IBC Section 403.7, Smoke control, and amend to read as follows:

403.7 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings having floors more than 75 feet above the lowest level of fire department vehicle access.

~~(109)~~ Amend IBC Section 405.8, Standby power, as follows: Add the following sentence to the end of the paragraph:

405.8 Standby power. A standby power system complying with Chapter 27 shall be provided standby power loads specified in Section 405.8.1. An emergency power system complying with Section 2702 shall be provided for the emergency power loads specified in Section 405.8.2. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge require the approval of the fire code official.

~~(1110)~~ Amend IBC Table 508.4, Required Separation of Occupancies (Hours), as follows:

Add footnote reference superscript "ef" to R Occupancy Classification row and column headings. Add footnote "ef" to read: See Section 419 for Live/Work Unit separations.

~~Add footnote reference superscript "a" to I-1 Occupancy.~~

(11) IBC section 901.7, Fire Areas, is amended to include a second paragraph as follows:

901.4.3 Fire Area 901.7 Fire areas. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers constructed in accordance with Section 707 of the International Building Code or horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10 of the International Building Code.

For the purpose of this section, fire barriers shall not be used to reduce the calculation of floor areas in this chapter for newly constructed buildings with a gross floor area of 5,000 square feet or greater and existing buildings undergoing a modification or change of use with a cumulative work area of 5,000 square feet or greater.

(12) Amend IBC Section 903.2, Automatic sprinkler systems, to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, WAC 51-50-903 and in all new and substantially altered buildings with a gross work area of 5,000 square feet or greater, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

~~For the purposes of this section, fire walls as specified in Section 706 of the International Building Code shall not be used to reduce the calculation of floor areas of this chapter.~~

(13) Amend IBC Section 907.1.3, Equipment, as follows: Add the following sentence to the end of the paragraph:

907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at the approved supervising station.

(14) Add new IBC Section 907.2.24, System Installation, to read as follows:

907.2.24 System installation. Fire alarm systems shall be installed and maintained in accordance with this code by persons under the direct supervision of individuals that have factory training and certification on the system being installed. Plans submitted for Fire Alarm System permits shall be prepared under the supervision of individuals possessing a NICET (National Institute for Certification in Engineering Technologies) Level III certification in Fire Alarm Systems or shall be licensed by the State of Washington as a Professional Fire Protection or Electrical Engineer or certified by the State of Washington. Plans shall identify certification and/or licensing information.

(15) Add new IBC Section 911.1.2.1, Penetrations, to read as follows:

911.1.2.1 Penetrations. Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for fire department communication and control, and electrical raceways serving the fire command center or being controlled from the fire command center. Such penetrations shall be protected in accordance with Section 713.

Exception: Metallic piping with no joints or openings.

(16) Amend IBC Section 1503.4, Roof drainage, to revise reference to the Uniform Plumbing Code and add new Section 1503.4.4, Discharge and Disposal, to read as follows:

[P] 1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with IBC Section 1503 and Chapter 11 of the Uniform Plumbing Code.

1503.4.4 Discharge and Disposal. Roof top drainage shall be disposed of by one of the following methods:

1. Tight line to a storm water system (private or public).
2. Tight line to a roof-runoff infiltration system.
3. Concrete splash blocks.

1503.4.4.1 Tight line. A tight line with direct discharge to an abutting property or the right-of-way is prohibited unless specifically approved by the building official on the construction plans/permit.

1503.4.4.2 Review Required. In all cases the method selected shall be subject to review and approval by the building official and/or the city Public Works Department, with consideration given to site, soil types, slope condition and the nature of the development.

1503.4.4.3 Standards. All drainage systems both public and private shall be designed in accordance with storm water standards adopted by the city of Burien.

1503.4.4.4 "Green Roof technology". "Green roof" technology may be approved by the building official provided that any drainage coming off of the roof is collected and disposed of pursuant to Sec 1503.4.4.1.

(17) Amend IBC Section 1608.1, General, to read as follows:

1608.1 General. Design snow loads shall be not less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

(18) Amend IBC Section 1612.3, Establishment of flood hazard areas, to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for King County" dated September 2007, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(19) Amend IBC Section ~~1705.15~~ 1705.16, Exterior insulation and finish systems (EIFS), to read as follows:

~~1705.15~~ 1705.16 Exterior insulation and finish systems (EIFS). Special inspections shall be required for all EIFS applications. All exterior insulation finish systems (EIFS) shall be certified by the manufacturer as having been installed per the manufacturer's installation recommendations or other agency approved

by the building official. The manufacturer's certification shall serve as the special inspection requirement when approved by the building official.

Exception: Special inspections shall not be required for EIFS applications installed over masonry or concrete walls.

~~1705.15.11~~ 1705.6.1 Water-resistive barrier coating. A water-resistive barrier coating complying with ASTM E 2570 requires special inspection of the water-resistive barrier coating when installed over a sheathing substrate.

(20) Amend IBC Section 2701.1, Scope, to read as follows:

2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the Burien Electrical Code as adopted in BMC 15.10.140.

(21) Add new IBC Section 2702.1.~~16~~, Location, to read as follows:

2702.1.~~16~~ 26 Location. Location of stationary generators, fuel piping, and storage tanks are subject to the approval of the building official and/or fire code official.

(22) Amend IBC Section ~~3002.4~~, Elevator car to accommodate ambulance stretcher, to read as follows:

~~3002.4 Elevator car to accommodate ambulance stretcher. In buildings four or more stories above or below grade plane, or in any R1, R2 or I occupancy building provided with an elevator regardless of the number of stories, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 2134 mm) ambulance stretcher with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.~~

(~~2322~~) Amend IBC Section 3303, Demolition standards, to read as follows:

3303.1 Purpose. The purpose of this section is to establish standards by which demolition of existing structures is to be conducted. The proposed standards are intended to ensure that the public health, safety and welfare are protected when structures are removed. If demolition is proposed along with an application for a construction permit or reuse of a property, sections 3303.5 and 3303.11 do not apply. Following demolition of any structure the property shall be altered to a condition that will not create an attractive nuisance or be unsightly to neighboring properties, public streets and pedestrian facilities. This purpose statement shall be preeminent.

3303.2 Construction Documents. Construction documents and a schedule for demolition must be submitted when required by the Building Official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

3303.3 Permit Required. A demolition permit is required for any structure to be removed. The demolition permit may be conditioned as necessary to mitigate adverse impacts associated with demolition activities and the aesthetic condition of the vacant site following demolition. All demolition

work shall be completed within 30 days from commencement of demolition activity provided that site restoration work shall be completed as provided in section 3303.11.

3303.4 Nuisances. The activity shall not create or exacerbate a nuisance as defined by BMC 8.45.020.

3303.5 Foundation Removal and Surface Restoration. All foundations and/or related materials shall be removed from the site. Unless otherwise approved by the city, all man-made or processed surfaces including but not limited to driveways, asphalt, patios or sidewalks shall be removed, except in the public right-of-way.

3303.6 Pedestrian protection. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.

3303.7 Means of egress. A party wall balcony or horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.

3303.8 Vacant Lot. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority. This requirement may be waived if grading would require the alteration of a critical area and/or its buffer. It may also be waived if grading activity could result in soil instability.

3303.9 Erosion Control. All areas that have been disturbed by demolition activity shall be stabilized to prevent erosion. Erosion control measures shall comply with adopted best management practices and shall be in place prior to and during any demolition activity.

3303.10 Water Accumulation. Provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

3303.11 Site Restoration Required. Restoration of properties shall be completed within 4 months of the issuance of a demolition permit. The city may require a financial guarantee to ensure proper installation, establishment and maintenance of a restoration plan. Areas of a site that have been disturbed shall be re-vegetated with an approved hydro-seed mixture.

3303.12 Utility Connections. All service utilities shall be properly capped or terminated at property lines or at the service connection in the right-of-way unless otherwise approved by the Building Official. Utilities Removal and/or decommissioning of utilities shall be completed in accordance with all applicable laws and procedures including but not limited to the IFC, IBC, WAC and RCW.

3303.13 Fire safety during demolition. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of Chapter 56 of the International Fire Code.

~~(24) Amend IBC Section 3412.2, Applicability as follows: Insert applicable date:~~

~~3412.2 Applicability. Structures existing prior to July 1, 2013, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.~~

~~(2523) IBC Section H104, Identification, is deleted.~~

15.10.070 International Residential Code adopted.

The ~~2012~~2015 Edition of the International Residential Code, as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-51 WAC, including ~~Appendix Chapter G, Swimming Pools, Spas and Hot Tubs, Appendix F, Radon Control Methods, Appendix J, Existing Buildings and Structures, WAC 51-51-60105 – Appendix Chapter ~~RQ~~, Dwelling Unit Fire Sprinkler Systems, WAC 51-51-60106 – Appendix U Solar-ready Provisions, WAC 51-51-60107 – Appendix ~~SV~~, Fire Sprinklers, and excluding Chapters 1, 11, 25 through 43, is hereby adopted by reference, together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IRC Chapter 1, Administration.~~

- (1) Energy Code requirements are regulated by Chapter 51-11R WAC as adopted and amended in BMC 15.10.130.
- (2) Plumbing Code requirements are regulated by Chapter 51-56 WAC (UPC) as adopted and amended in BMC 15.10.120.
- (3) Electrical Code requirements are regulated by Burien Electrical Code (WCEC) as adopted in BMC 15.10.140.
- (4) Except where required by the International Fire Code for access or fire flow, an automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.
- (5) Amend IRC Table R301.2, Climatic and geographic design criteria, to include local design values as follows:

R301.2 Climatic and Geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1). Design values for Table R-301.2(1) shall be as follows:

GROUND AND ROOF SNOW LOAD: 25 PSF

WIND SPEED: ~~70 mph sustained with 85 mph 3 sec. gust~~110 mph

TOPOGRAPHIC EFFECTS: No

SEISMIC DESIGN CATEGORY: D2

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 24°F.

SUMMER DESIGN TEMPERATURE: 83°F.

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See BMC 15.55

AIR FREEZING INDEX: 148°F.- days

MEAN ANNUAL TEMPERATURE: 51.4°F.

SOIL BEARING (Assumed): 1500 PSF

(6) Amend IRC Appendix SV, Fire Sprinklers, to read as follows:

AS107.1 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix RP.

EXCEPTION: One-family and two-family dwellings and their attached accessory structures with a gross floor area less than 3600 square feet.

15.10.080 International Mechanical Code adopted.

The ~~2012-2015~~ Edition of the International Mechanical Code (IMC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-52 WAC, excluding Chapter 1, Administration, is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IMC Chapter 1, Administration.

(1) Amend IMC Section 504.4, Exhaust installation, to read as follows:

~~504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back draft damper. Dryer exhaust ducts may terminate at approved exterior louvers with not less than 1" openings in any direction. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.~~

~~[Ord. 583 § 2 (Exh. B), 2013; Ord. 541 § 4 (Exh. B), 2010]~~

15.10.090 National Fuel Gas Code (NFPA 54) adopted.

The ~~2012-2015~~ Edition of ANSI Z223.1/NFPA 54, National Fuel Gas Code (NFGC), as published by National Fire Protection Association (NFPA) and as adopted by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the National Fuel Gas Code.

15.10.100 Liquefied Petroleum Gas Code (NFPA 58) adopted.

The ~~2011-2014~~ Edition of NFPA 58, Liquefied Petroleum Gas Code (LPGC), as published by National Fire Protection Association (NFPA) and as adopted by the State Building Code Council in Chapter 51-52 WAC,

is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the Liquefied Petroleum Gas Code.

15.10.110 International Fuel Gas Code adopted.

The ~~2012-2015~~ Edition of the International Fuel Gas Code (IFGC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-52 WAC, excluding Chapter 1 "Administration," is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IFGC Chapter 1, Administration.

(1) Amend IFGC Section 614.4, Exhaust installation, to read as follows:

614.4 Exhaust installation. Exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back-draft damper. Dryer exhaust ducts may terminate at approved exterior louvers with not less than $1\frac{1}{2}$ " openings in any direction. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.

15.10.120 Uniform Plumbing Code adopted.

The ~~2012-2015~~ Edition of the Uniform Plumbing Code (UPC), as published by the International Association of Plumbing and Mechanical Officials and as adopted and amended by the State Building Code Council in Chapter 51-56 WAC, including Appendix A – Recommended Rules for Sizing the Water Supply System; Appendix B – Explanatory Notes on Combination Waste and Vent Systems; Appendix I – Installation Standards, and, in addition, Appendix C, Alternate Plumbing Systems, excluding Sections ~~C5~~ C303.3, C304.0 through ~~C7~~ C601.9 of Appendix C, is hereby adopted by reference together with the additions, deletions, exceptions, and amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of UPC Chapter 1, Administration; Chapters 12 and ~~15-14~~ of the Uniform Plumbing Code are not adopted; and, those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers as identified in Chapter 51-56 WAC are not adopted.

(1) Amend UPC Section 311.0, Independent Systems, as follows:

311.0 Independent Systems. The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public or private sewer.

Exception: Where one (1) building stands in the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining court, yard, or driveway, the building drain from the front building shall be permitted to be extended to the rear building.

Swimming pools shall be provided with a separate and independent drainage system, which shall connect with a public or private sewer. The drainage pipe for the pool, floor drain, and similar fixtures shall be connected either to the side sewer downstream of the main building or structure, or to the building sewer downstream of the last plumbing fixture. The main building drain shall be equipped with an accessible backwater valve outside of the building or structure and upstream of the pool drain connection.

(2) Amend UPC Chapter 6, Table 610.3, Water Supply Fixture Units (WSFU) and Minimum Fixture Branch Pipe Sizes, as follows:

Delete "Lawn Sprinkler, each head" "for Private Use" from the table.

(3) Amend UPC Section 708.0, Grade of Horizontal Drainage Piping, to read as follows:

708.0 Grade of Horizontal Drainage Piping. Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one fourth (1/4) inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m) or two (2) percent. Any such pipe or piping four (4) inches (100 mm) or larger in diameter may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) or one (1) percent, only when first approved by the building official. Horizontal drainage piping connected to any dual flush gravity tank water closet shall slope a minimum of one-fourth (1/4) inch per foot.

(4) Amend UPC Section ~~1101.11.2.2(B)~~, 1101.12.2.2.2 Combined System, to read as follows:

~~1101.11.2.2(B)~~1101.12.2.2.2 Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage system conductor downstream of any horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section ~~1106.0~~1103.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping, within 20 feet of grade, using a wye-type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4 inch maximum.

15.10.130 ~~International Energy Conservation Code~~ Washington State Energy Code adopted.

The ~~International Energy Conservation~~ Washington State Energy Code, as adopted by the State Building Code Council in Chapters ~~51-11A~~, 51-11C, and 51-11R WAC, is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the Washington State Energy Code.

(1) Sections R107, Fees; R108, Stop Work Order; R109, Board of appeals; R110, Violations; and R111, Liability, are not adopted.

(2) Sections C107, Fees; C108, Stop Work Order; C109, Board of appeals; C110, Violations; and C111, Liability, are not adopted.

15.10.140 Washington Cities Electrical Code adopted.

(1) ~~The November 12, 2009-most current Edition~~ of the Washington Cities Electrical Code (WCEC), ~~Parts One Part -One (Adoption) and part Three (National Electrical code amendments)~~, as published by the Washington Association of Building Officials, is hereby adopted by reference and shall be known as the Burien Electrical Code. This includes Annex A, B and C of the National Electrical Code; Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications Pathway and Spaces (TIA-569-B, October 2004); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the National Electrical Safety Code (NEC C2-2012 excluding Appendixes A and B)

(2) The "Construction Administrative Code" as set forth in Chapter 15.05 BMC shall be used for the administration of the Burien Electrical Code.

