



CITY COUNCIL MEETING AGENDA

June 7, 2010

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of discussing a personnel issue

6:45 p.m.

and

Council Meeting

7:00 p.m.

Burien City Hall, Council Chambers

400 SW 152nd Street, 1st Floor

Burien, Washington 98166

PAGE NO.

- | | | | |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----|
| 1. CALL TO ORDER | 2. PLEDGE OF ALLEGIANCE | 3. ROLL CALL | |
| 4. AGENDA CONFIRMATION | | | |
| 5. PUBLIC COMMENT | Individuals will please limit their comments to three minutes, and groups to five minutes. | | |
| 6. CORRESPONDENCE FOR THE RECORD | a. Letter Dated May 13, 2010, from King County Executive Dow Constantine Requesting Support for Regional Jail Planning and Management Group. | | 3. |
| | b. Letter Dated May 18, 2010, from John Hickman Regarding 1 st Ave. S. Underground Fee. | | 5. |
| | c. Response from Mayor McGilton to Email Dated May 21, 2010, from Abbey Norris, Annual Fund Specialist, Camp Fire USA, Regarding Proclamation Request. | | 7. |
| | d. Letter Dated May 24, 2010, from Sandy Gledhill Regarding "Species and Habitats of Local Importance" Section E-487 to the Shoreline Master Plan. | | 9. |
| | e. Letter Dated May 24, 2010, from Bob and Margie McLaughlin Regarding Surface Water Drainage to Shoreline. | | 11. |
| | f. Letter Dated May 24, 2010, from Bob Edgar Regarding Public Access from Public Lands. | | 13. |
| | g. Letter Dated May 24, 2010, from Rachael Levine Regarding White Center and Boulevard Park Libraries. | | 15. |
| | h. Letter Dated May 24, 2010, from Robert and Robbie Howell Regarding Lake Burien. | | 17. |

COUNCILMEMBERS

Joan McGilton, Mayor
Jack Block, Jr. Kathy Keene

Rose Clark, Deputy Mayor
Lucy Krakowiak

Brian Bennett
Gordon Shaw

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6. CORRESPONDENCE FOR THE RECORD (cont'd.)	i. Copy of Law from Greg Anderson Regarding Public Involvement in the Review of the Shoreline Master Program.	21.
	j. Email Dated May 25, 2010, from Andy Ryan Regarding May 24 City Council Reconstruction.	23.
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	m. Response from Michael Lafreniere, Parks, Recreation, & Cultural Services Director, to Email Dated May 26, 2010, from Kitty Kovacs Regarding Animal Control at Seahurst Park.	33.
	n. Response from Lisa Clausen, City Manager's Office, to Letter Dated April 21, 2010, from Chestine Edgar Regarding Issues Related to Compliance with the Americans with Disabilities Act.	37.
7. CONSENT AGENDA	a. Approval of Vouchers: Numbers 25063 - 25226 in the Amounts of \$2,804,588.70.	41.
	b. Approval of Minutes: Council Meeting, May 24, 2010.	63.
8. BUSINESS AGENDA	a. City Business.	69.
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	c. Presentation by WSDOT on 518/DMMD Interchange Improvements Report.	
	d. Discussion on South Park Bridge Closure Impacts.	81.
	e. Motion to Appoint Voting Delegate to the 2010 Association of Washington Cities (AWC) Annual Business Meeting.	91.
	f. Motion to Adopt Proposed Resolution No. 312, Setting a Public Hearing for the Modification of the Transportation Benefit District known as TBD No. 1 for Street Overlay Program.	95.
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	h. Discussion on Proposed Ordinance #538, Modifying Burien Municipal Code Chapter 5.05 Relating to Business Licenses.	107.
	i. Discussion on Proposed Ordinance 541, Amending BMC Title 15, Buildings and Construction.	121.
9. COUNCIL REPORTS		
10. ADJOURNMENT		



King County

Dow Constantine

King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818

206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

May 13, 2010

The Honorable Joan McGilton
Mayor, City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Dear Mayor McGilton:

I am writing to ask your support for launching a regional jail planning and management group. This proposal, which emerged from discussions with the North/East Cities (NEC) Oversight Group, is to create a collaborative forum to address our shared interests to utilize existing current jail capacity efficiently and effectively and to plan for our region's jail capacity into the future.

Before highlighting this approach, I want to take this opportunity to acknowledge the efforts by cities to meet their misdemeanor jail capacity needs. In particular, the member cities of the South Correctional Entity (SCORE)—Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac, and Tukwila—have tackled the difficult challenges of jail planning and operations. Through your leadership, the misdemeanor jail facility being built by SCORE will meet the jail needs of its members and help reduce pressure on the region's jail capacity.

Two other factors have improved prospects for meeting the region's jail needs. First, the jail populations housed King County facilities have dropped over the past two years. Second, cities have more contracting options for jail beds. The NEC Oversight Group and my staff reviewed these factors and concluded that there was a strong likelihood that both King County's and NEC's jail needs could be accommodated through 2020 without constructing additional jail capacity at this time.

However, this conclusion is not a certainty. As a region, we all face similar risks and uncertainties about the jail population and capacity when looking ten years or more into the future. Given recent history, one risk is the difficulty in predicting fluctuations in jail population and forecasting long term trends. Additionally, external drivers beyond our control (such as actions of the state Legislature) can significantly impact jail population. We also continue to face risks to existing jail capacity with the chance of flooding in the Green River Valley and with King County's aging detention facility in downtown Seattle. Regardless of these risks, as a region, we share similar interests in ensuring sufficient jail capacity over the long term to meet the needs of law enforcement and the courts.

CFTR: 05/07/10

CC: CM staff; finance

*King County is an Equal Opportunity/Affirmative Action Employer
and complies with the Americans with Disabilities Act*

The Honorable Joan McGilton
May 13, 2010
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King County's aging detention facility in downtown Seattle. Regardless of these risks, as a region, we share similar interests in ensuring sufficient jail capacity over the long term to meet the needs of law enforcement and the courts.

To mitigate these risks and plan effectively for the future, I am proposing that the county and the cities together form a regional jail planning and management group consisting of entities operating jails in the county and cities using contracted jail capacity. This group would focus on fostering a well-coordinated system of jails in the county, utilizing the region's jail capacity effectively and efficiently, developing periodic reports on trends in the region's jail population and capacity utilization, and cooperatively meeting the region's long-term jail capacity needs. In particular, given the long lead time to plan and build new jail capacity, this group should play a critical role in anticipating the need to expand jail capacity and being prepared to initiate the planning process at the earliest sign of this need.

Thank you for your consideration of this request. It is being offered in the spirit of recognizing SCORE's vital role in the region and our shared public safety interests. I hope you share my belief that we have an opportunity to put in place concrete steps for managing the region's jail system and needs into the future. If you support the approach proposed in this letter, I would ask that you respond in writing by June 30, 2010. If you have questions, please contact Hikari Tamura, Interim Director, Department of Adult and Juvenile Detention.

Sincerely,

A handwritten signature in black ink, appearing to read "Dow Constantine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dow Constantine
King County Executive

cc: Hikari Tamura, Interim Director, Department of Adult and Juvenile Detention
Carrie Cihak, Strategic Initiatives Director, Office of King County Executive

City of Burien

May 18, 2010

Mayor Joan McGilton

400 SW 152nd St

Burien, Wa 98166

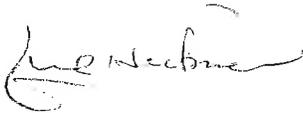
Re: 1st Ave S Underground Fee

Because I heat my house with electricity, my fee for the 1st Ave S Underground project is 3 to 4 times (300 to 400%) that of my neighbor who heats with gas. How is this fair and equitable?

I wrote you this question in March. You delegated a response to Tabatha Miller. Unfortunately she did not answer the question "how is this fair and equitable?".

Please try again and answer the question how is it fair and equitable that my 1st Ave S underground fee is 3 to 4 times that of my neighbor (gas heat) based solely upon how I heat my house?

If you do not understand the question, please call me at 206 248 1623.



John Hickman

13671 18th Ave SW

Burien, Wa 98166

CFTR: 06/07/10

Lisa Clausen

From: Joan McGilton
Sent: Saturday, May 22, 2010 5:25 PM
To: Abbey Norris
Cc: Lisa Clausen; Monica Lusk
Subject: RE: Proclamation Request

Ms. Norris: Thank you for letting the City of Burien know about your wonderful event on July 31. This is truly a milestone to be celebrated. The City of Burien Council has made the decision to only support proclamations for events related directly to Burien events and residents.

I have asked that your letter be included in our formal Council Correspondence and I will mention the event at our upcoming council meeting. Another option for you to consider is to contact our City Clerk Monica Lusk at City Hall to find out when you or one of your members can come to a council meeting and give a brief 5-minute presentation during our Public Comment Period. We are on a summer schedule and I am not sure when our regular meetings are taking place.

Happy 100-Year Camp Fire USA Celebration!

Mayor Joan McGilton

From: Abbey Norris [AbbeyN@campfire-usa.org]
Sent: Friday, May 21, 2010 12:47 PM
To: Joan McGilton
Subject: Proclamation Request

Mayor McGilton -

This year Camp Fire USA is celebrating 100 years of building caring, confident youth and future leaders and we are interested in having the City of Burien proclaim July 31, 2010 as '100 Years of Camp Fire Day' (please see attached proclamation text). The keystone event of our 2010 Centennial will take place on Saturday, July 31, 2010, when Camp Fire USA will mark its 100th anniversary at Centennial Campfires held across the country. This is meant to not only be a Camp Fire USA event, but a community-wide event open to everyone currently involved in Camp Fire, our esteemed alumni across the nation and the interested public. It's our opportunity to celebrate the promise of continuing a legacy that has left an indelible mark on millions of alumni and hundreds of communities.

This official national event will feature a special lighting of commemorative campfires at precisely 7:30 p.m. in each time zone. Locally, the Central Puget Sound Council will hold an event at Magnuson Park in Seattle, WA. We expect to have 400 guests, including youth participants, alumni, donors, board of directors, volunteers, and their friends and families and we invite you to join us!

Thank you for your assistance with this request. Please feel free to contact me with any questions about this event or our programs.

Abbey Norris

Annual Fund Specialist

Camp Fire USA

A Century of Kids. A Future of Leaders.

Central Puget Sound Council

4241 21st Ave West, Suite 200

CATR: 05/07/10

Seattle WA, 98199-1250

direct: 206 826 8972

office: 206 461 8550 or 800 451 2267

fax: 206 525 3351

email: abbeyn@campfire-usa.org

www.campfire-usa.org<<http://www.campfire-usa.org>>

Join our Centennial Fund!

In honor of our milestone anniversary, we invite you to join our Centennial Fund by making a gift of \$100 or more today. Make your secure gift online<<http://www.campfire-usa.org/giving/index.htm>> or call 206 826 8972 to make your gift over the phone. Your gift will ensure that Camp Fire USA Central Puget Sound Council will continue to inspire, encourage and empower children in our community for another 100 years!

May 24, 2010

Dear Burien City Council Members,

I would like to ask that the Burien City Council add the new "Species and Habitats of Local Importance" Section E-487 to the Shoreline Master Plan. This was adopted in October, 2008 as part of the King County Comprehensive Plan. This would replace the information included in your draft which is from 1994. It is important that the Shoreline Master Plan reflects the latest information and is in compliance with the latest King County Comprehensive Plan.

Additionally, I request that the Lake Burien habitat portion of the Shoreline Master Plan have the same language regarding the Bald Eagle as Seahurst Park and Eagle's Landing now has. It is my understanding that the members of the Burien City Council have been given a CD from Robbie Howell containing photos of some of these "Species of Local Importance" that live in the Lake Burien habitat.

Thank you in advance for your time that will be required to effect the change in the Shoreline Management Plan ensuring the City of Burien's compliance with the updated "Species and Habitats of Local Importance" section included in the King County Comprehensive Plan referenced above.


Sandy Gledhill

CFTR: 06/07/10

Species of Local Importance-Birds- Lake Burien (denoted by an asterisk *)

1. Western Grebe *
2. Great Blue Heron *
3. Hooded Merganser *
4. Barrow's Goldeneye *
5. Common Goldeneye *
6. Osprey *
7. Band-Tailed Pigeon *
8. Belted Kingfisher *
9. Hairy Woodpecker *
10. Purple Finch *
11. American Bittern
12. Brant
13. Harlequin Duck
14. Wood Duck
15. Cinnamon Teal
16. Blue-Winged Teal
17. Surf Scoter
18. White-Winged Scoter
19. Black Scoter
20. Red-Tailed Hawk
21. Sooty Grouse
22. Ruffed Grouse
23. American Three-Toed Woodpecker
24. Olive-Sided Flycatcher
25. Mountain Chickadee
26. Western Meadowlark
27. Cassin's Finch

Mr. and Mrs. Robert H. McLaughlin
Post Office Box 264
Seahurst, Washington 98062-0264
(206) 246-3062
tideline@mindspring.com

May 24th, 2010

Honorable Mayor McGilton and members of the City Council,

We live at the lower end of 149th Place which drains surface water from approximately 16 square blocks of Seahurst. It is collected in catch basins and then piped down to the beach and discharged adjacent to Eagle Landing Park. This park, as we all know, was set aside by the city to preserve the wildlife and natural vegetation of a very significant section of our shoreline.

The catch basins and interconnects were re-worked by the City a number of years ago. Although there is a structure on the beach to absorb the impact of the descending water, and dispersal pipes to pass it to the beach, to our knowledge no oil/water separator or any other filtering device was included in the design and construction.

All this was brought to mind by an article in last Wednesday's Seattle Times, co-authored by David Dicks, executive director of the Puget Sound Partnership, and entitled Puget Sound's Slow Oil Spill (attached). In it the authors state that, "75 percent of the toxic chemicals entering the Sound are carried by storm water runoff." They also point to our rain "which washes our homes, driveways, roads and parking lots, picks up oil from car leaks, toxins, pesticides, fertilizers, and bacteria from pet waste..." and so on.

Questions we have for the City are;

1. How many other locations along the Burien shoreline divert surface water runoff directly into Puget Sound or into creeks that flow into the Sound?
2. What protections are provided on each of them to prevent or reduce the discharge of oil and other toxic materials into the Sound?
3. If toxic materials are not being separated from these outfalls now, what plans does the City have to make future improvements to do so?
4. If upgrades and maintenance are required, what sources of funding can the City call upon?

As residents of the shoreline we are willing to continue to do our part in protecting our environment and only ask that a suitably proportional amount of attention be given within the SMP to this important issue of surface water management and protection of the marine environment.

Sincerely,



CFTR: 06/07/10

Puget Sound's slow oil spill

BY KEVIN RANKER AND DAVID DICKS
Special to The Times

As the worst environmental disaster in U.S. history unfolds in the Gulf of Mexico, it's tempting to rest comfortably on our success avoiding a similar calamity here in Puget Sound.

Our success, so far, is not the result of good luck. The state has vigorously worked to prevent oil spills, providing a rapid-response system, stringent oversight of oil companies, and a tugboat dedicated to rescuing distressed ships before they crash and spill hazardous cargoes.

The bad news is, even though its glistening waters look pristine, Puget Sound is in a crisis most of us don't see: a slow-moving spill of millions of gallons of petroleum and chemicals carried by stormwater.

Our famed Northwest rain, which washes our homes, driveways, roads and parking lots, picks up oil from car leaks, toxins, pesticides, fertilizers and bacteria from pet waste and livestock.

This toxic wash water flows down ditches and storm drains into our streams, rivers and, eventually, into Puget Sound. Scientists estimate that 75 percent of the toxic chemicals entering the Sound are carried by stormwater runoff.

The days are past when we could point to a pipe coming from a factory as the source of our problems. The problem now comes from our own backyards and neighborhoods — roughly 140,000 pounds of toxic chemicals each day.

The Gulf of Mexico oil spill is the equivalent of an environmental stroke. Our own personal oil spill is the equivalent of an environmental cancer slowly eating away at the health of our precious Puget Sound.

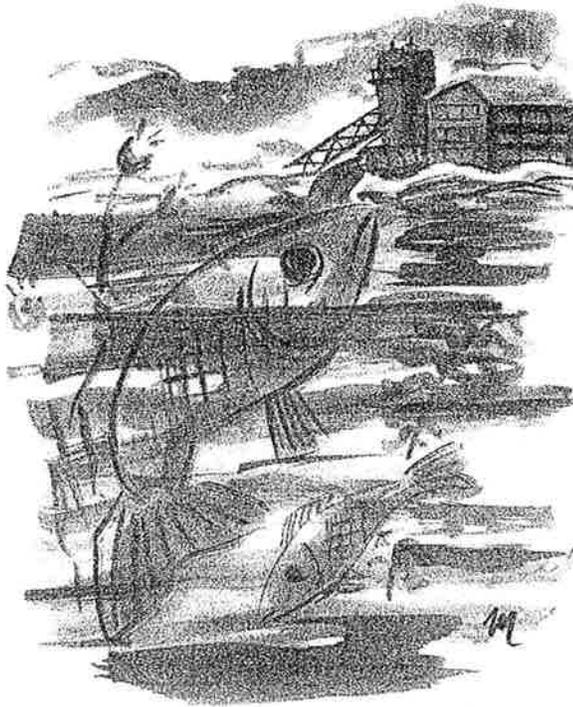
Our oil spill doesn't produce 24-hour news headlines or dramatic images of oil-soaked wildlife. Instead, it produces the slow and chronic destruction of one of our nation's most valuable ecological resources.

As a result, we have 21 species listed as threatened or endangered, more than 500 Puget Sound rivers, streams and lakes that exceed water-quality standards, and dozens of beaches closed due to pollution.

The time to attack this problem is now.

The Puget Sound Partnership has provided a game plan, an Action Agenda for Puget Sound. Through a coordinated, regional approach that challenges each of us to make small but important changes in how we live, work and use the land, we can drive this problem into remission.

The Agenda has already gone a long way to align government action. Fixing this problem means retrofitting municipal drainage systems. It means different



MARK WEBER / OP ART

development standards. It means a fundamentally different approach to managing our water.

Our local communities cannot be expected to bear this burden alone. This year in Olympia, while significant steps were taken, much was left unresolved. We must find a way to fund these critical investments.

Cleaning up and protecting Puget Sound will take time, money and commitment. The current recession may reduce funding in the short term, but it will not diminish our determination or the urgency of our task.

Progress is being made, but this is just a beginning. Puget Sound is too important to us and to our children.

We can be the generation that perpetuated the problem or we can be the generation that solved the problem. The choice is up to us.

Sen. Kevin Ranker, D-San Juan, left, represents the 40th Legislative District in the state Senate, is a senior fellow at The Ocean Foundation and a senior adviser for the Joint Ocean Commission Initiative. David Dicks is the executive director of Puget Sound Partnership.



May 24, 2010

Bob Edgar, 12674 Shorewood Dr SW, Burien

Subject: Public Access from Public Lands

As the City Council familiarizes itself with the draft Shoreline Master Program Document, I would like to correct a discrepancy which you may already have uncovered.

The Washington State Shoreline Management Act specifically lists seven ^{preferences} ~~purposes~~, in descending order, of the Shoreline Management Act. Towards the end of the list is the topic of Public Access to the waters of the State. The state specifically makes the statement that public access should be from publicly owned lands. *Shorelines.*

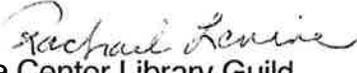
This statement was in the draft document that city staff presented to the Shoreline Advisory Committee. This same statement was in the draft document forwarded to the Planning Commission. The Planning Commission removed the "public" stipulation from statement which changes the intent of the SMA and implies that public access, either visual or physical, can be on or through private lands.

Shorelines

The City Council should reinstate the concept of “public lands” wherever references are made to public access in the SMP. This will then align the city’s SMP with the language of the Washington State Shoreline Management Act.

Thank you.

To: Burien City Council

From: Rachael Levine 
President, White Center Library Guild

Re: White Center Library

Date: May 24, 2010

On May 6, I received the following statement from the King County Library System Director Bill Ptacek:

“For the record, the KCLS Board of Trustees supports KCLS Administration’s decision to postpone capital improvements to the White Center Library pending the potential annexation of the North Highline area to the City of Seattle. KCLS will continue to provide operational support to maintain library service levels until issues relating to the annexation are resolved.”

As both the White Center and Boulevard Park libraries are within the boundaries that now define the City of Burien, it would seem that the Council would have a position in regard to these assets. I have asked for your support in the past and would again urge you to question why plans for a new White Center Library should not be pursued.

I would hope that you would question the process that was laid out by Bill Ptacek in his power point presentation regarding the “Library sites in the Burien, White Center, North Highline Area” (See KCLS Planning Meeting Summary Notes, January 14, 2010) Other than my appearance at that meeting and several appearances at KCLS Board Meetings, there does not seem to have actually been an analysis as described in their Library Service Analysis. One or two citizen presentations do not an analysis make, in my opinion.

I would also hope that you would vigorously pursue this opportunity to build a new library in this newly annexed area. The dollars have been available since we voted for them in 2004. It is time for KCLS to give up the politics they are playing with our tax dollars and do the right thing by our community. The people are the ones to be served.

Thank you for your attention.

CFTR: 06/07/10

May 24, 2010

Honorable Mayor and Council Members

Our names are Robert and Robbie Howell
We live at 15240 20th Ave SW
Burien, WA. 98166

The Burien City Planning staff incorrectly put together their 2003 Critical Areas Ordinance. The process they used was extremely flawed. And now the CAO No. 394 that the staff put into effect has been perpetuating the errors into all of the City documents and codes including the 2010 SMP to the detriment of the ecology of Lake Burien. It appears staff has their own agenda and they are not interested in preserving the ecology of Lake Burien.

RCW 36.70A.172 requires revisions to critical area codes to incorporate Best Available Science to protect the values of critical areas. When they wrote their codes they said they did this, but they did not incorporate Best Available Science for Lake Burien.

One of the 2003 Planning Commission members told me how they handled Lake Burien. He said they separated it from the other critical areas in Burien and worked with the reaches along Puget Sound. They had very little discussion about the lake except staff told them that it is almost fully developed. **Well so is most of the land along Puget Sound.** In doing this they chose to consider Lake Burien as a seriously degraded critical area that needed very little protection under the CAO the city adopted. This decision, by the city, was not based on current or best known science about the lake.

Adolfson Associates, Inc was contracted by the city to comply with the Best Available Science Rule and the Growth Management

CFTR: 06/07/10

Act RCW 36.70A.172 requiring counties and cities in Washington State to include Best Available Science (BAS) when developing policies and development regulations to protect the functions and values of critical areas. But the city paid them for good advise and then went on to put their own agenda in the 2003 CAO regarding the lake.

The Growth Management Act (WAC 365-190-080) **lists critical areas as wetlands which includes lakes, fish and wildlife conservation areas, aquifer recharge areas,** frequently flooded areas and geologically hazardous areas.

The lake is a critical area because it is a lake! The lake is a critical area because the wetlands it contributes to insure the survival of endangered, threatened, and sensitive species such as Bald Eagles, Osprey and Great Blue Heron. The lake is a critical area because it located less than 200 Ft. above a major aquifer. None of these items were completely implemented in the 2003 CAO when the discussions went on at the Planning Commission and City Council levels.

When the staff was guiding this process, they had five hearings and there was no discussions regarding looking into the items listed above except for aquifers. However, the city never followed up completely on aquifers. No resident on Lake Burien, nor was the Lake Burien Shore Club mailed to about these public hearings regarding the CAO provisions regarding the lake. The city staff told residents who lived near Critical Areas that the buffers around all of these areas would increase and so they could expect no adverse effects to these critical areas, in fact there would be increased protections to critical areas as a result of the new Critical Areas Ordinance. As a result of this statement from the city staff, almost no residents attended the hearings. That statement was incorrect for Lake Burien.

The wetland status of Lake Burien was downgraded and the buffer was reduced based on hear say from the city staff rather than science. They stated that the lake was so degraded that it needed little protection. The decision for the 30'buffer was based on where the sewer pipe was not on science. A new wetland class was created for Lake Burien that was based on no science but simply its name-if it has anything to do with Lake Burien it automatically becomes a class 4.

We are requesting that this misinformation about Lake Burien be corrected in the Shoreline Master Plan. We are asking that the Shoreline Inventory and the Shoreline Characterization for Lake Burien be corrected. Additionally, we are asking that the lake be recognized for the important Critical Area that it is ecologically and be protected as such.

from Greg Anderson

173-26-090

Periodic review — Public involvement encouraged — Amendment of comprehensive plans, development regulations and master programs.

Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-090, filed 9/30/95, effective 10/31/96.]

173-26-100

Local process for approving/amending shoreline master programs.

Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
 - (a) Reference to the authority(s) under which the action(s) is proposed;
 - (b) A statement or summary of the proposed changes to the master program;
 - (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
 - (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
- (5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;
- (6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
- (7) Approve the proposal.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

CATR: 06/07/10

173-26-110

Lisa Clausen

From: Public Council Inbox
Sent: Tuesday, May 25, 2010 4:47 PM
To: 'Ryan, Andrew F'
Subject: RE: May 24 City Council reconstruction.doc

Thank you for your comments to the Burien City Council. They will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

-----Original Message-----

From: Ryan, Andrew F [mailto:andrew.f.ryan@boeing.com]
Sent: Tuesday, May 25, 2010 8:03 AM
To: Public Council Inbox
Subject: May 24 City Council reconstruction.doc

Hard copy of my comments from last night's council meeting.
Thank you
Andy Ryan

CFTR: 06/07/10

5/24/2010 Comments to City Council Re limitations on residential reconstruction

**Andrew Ryan
16525 Maplewild Ave SW**

One of the reasons I stand before you so often lately is because I've had some 1st hand experience in some of the areas that the SMP would drastically affect.

Section 20.35.045 addresses reconstruction of nonconforming structures that are destroyed or damaged more than 75% of the assessed value of the structure's value

In 2001, the Nisqually earthquake damaged my house more than 75% of its structural value. Due to the house above me, it was over a year before I could get a permit, and then took another year to re-engineer and repair it. I was out for two years. We had minimal changes to the footprint and City planning and building staff were very accommodating. Essentially nothing changed except I got a new foundation.

Now let's look at that same situation under the new SMP recommendations, - and Staff, if I say anything wrong, please correct me after my three minutes are up.

Staff has said in a number of different forums that there is nothing in the new regs that stop a property owner from rebuilding, and I think I believe with that.

However let's look at all the new limitations that will impact the property owner in this situation that don't get mentioned:

75% of assessed structure value is approximately the equivalent of 35% to 50% replacement cost based on \$200 to \$300 / sq ft construction cost. Given that a large number of the structures in the area are higher end homes, with difficult access, I believe the higher cost/sq ft is more appropriate. So for effectively 1/3 to half of replacement value, the following impacts apply

20.35.045 (b) states the area between the nonconforming structure and the OHWM shall meet the vegetation conservation standards

Which is section 20.30.040 Shoreline Vegetation Conservation:
Part (j) states-vegetation plan shall include a monitoring and maintenance program that at a minimum shall require annual progress reports submitted to shoreline administrator for not less than 5 years.

Section 20.30.055 goes further in stating a potential requirement for a performance bond to guarantee the vegetation mitigation.

20.30.040 (c)ii states 75% of the buffer needs to be re-vegetated, where degraded, to mimic natural conditions, with a mix of native trees, shrubs, and groundcover

Section v provides special emphasis on the 20 foot wide area parallel and adjacent to the shoreline

Section vi outlaws grass

20.30.45 Water Quality - states that construction materials that come in continuous contact w/ surface water must be untreated wood or precast concrete. Not sure how I would have rebuilt my foundation w/ either of those.

Proposed BMC 20.30.095 Residential Development addresses new construction and exterior modifications and part (j) states that accessory structures and appurtenances are not permitted waterward of the primary structure.

This means I would have had to remove my boat house in order to rebuild my primary structure. The people on SW 172nd, in a similar situation, would have to remove their carports and cabanas. The configuration of our properties makes this requirement particularly onerous. I would say a significant number of our properties have the primary structure at the opposite end of the lot from the water.

While I would contend a boathouse is a water dependent use for recreational purposes, which is allowed, it doesn't fit the description given in the proposed code.