(3) Conflicts.

(a) The requirements of ~~this chapter~~ Washington Cities Electrical Code will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, or ANSI/TIA/EIA 570.

(b) The National Electrical Code will be followed when there is any conflict between standard for Installation of Stationary Pumps for Fire Protection (NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570-B, and the National Electrical Code (NFPA 70).

(c) In accordance with RCW 19.28.010(3), when the State of Washington Department of Labor and Industries adopts a more current edition of the National Electrical Code (NFPA 70), the more current edition shall be enforced. ~~the building official may supplement use of the Burien Electrical Code with newly adopted editions of the National Electrical Code.~~ Provisions in the annex chapters of the National Electrical Code shall not apply unless specifically referenced in the adopting ordinance.

15.10.150 International Existing Building Code

The 2015 International Existing Building Code (IEBC) is as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-50-48000 WAC, including Appendix A, Guidelines for the Seismic retrofit of Existing Buildings, Appendix N, Solar Readiness, and excluding Chapter 1, Administration, is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IEBC Chapter 1, Administration.

(1) Amend section 409.1 to include state amendments and City requirements relocated from BMC 15.05.135 to read as follows

409.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the Inter- national Residential Code (chapter 51-51 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chap-ter 51-54A WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code

(chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction.

See BMC 12.17.095 (Building moving) for additional permit requirements.

(2) Add new section 409.1 Moved building - Electrical Conformance, for the purpose of relocating the content of BMC 15.05.135 as follows:

409.1 Moved buildings – Electrical requirements.

- (1) Nonresidential buildings or structures moved into or within the jurisdiction must be inspected to ensure compliance with current requirements of this chapter.
- (2) Residential buildings or structures wired in the U.S. to NEC requirements and moved into the jurisdiction must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of Chapter 19.28 RCW and the rules developed by the building department if:
 - (a) The original occupancy classification of the building or structure is changed as a result of the move;
or
 - (b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.
- (3) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into the jurisdiction must be inspected to ensure compliance with the following minimum safety requirements:
 - (a) Service, service grounding, and service bonding must comply with the Burién Electrical Code.
 - (b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge No. 10 and smaller installed after 1964, utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, No. 8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997, must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards, as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of Chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) Four 15-ampere, kitchen small appliance circuits will be accepted in lieu of two 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(i) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington State requirements in effect at the time the wiring was installed.

Exhibit C**Chapter 15.20****FIRE CODE**

Sections:

- 15.20.010 Short title.
- 15.20.020 Adoption of International Fire Code.
- 15.20.030 Section 104 amended – General authority and responsibility.
- 15.20.040 Section 105 amended – Permits.
- 15.20.050 Section 108 amended – Board of appeals.
- 15.20.060 Section 109 amended – Violations.
- 15.20.070 Section 111 amended – Stop work order.
- 15.20.080 Section 113 amended – Fees.
- 15.20.085 Section 202 amended – General Definitions**
- 15.20.090 Section 308.3 amended – Group A occupancies – Exceptions.
- 15.20.100 Section 314.4 amended – Indoor displays – Vehicles.
- 15.20.110 Section 503 amended – Fire apparatus access roads.
- 15.20.120 Section 506 amended – Key boxes – Where required.
- 15.20.130 Section 507 amended – Fire protection water supplies.
- 15.20.140 Section 508.1 amended – Fire command center – Penetrations.
- 15.20.150 Section 602 amended – Building services and systems – Definitions.
- 15.20.160 Section 604.2.14 amended – Emergency and standby power systems – High rise buildings.
- 15.20.170 Section 901 amended – Fire protection systems.
- 15.20.180 Section 903.2 amended – Automatic sprinkler systems – Where required.
- 15.20.190 Section 907 amended – Fire alarm and detection systems.
- 15.20.200 Section 5704.2 amended – Flammable and combustible liquids – Storage.
- 15.20.210 Section 5706.2.4.4 amended – Special operations – Storage and dispensing of flammable and combustible liquids on farms and construction sites – Locations where above-ground tanks are prohibited.
- 15.20.220 Section 5806.2 amended – Flammable cryogenic fluids – Limitations.

15.20.230 Section 6104.2 amended – Location of LP-gas containers – Maximum capacity within established limits.

15.20.240 Repealed.

15.20.010 Short title.

This chapter shall be known as and may be referred to as the “city of Burien fire code.”

15.20.020 Adoption of International Fire Code.

The ~~2012-2015~~ Edition of the International Fire Code (IFC) as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-54A WAC, and including Appendix B (Fire-Flow Requirements for Buildings), Appendix C (Fire Hydrant Locations and Distribution), Appendix D (Fire Apparatus Access Roads), and Appendix H (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), is hereby adopted by reference, together with the amendments, additions, deletions, and exceptions as set forth in this chapter.

15.20.030 Section 104 amended – General authority and responsibility.

(1) IFC Section 104.10.1, Assistance from other agencies, is amended to read as follows:

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code when requested to do so by the fire code official.

(2) IFC Section 104.11.2, Obstructing operations, is amended to read as follows:

104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment, control, or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

15.20.040 Section 105 amended – Permits.

(1) IFC Section 105.2.3, Time limitation of application, is amended to read as follows:

105.2.3 Time limitation of application. An application for any operational permit shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

An application for any fire protection systems construction permit shall be subject to the time imitations as prescribed in BMC 15.05.280.

(2) IFC Section 105.3.1, Expiration, is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Fire protection systems construction permits expiration shall be as prescribed in BMC 15.05.290. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

(3) IFC Section 105.3.2, Extensions, is amended to read as follows:

105.3.2 Extensions. A permittee holding an unexpired operational permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

Fire protection systems construction permits may be extended or renewed in accordance with BMC 15.05.295.

15.20.050 Section 108 amended – Board of appeals.

(1) IFC Section 108, Board of Appeals, is not adopted and is replaced as follows:

Section 108 - Means of appeal

108.1 General. Appeals shall be heard by the Hearing Examiner pursuant to BMC 15.05.400.

15.20.060 Section 109 amended – Violations.

(1) IFC Section 109.1, Unlawful acts, is amended to read as follows:

Section 109.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or utilize any building, occupancy, premises, structure, property, equipment, or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

(2) IFC Section 109.2, Notice of violation, is amended to read as follows:

Section 109.2 Violation enforcement. Violations shall be enforced as prescribed in BMC 15.05.410.

(3) IFC Section 109.3, Violation penalties, is amended to read as follows:

Section 109.3 Violation penalties. Violation penalties shall be as prescribed in BMC 15.05.410.

15.20.070 Section 111 amended – Stop work order.

(1) IFC Section 111.4, Failure to comply, is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the effects and penalties in BMC 15.05.415(3).

15.20.080 Section 113 amended – Fees.

(1) IFC Section 113.2, Schedule of permit fees, is amended to read as follows:

113.2 Schedule of permit fees. A fee for each permit shall be paid as required in accordance with the city's contract with King County Fire District #2 and BMC 15.05.375(2). Plan Review fees shall be in accordance with BMC 15.05.375(3). Permit Valuations shall be determined in accordance with BMC 15.05.375(4).

(2) IFC Section 113.3, Work commencing before permit issuance, is amended to read as follows:

113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to the penalties and requirements of BMC 15.05.375(5).

(3) IFC Section 113.5, Refunds, is amended to read as follows:

113.5 Refunds. Refunds may be authorized by the building official in accordance with BMC 15.05.375(7).

15.20.085 Section 202 amended – General Definitions

(1) IFC Section 202, Definitions, is amended by addition of the following:

POWER TAP. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.

15.20.090 Section 308.3 amended – Group A occupancies – Exceptions.

(1) IFC Section 308.3, Group A occupancies – Exceptions, is amended by addition of a fourth exception to read as follows:

4. Where approved by the fire code official (see also Section 308.1.8).

15.20.100 Section 314.4 amended – Indoor displays – Vehicles.

(1) IFC Section 314.4, Vehicles, is amended as follows:

314.4 Vehicles. Liquid- or gas-fueled vehicles, fueled equipment, boats or other motor craft shall not be located indoors except as follows:

1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motor craft equipment are not fueled or defueled within the building.

15.20.110 Section 503 amended – Fire apparatus access roads.

~~The city of Burien does not adopt WAC 51-54-0500 and does adopt the following sections and their subsections of the International Fire Code, as adopted by this chapter:~~

~~(1) IFC Section 503.1, Where required, as written in the IFC is adopted without amendments.~~

(1) IFC Section 503, Fire Apparatus access roads is adopted along with the following amendments.

~~(2) IFC Section 503.2.2, Specifications, as written in the IFC is adopted without amendment, except IFC Section 503.2.2, Authority, is amended to read as follows:~~

503.2.2 Authority. The fire code official shall have the authority to allow a decrease in minimum access widths or require an increase in minimum access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

~~(3) IFC Section 503.3, Marking, is amended to read as follows:~~

503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

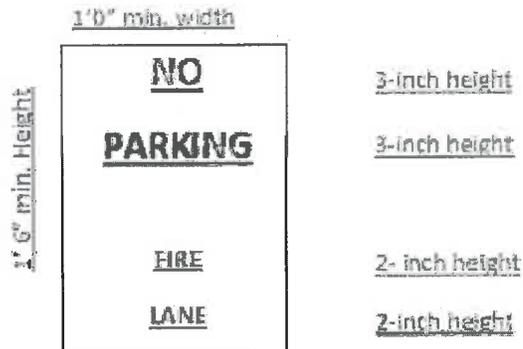
Signs or notices shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Marked fire apparatus access roads, or “fire lanes” as defined above may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection as well as any time during the life of the occupancy as needed to provide and maintain fire department access. The fire code official or his/her designee may require that areas specified for use as driveways or private thoroughfares shall be designated as fire lanes and be marked or identified as required by this Section. All designated fire lanes shall be clearly marked in the following manner:

(a) Vertical curbs (6 inch) shall be painted yellow on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with minimum 18 inch

in height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at 50 foot intervals or portions thereof, or

(b) Rolled curbs or surfaces without curbs shall have a yellow 6 inch wide stripe painted extending the length of the designated fire lane. The surface adjacent to the stripe shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and spaced at 50 foot intervals or portions thereof, or

(c) Curbs shall be painted and/or surfaces striped as noted above and fire lane signs shall be installed as



follows:

- (i) Reflective in nature.
- (ii) Red letters on white background.
- (iii) Signs shall be spaced at 50 foot intervals or portions thereof apart and posted on or immediately next to the curb.
- (iv) Top of signs shall be not less than 4 feet or more than 6 feet from the ground.
- (v) Signs may be placed on a building when approved by the fire code official.
- (vi) When posts are required they shall be a minimum of 2 inch galvanized steel or 4 inch x 4 inch pressure treated wood. Signs shall be placed so they face the direction of the vehicular travel.

(d) Diagonal yellow striping across the width of the Fire Lane shall be used when required by the fire code official. They shall be used in conjunction with a 6 inch yellow stripe and lettering indicated in item "b." They shall run at a 30 to 60 degree angle and shall be parallel with each other. The stripes shall be a minimum of 6 inches in width and a minimum of 24 inches apart.

(4) IFC Section 503.4, Obstruction of fire apparatus roads, is amended to read as follows:

503.4 Obstruction of fire apparatus roads/fire lanes. Fire apparatus access roads/fire lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

(a) The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and be deemed an immediate hazard to life and property.

(b) No person shall stop, stand, or park a vehicle whether occupied or not within a designated Fire Lane, except; momentarily to pick up or discharge a passenger or passengers provided the driver does not leave the vehicle.

(c) No person shall allow continued violations of this section on private property which they own or manage.

(d) Any vehicle or object obstructing a designated fire lane is hereby declared a traffic and fire hazard and may be immediately impounded pursuant to applicable state law, without prior notification to its owner. Pursuant to state law, the owner may be held responsible for all impound fees.

(e) The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall provide marking as required above and, shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

(f) Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

(g) Parking control officers, as defined in BMC 10.15.120, are authorized to issue notices of traffic infraction for violations of this section in accordance with BMC 10.15.120. Such notices also may be issued by any police officer.

(h) Penalties for infractions of this section shall be in accordance with BMC 10.15.140.

(i) Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense.

15.20.120 Section 506 amended – Key boxes – Where required.

(1) IFC Section 506.1, Where required, is amended by the addition of a second paragraph and exception as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official.

All occupancies equipped with an automatic sprinkler system or fire alarm system shall have a key box mounted in a location approved by the fire code official.

Exception: One and two family dwelling.

15.20.130 Section 507 amended – Fire protection water supplies.

(1) IFC Section ~~507.1~~507.2, Required Type of water supply, is amended by the addition of the following paragraph to read as follows:

~~507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.~~

507.2 Type of water supply. The type of ~~hydrants~~ water supply shall be approved by the building official, fire chief, and the water purveyor. Existing substandard water supply mains and/or hydrant installations, which serve new constructions, shall be upgraded. Fire hydrants and their supplying mains shall be installed to the standard of the water purveyor and shall be dedicated along with repair easements, where needed, to the purveyor. This section shall not apply to conditions existing prior to the effective date of this chapter.

(2) IFC Section 507.3, Fire Flow, is amended to read as follows:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by use of Appendix B.

Exceptions:

1. Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.
2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

(3) IFC Section 507.5.1, Where required, is amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Fire hydrant locations and distribution shall be in accordance with Appendix C.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 350 feet.
2. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system the distance requirement may be modified by the fire code official.

15.20.140 Section 508.1 amended – Fire command center – Penetrations.

(1) IFC Section 508.1, General, is amended by the addition of a new subsection ~~508.1.6~~508.1.2.1, Penetrations, to read as follows:

~~508.1.6~~508.1.2.1 Penetrations. Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for fire department communication and control and electrical raceway serving the fire command center or being controlled from the fire

command center. Such penetrations shall be protected in accordance with Section 714 of the International Building Code.

Exception: Metallic piping with no joints or openings.

15.20.150 Section 602 amended – Building services and systems – Definitions.

(1) IFC Section 602.1, Definitions, is amended by addition of the following:

~~POWER TAP. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.~~

15.20.160 Section 604.2.14-9 amended – Emergency and standby power systems – High rise buildings.

(1) IFC Section 604.2.149, High-rise buildings, is amended to include new subsection ~~602.14.1.4~~604.2.9.1, Penetrations, as follows:

~~604.2.14 High-rise buildings. Standby power, light and emergency systems in high-rise buildings shall comply with the requirements of Sections 604.2.14.1 through 604.2.14.4.~~

~~604.2.14.1.4~~604.2.9.1 Penetrations. Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being controlled by the standby power system. Such penetrations shall be protected in accordance with Section 714 of the International Building Code.

Exception: Metallic piping with no joints or openings where it passes through the standby power system room.

15.20.170 Section 901 amended – Fire protection systems.

(1) IFC section 901.4.3, Fire Areas, is amended to include the a second paragraph as follows:

901.4.3 Fire Area 901.4.3 Fire areas. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers constructed in accordance with Section 707 of the International Building Code or horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10 of the International Building Code.

For the purpose of this section, fire barriers shall not be used to reduce the calculation of floor areas in this chapter for newly constructed buildings with a gross floor area of 5,000 square feet or greater and existing buildings undergoing a modification or change of use with a cumulative work area of 5,000 square feet or greater.

(12) IFC Section 901.4, Installation, is amended by the addition of a new subsection 901.4.7, Additions, change of use, alterations and repairs to buildings, to read as follows:

901.4.7 Additions, change of use, alterations and repairs to buildings. Additions, change of use, alterations and repairs to buildings shall comply with Chapter 34 of the International Existing Building Code.