This is a taking of my right to use my property, and provides the opportunity for my kayaks and other boating paraphernalia to disappear w/ o my approval as did my neighbor's car the other night

So in summary, yes, I can rebuild my primary structure. But in order to do that, I have to essentially rip up my lawn (if I had one) give up use of the 20 feet along the beach, which is the only level area on my whole property, where I currently have my picnic table, fire pit, and the opportunity to sit and enjoy one of the primary benefits of living along the water.

I get to remove my boathouse, store my water toys somewhere else away from the water, plant the shoreline area w/ native plants in densities to mimic natural conditions which I'm not allowed to prune, pay for 5 years monitoring and

perhaps a performance bond. As the new native trees grow, I also lose the water views I currently enjoy.

Bottom line, I would lose all the advantages of living along the water except the right to pay higher taxes.

I find it extremely difficult to believe that a reasonable person would consider this appropriate.

Thank you

RECEIVED

MAY 26 2010

CITY OF BURIEN

To: Burien City Council
From: Jim Sudduth, 2419 SW 172nd Street (residence)
Subject: Shoreline Master Program
Date: May 23, 2010

Dear Council Members:

I have been a resident of the Three Tree Point neighborhood since 1964 and purchased the above property in 1972. Over the following 38 years I have paid \$154,147 in property taxes (not adjusted for inflation). The house was 30-40 years old when I first moved in, and like my aging body, requires continuous maintenance. The house is about ten feet (horizontally) from the high water mark, with the narrow deck extending to within about three feet.

The Shoreline Master Program appears to unleash a bureaucratic nightmare of ecological studies, permits, public hearings and appeals whenever maintenance or minor improvements are needed. Apparently I would need a Substantial Development Permit to plant a non-native rose bush.

The entire tone of the SMP implies that the goal is to restore waterfront property to its pre 1492 configuration. If this a desirable goal for waterfront property, then I believe it would be equally desirable for Town Square. One of the stated goals is to promote "...no net loss of ecological functions and processes." (Whatever that means.) Does a rose bush result in such a loss? What is the ecological function of my home?

I believe that we can avoid a nightmare of lunacy and litigation by making a **clear and specific** exemption for property that has already been developed and occupied. I urge the council members to consider how they would react if faced with such vague, Kafkaesque regulations imposed on their homes.

Sincerely,



Jim Sudduth

224 SW 153rd St., Suite 139, Burien, WA 98166

206-244-7443

jimmmm@comcast.net

CFTR: 06/07/10



King County

Pete von Reichbauer
Metropolitan King County Council

RECEIVED

MAY 26 2010

CITY OF BURIEN

Mayor Joan McGilton
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Dear Joan:

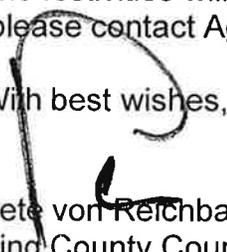
It is a pleasure to invite you to South King County's Annual Flag Day celebration on Saturday June 12, 2010 at the Weyerhaeuser King County Aquatic Center. There will be a reception beginning at 9:30am, and the program will begin at 10:00am. This event is not only an opportunity to salute our Star-Spangled Banner, but also those who have served to protect our country.

At this year's event we are delighted to have Lt. Col. Rick Jimenez as the keynote speaker. LTC Jimenez' current military assignment is as the Commander of the 420th Chemical Battalion Commander and Commander of FEMA Region 10 CERFP, a mass casualty chemical response unit. As a member of the National Guard he has deployed in support of Operation Joint Guardian (Kosovo) and Operation Iraqi Freedom.

Please join me, other community members, as well as active and retired service-men and women at one of the most recognized community events of the year.

The festivities will take place rain or shine. If you have any questions, or to RSVP, please contact Agnes Wooters in my office at (206) 296-1007.

With best wishes,


Pete von Reichbauer
King County Councilmember
24 May 2010

CFR: 06/07/10

King County Courthouse, 516 Third Avenue Room 1200, Seattle, WA 98104
Tel 206-296-1007 Toll-free 1-800-325-6165 ext 6-1007 TTY/TDD 206-296-1024 Fax 206-296-0323
pete.vonreichbauer@kingcounty.gov www.kingcounty.gov/vonreichbauer

Lisa Clausen

From: Michael Lafreniere
Sent: Friday, May 28, 2010 12:48 PM
To: KKovacs@deltadentalwa.com
Cc: Lisa Clausen; Monica Lusk; Steve Roemer
Subject: FW: Animal Control at Seahurst Park.

Kitty,

I enjoyed our conversation yesterday. I also want to thank you for forwarding the information you received from King County Animal Control in response to your inquiry about what you were recently told by one of their officers while visiting Seahurst Park. We are contacting King County Animal Control to ask that they provide their staff clarification as to the applicable code for Burien's parks. In the case of Burien's parks, the relevant code is Burien Municipal Code (BMC) 7.30.170. A violation of that section of the Parks code is detailed in BMC 7.40.010 (see below). As I explained on the phone, they were not at all correct in saying that it is a \$5000 fine and a year in jail; it is actually a \$250 fine.

7.30.170 Pets in city park facilities.

(1) Dogs, pets, or domestic animals are not permitted on any designated beach, picnic area, tennis courts or play area in any park or in any recreation facility unless specifically permitted by posting. This section shall not apply to service animals or to specific recreation programs as may be authorized by the parks director.

(2) In posted areas, dogs or other pets or domestic animals must be kept on a leash no greater than 15 feet in length, and under control at all times.

(3) Any person whose pet animal is in any city park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal from the park area. [Ord. 475 § 2, 2007]

7.30.180 Disturbances by animals prohibited.

No person shall allow his or her dog or other pet or domestic animal to bite, disturb or harass any park users, wildlife or other pets. No person shall permit his or her dog or other pet or domestic animal to bark or make noise continuously or otherwise disturb the peace and tranquility of the park. No person shall permit dogs, pets or domestic animals to damage, destroy or remove park vegetation. [Ord. 475 § 2, 2007]

7.40.010 Infractions.

Except as otherwise provided herein, violation of any provision of Chapter 7.30 BMC, Rules Governing Use of Facilities, shall be a Class 1 civil infraction and any person found to have committed such a civil infraction shall be assessed a monetary fine of **\$250**, not including statutory assessments for each such violation. Violation of BMC 7.30.030(3) is a traffic violation. [Ord. 475 § 2, 2007]

As you may be aware, changes are coming with respect to how the City administers animal control and related leash laws, so we will inform the public of any changes to our policies. Please stay tuned. Again, it is unfortunate that you and others were given the wrong information, because as a responsible dog owner, you and your dog are welcome in our parks any day. In the future, please feel free to contact me directly whenever you have a concern or question. If I am unavailable, you may also contact our Park Operations Manager, Steve Roemer, at 206-248-5513.

 **Burien**
Parks, Recreation & Cultural Services

Michael Lafreniere
Director of Parks, Recreation & Cultural Services
michaell@burienwa.gov
14700 - 6th Avenue SW (new address)
Burien, WA 98166-1908
tel: (206) 988-3703
www.BurienParks.net
"Innovative Stewards of Public Trust"

OTR: 06/07/10

Follow us on:



flickr

From: Kovacs, Kitty [mailto:KKovacs@deltadentalwa.com]

Sent: Wednesday, May 26, 2010 12:06 PM

To: Public Council Inbox

Subject: Animal Control at Seahurst Park.

Hello,
Although I live in West Seattle, I can walk a few blocks south & be in Burien. I love B-town. It definitely has small-town, friendly neighbor appeal. I shop there (I believe in supporting local businesses) and I particularly enjoy visiting Seahurst Park.

To the point: I've been taking my little dog on walks at Seahurst for the last 11 years. I never let her off leash anywhere near the beach area (and I understand why dogs are not permitted on the beach at all, due to its being a marine sanctuary), but admit that in the past I have let her run on wooded trails for short periods. I no longer do this because she is old and wanders, so is kept on leash at all times. So for me, the point is moot. BUT, last Saturday an animal control person had a truck parked in the beach area parking lot, and stopped every dog owner to let them know the fine for letting a dog off-leash was \$5,000 and one year in jail. I couldn't believe it so did the research and found it was true.

I understand the reason behind keeping dogs leashed in public areas. I am not arguing that point. The excessive penalty however "raised the hackles" of the dog owners I spoke with. It comes across as aggressive and very off-putting (toward the city itself). Certainly enforce rules against barking guard dogs and roaming animals that are a nuisance. But I believe most responsible dog owners, such as myself (I always carry biodegradable doggy bags, and even pick up after other dogs if not too disgusting) would feel more welcome if the fine for infraction fit the crime. Seattle King County parks, as I am sure you are aware, has a max fine of \$500/90 days... which says to me "don't do this" and not "we don't want you here".

I just wanted to share my thoughts. I hope you will consider them.

Thank you,

Kitty Kovacs

Janet Stallman

From: Public Council Inbox
To: Kovacs, Kitty
Cc: Jenn Ramirez Robson
Subject: RE: Animal Control at Seahurst Park.

Ms. Kovacs:

Thank you for your email. It will be included in a future Council agenda packet as Correspondence for the Record. I have forwarded your email to Jenn Ramirez Robson for response.

Janet S.

From: Kovacs, Kitty [mailto:KKovacs@deltadentalwa.com]
Sent: Wednesday, May 26, 2010 12:06 PM
To: Public Council Inbox
Subject: Animal Control at Seahurst Park.

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I just wanted to share my thoughts. I hope you will consider them.
Thank you,

Kitty Kovacs

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#####



Burien

Washington, USA

400 SW 152nd Street • Suite 300 • Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

May 27, 2010

Chestine Edgar
1811 SW 152nd St
Burien, WA 98166

Dear Ms. Edgar:

Your correspondence regarding issues related to compliance with the Americans with Disabilities Act (ADA) was referred to me for response. Thank you for bringing your concerns to our attention.

I have provided your letter to the appropriate City staff and they are working on addressing your concerns. Here is what has happened to date as a result of your questions:

1. City staff is consulting with the King County Library System (KCLS) staff regarding the lower level of the garage. You are correct that there are no parking spaces on the lower level designated for "handicapped access" – since such spaces are reserved on the upper level of the parking garage, staff are looking into what to do about the lower level signage situation.
2. City staff is looking into which publications "fail to mention" the ADA/Section 504 Compliance Officer and contact information for ADA accommodations.
3. The notices are being reviewed regarding an explanation of accommodations for disabled interviewees.
4. Regarding the statement about "illegal questions" during citizen committee interviews, staff would like to request examples of such questions in order to address this concern.
5. Staff will confer about what the City should do in the event of an elevator break-down, in order for disabled persons to do business with the City. Please note, however, that during certain adverse weather situations the City Hall may be shut down.
6. City staff will discuss the possibility of providing a flat-seated, straight-backed armchair in the lobby.
7. Staff researched state law and found that a vehicle with a "disabled" parking placard or license plate may park in any legal public parking space, not just those spaces designated for "disabled" parking.

As soon as our staff can conclude their efforts related to the issues you have raised, we will send another letter to update you.

Respectfully,



Lisa Clausen

City Manager's Office

CPTR: 06/07/10

To: The Burien City Manager
To: The Burien City Council
From: Chestine Edgar
April 21, 2010

To The City of Burien;

In the last several months, I have had to use the City Hall/Library shared facility many times. I am disabled and am keenly aware of which facilities work and provide access for the disabled population. The City of Burien's facilities in the Town Square area are not ADA compliant. Additionally, the publications and processes followed by the city are not ADA compliant. I am requesting that these things be remedied. If the City of Burien does not have the staff or expertise to correct these areas, then I am suggesting that the city staff contact the Office of Civil Rights for assistance on how to make these things compliant with the ADA.

My areas of concern about non-ADA compliance are:

1. The parking garage under the City Hall Building has a door marked for handicapped access. However, there are not parking spaces marked or reserved for handicapped access in the garage next to the door. The door has to be opened manually and opens at an angle so that it swings closed on a person who does not have their arms or hands available to keep it open. The sidewalk out of the garage is up hill, around a corner and down the street from the only ramp access to City Hall from that parking garage. It would just be easier to have a handicapped parking space in front of City Hall on 152nd St. The garage needs to be marked and the door situation needs to be looked at.
2. The City of Burien publications fail to mention who is the ADA/Section 504 Compliance Officer for the city. Also, there is no contact phone number for who to contact to request ADA accommodations or how to get those accommodations taken care of.
3. Notices of interviews for positions on citizen committees do not explain how accommodations for disabled interviewees will be taken care of or that any will be provided.
4. Interviews done by the city staff and council members have illegal questions given to the interviewees relating to their disabling conditions.
5. When the elevator breaks down there is no way for the disabled to get up to City Hall (which is on the third floor) to handle the business that he or she came for. A plan for how to handle business on the days of elevator break down needs to be put in place so that the disabled can take care of business on those days-such as a phone service, intercom or a staff member who goes down stairs to assist the disabled citizen from the first floor.

CFTR: 05/07/10
CC: Human Resources
ADA Compliance 04-21-10 CE.doc
Public Worker
City Manager & City Clerk staff

6. The furniture in the upstairs City Hall is very difficult for disabled citizens to use. The angles on the seats put the spine at an angle where the hips are lower than the spine, the seats of other chairs have an unusual curve that irritates the spine and none of the chairs has arms to aid a person to push out of the seat. I am requesting that at least one flat seated, straight backed armchair be available for use by citizens in the City Hall area.