(2) IFC Section 901.7, ~~Systems out of service~~, is amended to read as follows:

~~901.7 Systems out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.~~

~~Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.~~

15.20.180 Section 903.2 amended – Automatic sprinkler systems – Where required.

(1) IFC Section 903.2, Where required, is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, WAC 51-50-903, and in all new and substantially altered buildings with a gross work area of 5,000 square feet or greater, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with IBC Section 707 Fire Barriers or not less than 2-hour horizontal assemblies constructed in accordance with IBC Section 711 Horizontal Assemblies, or both.

~~For the purposes of this section, fire walls as specified in Section 706 of the International Building Code shall not be used to reduce the calculation of floor areas of this chapter.~~

15.20.190 Section 907 amended – Fire alarm and detection systems.

(1) IFC Section 907.1.3, Equipment, is amended to read as follows:

907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at the approved supervising station.

(2) IFC Section 907.2, System installation, is amended by addition of the following section:

907.2.24 System installation. Fire alarm systems shall be installed and maintained in accordance with this code by persons under the direct supervision of individuals that have factory training and certification on the system being installed. Plans submitted for Fire Alarm System permits shall be prepared under the supervision of individuals possessing a NICET (National Institute for Certification in Engineering Technologies) Level III certification in Fire Alarm Systems; or shall be licensed by the State of Washington as a Professional Fire Protection or Electrical Engineer or certified by the State of Washington. Plans shall identify certification and/or licensing information.

(3) IFC Section 907.8.5, Maintenance, inspection and testing, is amended by addition of a second paragraph to read as follows:

907.8.5 Maintenance, inspection and testing. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

It shall be the responsibility of an owner of the apartment building, upon every change in tenancy of a dwelling unit, to inspect the fire warning system within such dwelling unit to determine if the same is in operating condition. If the same is not in operating condition, the owner shall repair or replace the same and shall not allow occupancy of such dwelling unit until the fire warning system therein is operating properly. During the term of any tenancy of a dwelling unit in an apartment building, it shall be the responsibility of the tenant, and not the owner, to maintain the fire warning system therein in operating condition.

15.20.200 Section 5704.2 amended – Flammable and combustible liquids – Storage.

(1) IFC Section 5704.2.9.6.1, Locations where above-ground tanks are prohibited, is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are regulated. Storage of Class I and II liquids in above-ground tanks outside of buildings is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

(2) IFC Section 5704.2.11.2, Locations, is amended to read as follows:

5704.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank.
2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than 3 feet (914 mm).
3. A minimum distance of 1 foot (305 mm), shell to shell, shall be maintained between underground tanks.
4. Tank location shall be in accordance with the limitations of Chapter 19.40 BMC - "Critical areas."

15.20.210 Section 5706.2.4.4 amended – Special operations – Storage and dispensing of flammable and combustible liquids on farms and construction sites – Locations where above-ground tanks are prohibited.

(1) IFC Section 5706.2.4.4, Locations where above ground tanks are prohibited, is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are regulated. The storage of Class I and II liquids in above-ground tanks is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

15.20.220 Section 5806.2 amended – Flammable cryogenic fluids – Limitations.

(1) IFC Section 5806.2, Limitations, is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

15.20.230 Section 6104.2 amended – Location of LP-gas containers – Maximum capacity within established limits.

(1) IFC Section 6104.2, Maximum capacity within established limits, is amended to read as follows:

6104.2 Maximum capacity within established limits. The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the fire code official after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

~~**15.20.240 Section 4603.7.1 amended – Single and multiple station smoke alarms – Where required.**~~

~~*Repealed by Ord. 583. [Ord. 541 § 8 (Exh. D), 2010]*~~

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion and Potential Action to Adopt Ordinance No. 640, Relating to Shoreline Master Program.		Meeting Date: May 16, 2016
Department: Community Development	Attachments: 1. Ordinance No. 640 (Including Exhibits) 2. Conditional Approval letter from Dept. of Ecology	Fund Source: N/A
Contact: David Johanson, AICP Senior Planner		Activity Cost: N/A
Telephone: (206) 248-5522		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: No	Initiative Description: Shoreline Master Program Limited Amendments	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to take action on Ordinance No. 640, adopting limited amendments to Burien's Shoreline Master Program. The proposed amendments will align the critical area regulations in the Shoreline Master Program with critical area regulations as adopted by the City Council in June of 2015.</p> <p>BACKGROUND (Include prior Council action & discussion): On March 23, 2015, the City Council and Planning Commission participated in a joint study session serving as an introduction to the topic of updating the critical areas section of the zoning code. The presentation by staff and our consultants provided an overview of the Growth Management Act requirements and best available science, as well as a summary of a critical areas and best available science gap analysis completed in 2012. The presentation also mentioned that amendments to the shoreline master program would follow adoption of the updated critical area regulations. The critical area regulations were required to be updated to comply with amendments to the Growth Management Act and to incorporate best available science.</p> <p>On June 15, 2015 following an extensive process involving both the Planning Commission and City Council, Ordinance No. 623 was adopted as amended by the Council. The approved changes to zoning code chapter 19.40 applied the new critical area regulations to all areas outside of shoreline jurisdiction. Shoreline jurisdiction are those areas within 200 feet of Burien's shorelines, those include shoreline associated with Puget Sound and Lake Burien. Following approval of the critical areas Chapter 19.40 an analysis of required amendments to the shoreline master program was conducted and amendments were drafted to apply the same standards to critical areas within shoreline jurisdiction.</p> <p>The Planning Commission conducted a total of three meetings, one being a public hearing and on September 9, 2015 recommended the City Council approve the proposed limited amendments to the Shoreline Master Program.</p> <p>On October 5, 2015, the City Council passed Resolution No. 368 directing staff to submit a package of limited amendments to Burien's Shoreline Master Program (SMP) to the Washington State Department of Ecology for review. Since that time Ecology has reviewed and discussed the proposed changes with staff and on May 2, 2016 the City received conditional approval of the proposed amendments.</p> <p>Proposed Ordinance No. 640 contains the limited amendments as originally proposed by the City of Burien and incorporates two required changes as set forth by Ecology (see Attachment 1). Ecology reviewed Burien's submittal and found that two changes to the original proposal were necessary to comply with the SMP guidelines and to assure that no net loss of shoreline ecological functions will result from implementation of the updated master program (see Attachment 2). Ecology's rationale for the required changes can be found in the attachments to the conditional approval letter. The required Ecology changes are summarized below.</p> <ol style="list-style-type: none"> 1) Exclude BMC 19.40.300.3.C, Category III and IV Wetland Exemptions, from the SMP. This provision effectively applies the wetland regulations of BMC 19.40 to all wetlands, regardless of their size, within shoreline jurisdiction. 2) Modify BMC 19.40.350.2.F.ii, Wetland Buffer Averaging, when buffer averaging is requested within shoreline jurisdiction. The minimum buffer width may be no less than 75% of the standard buffer width. The original minimum buffer width was no less than 50% of the standard buffer width. 		

Ecology also "recommended" two other minor text changes be made for clarity purposes, however staff and Ecology agreed that those changes can be made when the City completes our periodic zoning code updates. The changes would occur in the definitions section of the zoning code Chapter 19.10 and in Chapter 19.40.

If the two required changes are included in the final adopted ordinance Ecology has stated they will grant final approval of the proposed limited amendments to the Shoreline Master Program.

OPTIONS (Including fiscal impacts):

Adopt Ordinance No. 640

Submit an alternative proposal to Ecology for review.

Administrative Recommendation: Place adoption of Ordinance No. 640 on the June 6, 2016 consent agenda.

Committee Recommendation: N/A

Advisory Board Recommendation: Recommended the City Council approve the proposed limited amendments to the Shoreline Master Program.

Suggested Motion: I move to place adoption of Ordinance No. 640 on the June 6, 2016 consent agenda.

Submitted by: David Johanson, AICP, Senior Planner

Administration

DJ.

City Manager

Today's Date: May 11, 2016

File Code: R:\CC\Agenda Bill 2016\051616cd-1 Shoreline Master ProgramAdoption.docx

**CITY OF BURIEN
ORDINANCE NO. 640**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BURIEN, WASHINGTON, APPROVING AMENDMENTS TO THE
BURIEN SHORELINE MASTER PROGRAM.**

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, on June 3, 2013 the City of Burien adopted Ordinance 581 establishing a New Title 20 of the Burien Municipal Code Adopting a Shoreline Master Program and the Accompanying Goals Policies, Environmental Designations, Regulations, Restoration Plan and Cumulative Impacts Analysis; and

WHEREAS, on October 3, 2013 the Washington State Department of Ecology approved the new Shoreline Master Program with an effective date of October 17, 2013; and

WHEREAS, on June 15, 2015 the City of Burien adopted amendments to its critical area regulations to comply with the State Growth Management Act; and

WHEREAS, the Planning Commission held a total of three (3) public meetings including one (1) public hearing soliciting comment on the proposed shoreline master program amendments on the following dates: 8/12/2015, 8/26/2015 and 9/9/2015; and

WHEREAS, the Burien City Council held two (2) public meetings on the proposed amendments to the shoreline master program on the following dates: 9/21/2015 and 10/19/2015; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with RCW 90.58.130; and

WHEREAS, on November 4, 2014 the City's State Environmental Policy Act responsible official conducted SEPA review of the proposed land use Comprehensive Plan and zoning map changes and issued an Environmental Impact Statement Addendum to the 1997 Environmental Impact Statement for the City of Burien Comprehensive Plan.

WHEREAS, on May 6, 2015 the City's State Environmental Policy Act responsible official conducted SEPA review of the amended critical area regulations and issued an Determination of Non-significance; and

WHEREAS, the proposed City of Burien Shoreline Master Program addresses a requirement of WAC 173-26 (Shoreline Master Program Guidelines) that the SMP result in “no net loss” of ecological functions relative to the baseline conditions due to its implementation; and

WHEREAS, on October 5, 2015, the City approved Resolution No. 368 approving the proposed City of Burien Shoreline Master Program and directed City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval; and

WHEREAS, on April 27, 2016, the Department of Ecology completed its review and determined there were required changes in order to comply with Chapter 90.58 RCW, the Shoreline Management Act of 1971, and the Shoreline Master Program Guidelines (WAC 173-26, Part III); and

WHEREAS, the Burien City Council finds that the policies and regulations set forth in Exhibit A are consistent with the Shoreline Management Act and its implementing regulations (WAC 173-26), the Growth Management Act, the City’s Comprehensive Plan, the City’s Zoning Code, and other applicable law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Burien City Council hereby approves the proposed City of Burien Shoreline Master Program as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Severability. Should any section, subsection, 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. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon approval of the proposed City of Burien Shoreline Master Program as set forth in Exhibit A by the Washington State Department of Ecology pursuant to RCW 90.58.090 and WAC 173-26-120.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A
REGULAR MEETING THEREOF THIS ____ DAY OF JUNE 2016.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Soojin Kim, City Attorney

Filed with the City Clerk: April ____, 2016

Passed by the City Council: June ____, 2016

Ordinance No.: 640

Date of Publication: June ____, 2016

Ordinance No. 640
Exhibit A

20.30.025 Critical Areas

Critical areas include the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical saltwater and critical freshwater habitats are also types of critical areas within shoreline jurisdiction.

1. Policies

- a. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
- b. Development standards for density, frontage improvements, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 12-15 and Chapter III Management Policies, pgs. 2-4.)

2. Regulations

- a. BMC 19.40—Critical areas (City of Burien Ordinance ~~394623~~, adopted ~~October 20, 2003~~ June 15, 2015) has been reviewed for consistency with Chapter 90.58 RCW and WAC 173-26 and shall apply to the shoreline jurisdiction with the following exceptions:
 - i. The exemptions and exceptions contained in BMC 19.40.070 ~~(1), (32) & (43)~~ apply only to the critical areas provisions and are not exemptions from substantial development permits. The exceptions contained in BMC 19.40.070 ~~(45)~~ do not apply and are not considered part of the SMP.
 - ii. BMC 19.40.290 ~~(32.B.iii)~~ does not apply and is not considered part of the SMP. For a landslide hazard area buffer of less than twenty-five (25) feet, in addition to the items required in BMC 19.40.120, a shoreline variance shall be required.
 - ~~iii. BMC 19.40.310 (2.H.v) does not apply and is not considered part of the SMP. For a wetland buffer of less than twenty five (25) feet, a shoreline variance shall be required.~~
 - iv.iii. BMC 19.40.410(2.B) does not apply and is not considered part of the SMP. Filling is prohibited in the Aquatic environment per Section 20.30.001 Figure 4.

~~v. The following types of wetlands are not regulated by the SMP:~~

- ~~a. Small wetlands less than 1,000 square feet and hydrologically isolated;~~
- ~~b. Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, or other wetlands.~~

iv. BMC 19.40.300.3.C(Category III & IV Wetland Exemption) does not apply and is not considered part of the SMP.

v. BMC 19.40.350.2.F.ii. is amended as follows: Standard buffer width averaging may be allowed by the Director (in accordance with an approved critical area review) if:
ii. Minimum buffer width is the greater of fifty seventy-five percent (50 75%) of the standard buffer width or twenty-five (25) feet;

~~b. Identification of wetlands and delineation of their boundaries pursuant to this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Burien meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Master Program.~~

~~Wetland rating system. Wetlands for the purposes of the SMP shall be categorized in accordance with the Washington State Wetland Rating System for Western Washington – Revised (Ecology Publication #04-06-025).~~

~~c. Wetland buffers. Wetland buffers for the purposes of this SMP shall be determined based upon Appendix 8 C of “Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands FINAL April 2005 Ecology Publication #05-06-008” based on information provided as part of a critical area study.~~

d.b. Development proposals shall adhere to the applicable submittal requirements (a critical area report specific to the critical area) as specified in the Critical Areas Ordinance regulations adopted as part of this SMP.

e.c. Development shall not intrude into, over, or within 10 feet from *critical saltwater habitats* (e.g., eelgrass) except when an alternative alignment or location is not *feasible* and the development would result in no net loss of *critical saltwater habitat*.

f.d. When this Master Program requires mitigation, the mitigation sequence described in section BMC 20.30.010 [Impact Mitigation] shall be followed.

20.30.050 Dimensional Standards for Shoreline Development

Figure 5 Dimensional Standards for Shoreline Development

	UC	SR-LB	SR-AL	SR-HA
Shoreline Buffer Zone 1 ⁽¹⁾	50 ft	30 ft	30 ft	20 ft
Shoreline Buffer Zone 2 ⁽¹⁾	100 ft	15 ft	15 ft	15 ft
Vegetation Conservation ⁽²⁾	200 ft	150 ft	150 ft	150 ft
Lot Size ⁽³⁾	RS-12,000	RS-7,200 RS-12,000	RS-12,000	RS-12,000
Building Coverage ⁽⁴⁾	30%	35%	35%	35%

UC: Urban Conservancy

SR-LB: Shoreline Residential – Lake Burien

SR-AL: Shoreline Residential – Marine altered

SR-HA: Shoreline Residential – Marine highly altered

(Please refer to Figure 6 for a map detailing the locations of the areas listed above.)

- (1) Consistent with BMC 19.40-critical areas and BMC 20.30.055(1). For single family residential development in the Marine altered and highly altered planning areas, development may occur in the buffers prescribed in this section pursuant to BMC 20.30.095, through the conditional use or variance permit process. Additions or expansions of primary single family residences are not allowed in zone one or two around Lake Burien.
- (2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.
- (3) See BMC 19.15 and BMC 19.17.170 of the zoning code for minimum lot area requirements.
- (4) See BMC 19.15



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341 **City of Burien**

RECEIVED

MAY 02 2016

April 27, 2016

The Honorable Lucy Krakowiak
City of Burien
400 Southwest 152nd Street, Suite 300
Burien, WA 98166

Re: City of Burien Limited Shoreline Master Program Amendment – Conditional Approval

Dear Mayor Krakowiak:

Thank you for submitting to Ecology the city of Burien's (City) limited Shoreline Master Program (SMP) amendment. We have completed our review of the proposal for consistency with the Shoreline Management Act and implementing guidelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are included in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP amendment are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.