7. The parking space situation for the disabled along 152nd from 1st Ave SW to 10th Ave. SW needs to be analyzed. In that 10 block space there are only 3 disabled parking spaces along 152nd for the disabled. During festivals, celebrations, markets and heavily attended meetings, it is difficult for the disabled population to find close enough parking to take part in the events.

cc:

Office of Civil Rights

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 7th day of June, 2010 the FOLLOWING:

CHECK NOS. 25063-25226

IN THE AMOUNTS OF \$2,804,588.70

WITH VOIDED CHECK NOS. _____

Accounts Payable
Checks for Approval



User: liliac
Printed: 06/03/2010 - 8:29 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25063	05/21/2010	General Fund	Meals	CITI BANK	70.14
25063	05/21/2010	General Fund	Registration - Trainng/workshp	CITI BANK	600.00
25063	05/21/2010	General Fund	Meals	CITI BANK	90.00
25063	05/21/2010	General Fund	Meals	CITI BANK	45.00
25063	05/21/2010	General Fund	Meals	CITI BANK	45.00
Check Total:					850.14
25064	05/21/2010	General Fund	Claims & Judgments	Westmark Development Corporati	617.40
Check Total:					617.40
25065	05/25/2010	Surface Water Management Fund	Registration - Trainng/workshp	CITI BANK	85.00
25065	05/25/2010	Street Fund	Meals	CITI BANK	79.74
25065	05/25/2010	Street Fund	Registration - Trainng/workshp	CITI BANK	45.00
25065	05/25/2010	General Fund	Registration - Trainng/workshp	CITI BANK	45.00
Check Total:					254.74
25066	06/07/2010	Parks & Gen Gov't CIP	Project Development	Five Star Mechanical	2,438.62
Check Total:					2,438.62
25067	06/07/2010	General Fund	Repairs And Maintenance	ADT Security Services	88.88
Check Total:					88.88
25068	06/07/2010	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	8.21
25068	06/07/2010	General Fund	Rental & Lease	AIRGAS-NORPAC, INC.	8.22
25068	06/07/2010	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	56.59
25068	06/07/2010	General Fund	Rental & Lease	AIRGAS-NORPAC, INC.	56.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	129.61
25069	06/07/2010	General Fund	Office And Operating Supplies	Al Book's Custom Weldin	32.85
				Check Total:	32.85
25070	06/07/2010	Street Fund	Repairs And Maintenance	Alpine Products, Inc.	598.24
25070	06/07/2010	Street Fund	Repairs And Maintenance	Alpine Products, Inc.	5,619.27
				Check Total:	6,217.51
25071	06/07/2010	General Fund	Strawberry Festival	John B. Anderson	300.00
				Check Total:	300.00
25072	06/07/2010	General Fund	Strawberry Festival	The Anunnaki Project	1,000.00
				Check Total:	1,000.00
25073	06/07/2010	Street Fund	Repairs And Maintenance	Appearance Fence Inc	876.00
				Check Total:	876.00
25074	06/07/2010	General Fund	Repair and Maintenance	Aquatic Specialty Services Inc	125.93
				Check Total:	125.93
25075	06/07/2010	General Fund	Telephone	AT&T Mobility	19.87
				Check Total:	19.87
25076	06/07/2010	General Fund	Federal Lobbying Services	Ball Janik LLP	3,900.00
				Check Total:	3,900.00
25077	06/07/2010	General Fund	Cops Technology Grant Exps	Kenneth Barger	45.00
25077	06/07/2010	General Fund	Strawberry Festival	Kenneth Barger	81.44
				Check Total:	126.44
25078	06/07/2010	General Fund	Strawberry Festival	Mark Bentz	400.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	400.00
25079	06/07/2010	General Fund	Prof. Svcs-instructors	Nancy Bogni	429.00
				Check Total:	429.00
25080	06/07/2010	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.	12,562.50
25080	06/07/2010	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.	441.00
				Check Total:	13,003.50
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	392.56
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	131.40
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	27.38
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	372.30
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	98.55
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	98.55
25081	06/07/2010	General Fund	Printing	Philip Hwang Kwang Nam	739.13
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	87.60
25081	06/07/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	131.40
				Check Total:	2,078.87
25082	06/07/2010	General Fund	Strawberry Festival	Sheri Brown	150.00
				Check Total:	150.00
25083	06/07/2010	General Fund	Prof. Svcs-instructors	Viola Brumbaugh	100.00
				Check Total:	100.00
25084	06/07/2010	General Fund	Office And Operating Supplies	Burien Trophy	40.08
				Check Total:	40.08
25085	06/07/2010	General Fund	Strawberry Festival	Camano Music Enterprises, LLC	650.00
				Check Total:	650.00
25086	06/07/2010	Parks & Gen Gov't CIP	Project Development	James Cary	1,463.10

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	1,463.10
25087	06/07/2010	General Fund	Mis Plan Implementation	CDW-G	2,422.03	
25087	06/07/2010	Equipment Reserve Fund	Machinery And Equipment	CDW-G	9,319.27	
25087	06/07/2010	General Fund	Computer Related Supplies	CDW-G	119.94	
25087	06/07/2010	Equipment Reserve Fund	Machinery And Equipment	CDW-G	3,364.16	
25087	06/07/2010	Town Square CIP	Construction	CDW-G	325.77	
					Check Total:	15,551.17
25088	06/07/2010	General Fund	Strawberry Festival	Central Services	700.00	
					Check Total:	700.00
25089	06/07/2010	General Fund	Subscriptions/publications	Champlain Planning Press, Inc.	151.00	
					Check Total:	151.00
25090	06/07/2010	General Fund	Registration - Trainng/workshp	ANGELA CHAUFTY	121.60	
					Check Total:	121.60
25091	06/07/2010	General Fund	Human Services-Arts & Culture	Northwest Associated Arts	4,000.00	
					Check Total:	4,000.00
25092	06/07/2010	General Fund	Office and Operating Supplies	Clay Art Center, Inc.	47.14	
25092	06/07/2010	General Fund	Office and Operating Supplies	Clay Art Center, Inc.	140.16	
					Check Total:	187.30
25093	06/07/2010	General Fund	Professional Services	Code Publishing Co.	1,006.41	
					Check Total:	1,006.41
25094	06/07/2010	General Fund	Utilities	COMCAST	109.95	
25094	06/07/2010	General Fund	Channel 21 Video Production	COMCAST	57.27	
					Check Total:	167.22
25095	06/07/2010	General Fund	Office And Operating Supplies	Consolidated Electrical	109.28	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	109.28
25096	06/07/2010	General Fund	Nuisance Abatement Costs	Clean Property Services & Exte	328.50
				Check Total:	328.50
25097	06/07/2010	General Fund	Office Supplies	Crystal and Sierra Springs	72.72
				Check Total:	72.72
25098	06/07/2010	Street Fund	Operating Rentals And Leases	City of Mercer Island	1,745.00
				Check Total:	1,745.00
25099	06/07/2010	General Fund	Utilities	City of Seattle	152.48
25099	06/07/2010	General Fund	Utilities	City of Seattle	14.82
25099	06/07/2010	Street Fund	Utilities - Traffic Signals	City of Seattle	637.59
25099	06/07/2010	Street Fund	Utilities-street Lighting	City of Seattle	3,875.19
25099	06/07/2010	General Fund	Utilities	City of Seattle	520.72
25099	06/07/2010	General Fund	Utilities	City of Seattle	1,203.53
25099	06/07/2010	General Fund	Utilities	City of Seattle	76.66
25099	06/07/2010	General Fund	Utilities	City of Seattle	51.15
25099	06/07/2010	General Fund	Utilities	City of Seattle	422.93
25099	06/07/2010	General Fund	Utilities	City of Seattle	1,044.82
				Check Total:	7,999.89
25100	06/07/2010	Street Fund	Discover Burien	Discover Burien	4,850.00
25100	06/07/2010	Street Fund	Special Event Clean up	Discover Burien	3,331.00
25100	06/07/2010	Street Fund	Discover Burien	Discover Burien	4,850.00
25100	06/07/2010	Street Fund	Special Event Clean up	Discover Burien	3,331.00
				Check Total:	16,362.00
25101	06/07/2010	General Fund	Small Tools & Minor Equipments	Dunn Lumber Co.	134.61
25101	06/07/2010	General Fund	Office And Operating Supplies	Dunn Lumber Co.	58.27
25101	06/07/2010	General Fund	Office and Operating Supplies	Dunn Lumber Co.	45.53
25101	06/07/2010	General Fund	Office And Operating Supplies	Dunn Lumber Co.	231.88
				Check Total:	470.29
25102	06/07/2010	General Fund	Repair/maint-vehicle	Elidrew, LLC	11.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25102	06/07/2010	General Fund	Repair and Maintenance	Elidrew, LLC	13.69
25102	06/07/2010	Street Fund	Repairs And Maintenance	Elidrew, LLC	11.83
				Check Total:	<u>37.35</u>
25103	06/07/2010	General Fund	Office And Operating Supplies	Einstein Signs	87.60
				Check Total:	<u>87.60</u>
25104	06/07/2010	General Fund	Office And Operating Supplies	FASTSIGNS	328.50
				Check Total:	<u>328.50</u>
25105	06/07/2010	General Fund	Human Svc-family/youth	Lori Fleming	200.00
				Check Total:	<u>200.00</u>
25106	06/07/2010	General Fund	Registration - Trainng/workshp	Fred Pryor Seminars	79.00
				Check Total:	<u>79.00</u>
25107	06/07/2010	Surface Water Management Fund	Endangered Species Act Study	Frause Group	3,458.95
				Check Total:	<u>3,458.95</u>
25108	06/07/2010	General Fund	Rental & Lease	Fun Rentals	383.25
				Check Total:	<u>383.25</u>
25109	06/07/2010	General Fund	Professional Services	Gray & Osborne, Inc.	3,148.06
				Check Total:	<u>3,148.06</u>
25110	06/07/2010	Transportation CIP	right of way acquisition	G. B. McCaughan & Associates	750.00
				Check Total:	<u>750.00</u>
25111	06/07/2010	General Fund	Professional Services	Goodbye Graffiti	4,797.21
				Check Total:	<u>4,797.21</u>
25112	06/07/2010	General Fund	Utilities	Glendale Heating	1,502.07

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,502.07
25113	06/07/2010	Surface Water Management Fund	GIS Plan Implementation	Geoline Positioning Systems	487.28
				Check Total:	487.28
25114	06/07/2010	General Fund	Office And Operating Supplies	Grainger	395.67
25114	06/07/2010	General Fund	Office And Operating Supplies	Grainger	205.07
				Check Total:	600.74
25115	06/07/2010	Street Fund	Traffic Signal/control.mainten	GraybaR	47.69
				Check Total:	47.69
25116	06/07/2010	Street Fund	Operating Rentals And Leases	Greenbaum Burien	1,033.00
				Check Total:	1,033.00
25117	06/07/2010	General Fund	Instructors Prof Svcs	Ed Hartman	350.00
				Check Total:	350.00
25118	06/07/2010	Parks & Gen Gov't CIP	Project Development	RAY HELMS	87.27
				Check Total:	87.27
25119	06/07/2010	General Fund	Strawberry Festival	Todd John Hjermstad	400.00
				Check Total:	400.00
25120	06/07/2010	General Fund	Jail Contract	Homebound Services, Inc.	146.00
				Check Total:	146.00
25121	06/07/2010	General Fund	Professional Services	Healthforce Occupational Medic	200.00
				Check Total:	200.00
25122	06/07/2010	General Fund	Mis Plan Implementation	Hewlett Packard Company	3,530.63

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	3,530.63
25123	06/07/2010	General Fund	Contributions - Wlnss Cluster	Health Sciences and Human Serv	500.00
				Check Total:	500.00
25124	06/07/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions	364.64
				Check Total:	364.64
25125	06/07/2010	General Fund	Printing/binding/copying	Ikon Office Solutions	34.95
25125	06/07/2010	General Fund	Operating Rentals And Leases	Ikon Office Solutions	1,098.22
				Check Total:	1,133.17
25126	06/07/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management	515.92
				Check Total:	515.92
25127	06/07/2010	General Fund	Telephone	Integra Telecom	107.82
25127	06/07/2010	General Fund	Telephone	Integra Telecom	161.76
25127	06/07/2010	General Fund	Telephone	Integra Telecom	134.80
25127	06/07/2010	General Fund	Telephone	Integra Telecom	53.92
25127	06/07/2010	General Fund	Telephone	Integra Telecom	269.60
25127	06/07/2010	General Fund	Telephone	Integra Telecom	134.80
25127	06/07/2010	General Fund	Telephone	Integra Telecom	161.76
25127	06/07/2010	General Fund	Telephone	Integra Telecom	323.52
25127	06/07/2010	General Fund	Telephone	Integra Telecom	555.07
				Check Total:	1,903.05
25128	06/07/2010	General Fund	Professional Services	K&L/Gates LLP	162.00
				Check Total:	162.00
25129	06/07/2010	General Fund	Office and Operating Supplies	Gina Kallman	107.83
25129	06/07/2010	General Fund	Office and Operating Supplies	Gina Kallman	41.56
				Check Total:	149.39
25130	06/07/2010	General Fund	Dues/memberships/subscriptions	King County Municipal Clerk's	25.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	25.00
25131	06/07/2010	Street Fund	Street Maint. Contract-kc	King County Fleet Adm.	121.59
				Check Total:	121.59
25132	06/07/2010	General Fund	Substance Abuses	King County Finance	2,315.14
				Check Total:	2,315.14
25133	06/07/2010	General Fund	Miscellaneous	King County Recorder	64.00
25133	06/07/2010	General Fund	Miscellaneous	King County Recorder	10.00
				Check Total:	74.00
25134	06/07/2010	General Fund	Police Contract - King Co	King County Sheriff's Office	2,377,456.00
				Check Total:	2,377,456.00
25135	06/07/2010	Surface Water Mgmt CIP	Construction	KING COUNTY FINANCE	2,524.17
25135	06/07/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	20.92
25135	06/07/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	12,925.14
25135	06/07/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	152.19
25135	06/07/2010	Transportation CIP	Construction-engineering	KING COUNTY FINANCE	368.89
25135	06/07/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	15,001.18
25135	06/07/2010	Street Fund	Street Maint. Contract-kc	KING COUNTY FINANCE	37,461.46
25135	06/07/2010	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE	47,932.33
				Check Total:	116,386.28
25136	06/07/2010	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	1,632.02
				Check Total:	1,632.02
25137	06/07/2010	General Fund	Miscellaneous Contingencies	King County Finance	358.80
				Check Total:	358.80
25138	06/07/2010	General Fund	King Co Pet License Trust Acct	King County Pet License	1,312.00
				Check Total:	1,312.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25139	06/07/2010	Surface Water Management Fund	Swm Billed By Swm Dept	King County Office of Finance	50,201.15
				Check Total:	50,201.15
25140	06/07/2010	General Fund	Strawberry Festival	David M. Keenan	300.00
				Check Total:	300.00
25141	06/07/2010	General Fund	Telephone	K. SCOTT KIMERER	74.68
25141	06/07/2010	General Fund	Registration - Trainng/workshp	K. SCOTT KIMERER	220.20
				Check Total:	294.88
25142	06/07/2010	General Fund	Prof. Svcs-instructors	Kim Klose	115.20
				Check Total:	115.20
25143	06/07/2010	General Fund	Office And Operating Supplies	DOUG LAMOTHE	7.63
25143	06/07/2010	General Fund	Mileage	DOUG LAMOTHE	88.50
25143	06/07/2010	Street Fund	Meals	DOUG LAMOTHE	30.28
				Check Total:	126.41
25144	06/07/2010	Surface Water Management Fund	Professional Services	Thomas D. Mortimer	3,895.50
				Check Total:	3,895.50
25145	06/07/2010	General Fund	Recreation Guide	Larry Cederblom Design	2,308.75
				Check Total:	2,308.75
25146	06/07/2010	General Fund	Mileage	FERNANDO LLAMAS	53.00
25146	06/07/2010	General Fund	Meals	FERNANDO LLAMAS	12.00
				Check Total:	65.00
25147	06/07/2010	General Fund	Teen Programs	Michael Mansanarez	181.26
				Check Total:	181.26
25148	06/07/2010	General Fund	Office And Operating Supplies	Mark's	605.94

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	605.94
25149	06/07/2010	General Fund	Strawberry Festival	Paula Marks	100.00
				Check Total:	100.00
25150	06/07/2010	General Fund	Strawberry Festival	Janice L. May	100.00
				Check Total:	100.00
25151	06/07/2010	General Fund	Professional Services	Nancy Buckingham McKenney	1,102.15
				Check Total:	1,102.15
25152	06/07/2010	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.	223.70
				Check Total:	223.70
25153	06/07/2010	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	21.69
				Check Total:	21.69
25154	06/07/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	43.47
25154	06/07/2010	General Fund	Office And Operating Supplies	Miller Paint Co.	32.57
25154	06/07/2010	General Fund	Nuisance Abatement Costs	Miller Paint Co.	23.66
25154	06/07/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	25.41
25154	06/07/2010	General Fund	Office and Operating Supplies	Miller Paint Co.	25.03
25154	06/07/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	30.12
25154	06/07/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	15.66
				Check Total:	195.92
25155	06/07/2010	General Fund	Prof. Svcs-instructors	Scott A. Miller	1,407.25
				Check Total:	1,407.25
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	155.54
25156	06/07/2010	Street Fund	Telephone	Sprint Solutions, Inc.	155.53
25156	06/07/2010	Surface Water Management Fund	Telephone	Sprint Solutions, Inc.	155.53
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	291.38
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	181.56
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	19.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25156	06/07/2010	General Fund	Drug seizure proceeds KCSO	Sprint Solutions, Inc.	409.16
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	262.80
25156	06/07/2010	General Fund	Misc. EOC	Sprint Solutions, Inc.	57.46
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	153.33
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	-120.00
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	58.64
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	42.88
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	49.05
25156	06/07/2010	General Fund	Telephone	Sprint Solutions, Inc.	1,637.43
Check Total:					3,510.12
25157	06/07/2010	General Fund	City Hall Custodial	National Maintenance	1,032.29
Check Total:					1,032.29
25158	06/07/2010	General Fund	Professional Services	Bruce Mildenberger	1,095.00
25158	06/07/2010	General Fund	Office And Operating Supplies	Bruce Mildenberger	328.50
Check Total:					1,423.50
25159	06/07/2010	General Fund	NE Redevelopment Area	OTAK, Inc	3,116.17
Check Total:					3,116.17
25160	06/07/2010	General Fund	Repairs And Maintenance	Park Place Professional Buildi	490.00
Check Total:					490.00
25161	06/07/2010	Transportation CIP	design engineering	Perteet Inc.	32,301.99
Check Total:					32,301.99
25162	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	11.83
25162	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	21.89
25162	06/07/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	25.00
25162	06/07/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	25.00
25162	06/07/2010	Surface Water Management Fund	Other Travel	Petty Cash Custodian	12.00
25162	06/07/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	25.00
25162	06/07/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	20.00
25162	06/07/2010	General Fund	Travel	Petty Cash Custodian	11.95
25162	06/07/2010	General Fund	Mileage	Petty Cash Custodian	15.00
25162	06/07/2010	General Fund	Other Travel	Petty Cash Custodian	15.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25162	06/07/2010	General Fund	Other Travel	Petty Cash-Custodian	15.00
25162	06/07/2010	General Fund	Mileage	Petty Cash Custodian	20.00
25162	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	3.60
25162	06/07/2010	Street Fund	Office And Operating Supplies	Petty Cash Custodian	14.13
25162	06/07/2010	General Fund	Miscellaneous	Petty Cash Custodian	38.64
25162	06/07/2010	Surface Water Management Fund	Office And Operating Supplies	Petty Cash Custodian	38.83
25162	06/07/2010	General Fund	Mileage	Petty Cash Custodian	24.00
25162	06/07/2010	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	5.96
25162	06/07/2010	General Fund	Travel	Petty Cash Custodian	10.00
25162	06/07/2010	General Fund	Meals	Petty Cash Custodian	30.39
25162	06/07/2010	General Fund	Meals	Petty Cash Custodian	11.00
25162	06/07/2010	General Fund	Mileage	Petty Cash Custodian	7.00
25162	06/07/2010	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	25.00
25162	06/07/2010	General Fund	Mileage	Petty Cash Custodian	6.50
25162	06/07/2010	General Fund	Meals	Petty Cash Custodian	12.98
Check Total:					445.70
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	10.49
25163	06/07/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian	43.19
25163	06/07/2010	General Fund	Repairs And Maintenance	Petty Cash Custodian	33.00
25163	06/07/2010	General Fund	Repairs And Maintenance	Petty Cash Custodian	20.00
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	19.80
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	8.21
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	9.30
25163	06/07/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian	4.80
25163	06/07/2010	General Fund	Postage	Petty Cash Custodian	4.90
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	16.00
25163	06/07/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian	10.90
25163	06/07/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	12.56
Check Total:					193.15
25164	06/07/2010	General Fund	Miscellaneous	Photography By Steven	109.50
Check Total:					109.50
25165	06/07/2010	General Fund	City Hall Bldg Maintenance	PRG Investment Company, LLC	2,000.00
Check Total:					2,000.00
25166	06/07/2010	General Fund	Building Maintenance	Protection One, Inc	244.09

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					Check Total: 244.09
25167	06/07/2010	General Fund	Utilities	Puget Sound Energy	1,604.33
					Check Total: 1,604.33
25168	06/07/2010	General Fund	Telephone	QWEST	99.87
25168	06/07/2010	General Fund	Telephone	QWEST	43.34
25168	06/07/2010	General Fund	Telephone	QWEST	42.20
25168	06/07/2010	General Fund	Telephone	QWEST	61.29
25168	06/07/2010	General Fund	Telephone	QWEST	24.53
					Check Total: 271.23
25169	06/07/2010	General Fund	Office And Operating Supplies	Ramlyn Engraving & Sign Co.	26.06
					Check Total: 26.06
25170	06/07/2010	General Fund	Strawberry Festival	Janet Rayor	450.00
					Check Total: 450.00
25171	06/07/2010	Street Fund	RedFlex Red Light Cameras	Redflex Traffic Systems	19,400.00
					Check Total: 19,400.00
25172	06/07/2010	General Fund	Refund Clearing Account -Parks	Faith Deliverance Pentacostal	28.00
					Check Total: 28.00
25173	06/07/2010	Street Fund	Business Licenses	Highline Chiropractic Center	35.00
					Check Total: 35.00
25174	06/07/2010	General Fund	Refund Clearing Account -Parks	Jackie Arnot	24.00
					Check Total: 24.00
25175	06/07/2010	General Fund	Refund Clearing Account -Parks	Exotic Food Inc.	700.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					Check Total: 700.00
25176	06/07/2010	General Fund	Refund Clearing Account -Parks	Jodie Framke	15.00
					Check Total: 15.00
25177	06/07/2010	General Fund	Refund Clearing Account -Parks	Sue Horton	45.00
					Check Total: 45.00
25178	06/07/2010	General Fund	Refund Clearing Account -Parks	Karen Rencher	62.00
					Check Total: 62.00
25179	06/07/2010	General Fund	Refund Clearing Account -Parks	Eang Touch	58.00
					Check Total: 58.00
25180	06/07/2010	General Fund	Printing	Claude McAlpin, III	55.65
25180	06/07/2010	General Fund	Printing/binding/copying	Claude McAlpin, III	5.45
					Check Total: 61.10
25181	06/07/2010	General Fund	Strawberry Festival	Oleg Ruvinov	400.00
					Check Total: 400.00
25182	06/07/2010	General Fund	Prof. Svcs-instructors	Lori S. Schuller	45.00
					Check Total: 45.00
25183	06/07/2010	General Fund	Office and Operating Supplies	Seatown Locksmith	168.08
25183	06/07/2010	General Fund	Office And Operating Supplies	Seatown Locksmith	56.06
25183	06/07/2010	General Fund	Office And Operating Supplies	Seatown Locksmith	68.44
25183	06/07/2010	General Fund	Office And Operating Supplies	Seatown Locksmith	71.17
25183	06/07/2010	Parks & Gen Gov't CIP	Project Development	Seatown Locksmith	448.95
					Check Total: 812.70
25184	06/07/2010	General Fund	Operating Rentals And Leases	SECAP Finance	755.55

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	755.55
25185	06/07/2010	General Fund	Professional Services	GORDON SHAW	54.75
25185	06/07/2010	General Fund	Office/operating Supplies	GORDON SHAW	21.33
				Check Total:	76.08
25186	06/07/2010	General Fund	Registration - Trainng/workshp	SkillPath Seminars	160.00
25186	06/07/2010	General Fund	Registration - Trainng/workshp	SkillPath Seminars	80.00
25186	06/07/2010	General Fund	Registration - Trainng/workshp	SkillPath Seminars	160.00
				Check Total:	400.00
25187	06/07/2010	General Fund	Professional Services	Gerald Crahan	202.58
				Check Total:	202.58
25188	06/07/2010	Parks & Gen Gov't CIP	Project Development	Shiels Obletz Johnsen	1,682.50
				Check Total:	1,682.50
25189	06/07/2010	General Fund	Misc. EOC	SPRINT	49.99
				Check Total:	49.99
25190	06/07/2010	General Fund	Office And Operating Supplies	STAPLES	879.86
				Check Total:	879.86
25191	06/07/2010	General Fund	Professional Services	State Auditor's Office	8,251.80
				Check Total:	8,251.80
25192	06/07/2010	General Fund	Strawberry Festival	Karen M. Steere	100.00
				Check Total:	100.00
25193	06/07/2010	General Fund	Strawberry Festival	Jonathan Stuart	400.00
				Check Total:	400.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25194	06/07/2010	General Fund	Office and Operating Supplies	Suburban Propane	652.53
				Check Total:	652.53
25195	06/07/2010	General Fund	Registration & Training	SWKC Chamber of Commerce	20.00
				Check Total:	20.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	483.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	107.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	118.65
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	51.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	51.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	51.00
25196	06/07/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	101.00
				Check Total:	962.65
25197	06/07/2010	General Fund	Mileage	DEAN TATHAM	147.40
25197	06/07/2010	General Fund	Meals	DEAN TATHAM	12.00
25197	06/07/2010	General Fund	Other Travel	DEAN TATHAM	57.00
				Check Total:	216.40
25198	06/07/2010	Surface Water Management Fund	Office And Operating Supplies	LORELI TAYLOR	86.50
25198	06/07/2010	Surface Water Management Fund	Office And Operating Supplies	LORELI TAYLOR	91.98
25198	06/07/2010	General Fund	Small Tools & Minor Equipments	LORELI TAYLOR	71.00
				Check Total:	249.48
25199	06/07/2010	General Fund	Professional Services	TelSpan, Inc.	15.04
				Check Total:	15.04
25200	06/07/2010	General Fund	Professional Services	The Work Clinic	72.00
				Check Total:	72.00
25201	06/07/2010	General Fund	Teen Programs	Reginald Thomas	181.28
				Check Total:	181.28
25202	06/07/2010	General Fund	Strawberry Festival	Thompson Signs	417.47

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	417.47
25203	06/07/2010	General Fund	Lodging	Carolyn Towle	357.76	
25203	06/07/2010	General Fund	Meals	Carolyn Towle	60.00	
25203	06/07/2010	General Fund	Other Travel	Carolyn Towle	104.00	
					Check Total:	521.76
25204	06/07/2010	Parks & Gen Gov't CIP	COMM. CENTER - Library Remo	Twin Plastics, Inc.	351.71	
					Check Total:	351.71
25205	06/07/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	33,877.99	
25205	06/07/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	3,280.62	
					Check Total:	37,158.61
25206	06/07/2010	General Fund	Drug seizure proceeds KCSO	The Tint Xperts	228.86	
					Check Total:	228.86
25207	06/07/2010	General Fund	Operating Rentals and Leases	United Site Services	160.00	
					Check Total:	160.00
25208	06/07/2010	General Fund	Strawberry Festival	Manuela Watkins	450.00	
					Check Total:	450.00
25209	06/07/2010	General Fund	Office And Operating Supplies	White Center Glass &	87.05	
25209	06/07/2010	Parks & Gen Gov't CIP	Project Development	White Center Glass &	65.70	
					Check Total:	152.75
25210	06/07/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49	120.60	
25210	06/07/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75	
25210	06/07/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75	
25210	06/07/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49	206.60	
25210	06/07/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75	
25210	06/07/2010	General Fund	Utilities	Water District No. 49	158.50	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	631.95
25211	06/07/2010	Street Fund	Garbage Franchise Tech Assist	Wilder Environmental Consultin	1,023.50
				Check Total:	1,023.50
25212	06/07/2010	General Fund	Dues/memberships	Washington Finance Officers	50.00
				Check Total:	50.00
25213	06/07/2010	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC	760.00
25213	06/07/2010	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC	760.00
				Check Total:	1,520.00
25214	06/07/2010	General Fund	Jury & Witness Fees	Beverly A. Gamble	12.00
				Check Total:	12.00
25215	06/07/2010	General Fund	Jury & Witness Fees	Kiana Chambers	10.00
				Check Total:	10.00
25216	06/07/2010	General Fund	Jury & Witness Fees	Sandra Huddleson	13.00
				Check Total:	13.00
25217	06/07/2010	General Fund	Jury & Witness Fees	Sara D. Huddleson	10.00
				Check Total:	10.00
25218	06/07/2010	General Fund	Jury & Witness Fees	Alicia Turner	13.00
				Check Total:	13.00
25219	06/07/2010	General Fund	Jury & Witness Fees	Alan C. Cooter	14.00
				Check Total:	14.00
25220	06/07/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	210.38
25220	06/07/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	75.20

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
25220	06/07/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	375.86
25220	06/07/2010	General Fund	Office and Operating Supplies	Walter E. Nelson Co.	200.00
25220	06/07/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	106.12
Check Total:					967.56
25221	06/07/2010	General Fund	Professional Services	Washington State Patrol	160.00
Check Total:					160.00
25222	06/07/2010	General Fund	Small Tools & Minor Equipments	Western Safety Products, Inc.	1,054.49
Check Total:					1,054.49
25223	06/07/2010	General Fund	State Surcharge	STATE TREASURER	360.00
25223	06/07/2010	General Fund	State Surcharge	STATE TREASURER	1,249.53
Check Total:					1,609.53
25224	06/07/2010	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	1,447.25
25224	06/07/2010	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	369.98
Check Total:					1,817.23
25225	06/07/2010	General Fund	Strawberry Festival	Joyce Yarrow	450.00
Check Total:					450.00
25226	06/07/2010	Street Fund	Office And Operating Supplies	Yes of Course, Inc.	62.54
25226	06/07/2010	General Fund	Telephone	Yes of Course, Inc.	83.75
Check Total:					146.29
Report Total:					2,804,588.70

DRAFT

Burien
WASHINGTON

CITY COUNCIL MEETING MINUTES

May 24, 2010

CANCELLED - SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss real estate

6:15 p.m.

and

COUNCIL MEETING, 1st Floor

7:00 p.m.