Please provide your written response within 30 days to the Director's Office at the following address:



The Honorable Lucy Krakowiak
April 27, 2016
Page 2

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, the Planning Commission and engaged interested parties have put into this amendment.

Thank you again for your efforts. We look forward to concluding the SMP amendment review process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, David Pater at David.Pater@ecy.wa.gov or (425) 649-4253.

Sincerely,

A handwritten signature in blue ink that reads "Maia D. Bellon" followed by a long horizontal flourish.

Maia D. Bellon
Director

Enclosures

By Certified Mail [7012 1010 0003 3028 4352]

cc: David Johanson, City of Burien Community Development
David Pater, Ecology
Erik Stockdale, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED LIMITED AMENDMENT TO THE CITY OF BURIEN
SHORELINE MASTER PROGRAM**

SMP Submittal accepted October 13, 2015, Resolution No. 368.
Prepared by David Pater on April 15, 2016.

*Amendment documents are located on X drive:
SEA/SMP/LocalGov/Burien/limited amendment web docs/Mgt review*

Brief Description of Proposed Amendment:

The City of Burien has submitted to Ecology for approval, a limited amendment to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. This SMP amendment focuses on incorporation of the city's revised critical areas regulations (CAR).

Additional reports and supporting information and analyses noted below are included in the submittal.

FINDINGS OF FACT

Need for amendment. The proposed amendment is needed to incorporate the revised city critical areas regulations (Burien Resolution No.368, adopted October 5, 2015) into the SMP. The City SMP was comprehensively updated and approved by Ecology in 2013. This SMP limited amendment will address consistency with City's 2015 revised critical areas regulations (BMC 19.40).

SMP provisions to be changed by the amendment as proposed: The following sections of the existing City SMP are proposed for change:

- BMC 20.30.025, incorporating City critical areas regulations (BMC 19.40)
- City critical areas regulations (BMC 19.40)

Amendment History, Review Process: The city indicates the proposed SMP amendment originated from a local planning process that began on June 15, 2015. One public meeting was held before the City Council on October 5, 2015. Planning Commission held two public hearing on August 12, and 26, 2015. Affidavits of publication provided by the City indicate notice of the public meetings were published on August 5, 2015, and August 14, 2015, in the Seattle Times.

With passage of Resolution # 368 on October 5, 2015, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on October 13, 2015. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on December 4, 2015, in compliance with the requirements of WAC 173-26-120. The state comment period began on December 11, 2015 and continued through January 12, 2016. No individuals or organizations submitted comments on the proposed amendment.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions).

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Mitigated Determination of Non-Significance (DNS) that was published on September 26, 2014 for the proposed SMP amendment. Ecology did not comment on the MDNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- *Exhibit A Burien Critical Areas Regulations (BMC 19.40)*
- *City of Burien Resolution no. 368.*
- *Resolution no. 368 exhibit A*

Summary of Issues Raised During The Public Review Process:

Burien Public Process:

The City received five comments on the proposed SMP amendment. Three citizens and one community group representative submitted comments. Comments focused on questioning the City’s legal obligation for updating the CAO; mitigation of site development and buffer impacts; new buffer restrictions; and allowed previously permitted activities within CAO buffers.

Ecology 32 day public comment period: No comments received.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

The two required changes effect SMP section 20.30.025, which address SMP integration of the critical area regulations. One change requires protection of small isolated wetlands within shoreline jurisdiction, by excluding the CAR small wetland exemption (BMC 19.40.300.3.C) from the SMP. The second change limits shoreline buffer reduction to 75 percent of a total buffer width.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s proposed SMP limited amendment, is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP amendment, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3) (a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendment updating the Burien SMP, is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

Attachment B: The following changes are required to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE
1.	20.30.025 Critical Areas 2. a. iv. (Regulations)	20.30.025 Critical Areas Isolated Category III & IV Wetlands.	<u>vi. BMC 19.40.300-3.C(Category III & IV Wetland Exemption) does not apply and is not considered part of the SMP.</u>	<p>WAC 173-26-221 (2) (i) (B) requires local governments to use the applicable Washington state rating system. The current rating system (Washington State Wetland Rating System for Western Washington, Department of Ecology publication number 14-06-029.) includes Small hydrologically isolated wetlands.</p> <p>This change also increases consistency with WAC 173-26-201(2) (c) (protection of ecological functions of the shoreline). Therefore, the identified change is necessary to assure consistency with SMP-Guidelines requirements at WAC 173-26-186 (8) (b) and WAC 173-26-221 related to designing SMP provisions to achieve no net loss of shoreline ecological functions and consistency with wetland development standards.</p> <p>Excluding the small wetland CAO exemption in shoreline jurisdiction will also be more consistent with state and federal permitting standards, as these wetlands are all regulated by Ecology.</p>
2.	20.30.025 Critical Areas 2. Regulations	20.30.025 Critical Areas 2. Regulations Streams – Development Standards	<p>20.35.025.a.iv (<i>new subsection</i>) BMC 19.40.350.2.F.ii. <u>is amended as follows:</u> Standard buffer width averaging may be allowed by the Director (in accordance with an approved critical area review) if:</p> <p>ii. Minimum buffer width is the greater of forty <u>seventy-five</u> percent (50 75%) of the standard buffer width or twenty-five (25) feet;</p>	<p>Outright buffer reduction will not protect critical area functions and we recommend that reductions in the standard buffer width be limited to no more than 25% and only when used with buffer averaging. Critical areas best available science shows that significant buffer degradation occurs when buffer reduction exceeds 25%.</p> <p>Limited buffer reductions to 25% also increases consistency with the general provisions for achieving no net loss of shoreline ecological functions (WAC 173-26-</p>

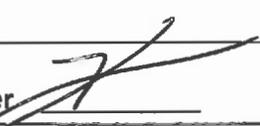
ATTACHMENT B - DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO BURIEN PROPOSED SMP AMENDMENT (10/5/2015, RESOLUTION No. 368)

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE
				186 (8) (b), and WAC 173-26-201(2) (c) (protection of ecological functions of the shoreline).

Attachment C: The following changes are recommended to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE
1.	20.30.025 Critical Areas 2. Regulations	Definitions Wetland edge	CAR § 19.10.595 The boundary of a wetland as delineated based on the methods outlined in Washington State Wetland Identification and Delineation Manual <u>the approved federal wetland delineation manual and applicable regional supplements.</u> [Ord. 623 § 1, 2015; Ord. 394 § 1, 2003]	The recommended change <u>improves</u> consistency with the current delineation manual regulations (WAC 173-22-035) and internal consistency with Burien Municipal Code (BMC) wetland definitions (see delineation standard under Wetland).
2.	20.30.025 Critical Areas 2. Regulations	Alterations to Stream Buffers	CAR § 19.40.360.2 E. The following surface water management activities and facilities may be allowed in Type 3 Np and Type 4 Ns <i>stream buffers</i> only as follows: ii. A Type 3 Np or Type 4 Ns stream or stream buffer may be used for a regional retention/detention facility if:	The recommended change clarifies that this exceptions was intended to <u>apply</u> to retention/detention facilities located in stream buffers rather than directly within a stream.

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Resolution Regarding Sea-Tac Airport Operations and Impacts		Meeting Date: May 16, 2016
Department: City Manager	Attachments: <ul style="list-style-type: none"> Draft Resolution prepared by Councilmembers Wagner and Tosta 	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Kamuron Gurol, City Manager		
Telephone: (206) 248-5503		
Adopted Initiative: Yes No <input checked="" type="checkbox"/>	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss the attached draft resolution.		
BACKGROUND (Include prior Council action & discussion): On May 18, 2015 the Council added an item to the Future Agenda Items list entitled "Discussion on Potential Letter to the State and Port of Seattle with copy to PSRC Regarding Aircraft Emissions and Health Effects." Late in 2015, the Council deferred action on the letter pending further steps the city and Port of Seattle were taking regarding the Sound Transit 3 package of transportation improvements. On April 4, 2016 staff were directed to schedule a discussion of a resolution regarding the Sustainable Airport Master Plan (SAMP) for May 16, 2016. On April 9, 2016, Councilmembers Wagner and Tosta provided the attached resolution for the Council's review.		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Discuss the draft resolution and schedule for action, or provide direction to staff.		
Advisory Board Recommendation: N/A		
Suggested Motion: N/A		
Submitted by: Administration _____		City Manager 
Today's Date: May 12, 2016		File Code: R:CC:Agenda Bill 2016: 051616cm- SAMP resolution

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 375

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, REQUESTING SUPPORT AND INVESTMENT FOR BURIEN FROM THE PORT OF SEATTLE FOR ENVIRONMENT, HEALTH, AND ECONOMIC IMPACTS CAUSED BY AIRPORT OPERATIONS

WHEREAS SeaTac Airport is essential to the economic growth of the Puget Sound Region and State of WA and many communities have experienced economic growth because of SeaTac operations, but economic growth in Burien has not kept up with other cities

WHEREAS SeaTac Airport has seen tremendous passenger growth in 2015 (plans called for 19 million passengers, while actual passengers totaled 42 million)

WHEREAS the SeaTac Airport Sustainable Airport Master Plan (SAMP) predicts a doubling of passengers and a 30% increase in cargo by 2034

WHEREAS passengers and cargo accessing SeaTac Airport cause significant congestion on roadways essential to commuters residing in communities adjacent to the airport

WHEREAS airplanes using SeaTac Airport have significant impacts on the environment, as generators of greenhouse gas emissions (SeaTac cumulatively is the largest single facility producing GHGs in King County) known to contribute to climate warming and emitters of fine particulate matter and air toxics, known to cause health impacts in adjacent communities

WHEREAS increases in the number of flights and flight path patterns continue to generate significant noise impacts over many neighborhoods in adjacent communities, decreasing property values and cumulatively, with emissions, impacting health of residents, many of whom are low income and ethnic minorities

WHEREAS decreased property values result in lower operating budgets for the City of Burien

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City of Burien, WA requests assistance and investments from the Port of Seattle as follows for the impacts that current airport operations have caused and future airport expansion is likely to exacerbate:

- Increased monitoring and publishing of collected data to track and document trends in noise, ultra-fine/fine particulate matter, greenhouse gases, and air toxics within the City of Burien,

- Thorough investigation that satisfies environmental justice requirements of the cumulative, disproportionate health impacts affecting Burien residents,
- Increased noise mitigation funding to ensure residents and businesses are not impacted by airport noise within their homes/businesses,
- Modification of flight path patterns (location and timing) to ensure minimal noise impacts on adjacent communities,
- Requirements for airline companies to meet the highest standards for emissions of all types before they are granted landing rights at SeaTac Airport,
- Economic investments in Burien such as incentives for new businesses, development of a hotel/ performing arts facility, or other investments to support Burien employers and employees to generate enhanced revenue for City of Burien operations to offset losses due to decreased property values,
- Active pursuit of transportation alternatives such as high-speed rail for short haul flights and additional airport locations as options to SeaTac expansion.

Section 3. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2016.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Soojin Kim, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 375

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Review of Council Proposed Agenda Schedule		Meeting Date: May 16, 2016
Department: City Manager	Attachments: Proposed Agenda Schedule	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Initiative: Yes No X	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
BACKGROUND (Include prior Council action & discussion): Per the City Council Meeting Guidelines, the proposed meeting schedule is reviewed at each meeting.		
OPTIONS (Including fiscal impacts): 1. Review the schedule and add, delete, or move items. 2. Review the schedule and make no modifications.		
Administrative Recommendation: Review the schedule and provide direction to staff.		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Administration 		City Manager 
Today's Date: May 9, 2016		File Code: R:/CC/Agenda Bills 2016/051616cm-1 Rev Agenda Schedule

**CITY OF BURIEN
COUNCIL PROPOSED AGENDA SCHEDULE
2016**

May 23, 7 pm Study Session

- Discussion on Animal Control Service Level and Standards.
(Legal/City Manager – Rescheduled from 5/2/16)
- Discussion on Downtown Mobility Study.
(City Manager – Council direction on 4/4/16)
- Update on City of Seattle Annexation of Area Y (Unincorporated King County).
(City Manager)
- Review of Council Proposed Agenda Schedule.
(City Manager)

SUMMER SCHEDULE (JUN – AUG)

June 6, 7 pm Regular Meeting

6:30 pm – 7:00 pm – Reception Honoring Citizen of the Year

Consent Agenda

- Motion to Adopt Ordinance No. 640, Relating to Shoreline Master Program.**
(Community Development)

Business Agenda

- Public Hearing and Discussion on the 2017 through 2022 Six-Year Transportation Improvement Program (TIP).
(Public Works)
- Motion to Adopt Proposed Ordinance No. xxx, Approving the Final Plat of Boulevard Landing Subdivision.
(Community Development – Rescheduled from 5/2/16)
- Motion to Adopt 2015 International Codes, Burien Building and Property Maintenance, and 2014 National Electrical Code.
(Community Development)
- Discussion on Granting a Right-of-Way Franchise Agreement to Astound Broadband Franchise.
(Public Works)
- Discussion on the Strategic Plan.**
(City Manager – Rescheduled from 5/23/16)
- Discussion and Potential Motion to Adopt Ordinance No. 639, Providing for the Issuance of Limited Tax General Obligation Refunding Bonds.
(Finance)
- Review of Council Proposed Agenda Schedule.
(City Manager)

June 20, 7 pm Regular Meeting

Presentations

- Presentation on Stormwater Inspection Technology.
(Public Works)

Business Agenda

- Presentation of the Six-Year Financial Forecast.
(Finance)
- Potential Action on the Strategic Plan.**
(City Manager – Rescheduled from 6/6/16)
- Motion to Approve Resolution No. 374, Adopting the 2017 through 2022 Six-Year Transportation Improvement Program (TIP).
(Public Works)
- Motion to Adopt Ordinance No. 639, Providing for the Issuance of Limited Tax General Obligation Refunding Bonds.
(Finance)
- Motion to Adopt Ordinance No. 642, Granting a Right-of-Way Franchise Agreement to Astound Broadband.
(Public Works)

June 20 cont'd.

- Introduction and Discussion for Highline School District Impact Fee.
(Community Development)
- Discussion on Multifamily Tax Exemption for Town Square Parcel 4.
(Community Development - Staff on 12/29/15)
- Discussion on Multifamily Tax Exemption for Town Square Parcel 5.
(Community Development - Staff on 12/29/15)
- Review of Council Proposed Agenda Schedule.
(City Manager)

July 4, Regular Meeting CANCELED – 4th of July Holiday

July 18, 7 pm Regular Meeting

Business Agenda

- Update on the Highline School District's Capital Plan and Levy. (Tentative)**
(City Manager)
- Motion to Adopt Multifamily Tax Exemption for Town Square Parcel 4.
(Community Development - Staff on 12/29/15)
- Motion to Adopt Multifamily Tax Exemption for Town Square Parcel 5.
(Community Development - Staff on 12/29/15)
- Discussion and Potential Action on Ordinance No. xxx, Adopting Highline School District School Impact Fee.
(Community Development)
- Discussion and Potential Action Authorizing the Establishment of a Community Heroism Award Program.**
(City Manager)
- Review of Council Proposed Agenda Schedule.
(City Manager)

August 1, 7 pm Regular Meeting

Presentation by the Environmental Science Center.

- (City Manager – Rescheduled from 6/6/16)*
- Discussion on Amendments to BMC Regarding Airport Noise Reduction.
(Community Development - Rescheduled from 5/16/16)
- Discussion on Mandatory Garbage Services and Plastic Bag Ban.
(Public Works – Rescheduled from 5/23/16)
- Review of Council Proposed Agenda Schedule.
(City Manager)

August, 15, 7 pm Regular Meeting

- Presentation on the Financial Policies and General Budget Discussion.
(Finance)
- First Public Hearing on the Revenue Sources/Expenditures.
(Finance)
- Motion on Amendments to BMC Regarding Airport Noise Reduction.
(Community Development - Rescheduled from 6/6/16)
- Review of Council Proposed Agenda Schedule.
(City Manager)

September 5, Regular Meeting CANCELED – Labor Day Holiday

September 19, 7 pm Regular Meeting

Presentation on the Preliminary Operating Budget.

(Finance)

Discussion on the Property Tax Levy.

(Finance)

Discussion on Proposed Surface Water Management (SWM) Rates.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

September 26, 7 pm Study Session

Review of Council Proposed Agenda Schedule.

(City Manager)

October 3, 7 pm Regular Meeting

Presentation on Human Services Funding.

(Finance)

Presentation on the Preliminary Capital Improvement Program (CIP) Budget.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

October 17, 7 pm Regular Meeting

Second Public Hearing on Revenue Sources/Expenditures.

(Finance)

Discussion on the Preliminary Operating and Capital Improvement Program (CIP) Budget

Follow-Up.

(Finance)

Discussion on the Financial Policies.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

October 24, 7 pm Study Session

Discussion on the Preliminary Operating and Capital Improvement Program (CIP) Budget

Follow-Up.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 7, 7 pm Regular Meeting

Discussion on the 2017-2018 Budget Ordinance.

(Finance)

Discussion on the Property Tax Levy.

(Finance)

Discussion on the Proposed Surface Water Management (SWM) Rates.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 21, 7 pm Regular Meeting

Motion to Adopt Ordinance No. xxx, Setting the 2017 Property Tax Levy.

(Finance)

Motion to Adopt the Financial Policies.

(Finance)

Motion to Approve Ordinance No. xxx, Adopting the 2017-2018 Biennial Budget.

(Finance)

Motion to Approve Ordinance No. xxx, Adopting the Surface Water Management (SWM) Rates.

(Finance)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 28, 7 pm Study Session

Review of Council Proposed Agenda Schedule.
(City Manager)

December 5, 7 pm Regular Meeting

Review of Council Proposed Agenda Schedule.
(City Manager)

December 19, 7 pm Regular Meeting

Review of Council Proposed Agenda Schedule.
(City Manager)

December 26, Study Session CANCELLED – Christmas Holiday

FUTURE AGENDA ITEMS (Identified by Council)

Medium Priorities (1/24 Council Retreat)

- a. Discussion on Managing Community Assets (White Center Library & Downtown Fire Station)
(Council direction on 7/25/15)

Low Priorities (1/24 Council Retreat)

- b. Discussion on Wi-Fi Service in Common Areas (Council direction on 9/15/14)
- c. Discussion on Establishing Multiple Rates Within the Business and Occupation (B&O) Tax According to Different Sizes or Types of Businesses (Council direction on 11/17/14)

2016 FUTURE AGENDA ITEMS (identified by Staff)

- a. Significant Tree Protection Ordinance revisions (Staff on 11/25/15)
- b. BMC Revisions Regarding Right-of-Way (Staff on 10/14/14)
- c. Public Works Fee Schedule Modifications (Staff on 1/9/15)
- d. Establishing Development Fee Implementation Dates (Staff on 1/9/15)
- e. Downtown Center Planning Effort (Consolidation of Downtown Vision, Policies and Actions with Outside Planning Assistance, incorporating issues such as Hotel/Entertainment/Arts District, Parking, Traffic Flow and Street Network, Pedestrian Way Finding, Sidewalk Art and Park Space with Participation by all City Departments, Downtown focused Organizations and Businesses)
(Staff on 1/9/15)
- f. Valley View Sewer Easement (Staff on 9/15/15)
- g. Discussion on and Potential Action on Adopting Permit Technology Fees (Staff on 3/8/16)
- h. Discussion on Business License Code Update (Staff on 3/8/16)
- i. Discussion on City Council Meeting Guidelines (Staff on 4/21/16)

2017 FUTURE AGENDA ITEMS (identified by Staff)

- a. 2016 Title 17 Subdivision Code Major Revision (Staff on 1/9/15 – Rescheduled from 2016)
- b. Uninhabitable Buildings (Staff on 8/18/15 – Rescheduled from 2016)
- c. Discussion Regarding Utility Franchises (Staff on 11/23/15 – Rescheduled from 2016)
- d. Discussion Regarding Permit Tracking System Modification/Replacement (Staff on 1/9/15 – Rescheduled from 2016)
- e. Discussion on and Potential Action on Adopting a Credit Card Convenience Fee (Staff on 1/19/16 – Rescheduled from 2016)
- f. Sign Code Update (Staff on 3/22/16)



Burien

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Kamuron Gurol, City Manager
DATE: May 16, 2016
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Drop-In Ping-Pong Draws New Participants to Burien Community Center

Since the launch of a new Drop-In Ping-Pong program at the Burien Community Center last fall, interest has been so high that a second table was purchased to meet the demand. In particular, men have been drawn to this high-energy class, increasing male participation at the community Center, which typically attracts mainly women. Table tennis (Ping-pong) is accurately described as "high-speed chess" with many health benefits, including improving mental alertness, concentration, and increasing core strength without overtaxing one's joints.

B. Volunteers for 1st Quarter 2016

Burien Parks, Recreation & Cultural Services (PaRCS) had 74 individuals volunteering in various capacities during the months of January, February, and March. The volunteers helped with special events, senior services, senior trips, drop-in programs, Adopt-a-Park events, and a multitude of programs at the Moshier Arts Center. Volunteer hours totaled 545.75 hours during this time.

C. City Supports Arts Education in Burien's Elementary Schools

Since 2002, PaRCS has partnered with "Arts Corps", which is the largest non-profit arts educator in the Seattle area. Artist residencies have been scheduled in every Burien elementary school over the years, primarily in the visual arts. During this school year, PaRCS has been co-funding programs at Shorewood, Hilltop, and Seahurst Schools. This is the first year the City has worked with Shorewood School, and one of the classroom teachers recently remarked "the lessons are well planned and relevant to our unit of study. The Arts Corps teacher interacts with our students beautifully. The time she spends with our students has proved to be the highlight of the week. Thank you so much for allowing her to work with us!"

D. Highline School District (HSD) New Start High School Building & Community Renovation

Highline School District, with nomination submittal assistance from community volunteers and City of Burien PaRCS staff, have been selected for a 2016 NAIOP Community Enhancement Sponsorship. Each year, as a demonstration of their commitment to philanthropy and their community, NAIOP Washington State partners with a deserving non-profit or government organization in the Pacific Northwest for a day of community service that provides needed upgrades and maintenance to a selected project site. Typical annual attendance ranges from 350-400 volunteers and includes participants from more than 100 companies.

Scheduled for September 2016, the Community Enhancement project will include renovation and upgrades to the HSD New Start High School campus. Improvements will include 1) repairs to the exterior and interior of the school buildings, 2) the transformation of the "east" field area into a school garden area, a community P-patch, picnic space, and outdoor classroom and a storage shed, and 3) renovations of the "north" field to improve drainage, increase the usability of the field for youth sports, remove old play equipment and cover a sports court, and seal coat the asphalt surfaces.

E. King Conservation District (KCD) Funding (Page 235)

Each year the KCD provides an overview and available funding to its Member Jurisdictions, which highlights past projects for which these funds have been utilized and shows the balance of existing funds available to the jurisdiction. Historically, these funds have been utilized for parks projects, primarily for project monitoring at Seahurst, trail improvements, and vegetation management. Currently, the PaRCS department has Seahurst post-construction monitoring projects slated over the next several years, in addition to required post grant supported Department of Natural Resources Urban Forestry vegetation management work intended to utilize much of these funds. The criteria for use of these funds are described below, taken from the program's policy manual.

Natural Resource Improvement Actions

- Education and Outreach – to raise awareness, deepen knowledge, and change behaviors.
- Capacity Building – to enhance the ability of organizations, agencies, residents, landowners and other land managers to implement best management practices and deliver natural resource management actions on the ground.

- Pilot and Demonstration Projects – to test and/or improve concepts and/or approaches in natural resource management that can be replicated by others.
- Direct Improvement of Natural Resource Conditions – to improve landscape and natural resource conditions as a result of direct action.

F. Staff Collaborate to Improve Stormwater Inspection Process

BurienGIS supported the Public Works Stormwater division in becoming more innovative by using mobile technology to improve conventional practices for stormwater inspections. As approved in the 2015-16 mid-biennial budget amendment, the City assumed the role of inspecting private stormwater systems, requiring staff to work and communicate effectively with property owners throughout the process. Even though there were limitations and challenges in the technology the City uses to manage these assets, staff creatively worked to adapt the technology to automate both the inspection and property owner communication processes. This automation also greatly reduced the amount of paper records that were archived. In other words, it's faster, cheaper and more efficient!

As approved by the City Council earlier in the year, BurienGIS is participating in a collaborative effort with King County and other federal and local jurisdictions to obtain new aerial photography. The project area spans almost 4,000 square miles and includes all of King and portions of Kitsap, Pierce and Snohomish counties. Staff has been reviewing the photography and providing feedback to King County's project manager. Staff expects a final product to be delivered sometime in July. These consortiums allow participating organizations to share costs on projects that would likely be cost-prohibitive if done individually. The City obtained its past aerial photography through a similar regional effort in 2012.

G. Normandy Park/Burien Spring 2016 Recycling Collection Event

This year, 578 (compared to 432 in 2015) carloads of recyclable material arrived. The total amount of material collected was 90,641 pounds, or 45.3 tons; the total averages out to 157 pounds of material per vehicle. The event also included a compost bin, worm bin, and rain barrel sale for distribution of these items to Normandy Park and Burien residents.

Recycled items included 14,980 pounds of electronics; 12,350 pounds of shredded paper that were shredded on-site by Confidential Data Disposal; 36 cubic yards of Styrofoam (30 more than last year); 38,500 pounds of bulky and scrap wood; 13 mattresses and box springs, which will be processed for recycling by Uptekk Recycling; 18 propane tanks; 5,550 pounds of reusable household goods collected by Northwest Center for resale through their retail outlets with the proceeds going to charity programs; 210 gallons of used motor oil and petroleum based products; 50 gallons of used antifreeze; 42 used oil filters; 89 used tires (compared to 186 last

year) that will be re-used if in good condition and, if not, chipped and made into such products as garden hoses, playground mats, road bedding, and burned as fuel; 18 lead acid batteries; 7,480 alkaline batteries; 18 toilets and sinks; and 8,400 pounds of cardboard.

All items collected will be responsibly recycled, thus keeping them out of our landfills.

H. 1st Quarter 2016 Financial Report (Page 237)

The 1st Quarter Financial Report for the Operating Budget does not typically have a lot of activity as most of the City's cash receipts and accounts payable during that timeframe are for the previous year. The numbers included in the 2015 year-end column are unaudited.

The report is comprised of four components:

1. A comparison of the operating funds for 1st Quarters 2015 and 2016.
2. The financial status of the 2016 budgeted capital improvement projects.
3. Contracts over \$25,000 signed by the City Manager during the quarter.
4. A copy of the budgeted transfers.

The following narrative explains some variances in Item 1, 2016 1st Quarter Financial Report for the Operating Funds:

Revenue: First Quarter 2016 General Fund revenue reflects the City's increased construction activity, particularly in Sales Tax and Permits. The increase in B&O Tax is due to the rate increase adopted by Council effective January 1, 2016. The increase in Real Estate Excise Tax in the Public Works Reserve Fund reflects the sale of The Heights apartment complex.

Expenditures: The only items of note are on page 2, in the General Fund.

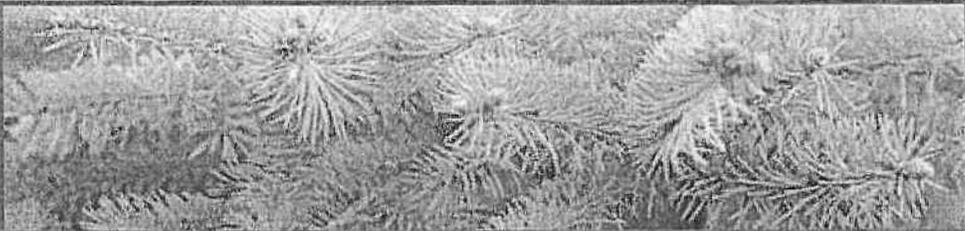
Expenditures by Department: The City Council's expenditures are higher than this time last year due to the payment of the dues for Puget Sound Regional Council. PSRC bills on a fiscal year and the 2015 dues were paid at the end of 2014. The 2016 Economic Development expenditures reflect the addition of new staff hired late in the 1st Quarter of 2015 and professional services to implement the economic development priorities. Regarding the lack of substantial Police expenditures, it takes a few months for King County to finalize the City's contract and issue the first invoice so no expenditures are reflected for the Police contract in the 1st quarter.

Expenditures by Line Item: The increase in Salaries and Benefits is reflective of vacancies in early 2015.

II. COUNCIL UPDATES/REPORTS

A. Citizen Action Report (CAR) (Page 247)

Staff has provided Council with the attached April Citizen Action Report.



KING CONSERVATION DISTRICT FUNDING INVESTED IN THE CITY OF BURIEN

GRANT AWARDS—King Conservation District awards grants to local governments, nonprofit organizations, tribes, and other agencies to improve natural resources and increase regional conservation. District funds for projects listed below were collected from an annual, per-parcel assessment or rate and charge for projects in partnership with Member Jurisdictions and/or the three watershed forums. These monies support high-impact projects in both urban and rural areas and are often matched with funding from state, federal, and other sources. For more information on these projects or about the grant programs, please contact Jessica Saavedra at 425-282-1906 or e-mail Jessica.Saavedra@kingcd.org. Visit our website at www.kingcd.org and find us on Facebook.

SERVICES—In addition to the conservation services and cost share awards listed below, the District also provides services to cities and residents in the areas of shoreline restoration, urban agriculture and urban forestry. Future publication of this document will include more information about these services.

King Conservation District Funded Member Jurisdiction Grants in the City of Burien

- 2005, Eagle Landing Park Interpretation and Reforestation, \$30,000
- 2007, Seahurst Nearshore Revegetation Project, \$30,000
- 2009, Eagle Landing/Salmon Creek Vegetative Management Plan, \$15,000
- 2010, Earth Corps, Burien Parks Vegetation Management and Trail Restoration, \$23,037.24
- 2012, Seahurst Park Trail Restoration, \$4,200
- 2013, Earth Corps, Eagle Land Park Restoration, \$37,103.90
- 2013, Earth Corps, Eagle Landing Park Trail Restoration and Development, \$11,731.44
- 2014, Earth Corps, Eagle Landing Park Watershed Erosion Control, \$6,163.63
- 2015, University of Washington, Seahurst Park Benthic Invertebrate Monitoring, \$35,932



Trees free of ivy as a result of Earth Corps work to cut survival rings around trees at Eagle Landing Park

King Conservation District Assessment Funded WRIA 9 Grants in the City of Burien



- 2004, Enhanced Monitoring Seahurst Park Nearshore Restoration, \$30,000
- 2006, Seahurst Nearshore Post-Construction Benthic Monitoring, \$18,030
- 2005, Walker Creek Headwaters/Hoffman Property Acquisition, \$60,000
- 2005, Eagle Landing Park Interpretation and Reforestation, \$100,000
- 2007, Seahurst Nearshore Post-Bulkhead Removal Monitoring, \$93,656.00
- 2007, Seahurst Park North Shoreline Restoration, Schematic Design, \$150,000
- 2010, Seahurst North Shore Restoration, \$510,000

Conservation Services

The District provides services to landowners, cities and other organizations. Examples of District-contracted services includes project management and design, engineering, native bare root plants, and fresh water and marine riparian and wetland enhancement projects. For more information about conservation services, please contact Brandy Reed by at 425-282-1924 or Brandy.Reed@kingcd.org.