Burien City Hall

400 SW 152nd Street

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 McGilton called the meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Kathy Keene, Lucy Krakowiak, and Gordon Shaw. Councilmember Jack Block, Jr., arrived at 7:10 p.m.

Administrative staff present: Craig Knutson, City Attorney; Richard Loman, Economic Development Manager; Karen Ferreira, Emergency Preparedness Coordinator; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to affirm the May 24, 2010, Agenda with the addition of Revised Resolution No. 311 to Consent Agenda Item 7 "d" for approval. **Motion** passed 5-1. Opposed, Councilmember Krakowiak.

PUBLIC COMMENT

Sandy Gledhill, 1936 SW 168th Street, Burien
Regarding the Shoreline Master Plan update, Ms. Gledhill asked the Council to add both the new "Species and Habitats of Local Importance" Section E-487 and the same bald eagle language to the Lake Burien portion that is used for Seahurst Park and Eagle Landing.



Bob McLaughlin, 14909 28th Avenue SW, Burien
Mr. McLaughlin spoke to the importance of including the issue of water quality from surface water runoff in the Shoreline Master Program update.

Councilmember Block arrived at 7:10 p.m.

Steve Lemons, 16215 Maplewild Avenue SW, Burien
Mr. Lemons noted the increasing number of thefts and break-ins and the lack of police presence in the Three Tree Point area.

Bob Edgar, 12674 Shorewood Drive SW, Burien
Mr. Edgar asked the Council to reinstate the concept of public lands wherever references are made to public access in the Shoreline Master Program update to align it with the language of the Washington State Shoreline Management Act.

Mary Oemcke, 1603 SW 152nd Street, Burien
Ms. Oemcke urged the Council to place the physical protection of the ecosystem and the environment of Lake Burien as a top priority when they are working on the Shoreline Management Program.

Rachel Levine, 430 South 124th Street, Burien
Ms. Levine asked the Council to pursue the opportunity to build a new library in the newly annexed area from the dollars that are available from the public's vote in 2004.

Robbie Howell, 15240 20th Avenue SW, Burien
Ms. Howell stated that Critical Area Ordinance No. 394 is flawed and is perpetuating errors into all of the City documents and codes including the 2010 Shoreline Master Program update.

Robert Howell, 15240 20th Avenue SW, Burien
Mr. Howell asked that the misinformation about Lake Burien be corrected in the Shoreline Master Plan update and to the Shoreline Inventory and Shoreline Characterization for Lake Burien.

Chestine Edgar, 1811 SW 152nd Street, Burien
Ms. Edgar stated the guiding principles for the Shoreline Master Program are to protect the environment using current science, public access on public lands, and increasing public access on shorelines, which were excluded from the documents presented to the Council.

Andy Ryan, 16525 Maplewild Avenue SW, Burien
Mr. Ryan spoke to the impacts of the Shoreline Master Program regulations relating to nonconforming structures, vegetation plan, buffer revegetation, and new construction/exterior modifications.

Greg Anderson, 15451 11th Avenue SW, Burien
Mr. Anderson distributed and quoted the RCW relating to the local process for public involvement and approving/amending shoreline master programs, which he felt was not followed during the past update process. He spoke to the grants he felt were available to the City. He felt that City staff had not provided the proper timeline to the Council.

CORRESPONDENCE FOR THE RECORD

- a. Email Dated May 6, 2010, from Andy Ryan Regarding May 4 State SMP and RCW to City Council.
- b. Letter Received May 6, 2010, from Mrs. Charlotte E. Mahlik Regarding Proposed Shoreline Master Program Update.
- c. Letter Received May 14, 2010, from Gordon Stuart Peek Regarding Proposed Shoreline Master Program Update.
- d. Letter Received May 6, 2010, from Boyd and Susan Watkins Regarding Proposed Shoreline Master Program Update.
The attached Letter (in this same form) was Also Received by the City from the Following 5 Individuals: Jeffery Hoff, Mary Sitterly, Gordon and Debra Buchan, Jack & Barbara Saxwold, Randy & Debra Olson. Copies of their Letters are Available from the City Clerk's Office, (206) 248-5517, upon Request.
- e. Email Dated May 6, 2010, from Clark Mounsey Regarding Deputy Mayor Clark's Comment at May 3rd's Council Meeting.
- f. Email Dated May 7, 2010, from Jamie Griswold, Online Content Producer, MyNorthwest.com, Regarding New Burien Community Page.
- g. Email Dated May 8, 2010, from Tamlin Marx Regarding South Park Bridge.
- h. Email Dated May 8, 2010, from M. C. Halvorsen Regarding South Park Bridge.
- i. Email Dated May 8, 2010, from Patty Hnasko Regarding South Park Bridge.
- j. Email Dated May 9, 2010, from John Upthegrove Regarding Shoreline Master Plan Matrix.
- k. Letter Dated May 10, 2010, from Sean Wittmer and Julie Allen Regarding the SMP.
- l. Letter Dated May 10, 2010, from Michael D. Noakes, President of Burien Marine Homeowners Association, Regarding the Process for Refining the Draft of the Shoreline Master Program (SMP) Update.
- m. Email Dated May 10, 2010, from Representative Ross Hunter, Chairman, Finance Committee, Regarding Local Government Legislative Finance Update.
- n. Letter Received May 13, 2010, from Ted Ottinger Thanking the Council for His Appointment to the Arts Council.
- o. Letter Received May 13, 2010, from Randall Stephens Regarding Zip Codes.
- p. Email Dated May 14, 2010, from Deniece Bleha, Legal Assistant, Eglick Kiker Whited, Regarding Letter and Attachments to City of Burien City Council - Lake Burien Public Access Should Be Permanently Taken Off the SMP Table in Light of the Attached Expert Reports and the Scientific Record.
- q. Response from Lisa Clausen, City Manager's Office, Dated May 17, 2010, to Letter Dated April 23, 2010, from Corey Kent Regarding Annexation of King County Property (Fireworks Sales).
- r. Email Dated May 17, 2010, from Harold Taniguchi, Director, King County Department of Transportation, Regarding South Park Bridge.
- s. Email Dated May 19, 2010, from Erwin Eykel Regarding An Open Letter Regarding Your Agenda.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 24938 – 25062 in the Amounts of \$241,177.04.
- b. Approval of Minutes: Council Meeting, May 10, 2010.
- c. Motion to Adopt Ordinance No. 537, Regarding the Reconciliation of Ordinance No. 348 and RCW 26.60's Qualifying Criterion for Domestic Partnerships.
- d. Motion to Adopt Resolution No. 311, Authorizing Applications for LWCF and WWRP Grants for Seahurst Park.

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to approve the May 24, 2010, Consent Agenda as amended with the addition of Revised Resolution No. 311 to Item 7 "d." **Motion** passed 5-2. Opposed, Councilmembers Krakowiak and Shaw.

BUSINESS AGENDA

Presentation on the Impacts of South Park Bridge Closure to Burien Metro Routes by Jack Lattemann, DOT/Transit/SD Transportation Planner

Follow-up

Staff will place King County Metro's bus re-reroutes for the South Park Bridge closure on TBC21, add a link to King County Metro's website, and place the information on 540 AM Radio Free Burien.

Update on Town Square Phase 1 Status by Paul Keller, Managing Partner, Urban Partners

Paul Keller, Managing Partner, Urban Partners, noted the 1st phase of the Town Square Project consisting of 124 condominium units was completed on schedule. He noted that the project has stalled since the Federal Deposit and Insurance Corporation (FDIC) has taken over the construction lender, Corus Bank. Urban Partners has made several proposals to S. T. Residential, the new owner of the loan. The 2nd Phase of another condominium housing development has been designed and is on hold given the collapse of the housing market and the market's impact on Phase I.

Councilmember Block left the dais at 7:59 p.m. and returned at 8:02 p.m.

Review of Council Proposed Agenda Schedule

Follow-up

Staff will add the recommended schedule for the Shoreline Master Program Update for July and August to the Council Proposed Agenda Schedule.

Presentation on Emergency Preparedness

Karen Ferreira, Emergency Preparedness Coordinator, spoke to staff preparedness activities, the Emergency Operations Center (EOC) relocation from the Police Department to City Hall, EOC staffing, NIMS/ICS training, the Emergency radio 540 AM Radio Free Burien, current planning activities, and the mandates and standards.

COUNCIL REPORTS

Deputy Mayor Clark noted that she spoke about the City at the Burien Nursing and Rehabilitation Center.

Councilmember Keene reported on the Suburban Cities Association (SCA) and Puget Sound Regional Council (PSRC) meetings she attended with the Mayor.

Councilmember Keene and Deputy Mayor Clark reported on the Highline High School Senior Class Projects event they attended at which Deputy Mayor Clark was a panelist.

Mayor McGilton noted that the City of Burien was one of five recipients of the Puget Sound Regional Council Vision 2040 Award for the Town Square project.

Mayor McGilton noted that the City will receive a Restoration Beach Award for the Seahurst Park restoration by the American Shore and Beach Preservation Association. Seahurst Park was listed as one of four of best restored beaches for 2010.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:41 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: June 7, 2010
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. 2011-2012 Human Services Funding Update

The City of Burien, along with 16 other cities joined together to use a common on-line application process for 2011-2012 human services funding. The application deadline was April 29, 2010. Fifty applications were submitted to Burien requesting a total of \$482,800. The City of Burien allocates 1% of its General Fund expenditures for human services, which is approximately \$170,000. A committee will be formed this summer to review the applications and make recommendations to the City Council.

B. Planning Course in Burien July 13

We are hosting a "Short Course on Local Planning" on Tuesday, July 13 from 6:30-9:30 p.m. in the first floor meeting room. This session will pre-empt the Planning Commission meeting and will be televised on Channel 21 and live on our website. The Short Course is sponsored by the Washington State Department of Commerce, the Washington Chapter of the American Planning Association and the Planning Association of Washington. The session will include the legal basis of planning, comprehensive planning and implementation under the Growth Management Act, and the role of the planning commission. Registration is required for this free session, which is open to Councilmembers, Planning Commissioners and the public. Please contact Cynthia Schaff in our Legal Department at 206-248-5531 for more information and registration.

C. Update on Shoreline Master Program (SMP) (Pg. 75)

At the May 24th City Council meeting, Council asked for the schedule for reviewing the Draft Shoreline Master Program (see below). We sent over 500 notifications of the two forums to our SMP interest list and shoreline property owners. A copy of the notification is attached.

- June 14 (special meeting): Public Forum #1
- June 21: Public Forum #2
- July 19: Discussion
- August 2: Discussion and direction to staff
- August 16: Public hearing
- August 30 (special meeting): Discussion and adoption

D. Chip Davis Becomes Certified Planner

Burien Planner Chip Davis recently became the Community Development Department's fourth member of the American Institute of Certified Planners (AICP). AICP is the American Planning Association's professional institute, providing recognized leadership nationwide in the certification of professional planners, ethics, professional development, planning education, and the standards of planning practice. Becoming an AICP planner recognizes a high level of experience and knowledge in the planning field, and exemplifies our value of excellence. Congratulations Chip!

E. 2010 Community Forestry Assistance Grant

Public Works has received notification of award of a \$9,800 grant from the Washington State Department of Natural Resources. The grant, which is provided by a combination of the Department of Natural Resources and the United States Department of Agriculture (USDA) Forest Service, is to be used for a one-year special project to develop a Burien Initial Street Tree Inventory. The project will help to support the mission of the Urban and Community Forestry Program to create self-sustaining urban and community forestry programs that preserve, plant, and manage forests and trees for public benefits and quality of life. Work on the project will likely begin in August of this year and will include the services of a forestry college intern and field assistant for up to three months. The result of the program will be an inventory of street trees in the city which will lead to the ability to better manage and maintain this valuable resource.

F. Fiscal Year 2012 Stormwater Grant Program

The Department of Ecology (DOE) has announced its Capacity Grant opportunity for Fiscal Year 2012. Offer letters will be sent out to eligible cities and counties in early/mid-June. Eligible cities are those that are covered by the Phase I and II municipal stormwater permits. The City of Burien is eligible to receive a base grant of \$70,000 with the work to be done and the money spent by June 30, 2012.

G. Building Department Projects Update

Phase II construction for the Environmental Science Center at Seahurst Park is underway to complete all rough-in work and sheetrock cover.

Construction for the remodel and change of use from an office to a church has started on the Mission Baptist Church located at 1018 SW 144th Street in the North Burien area.

Plan review corrections for the Navos Mental Health & Wellness Center project located at 1210 SW 136th Street have been submitted for review with the goal to begin foundation work June 14, 2010.

H. Community Meeting at Arbor Heights Apartments – May 11

On May 11 representatives from the Burien Police Department and city staff met with community members living at the Arbor Heights Apartments located at 135 SW 116th Street. New Futures, a non-profit organization that operates in the apartment complex, organized the meeting so that residents could learn more about how the recent annexation would impact them and to meet members of the police department. Information was provided in English, Spanish and Vietnamese.

I. New Community Center Now Complete

The project to repurpose the former Burien Library which began last year is now complete. Employing the most basic of sustainable building practices, the project reused the 20,450 square feet of the former library in its entirety, kept the library's meeting room, kept the library's office area, and divided the large library space into a reception area and six large meeting rooms.

The building's mechanical system was nearing its life expectancy and code requirements for the six new meeting rooms necessitated an adaptable heating and cooling system for changing occupants and activities. McKinstry Essention designed a state-of-the-art mechanical system using variable refrigerant flow technology that individually meets the heating and cooling needs of each meeting room while maximizing energy efficiency.

In addition, McKinstry retrofitted existing light fixtures with high-efficiency electronic ballasts and new, brighter light lenses. Existing daylight and window views were maintained, and a new window was added to the south side of the building.

New finish materials included paint with zero gas emissions, carpet made from recycled carpet (which will also be recycled when it wears out), and exercise flooring made from recycled tires. The project took full advantage of the existing building, and employed new technology and green building practices to make it an efficient, sustainable construction project and new community center.

J. Open House for New Community Center Attracts Hundreds

The new Burien Community Center held a very successful Open House on May 15. Approximately 700 people attended the festive event, which featured recreation program demonstrations, information booths, participatory activities, and distribution of free healthy snacks. Response was especially strong to the "one-day only" summer program registration discount, with 129 registrations processed during the 2-hour event. Both a simulated wedding banquet and children's birthday party were also set up so visitors could see how private rental events would actually look in the facility's beautiful new rooms. Numerous Burien businesses contributed the snacks, drinks, and gift raffles for this celebratory event. (Video of the event is available at www.youtube.com/burienparks.)

K. Teen Program Hosts Late Night Dance

The Parks Department's "Saturday Night Late Night Program" hosted a "Nerd Dance" for 7th through 10th graders at Sylvester Middle School on May 15. Eighty-seven (87) participants attended the dance, with many dressed "nerdy", along with the staff. A DJ provided dance music and healthy snacks were served.

L. Burien's First Community Garden Now Operational

Burien's first community garden was opened to the public on May 15. This was the culmination of just less than one year of discussion, planning and implementation involving staff, the Parks and Recreation Board and active community members. The final design and construction was truly a partnership between staff and members of Sustainable Burien. These community volunteers were very "hands-on", acquiring grant funding through Burien's Neighborhood Matching Fund program, organizing work parties, purchasing building materials and performing the garden's construction. The garden has 26 plots, plus 5 raised bed plots for those maybe not quite so able to work on the ground. All 31 plots are anticipated to be filled by the second week in June.

M. Seahurst Park Beach Nationally Recognized

Seahurst Park's south shore renovation has received national acclaim from the American Shore and Beach Preservation Association, which named Seahurst a winner of its 2010 Best Restored Beach Award. Seahurst Park stands in tall company with its Best Restored Beach Award. Only four beaches in the nation are given the award, two on each coast. Other winners are Seal Beach, California; Navarre Beach, Florida; and Corpus Christi, Texas. Seahurst Park was the first project funded by the Army Corps of Engineers "Puget Sound and Adjacent Water's" program and has effectively served as a prototype project for addressing many Puget Sound ecosystem restoration issues. Coastal communities nominated their projects for consideration in the Best Restored Beach competition, and an independent panel of coastal managers and scientists selected the winners. Judging was based on the economic and ecological benefits the beach brings to its community, the short- and long-term success of the restoration project, and the challenges each community overcame during the course of the project.

Building on success, the City is seeking grants to complete the northern beach restoration project, and has already received grant support from the Washington State Estuary and Salmon Restoration Program for \$1.1 million, the Salmon Recovery Funding Board for \$750,000 and the King Conservation District for \$510,000. The 2,865 feet of northern shoreline currently includes a mix of rock and concrete seawalls which will be removed and replaced with sand, gravel, vegetation and other natural features. As with the southern beach project, the goal is to restore natural processes to sustain a naturally functioning park shoreline, and to provide the public with expanded and more accessible beaches.

N. North Burien Parks – Maintenance Update

Since Burien has assumed maintenance responsibilities of six park sites in North Burien, our contractor TruGreen has been very busy catching up on items of deferred maintenance. Some of the first items that neighbors are noticing is the tree trimming and brush removal, which aids with enhancing site lines along trails and reduces blind spots or “hiding” places within the parks. Aside from providing quality routine maintenance such as litter removal or mowing, staff are focusing on enhancing visitor safety through proactive landscape maintenance. Staff has already received comments from the local neighbors who have noticed and appreciate the service we are providing.

O. Burien Parks Brings Home Two Awards

At the Washington State Association of Senior Centers' annual conference held May 25-27 in Olympia, Burien took home two prestigious awards for Professional of the Year (Kristy Dunn) and Best New Senior Program (the “ShapeUp Program”):

- Professional Award – Nominees for this award will have held a senior center position and demonstrated through their work efforts, performance, and concern that clearly excel beyond normal duties. This extra effort can be in the area of legislation, professional or community involvement, creative programming, etc. The diligence of this nominee must have provided other senior center staff or agencies with real inspiration and motivation. Kristy Dunn received the award for accomplishments during her six years with the City of Burien and 12+ years in the field of senior programs. Some of her recent accomplishments include: merging the Parks and Senior Program front desks, project lead for new community center design and move (including overseeing logistics such as daily class and program details for each room, front desk stations, facility safety issues, tagging new office spaces' furniture and equipment, etc.), covering colleagues' maternity leave tasks (e.g., Recreation Guide production, overseeing classes and programs, web publisher for Parks Dept.), and many more details of daily program supervision.
- Best New Senior Program/Activity Award – A program/activity nominated in this category has to represent an innovative new direction for senior centers. The program/activity must benefit the current group of senior center participants and also attract newcomers to participate. The ShapeUp Program was launched as a fall prevention/Matter of Balance campaign in fall 2009 at four sites (Bellevue, Bitter Lake, Burien and Northshore Community Centers), selected for their centralized locations to seniors in each area, facility capacity and selection of current fitness programs. Sponsored by King County Emergency Services, ShapeUp was a success the first year it was launched. Each site brought in at least 20-40 new seniors into their fitness and dance programs and introduced those who were currently active to new activities. To date this winter quarter, 27 participants who are brand new to dance and fitness classes have used this discount, making the total Burien count 82 for new participants and/or returning participants in new classes since the program's inception. With the addition of a new site (Laurelhurst) in 2010, ShapeUp will continue these successes with a

bigger selection of active classes for seniors and incentives for any new senior participant and/or any senior taking a new active class.

P. 2010/2011 Overlay Projects

The Public Works Department will be advertising its 2010/2011 Street Overlay Program Project during the week of June 14, 2010. The project will include between 28 and 30 lane miles.

Q. Old B/IAS Asphalt to be Removed & Recycled

Public Works Maintenance crews will be cleaning up the asphalt on the lot between 5th and 6th Avenues SW on SW 151st and 150th Streets. The asphalt will be recycled.

R. Pedestrian Crossing Improvements

The landings for the pedestrian crossing just north of South 128th Street on 1st Avenue will be cleared of vegetation and debris by Public Works Maintenance crews.

II. COUNCIL UPDATES/REPORTS

A. Regional Issues Discussed by Suburban Cities Association – May 12, 2010

Councilmember Keene participated in the May 12 meeting of the Suburban Cities Association's Public Issues Committee (PIC). The PIC considered such issues as guidance for suburban cities' members of the Regional Transit Task Force (approved), and possible support for crisis diversion services to assist mentally ill persons in crisis, so that they do not need to be housed in jails (tabled due to concerns over "operational questions"). The PIC also heard reports about Domestic Violence Initiative tools; jail and juvenile detention capacity; a proposal for tracking transportation projects and use of federal funds; funding for flood control projects, and plans to increase Metro sewer rates.

B. Sea-Tac Airport's Part 150 Noise Study Public Workshop – June 9 (Pg. 76)

Attached is a flyer providing information on the Port of Seattle's Part 150 Noise Study, which is designed to address and mitigate the effects of aircraft noise within the airport communities.

C. Advisory Board Meeting Minutes (Pg. 77)

Attached are the approved minutes from the following advisory boards:

- Parks and Recreation Advisory Board meeting of March 10, 2010



Shoreline Master Program Public Forums

City of Burien 400 SW 152nd Street, Suite 300 Burien, Washington 98166-3066

Time and Location

The City of Burien will hold two public forums on proposed revisions to the City's Shoreline Master Program (SMP). Both forums will be held at the Burien Library/City Hall, 400 SW 152nd Street, in the 1st Floor Meeting Room beginning at 7:00 p.m. Information about each forum is described below.

June 14, 2010
7:00 p.m.
Forum #1:
Shoreline Science

A panel of scientists and biologists will present information about the health and ecology of Puget Sound and Lake Burien. Panelists will discuss what actions can be taken to ensure the resource is protected and enhanced. Following the presentations, the audience is invited to participate in a facilitated question and answer session with the panelists and the Burien City Council, and identify issues for discussion at the 2nd forum.

June 21, 2010
7:00 p.m.
Forum #2:
Shoreline Issues

The following have been identified by the community as major issues related to the SMP update: buffers and non-conformance; vegetation; public access; and bulkheads. Other issues may be added following the first forum. A panel of specialists in each of these topics will discuss what is required by the Shoreline Management Act and State shoreline guidelines, and what is proposed in Burien's draft SMP. Other presenters will address property owner concerns related to existing homes (resale values, ability to resell homes and insurance). Following the presentations, the audience is invited to participate in a facilitated question and answer session with the panelists and the Burien City Council.

Will the Public
Forums Be Televised
or Available Online?

Yes. The forums will be broadcast live on Burien Cable Channel 21, and streaming live and on video recording at <http://burienmedia.org>.

Where Can I Read the
Draft SMP and related
Documents?

The Burien City Council is reviewing the draft SMP recommended by the Planning Commission. The draft SMP and all related documents are available online at <http://www.burienwa.gov/index.aspx?nid=721>.

Can I Submit
Questions In
Advance?

Yes, we encourage submittal of advance questions so the panels can be better prepared for the forums. Please submit questions in writing to David Johanson, City of Burien Senior Planner, at the address above or via e-mail at davidj@burienwa.gov.

What Happens After
The Forums?

The Burien City Council will consider all documents before them as well as information from the public forums before making a decision on the SMP this summer. Tentative dates for City Council discussion of the SMP are July 19 and August 2, 16 and 30. A public hearing may be scheduled for one of these dates. The City's Shoreline Master Program webpage will have current information about meeting dates and times. <http://www.burienwa.gov/index.aspx?nid=721>

For More Information

Contact David Johanson, Senior Planner, at davidj@burienwa.gov or (206) 248-5522, or Scott Greenberg, Community Development Department Director, at scottg@burienwa.gov or (206) 248-5519.



YOU ARE INVITED!

SEA-TAC AIRPORT'S

Part 150 Noise Study Public Workshop

Wednesday • June 9 • Cedarhurst Elementary • 6:30 to 8:30 P.M.
611 S. 132nd St. Burien

A Part 150 Noise Study is designed to address and mitigate the effects of aircraft noise within the airport communities.

The public is encouraged to participate in the Part 150 solution and recommendation process through a series of topical public workshops.

At the June 9 workshop, facilitators will lead three group sessions focused on a particular Part 150 element, or elements. Participants will take part in all three sessions, which will be followed by a general Q & A session.



Citizens contribute their opinions during small working group sessions at the first Part 150 workshop, held at Mount Rainier High School in February.



Port 
of Seattle®

Where a sustainable world is headed™

For more information and to sign-up to receive e-mail updates throughout the process, visit:
www.airportsites.net/SEA-Part150

CITY OF BURIEN, WASHINGTON
Parks and Recreation Advisory Board
MEETING MINUTES
Date – March 10, 2010
Time - 7:00 PM

BOARD MEMBERS PRESENT

Chris Ndifon	Jean Spohn	Larry Moormeier
Ted Fosberg	Ed Dacy	Sheryl Knowles

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Steve Roemer, Parks Development and Operations Manager

GUESTS PRESENT

None

Ted Fosberg called the meeting to order at approximately 7:05 PM.

CITIZEN COMMENT

None

ADDITIONS TO AGENDA & AGENDA REVIEW

Deleted Review of Park Board Applications 6/0/0.

MEETING MINUTES

The minutes from the February 10, 2010 meeting were approved 6/0/0.

AGENDA AND ACTION ITEMS

PRESENTATION

- Board member Jean Spohn provided a presentation on volunteer efforts at Shorewood Park and Salmon Creek Ravine.
 - ✓ Shorewood Park volunteer efforts started in 2007, at this forested, three acre park.
 - ✓ Volunteer Fred Hensey has been involved at Shorewood since the beginning and has been a steward of parks for over 20 years.
 - ✓ Projects completed and ongoing over the years have included; installation of stairs, development and installation of interpretive plant signs, removal of invasive plant

species, such as holly and ivy, planting of native species throughout, such as deer fern and cedar.

- ✓ Volunteer work parties are currently held one Saturday in even months.
 - ✓ Salmon Creek Ravine volunteer efforts have recently started in 2009.
 - ✓ A new workgroup has been formed focusing on Salmon Creek Ravine. Protecting and enhancing the resources of the Salmon Creek ravine will be a partnership between community volunteers and the City of Burien. Others involved in this collaboration will be representatives from King County, Southwest Suburban Sewer District, Washington State Fish and Wildlife, Trout Unlimited, and a U.W. Graduate Student doing thesis work on this watershed.
 - ✓ Initial volunteer work parties have been focusing on ivy removal.
- Steve Roemer provided an update on the Parks capital projects.
 - ✓ Seahurst activities include ongoing 35% design work with the USACE for the north shore restoration. Staff has submitted grant applications to the Recreation Conservation Office (RCO) for LWCF and WWRP funds totaling \$1,000,000 for the recreational improvements to the park following the USACE phase of work.
 - ✓ Mathison Park has a formal dedication scheduled for April 13th and the RCO inspected the project and was very pleased with the results. The project was completed on time and on budget.
 - ✓ Staff is evaluating options for replacing playground equipment in 2010 at either Dottie Harper or Lake Burien School parks.
 - ✓ Staff will be submitting for CDBG grant funds to support the renovation of recreational elements at Puget Sound Park
 - ✓ The new community garden is under construction with a great deal of volunteer support from Sustainable Burien, and should be operational by May 15th.
 - Steve Roemer provided a short overview of the WRPA conference coming up in Tacoma and specifically about the Friday, April 16th Economic Summit.
 - The Board and staff began review of the 2009 Board Report, which will be presented by Ted Fosberg at City Council on June 7th.