- Conservation services have not been provided in this area

Landowner Incentive Program (LIP) Cost-Share Awards

The District supports conservation practices on private property by providing financial support to landowners who purchase and install mechanisms that promote conservation. Landowner expenses associated with pre-approved conservation practices are matched with LIP cost-share funding at a ratio of 50 to 90 percent of the total cost of projects. For more information please visit our web page at www.kingcd.org/programs-landowner-incentive.htm or contact Rachel Konrady at 425-282-1907 or Rachel.Konrady@kingcd.org.

- Cost-share has not been awarded to landowners in this area

Summary of King Conservation District – City of Burien Member Jurisdiction Funding Available for Grants or Services

1994-2014 Assessment and Rates and Charges Collections	\$305,213.50
2015 Rates and Charges Collections	\$26,922.29
Total Collections	\$332,135.79
Total Utilized to Date (see list of grants and/or services above)	\$191,594.26
Amount Available Today to Utilize for Grants or Services as of 5/4/16	\$140,541.53
Estimated 2016 Rates and Charges Collections	\$26,922.29
Estimated Total Amount Available to Utilize for Grants or Services (including estimated 2016 collections, subject to change)	\$167,463.82
Under-Utilized Funding Collected 5 or more years ago (2010-11)	\$33,401.39

**City of Burien
2016 1st Quarter Financial Report**

	2016			2015			2015 Year End Actual Unaudited
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	
GENERAL FUND							
Revenues							
Beginning Fund Balance	\$ 11,533,275	\$ -	0.00%	\$ 10,812,915	\$ -	0.00%	10,812,916
Property Tax	6,764,000	371,064	5.49%	6,652,000	316,843	4.76%	6,655,337
Sales Tax	5,920,000	491,647	8.30%	5,800,000	420,716	7.25%	5,999,642
Sales Tax - Annexation Credit	705,000	58,281	8.27%	690,000	49,469	7.17%	710,867
Sales Tax - Local Criminal Justice	1,275,000	94,663	7.42%	1,250,000	89,093	7.13%	1,254,964
Business and Occupation Tax	1,010,000	238,349	23.60%	1,010,000	129,062	12.78%	1,084,849
Utility Taxes	2,630,000	466,535	17.74%	2,600,000	478,762	18.41%	2,600,721
Gambling and Other Taxes	440,000	1,000	0.23%	440,000	1,239	0.28%	512,336
Total Taxes	18,744,000	1,721,539	9.18%	18,442,000	1,485,183	8.05%	18,818,716
Miscellaneous Licenses and Permits	85,000	2,495	2.94%	85,000	3,030	3.56%	70,500
Franchise Fees	640,000	-	0.00%	630,000	-	0.00%	660,505
Permits - Building Related	360,000	176,462	49.02%	635,000	120,546	18.98%	817,859
Permits - Electrical	115,000	56,327	48.98%	115,000	27,378	23.81%	132,873
Permits - Right of Way	125,000	23,238	18.59%	125,000	21,600	17.28%	123,378
Total Licenses and Permits	1,325,000	258,522	19.51%	1,590,000	172,555	10.85%	1,805,115
Federal Grants	20,000	2,726	13.63%	31,000	(5,539)	-17.87%	38,000
State Grants	-	-	0.00%	-	-	0.00%	-
State - Criminal Justice	210,000	-	0.00%	210,000	-	0.00%	194,070
Liquor Tax and Profit	635,000	105,369	16.59%	530,000	105,703	19.94%	581,752
Intergovernmental Revenues	163,300	9,563	5.86%	140,000	6,000	4.29%	158,810
Intergovernmental - Seattle City Light	880,000	209,185	23.77%	855,000	178,650	20.89%	890,257
Total Intergovernmental Revenues	1,908,300	326,843	17.13%	1,766,000	284,814	16.13%	1,862,889
Planning Fees	210,000	46,075	21.94%	210,000	31,767	15.13%	152,960
Building Plan Review Fees	260,000	64,904	24.96%	260,000	42,240	16.25%	436,263
Other Miscellaneous Charges	15,000	7,309	48.73%	15,000	6,033	40.22%	28,598
Parks and Recreation Charges	574,000	147,264	25.66%	571,000	148,038	25.93%	577,087
Total Charges for Goods and Services	1,059,000	265,552	25.08%	1,056,000	228,077	21.60%	1,194,908
Fines and Penalties	200,000	42,506	21.25%	200,000	56,616	28.31%	208,765
Facility Leases	173,000	53,033	30.65%	173,000	52,213	30.18%	227,153
Miscellaneous Revenues	100,000	32,228	32.23%	75,000	7,335	9.78%	89,487
Total Revenues	\$ 23,509,300	\$ 2,700,223	11.49%	\$ 23,302,000	\$ 2,286,792	9.81%	\$ 24,207,033
Transfers In	173,000	-	0.00%	173,000	-	0.00%	173,000
Other Financing Sources	-	-	0.00%	-	-	0.00%	-
Total Revenues, Transfers In, and Other Financing Sources	\$ 23,682,300	\$ 2,700,223	11.40%	\$ 23,475,000	\$ 2,286,792	9.74%	\$ 24,380,033
TOTAL ALL RESOURCES	\$ 35,215,575	\$ 2,700,223	7.67%	\$ 34,287,915	\$ 2,286,792	6.67%	\$ 35,192,949

**City of Burien
2016 1st Quarter Financial Report**

	2016			2015			2015
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	Year End Actual Unaudited
GENERAL FUND							
Expenditures by Department							
City Council	\$ 258,895	\$ 135,422	52.31%	\$ 256,940	\$ 116,592	45.38%	\$ 220,002
City Manager	708,470	95,760	13.52%	528,840	78,723	14.89%	430,398
Economic Development	1,210,505	176,736	14.60%	783,455	81,644	10.42%	572,493
Administrative Services	689,430	123,789	17.96%	629,140	103,837	16.50%	556,479
Finance	3,105,090	614,019	19.77%	2,990,490	600,280	20.07%	2,710,879
Legal	1,214,265	377,494	31.09%	1,237,430	359,546	29.06%	1,080,796
Police	11,304,000	17,035	0.15%	10,728,500	17,829	0.17%	10,636,389
Public Works	723,000	153,772	21.27%	687,480	130,166	18.93%	567,192
Community Development	1,578,580	271,805	17.22%	1,440,335	257,025	17.84%	1,315,582
Parks, Recreation, and Cultural Services	3,185,135	434,500	13.64%	3,062,030	409,410	13.37%	2,997,504
Total Expenditures	\$ 23,977,370	\$ 2,400,332	10.01%	\$ 22,344,640	\$ 2,155,051	9.64%	\$ 21,087,714
Transfers Out	415,000	-	0.00%	410,000	-	0.00%	210,000
Total Expenditures and Transfers	\$ 24,392,370	\$ 2,400,332	9.84%	\$ 22,754,640	\$ 2,155,051	9.47%	\$ 21,297,714
Expenditures by Line Item							
Salaries	\$ 4,314,215	\$ 827,284	19.18%	\$ 4,223,505	\$ 777,597	18.41%	\$ 3,935,248
Personnel Benefits	1,598,645	296,845	18.57%	1,520,610	264,942	17.42%	1,386,853
Total Salaries and Benefits	5,912,860	1,124,129	19.01%	5,744,115	1,042,538	18.15%	5,322,101
Supplies	219,590	37,890	17.25%	203,310	24,195	11.90%	227,427
Professional Services	4,070,180	515,587	12.67%	3,371,610	494,140	14.66%	2,759,346
Communications	91,150	23,617	25.91%	85,850	21,548	25.10%	77,958
Travel, Meals, and Mileage	27,950	289	1.03%	26,350	87	0.33%	11,440
Advertising	21,150	3,160	14.94%	17,650	3,237	18.34%	15,501
Operating Rents and Leases	87,100	16,041	18.42%	84,600	9,229	10.91%	77,130
Insurance	230,435	230,408	99.99%	220,150	216,880	98.51%	216,880
Utility Services	203,750	36,032	17.68%	215,750	17,448	8.09%	239,555
Repairs and Maintenance	151,000	16,371	10.84%	139,000	3,807	2.74%	128,515
Dues and Memberships	140,845	118,089	83.84%	138,895	98,030	70.58%	110,110
Printing, Binding, and Copying	21,150	3,131	14.80%	23,150	2,526	10.91%	14,620
Registrations and Training	39,260	6,826	17.39%	33,760	9,931	29.42%	40,372
Subscriptions and Publications	13,200	8,038	60.89%	13,200	1,188	9.00%	8,916
Other Miscellaneous	65,150	9,153	14.05%	64,650	6,922	10.71%	55,227
Total Services and Charges	5,162,320	986,742	19.11%	4,434,615	884,972	19.96%	3,755,570
Total Intergovernmental Services	12,578,850	231,944	1.84%	11,918,850	203,346	1.71%	11,782,616
Total Capital Outlay	103,750	19,627	18.92%	43,750	-	0.00%	-
Total Expenditures	\$ 23,977,370	\$ 2,400,332	10.01%	\$ 22,344,640	\$ 2,155,051	9.64%	\$ 21,087,714
Transfers Out	415,000	-	0.00%	410,000	-	0.00%	210,000
Total Expenditures and Transfers	\$ 24,392,370	\$ 2,400,332	9.84%	\$ 22,754,640	\$ 2,155,051	9.47%	\$ 21,297,714
Ending Fund Balance	10,823,205	-	0.00%	11,533,275	-	0.00%	13,895,235
TOTAL ALL USES	\$ 35,215,575	\$ 2,400,332	6.82%	\$ 34,287,915	\$ 2,155,051	6.29%	\$ 35,192,949

City of Burien
2016 1st Quarter Financial Report

	2016			2015			2015 Year End Actual Unaudited
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	
STREET FUND							
Revenues							
Beginning Fund Balance	\$ 259,640	\$ -	0.00%	\$ 1,512,325	\$ -	0.00%	\$ 1,512,327
Solid Waste Utility Tax	365,000	77,026	21.10%	360,000	59,223	16.45%	368,682
Parking Tax	215,000	30,864	14.36%	215,000	22,293	10.37%	219,453
Business License Fees	290,000	12,828	4.42%	290,000	12,362	4.26%	300,966
Solid Waste Franchise Fees	700,000	170,397	24.34%	685,000	167,631	24.47%	816,500
Motor Vehicle Fuel Tax	1,020,000	85,256	8.36%	1,000,000	76,227	7.62%	1,024,262
Fines and Penalties	-	-	0.00%	-	-	0.00%	-
Miscellaneous	1,000	221	22.10%	1,000	787	78.70%	4,127
Total Revenue	\$ 2,591,000	\$ 376,592	14.53%	\$ 2,551,000	\$ 338,523	13.27%	\$ 2,733,990
TOTAL ALL RESOURCES	\$ 2,850,640	\$ 376,592	13.21%	\$ 4,063,325	\$ 338,523	8.33%	\$ 4,246,317
Expenditures							
Salaries	\$ 592,010	\$ 99,686	16.84%	\$ 571,105	\$ 92,270	16.16%	\$ 537,112
Personnel Benefits	218,865	41,291	18.87%	208,880	36,876	17.65%	209,872
Total Salaries & Benefits	810,875	140,977	17.39%	779,985	129,147	16.56%	746,984
Supplies	183,000	15,511	8.48%	183,000	15,090	8.25%	120,278
Professional Services	130,000	17,351	13.35%	130,000	20,162	15.51%	111,317
Communications	6,000	1,208	20.13%	6,000	968	16.13%	9,027
Travel, Meals, and Mileage	1,000	44	4.40%	1,000	-	0.00%	584
Advertising	500	-	0.00%	500	-	0.00%	-
Operating Rents and Leases	55,000	14,802	26.91%	55,000	6,834	12.42%	38,601
Utilities	160,000	26,587	16.62%	160,000	23,728	14.83%	146,022
Repairs and Maintenance	35,000	1,254	3.58%	35,000	2,754	7.87%	26,711
Dues and Memberships	1,000	720	72.00%	1,000	680	68.00%	854
Printing, Binding, and Copying	1,200	-	0.00%	1,200	-	0.00%	976
Registrations and Training	8,000	939	11.74%	8,000	300	3.75%	3,999
Miscellaneous	-	-	0.00%	-	-	0.00%	10
Total Other Services and Charges	397,700	62,905	15.82%	397,700	55,426	13.94%	338,101
King County Street Maintenance	50,000	-	0.00%	50,000	119	0.24%	105,712
King County Traffic Signal/Control Maint.	220,000	4,147	1.89%	220,000	14,724	6.69%	151,332
Total Intergovernmental	270,000	4,147	1.54%	270,000	14,844	5.50%	257,044
Machinery and Equipment	-	760	0.00%	40,000	-	0.00%	30,628
Total Expenditures	\$ 1,661,575	\$ 224,300	13.50%	\$ 1,670,685	\$ 214,506	12.84%	\$ 1,493,035
Transfers Out	958,000	-	0.00%	2,133,000	-	0.00%	2,133,000
Total Expenditures and Transfers	\$ 2,619,575	\$ 224,300	8.56%	\$ 3,803,685	\$ 214,506	5.64%	\$ 3,626,035
Ending Fund Balance	231,065	-	0.00%	259,640	-	0.00%	620,282
TOTAL ALL USES	\$ 2,850,640	\$ 224,300	7.87%	\$ 4,063,325	\$ 214,506	5.28%	\$ 4,246,317

**City of Burien
2016 1st Quarter Financial Report**

	2016			2015			2015
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	Year End Actual Unaudited
SURFACE WATER MANAGEMENT FUND							
Revenues							
Beginning Fund Balance	\$ 434,215	\$ -	0.00%	\$ 830,544	\$ -	0.00%	\$ 830,544
Intergovernmental Revenues	50,000	-	0.00%	-	-	0.00%	33,402
Storm Drainage Fees	3,210,000	91,206	2.84%	3,145,000	69,474	2.21%	3,260,770
Miscellaneous Revenues	10,000	303	3.03%	10,000	238	2.38%	10,231
Total Revenue	\$ 3,270,000	\$ 91,509	2.80%	\$ 3,155,000	\$ 69,712	2.21%	\$ 3,304,403
Transfers In	-	-	0.00%	-	-	0.00%	-
Total Revenues and Transfers In	\$ 3,270,000	\$ 91,509	2.80%	\$ 3,155,000	\$ 69,712	2.21%	\$ 3,304,403
TOTAL ALL RESOURCES	\$ 3,704,215	\$ 91,509	2.47%	\$ 3,985,544	\$ 69,712	1.75%	\$ 4,134,947
Expenditures							
Salaries	\$ 918,825	\$ 164,149	17.87%	\$ 828,635	\$ 148,115	17.87%	\$ 782,372
Personnel Benefits	384,015	72,641	18.92%	332,880	58,338	17.53%	303,808
Total Salaries and Benefits	1,302,840	236,790	18.17%	1,161,515	206,453	17.77%	1,086,180
Supplies	118,000	19,707	16.70%	118,000	16,442	13.93%	93,175
Professional Services	443,000	30,482	6.88%	468,000	26,489	5.66%	264,415
Communications	6,000	1,580	26.33%	6,000	1,277	21.28%	7,143
Travel, Meals, Mileage	-	44	0.00%	-	-	0.00%	84
Operating Rents and Leases	55,000	13,390	24.35%	55,000	6,387	11.61%	36,046
Utilities	8,000	1,171	14.64%	8,000	1,132	14.15%	3,809
Repairs and Maintenance	53,000	5,424	10.23%	53,000	3,940	7.43%	62,769
Dues and Memberships	1,000	787	78.70%	1,000	796	79.60%	989
Printing, Binding, and Copying	1,000	-	0.00%	1,000	-	0.00%	149
Registrations and Training	11,000	2,073	18.85%	11,000	1,116	10.15%	6,038
Subscriptions and Publications	800	-	0.00%	800	-	0.00%	65
Miscellaneous	-	-	0.00%	-	-	0.00%	88
Debt Service Principal	83,030	-	0.00%	83,030	-	0.00%	83,031
Interest on PWTFP Pond	4,565	-	0.00%	4,985	-	0.00%	4,740
Total Other Services and Charges	666,395	54,951	8.25%	691,815	41,136	5.95%	469,366
Intergovernmental Services	210,000	-	0.00%	230,000	-	0.00%	82,874
Machinery and Equipment	-	760	0.00%	40,000	-	0.00%	-
Total Expenditures	\$ 2,297,235	\$ 312,208	13.59%	\$ 2,241,330	\$ 264,032	11.78%	\$ 1,731,595
Transfers Out	1,110,000	-	0.00%	1,310,000	-	0.00%	1,310,000
Total Expenditures and Transfers	\$ 3,407,235	\$ 312,208	9.16%	\$ 3,551,330	\$ 264,032	7.43%	\$ 3,041,595
Ending Fund Balance	296,980	-	0.00%	434,215	-	0.00%	1,093,352
TOTAL ALL USES	\$ 3,704,215	\$ 312,208	8.43%	\$ 3,985,545	\$ 264,032	6.62%	\$ 4,134,947

PUBLIC WORKS RESERVE FUND

Revenues							
Beginning Fund Balance	\$ 130,265	\$ -	0.00%	\$ 314,265	\$ -	0.00%	\$ 314,264
Real Estate Excise Tax 1st Quarter	550,000	211,136	38.39%	700,000	82,974	11.85%	798,513
Real Estate Excise Tax 2nd Quarter	550,000	211,136	38.39%	700,000	82,974	11.85%	796,744
Parks Mitigation Fees	15,000	9,168	61.12%	15,000	-	0.00%	33,808
Interest Income	1,000	106	10.60%	1,000	130	12.97%	869
Total Revenue	\$ 1,116,000	\$ 431,546	38.67%	\$ 1,416,000	\$ 166,078	11.73%	\$ 1,629,934
TOTAL ALL RESOURCES	\$ 1,246,265	\$ 431,546	34.63%	\$ 1,730,265	\$ 166,078	9.60%	\$ 1,944,198
Expenditures							
Transfers Out	\$ 1,100,000	\$ -	0.00%	\$ 1,600,000	\$ -	0.00%	\$ 1,600,000
Ending Fund Balance	146,265	-	0.00%	130,265	-	0.00%	344,198
TOTAL ALL USES	\$ 1,246,265	\$ -	0.00%	\$ 1,730,265	\$ -	0.00%	\$ 1,944,198

City of Burien
2016 1st Quarter Financial Report

	2016			2015			2015 Year End Actual Unaudited
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	
EQUIPMENT RESERVE FUND							
Revenues							
Beginning Fund Balance	\$ 900,850	\$ -	0.00%	\$ 880,850	\$ -	0.00%	\$ 880,850
Interest Income	-	335	0.00%	-	286	0.00%	1,335
Transfers In	270,000	-	0.00%	270,000	-	0.00%	270,000
Total Revenue	\$ 270,000	\$ 335	0.12%	\$ 270,000	\$ 286	0.11%	\$ 271,335
TOTAL ALL RESOURCES	\$ 1,170,850	\$ 335	0.03%	\$ 1,150,850	\$ 286	0.02%	\$ 1,152,185
Expenditures							
Supplies	\$ -	\$ 7,684	0.00%	\$ -	\$ 10,922	0.00%	\$ 10,922
Professional Services	-	-	0.00%	-	-	0.00%	\$ 66,849
Machinery and Equipment	500,000	-	0.00%	250,000	-	0.00%	-
Total Expenditures	\$ 500,000	\$ 7,684	1.54%	\$ 250,000	\$ 10,922	4.37%	\$ 77,771
Ending Fund Balance	670,850	-	0.00%	900,850	-	0.00%	1,074,414
TOTAL ALL USES	\$ 1,170,850	\$ 7,684	0.66%	\$ 1,150,850	\$ 10,922	0.95%	\$ 1,152,185

ART IN PUBLIC PLACES FUND							
Revenues							
Beginning Fund Balance	\$ 30,380	\$ -	0.00%	\$ 30,380	\$ -	0.00%	\$ 30,384
Interest Income	-	8	0.00%	-	9	0.00%	41
Transfers In	-	-	0.00%	-	-	0.00%	-
Total Revenue	\$ -	\$ 8	0.00%	\$ -	\$ 9	0.00%	\$ 41
TOTAL ALL RESOURCES	\$ 30,380	\$ 8	0.03%	\$ 30,380	\$ 9	0.03%	\$ 30,425
Expenditures							
Supplies	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -
Repairs and Maintenance	-	997	0.00%	-	-	0.00%	-
Works of Art	25,000	-	0.00%	-	-	0.00%	-
Total Expenditures	\$ 25,000	\$ 997	3.99%	\$ -	\$ -	0.00%	\$ -
Ending Fund Balance	5,380	-	0.00%	30,380	-	0.00%	30,425
TOTAL ALL USES	\$ 30,380	\$ 997	3.28%	\$ 30,380	\$ -	0.00%	\$ 30,425

CAPITAL PROJECTS RESERVE FUND							
Revenues							
Beginning Fund Balance	\$ 513,050	\$ -	0.00%	\$ 82,050	\$ -	0.00%	\$ 82,050
Property Tax	740,000	40,269	5.44%	730,000	34,793	4.77%	728,876
Interest Income	1,000	164	16.40%	1,000	30	3.01%	667
Total Revenue	\$ 741,000	\$ 40,433	5.46%	\$ 731,000	\$ 34,823	4.76%	\$ 729,543
TOTAL ALL RESOURCES	\$ 1,254,050	\$ 40,433	3.22%	\$ 813,050	\$ 34,823	4.28%	\$ 811,593
Expenditures							
Transfers Out	\$ 736,000	\$ -	0.00%	\$ 300,000	\$ -	0.00%	\$ 300,000
Ending Fund Balance	518,050	-	0.00%	513,050	-	0.00%	511,593
TOTAL ALL USES	\$ 1,254,050	\$ -	0.00%	\$ 813,050	\$ -	0.00%	\$ 811,593

City of Burien
2016 1st Quarter Financial Report

	2016			2015			2015 Year End Actual Unaudited
	Revised Budget	1st Quarter Year-to-Date	% of Budget	Revised Budget	1st Quarter Year-to-Date	% of Budget	
TRANSPORTATION BENEFIT DISTRICT FUND							
Revenues							
Beginning Fund Balance	\$ 21,785	\$ -	0.00%	\$ 46,785	\$ -	0.00%	\$ 46,786
TBD Vehicle Fee	350,000	58,133	16.61%	350,000	56,074	16.02%	367,068
Interest Income	-	8	0.00%	-	28	0.00%	238
Total Revenue	\$ 350,000	\$ 58,141	16.61%	\$ 350,000	\$ 56,102	16.03%	\$ 367,306
TOTAL ALL RESOURCES	\$ 371,785	\$ 58,141	15.64%	\$ 396,785	\$ 56,102	14.14%	\$ 414,092
Expenditures							
Salaries	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ 207
Personnel Benefits	-	-	0.00%	-	-	0.00%	65
Professional Services	-	-	0.00%	-	1,636	0.00%	1,636
Transfers Out	350,000	-	0.00%	375,000	-	0.00%	375,000
Total Expenditures	\$ 350,000	\$ -	0.00%	\$ 375,000	\$ 1,636	0.44%	\$ 376,908
Ending Fund Balance	21,785	-	0.00%	21,785	-	0.00%	37,184
TOTAL ALL USES	\$ 371,785	\$ -	0.00%	\$ 396,785	\$ 1,636	0.41%	\$ 414,092

DEBT SERVICE FUND							
Revenues							
Beginning Fund Balance	\$ 48,870	\$ -	0.00%	\$ 82,885	\$ -	0.00%	\$ 82,887
Build America Bonds Subsidy	110,000	-	0.00%	110,000	-	0.00%	110,434
Town Square Mitigation Fees	48,000	-	0.00%	48,000	-	0.00%	48,164
Special Assessment Revenue	84,000	3,797	4.52%	84,000	-	0.00%	98,145
Interest Income	-	25	0.00%	-	27	0.00%	225
Transfers In	2,540,000	-	0.00%	2,485,000	-	0.00%	2,285,000
Total Revenue	\$ 2,782,000	\$ 3,822	0.14%	\$ 2,727,000	\$ 27	0.00%	\$ 2,541,968
TOTAL ALL RESOURCES	\$ 2,830,870	\$ 3,822	0.14%	\$ 2,809,885	\$ 27	0.00%	\$ 2,624,855
Expenditures							
Debt Service Principal and Interest	\$ 2,765,980	\$ -	0.00%	\$ 2,758,015	\$ -	0.00%	\$ 2,541,292
Bond Administrative Fees	3,000	-	0.00%	3,000	-	0.00%	1,750
Total Expenditures	\$ 2,768,980	\$ -	0.00%	\$ 2,761,015	\$ -	0.00%	\$ 2,543,042
Ending Fund Balance	61,890	-	0.00%	48,870	-	0.00%	81,813
TOTAL ALL USES	\$ 2,830,870	\$ -	0.00%	\$ 2,809,885	\$ -	0.00%	\$ 2,624,855

City of Burien, Washington
Capital Projects Expenditure Report - First Quarter 2016

Project Name	Budget Authority thru 2016*	Expended thru March 31, 2016	Remaining Budget
Parks & General Government Capital Projects			
Dottie Harper Playground Improvements - closed	\$ 201,620	\$ 201,616	\$ 4
Lake Burien School Park - Site Plan	50,000	-	50,000
Moshier Park Restroom and Field Improvements	697,000	67,548	629,452
Off-Leash Dog Park	60,000	52,610	7,390
Parks Facilities Restoration (2015-2016)	248,830	48,056	200,774
Public Works Maint. and Operations Facility - unfunded	-	-	-
Seahurst Park - North Shoreline	11,171,723	5,539,319	5,632,404
Seahurst Park Slide	180,000	30,997	149,003
Staff Coordination of Parks CIP Projects - 2016	20,000	1,532	18,468
Parks & General Government CIP Fund Balance	\$ 12,629,173	\$ 5,941,678	\$ 6,687,495
Transportation Capital Projects			
1st Ave S Phase 2 (SW 140th St to SW 146th St) - closed	\$ 8,518,000	\$ 8,507,961	\$ 10,039
4th and 6th Ave SW/SW 148th Street Intersection	422,000	265,903	156,097
Citywide ADA Barrier Mitigation	1,070,000	24,894	1,045,106
Citywide Roadway Embankment Stabilization	301,000	275,130	25,870
Hilltop Elementary School Crosswalk/Path	141,000	-	141,000
Lake to Sound Trail	100,376	4,039	96,337
NERA Infrastructure Improvements -Pilot Program	566,500	-	566,500
NERA SR-518/DMMD Interchange	4,045,195	1,954,352	2,090,843
Shorewood Drive Gabion Wall/Roadway Embankment	152,000	5,588	146,412
Signal Controller/Interconnect Upgrades Program	150,000	43,485	106,515
S. 132nd Street Pedestrian and Bicycle Trail	201,000	22,078	178,922
Street Overlay Program (2015-2016)	950,000	358,437	591,563
Staff Coordination of Transportation CIP Projects - 2016	78,000	12,189	65,811
Transportation CIP Fund Balance	\$ 16,695,071	\$ 11,474,056	\$ 5,221,015
Surface Water Management Capital Projects			
Capacity Improvements at SW 158th St & 4th Ave SW	\$ 575,000	\$ 208,394	\$ 366,606
8th Ave S. Sub-basin Retrofit Improvements	1,940,845	74,996	1,865,849
SW 152nd St. and 8th Ave SW Drainage Improvements	745,000	104,703	640,297
SW 165th St. Drainage Improvements	470,500	25,045	445,455
Hermes/Mayfair Study - closed	227,138	227,138	-
Hermes/Mayfair Drainage Improvements	-	-	-
King County Courthouse Stormwater Project	60,000	-	60,000
NERA Drainage Improvements	6,197,461	5,782,945	414,516
Residential Drainage Imprvmnt Project (RDIP) (2015-2016)	806,725	123,630	683,095
Staff Coordination of SWM CIP Projects - 2016	51,000	4,498	46,502
Surface Water Management CIP Fund Balance	\$ 11,073,669	\$ 6,551,349	\$ 4,522,320
<i>* Includes 2015-2016 Mid-Biennium Budget Updates</i>			

City of Burien, Washington
Contracts Over \$25,000 Signed by the City - First Quarter 2016

Contract Number	Vendor Name	Contract Description	Contract Amount
3535	Landcare USA, LLC	Amendment #5 for 2016 parks maintenance and landscaping services.	\$411,100 for 2016 services.
3903	Consolidated Press	Amendment #1 for printing services for six Burien Recreation Guides.	Amendment is for \$26,250. Revised total contract amount is \$76,450.
4480	Perteet, Inc.	2016 Design services for Slurry Seal/Street Overlay Program.	\$50,503
4482	Otak, Inc.	Conceptual design services for Moshier Park Restroom and Field Improvements, Phase 1.	\$373,925
4484	Microflex	2016 Auditing services for Business Licenses, Business & Occupation, and Sales taxes.	\$91,000
4486	Jennifer Ziegler Public Affairs Consulting, Inc.	2016 State Lobbying services.	\$43,500
4499	Discover Burien	2016 Business Development services and Clean/Safe Streets program.	\$113,480
4507	Berk Consulting	2016 Consulting services for Burien Strategic Plan.	\$44,975
4509	King County Department of Adult and Juvenile Detention	2016 Community Work Program (Work Crew).	\$36,300
4510	4LEAF, Inc.	Temporary Building/Electrical Inspection and Plan Check services.	\$30,000
4517	Washington State Department of Transportation (WSDOT)	Agreement for City to Appraise, Negotiate, Acquire, and Convey Right-of-Way to WSDOT for SR518 EB Off-Ramp to Des Moines Memorial Drive project.	\$77,250
4518	Latitude Development, LLC	Purchase and Sale Agreement for approximately 12.44 acres at 860-1010 South 146th Street, Burien, WA 98168.	\$4,500,000
4525	King County Water and Land Resources	2016 Miller and Walker Creeks Basin Stewardship and Monitoring Coordination Technical Services Agreement.	Burien's share is \$58,540. Total agreement is \$84,801.
4531	Seitel Systems	2016 Information Technology Consulting services.	\$40,000
4533	King County Housing and Community Development	2016 Community Development Block Grant (CDBG) Agreement for design of Hilltop Elementary Crosswalk/Path project.	\$42,000

TRANSFERS IN

<u>Transfer TO</u>	<u>Revised 2015 Amount</u>	<u>Revised 2016 Amount</u>	<u>Transfer FROM</u>
General Fund	\$ 133,000	\$ 133,000	Street Fund
General Fund	40,000	40,000	Surface Water Mgmt Fund
Total General Fund	173,000	173,000	
Equipment Reserve Fund	150,000	150,000	General Fund
Equipment Reserve Fund	50,000	50,000	Street Fund
Equipment Reserve Fund	70,000	70,000	Surface Water Mgmt Fund
Total Equipment Reserve Fund	270,000	270,000	
Debt Service Fund	260,000	265,000	General Fund
Debt Service Fund	250,000	275,000	Street Fund
Debt Service Fund	1,600,000	1,100,000	Public Works Reserve Fund
Debt Service Fund	-	550,000	Capital Projects Reserve Fund
Debt Service Fund	375,000	350,000	Transportation Benefit Dist. Fund
Total Debt Service Fund	2,485,000	2,540,000	
Capital Projects			
Parks and General Gov't CIP	\$ 300,000	\$ 186,000	Capital Projects Reserve Fund
Transportation CIP Fund	1,650,000	500,000	Street Fund
Transportation CIP Fund	33,250	150,000	Surface Water Mgmt CIP Fund
Total Transportation CIP Fund	1,683,250	650,000	
Surface Water Mgmt CIP Fund	50,000	-	Street Fund
Surface Water Mgmt CIP Fund	1,200,000	1,000,000	Surface Water Mgmt Fund
Total Surface Water Mgmt CIP Fund	1,250,000	1,000,000	
TOTAL TRANSFERS IN	\$ 6,161,250	\$ 4,819,000	

TRANSFERS OUT

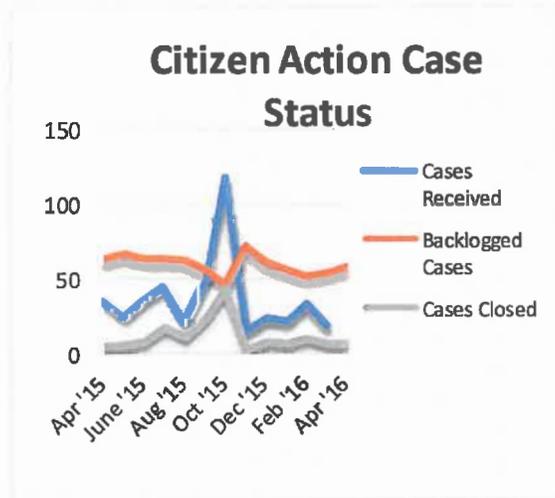
<u>Transfer FROM</u>	<u>Revised 2015 Amount</u>	<u>Revised 2016 Amount</u>	<u>Transfer TO</u>
General Fund	\$ 150,000	\$ 150,000	Equipment Reserve Fund
General Fund	260,000	265,000	Debt Service Fund
Total General Fund	410,000	415,000	
Street Fund	133,000	133,000	General Fund
Street Fund	50,000	50,000	Equipment Reserve Fund
Street Fund	250,000	275,000	Debt Service Fund
Street Fund	1,650,000	500,000	Transportation CIP Fund
Street Fund	50,000	-	Surface Water Mgmt CIP Fund
Total Street Fund	2,133,000	958,000	
Surface Water Mgmt Fund	40,000	40,000	General Fund
Surface Water Mgmt Fund	70,000	70,000	Equipment Reserve Fund
Surface Water Mgmt Fund	1,200,000	1,000,000	Surface Water Mgmt CIP Fund
Total SWM Fund	1,310,000	1,110,000	
Public Works Reserve Fund	1,600,000	1,100,000	Debt Service Fund
Capital Projects Reserve Fund	-	550,000	Debt Service Fund
Capital Projects Reserve Fund	300,000	186,000	Parks & General Government CIP
Total Capital Projects Reserve Fund	300,000	736,000	
Transportation Benefit District Fund	375,000	350,000	Debt Service Fund
Capital Projects			
Surface Water Mgmt CIP Fund	33,250	150,000	Transportation CIP Fund
TOTAL TRANSFERS OUT	\$ 6,161,250	\$ 4,819,000	



CITY OF BURIEN MEMORANDUM

DATE: May 3, 2016
TO: Kamuron Gurol, City Manager
FROM: Cynthia Schaff, Paralegal
RE: 2016 Citizen Action Report

This report reflects the caseload for April and includes all backlog cases open as of April 30, 2016. As of that date, there were 71 open cases. 58 of the open cases are more than five weeks old and are considered backlog. There were 17 cases opened during the month of April, 1 case initiated by staff/police/fire, and 16 cases initiated by residents. 7 of the cases opened during the month of April were closed within the month.



	Apr '15	May '15	June '15	July '15	Aug '15	Sept '15	Oct '15	Nov '15	Dec '15	Jan '16	Feb '16	Mar '16	Apr '16
Cases Closed	5	6	8	17	11	24	43	2	8	7	10	7	7
Cases Received	35	25	35	45	22	49	117	15	24	21	33	18	17
% Cases Closed/Received	14%	24%	23%	38%	50%	49%	37%	13%	33%	33%	30%	39%	41%
Backlogged Cases	63	66	63	63	62	56	46	72	61	56	51	53	58
Total Open Cases	95	91	92	96	77	83	122	86	79	74	77	66	71
% of Backlog	66%	73%	68%	66%	81%	67%	38%	84%	77%	76%	66%	80%	82%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: Chip Davis, Community Development Director
 Jan Vogee, Building Official
 Barb Canfield, Code Compliance Officer

Steve Roemer, Interim Parks Director
 Maiya Andrews, Public Works Director
 Soojin Kim, City Attorney



Monthly Report to the City Manager

Citizen Action Request Case Status

Report Date: 05/03/2016

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
1636	Code Enforcement	CAR-11-0486	11/10/2011	Nuisance	16331 MAPLEWILD AV SW Nuisance-Golka-Zone 3	Email	04/27/2016	Open
1007	Code Enforcement	CAR-13-0301	07/31/2013	Housing Concerns	646 SW 152ND ST Housing, Illegal Dwelling-Phung-Zone 3	Site Investigation	05/20/2015	Open
791	Code Enforcement	CAR-14-0081	03/04/2014	Nuisance	12242 23RD AV S Nuisance, Trash,Vehicles-King-Zone 2	Enforcement Letter 2	11/17/2015	Open
686	Code Enforcement	CAR-14-0245	06/17/2014	Nuisance	12463 DES MOINES MEMORIAL DR S Bldg.-Shafa-Zone 2	Correction Notice	03/28/2016	Open
474	Code Enforcement	CAR-15-0019	01/15/2015	Parking	12010 8TH AV S PARKING-CLENDENEZONE 3	Enforcement Letter 2	11/17/2015	Open
463	Code Enforcement	CAR-15-0026	01/26/2015	Parking	11803 GLENDALE WA S PARKING-BUTTLER-ZONE 2	Enforcement Letter 2	11/17/2015	Open
463	Code Enforcement	CAR-15-0029	01/26/2015	Nuisance	12663 16TH AV S NUISANCE-JOHNSON-ZONE 2	Other - See Notes	01/22/2016	Open
455	Code Enforcement	CAR-15-0036	02/03/2015	Building	2825 SW 172ND PL BOILER-KEENEY-ZONE 3	Other - See Notes	11/02/2015	Open
449	Code Enforcement	CAR-15-0039	02/09/2015	Vehicle	11833 12TH AV S Vehicles-Wilson-Zone 2	Site Investigation	04/01/2015	Open
425	Building	CAR-15-0054	03/05/2015	Building	615 SW 152ND ST Bldg. - Freggles-Zone 3	Other - See Notes	07/16/2015	Open
245	Code Enforcement	CAR-15-0243	09/01/2015	Nuisance	312 S 128TH ST NUISANCE-BASS-ZONE 2	Site Investigation	03/17/2016	Open
2027	Fire Department				1634 SW 114TH ST			

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-10-0509	10/15/2010	Fire Department Issue	Fire, Rental Housing-Fernandez-Zone 1		03/02/2016	Open
222	Code Enforcement	CAR-15-0283	09/24/2015	Nuisance	1034 SW 118TH ST NUISANCE-RUIZ-ZONE 1	Other - See Notes	04/19/2016	Open
215	Code Enforcement	CAR-15-0295	10/01/2015	Home Occupation	1208 S 140TH ST HOME OCC-A1 Education-Zone 2	Enforcement Letter 1	10/05/2015	Open
209	Code Enforcement	CAR-15-0302	10/07/2015	Business License	450 SW 154TH ST B/L-One Stop Auto-Zone 3	Phone Call	12/16/2015	Open
209	Code Enforcement	CAR-15-0309	10/07/2015	Business License	14046 6TH AV S B/L-Joseph Garden Designer-Zone 4	NOV Issued	12/15/2015	Open
209	Code Enforcement	CAR-15-0316	10/07/2015	Business License	12321 15TH AV SW B/L-Active Solutions-Zone 1	NOV Issued	12/21/2015	Open
209	Code Enforcement	CAR-15-0329	10/07/2015	Business License	12428 23RD AV S B/L-Margies Daycare-Zone 2	NOV Issued	11/24/2015	Open
204	Code Enforcement	CAR-15-0346	10/12/2015	Home Occupation	11210 22ND AV SW Home Occ - Oxford House - Zone 1	Case Received	10/12/2015	Open
203	Code Enforcement	CAR-15-0368	10/13/2015	Business License	2225 S 112TH ST B/L-Lotus Roots Massage-Zone 2	NOV Issued	12/22/2015	Open
201	Code Enforcement	CAR-15-0380	10/15/2015	Business License	11923 1ST AV S BL-Sim Saveth Design&Sewing	NOV Issued	12/22/2015	Open
162	Code Enforcement	CAR-15-0418	11/23/2015	Nuisance	14640 20TH AV SW NUISANCE-HALL-ZONE 1	Other - See Notes	04/19/2016	Open
147	Code Enforcement	CAR-15-0426	12/08/2015	Nuisance	132 SW 152ND ST GARBAGE-TROUNG-ZONE 2	Enforcement Letter 1	12/14/2015	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
127	Code Enforcement	CAR-15-0442	12/28/2015	Nuisance	NUISANCE-MCCALL-ZONE 2	Other - See Notes	03/17/2016	Open
120	Code Enforcement	CAR-16-0001	01/04/2016	Nuisance	15845 11TH AV SW Nuisance-Vert-Zone 3	Site Investigation	04/20/2016	Open
104	Code Enforcement	CAR-16-0010	01/20/2016	Nuisance	13115 12TH AV S Nuisance-Camacho-Zone 2	Phone Call	03/17/2016	Open
99	Code Enforcement	CAR-16-0014	01/25/2016	Vehicle	13825 DES MOINES MEMORIAL DR S VEHICLES-HABERZETT-ZONE 4	Other - See Notes	04/27/2016	Open
96	Code Enforcement	CAR-16-0020	01/28/2016	Vehicle	11845 DES MOINES MEMORIAL DR S AUTO REPAIR-GILL-ZONE 2	Case Received	01/28/2016	Open
92	Code Enforcement	CAR-16-0024	02/01/2016	Nuisance	12025 DES MOINES MEMORIAL DR S AUTO REPAIR-CHAVEZ AUTO-ZONE 3	Phone Call	04/04/2016	Open
90	Code Enforcement	CAR-16-0027	02/03/2016	Vehicle	11658 16TH AV S INOP VEHICLE-HUANG-ZONE 2	NOV Issued	04/18/2016	Open
85	Code Enforcement	CAR-16-0029	02/08/2016	Nuisance	13936 4TH AV SW NUISANCE-KRIE-ZONE 1	Site Investigation	03/17/2016	Open
84	Code Enforcement	CAR-16-0035	02/09/2016	Nuisance	12441 DES MOINES MEMORIAL DR S AUTO REPAIR-SINGH-ZONE 2	Case Received	02/09/2016	Open
84	Code Enforcement	CAR-16-0037	02/09/2016	Nuisance	810 S 124TH ST VACANT HOUSE-DINH-ZONE 2	Site Investigation	04/20/2016	Open
84	Code Enforcement	CAR-16-0038	02/09/2016	Nuisance	12621 12TH AV S NUISANCE-HAAG-ZONE 2	Case Received	02/09/2016	Open
64	Code Enforcement	CAR-16-0054	02/29/2016	Nuisance	14841 8TH AV S Garbage/Vacant-Wells Fargo-Zone 4	Site Investigation	04/20/2016	Open
63	Code Enforcement	CAR-16-0056	03/01/2016	Nuisance	VACANT LOT-CROMWELL-ZONE 4	Site Investigation	03/16/2016	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
63	Code Enforcement	CAR-16-0057	03/01/2016	Nuisance	1008 SW 150TH ST NUISANCE-APTS-ZONE 3	Enforcement Letter 1	03/17/2016	Open
50	Code Enforcement	CAR-16-0061	03/14/2016	Nuisance	11415 12TH AV SW TIRES-CASTRO & ELGIN-ZONE 1	Case Received	03/14/2016	Open
49	Code Enforcement	CAR-16-0064	03/15/2016	Nuisance	1427 S 129TH ST GARBAGE-OSTIC-ZONE 1	Case Received	03/15/2016	Open
48	Code Enforcement	CAR-16-0065	03/16/2016	Nuisance	1208 S 124TH ST NUISANCE-SCHUKAR-ZONE 2	Site Investigation	03/15/2016	Open
48	Code Enforcement	CAR-16-0066	03/16/2016	Vehicle	212 SW 130TH ST VEHICLES-MEGALE-ZONE 1	Email	04/27/2016	Open
36	Code Enforcement	CAR-16-0070	03/28/2016	Fire Department Issue	120 SW 148TH ST Sprinkler System-Auto Zone-Zone 1	NOV Issued	04/25/2016	Open
35	Code Enforcement	CAR-16-0071	03/29/2016	Nuisance	Garbage/Squatters-Mills-Zone	Other - See Notes	03/30/2016	Open
34	Code Enforcement	CAR-16-0072	03/30/2016	Nuisance	11620 OCCIDENTAL AV S VEGETATION-HUYNH-ZONE 2	Case Received	03/30/2016	Open
32	Code Enforcement	CAR-16-0074	04/01/2016	Vehicle	Vehicles-Nguyen-Zone 2	Phone Call	04/18/2016	Open
15	Code Enforcement	CAR-16-0081	04/18/2016	Nuisance	14203 AMBAUM BL SW Tires/Graffiti-MD-Zone 3	Site Investigation	04/28/2016	Open
12	Code Enforcement	CAR-16-0085	04/21/2016	Nuisance	1328 S 130TH PL NUISANCE-LEAPAI-ZONE 2	Case Received	04/21/2016	Open
12	Code Enforcement	CAR-16-0086	04/21/2016	Building	12429 2ND AV SW PERMITS-MCKNIGHT-ZONE 1	Phone Call	05/02/2016	Open
12	Code Enforcement	CAR-16-0087	04/21/2016	Vehicle	12029 16TH AV S VEHICLES-DOLL-ZONE 2	Enforcement Letter 1	04/25/2016	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
8	Code Enforcement	CAR-16-0088	04/25/2016	Parking	16041 11TH AV SW Parking-Runbeck-Zone 4	Enforcement Letter 1	04/27/2016	Open
8	Code Enforcement	CAR-16-0089	04/25/2016	Nuisance	12101 7TH PL SW GARBAGE-OWNBEY-ZONE 1	Site Investigation	04/25/2016	Open
6	Code Enforcement	CAR-16-0090	04/27/2016	Animals	815 SW 135TH ST ROOSTER-BARRON-ZONE 1	Case Received	04/27/2016	Open
1	Code Enforcement	CAR-16-0091	05/02/2016	Nuisance	801 S 176TH ST BLACKBERRIES-AIRPORT TOWING-ZONE 4	Site Investigation	05/02/2016	Open