FUTURE AGENDA ITEMS AND/OR QUESTIONS

- Community Garden topics, as necessary and a tour of existing community gardens
- Parks Capital projects updates
- 2010 Parks budget reductions
- Annexation as related to the parks and tour of new parks
- Update on volunteer activities at Shorewood and Salmon Creek Parks
- Recreation program updates
- Potential for future passive recreational opportunities in parks, ie. frisbee golf, bocce ball.
- Impact of annexation on recreation staff.

FOR THE GOOD OF THE ORDER

- The Board members are considering providing a tour of the parks to the public this summer. .
- Ed Dacy reminded all that Council had recently approved an operational budget for the new parks in North Burien.
- Town Square park's fountain is not yet operational , remaining items include final Health Department permitting, adjustment to the runnel weirs to prevent substantial over splashing onto pathways, and connectivity of pump controls to staff computers in order to monitor water quality.
- The meeting was adjourned at 8:40 PM.

Respectfully submitted by Steve Roemer, Parks Manager, Parks, Recreation & Cultural Services

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on South Park Bridge Closure Impacts		Meeting Date: June 07 th , 2010
Department: Public Works Department	Attachments: South Park Bridge-Final Closure Plan Summary/May 25 th , 2010	Fund Source: Not Applicable Activity Cost: Not Applicable Amount Budgeted: Personnel Time is Part of Street Fund Budget Unencumbered Budget Authority: Not Applicable
Contact: Larry Blanchard, Director		
Telephone: (206) 248-5514		
Adopted Initiative: Yes No X	Initiative Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The closure of the South Park Bridge will require residents and businesses in the Burien area that utilize this facility to take different routes to get to and from the South Park area. It is estimated that over 2,000 Vehicle Trips per Day cross the South Park Bridge. The re-routing of traffic may have impacts on the other accesses to this area, and since the closure is scheduled for June 30th, 2010 we want to be sure the community has adequate notice.</p> <p>BACKGROUND (Include prior Council action & discussion): The South Park Bridge is at the end of its useful life, and the King County Department of Transportation Road Services Division must close the bridge to protect public safety. The closure is scheduled for 7 p.m. on Wednesday, June 30, 2010. The bridge, also referred to as the 14th Avenue South Bridge or the 14th/16th Avenue South Bridge, carries about 20,000 vehicles per day. It spans the Duwamish River and provides a vital regional connection between the manufacturing and industrial areas of Seattle, the Port of Seattle, the King County International Airport, and south King County and the residential communities of South Park, White Center, West Seattle, Georgetown, Burien, and Boulevard Park. The problems with the bridge structure are so extensive that there are no feasible repair options.</p> <p>After evaluating several alternatives, King County, in collaboration with community members, businesses, and other stakeholders, determined that the best solution is to build a new movable bascule bridge at the same location to meet local and regional transportation needs well into the future.</p> <p>OPTIONS (Including fiscal impacts): Once the bridge is closed, the city, county, and state departments of transportation will monitor roads and intersections throughout South Park, Georgetown, and the surrounding communities, and will adjust detour routes, signs, and traffic signal timing as needed as new traffic patterns are established. Metro Transit will closely monitor its rerouted bus lines to assess how the revised service is working with the changes in traffic flow. Metro may need to adjust service in response to changes in traffic conditions, commute patterns, and demand.</p>		
<p>Administrative Recommendation: Utilize the methods of communicating to residents and businesses that are available to the City of the closure of the South Park Bridge and the potential, existing, and changing impacts. This includes City Website, City Newsletter, 540 AM Radio Radio Free Burien, and meetings that discuss transportation issues in the community.</p>		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Larry Blanchard, Public Works Director / Acting City Manager		
Administration _____		City Manager _____
Today's Date: June 1, 2010	File Code: R:/CC/Agenda Bills 2010/060710pw-1 SouthParkClose	

South Park Bridge

South Park Bridge Final Closure Plan Summary

May 25, 2010



King County
Department of Transportation
Road Services Division



South Park Bridge Final Closure Plan Summary*

**To request the complete South Park Bridge Closure Plan, please call 206-263-9989 (Spanish) | 206-263-9988 (Vietnamese).*

Overview

The South Park Bridge is at the end of its useful life, and the King County Department of Transportation Road Services Division must close the bridge to protect public safety. The closure is scheduled for 7 p.m. on Wednesday, June 30, 2010.

The bridge, also referred to as the 14th Avenue South Bridge or the 14th/16th Avenue South Bridge, carries about 20,000 vehicles per day. It spans the Duwamish River and provides a vital regional connection between the manufacturing and industrial areas of Seattle, the Port of Seattle, the King County International Airport, and south King County and the residential communities of South Park, White Center, West Seattle, Georgetown, Burien, and Boulevard Park.

The problems with the bridge structure are so extensive that there are no feasible repair options. After evaluating several alternatives, King County, in collaboration with community members, businesses, and other stakeholders, determined that the best solution is to build a new movable bascule bridge at the same location to meet local and regional transportation needs well into the future.

Plan goals

The goals of the South Park Bridge Closure Plan are to:

1. Allow for a smooth, well-planned closure of the South Park Bridge;
2. Identify the likely negative effects of the closure on the public, businesses, freight movement, emergency responders, Metro Transit, and other agencies; and
3. Reduce or mitigate these negative effects whenever and wherever possible.

The King County Road Services Division is responsible for developing and implementing the South Park Bridge Closure Plan. The County is taking a collaborative approach, working with multiple jurisdictions to ensure a successful transition and to minimize disruption to the public, businesses, and emergency responders.

The County is working closely with the Seattle Department of Transportation; the cities of Tukwila and Burien; the Washington State Department of Transportation; the fire and police departments of Seattle, Tukwila, and Burien; the King County Sheriff's Office; the Port of Seattle; Puget Sound Energy; Seattle Public Utilities; Qwest; and community advisory groups to meet plan objectives.

Thanks to the many constructive and thoughtful comments we have received from the public and the dedicated involvement of community leaders, we have identified several actions we hope will ease the burden on this vibrant community.

Operational impacts

The South Park Bridge closure will increase congestion on surrounding arterials as drivers shift to alternate routes. The closure will also affect traffic and bus service in and around local communities and on the First Avenue South Bridge, which is the next crossing over the Duwamish River to the north. Other alternatives, including State Route 99, State Route 509, and Interstate 5, will also experience increased traffic congestion.

The County has identified several measures that will reduce the negative effects of the bridge closure on the traveling public. These include installation of a traffic signal at the intersection of First Avenue South and South Cloverdale Street, changing signal timing and pavement markings to accommodate the shift in traffic patterns, and putting up signs to identify alternative routes.

The South Park Bridge closure will require King County Metro Transit to change the routing of three bus lines:

- **Route 60** (White Center, South Park, Georgetown, Beacon Hill, Capitol Hill)
- **Route 131** (Des Moines, Burien, South Park, Georgetown, downtown Seattle)
- **Route 134** (Burien, South Park, Georgetown, downtown Seattle)

These changes will take effect at 5 a.m. on Wednesday, June 30, 2010.

Consistent with its usual approach to rerouting bus service, Metro Transit used the following objectives to guide the development of alternative routes:

- Maintain neighborhood coverage
- Minimize travel time deviation for through riders
- Minimize increases in operating costs

The proposed transit reroutes are as follows:

Route 60

South Park	Georgetown
Reroute via 14th Avenue South, SR-99, and the First Avenue South Bridge	Reroute via East Marginal Way South between South Michigan Street and Carleton Avenue South/Ellis Avenue South

Routes 131 and 134

South Park	Georgetown
Reroute via 14th Avenue South, SR-99, and the First Avenue South Bridge	Reroute via East Marginal Way S between South Michigan Street and Carleton Avenue South/Ellis Avenue South

Closure of the South Park Bridge could affect some emergency response times for fire, paramedic, ambulance, utility, and police vehicles. Response time is the primary concern for

emergency service agencies, and each participating agency is committed to making the changes necessary to maintain response-time standards in the areas affected by the bridge closure.

This closure will also affect the local business community, especially the 14th Avenue South business district, which serves as a primary commuting route. The County is working with the City of Seattle's Department of Neighborhoods and Office of Economic Development, as well as the Washington State Small Business Development Center and Community Capital Development, to engage local businesses in identifying ways to build and sustain a strong customer base.

The City of Seattle will also be working with Environmental Coalition of South Seattle, a local community-based nonprofit organization, to provide funding for improvements to the 14th Avenue South business district. These improvements may include installing street furniture and banners, creating open spaces, and sponsoring community events that will help activate street life and preserve the vitality of the businesses.

The City of Seattle has made a commitment to have an outreach specialist visit every South Park business over the next six weeks, before the bridge closes. During these site visits, the outreach specialist will ask the business owners how the closure will specifically effect them and what type of business support would be beneficial (i.e., marketing, web presence, new business plan assistance, connections to other business resources or markets, and financing).

In addition to reaching out to and supporting South Park businesses, the City of Seattle and King County will work with the White Center Community Development Corporation to discuss the potential negative effects of the closure on the White Center community.

Ongoing monitoring

Once the bridge is closed, the city, county, and state departments of transportation will monitor roads and intersections throughout South Park, Georgetown, and the surrounding communities, and will adjust detour routes, signs, and traffic signal timing as needed as new traffic patterns are established.

Metro Transit will closely monitor its rerouted bus lines to assess how the revised service is working with the changes in traffic flow. Metro may need to adjust service in response to changes in traffic conditions, commute patterns, and demand.

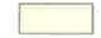
What's in the complete South Park Bridge Closure Plan?

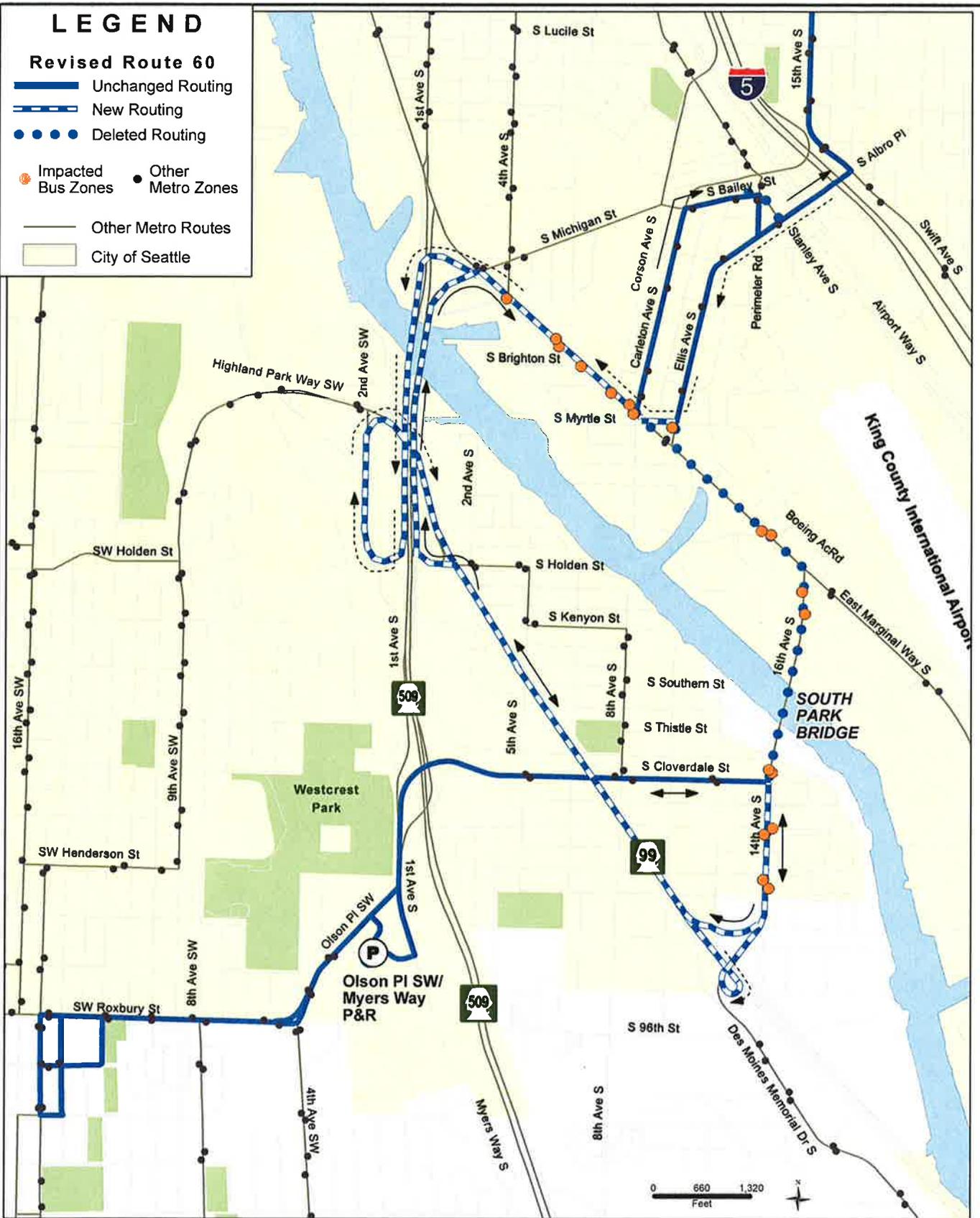
The complete South Park Bridge Closure Plan includes detailed information such as history and background, data and analysis, community comments, and recommendations from partnering agencies to address the bridge closure.

To request the complete South Park Bridge Closure Plan, please leave a message on the South Park Bridge info line: 206-263-9989 (Spanish) | 206-263-9988 (Vietnamese).

LEGEND

Revised Route 60

-  Unchanged Routing
-  New Routing
-  Deleted Routing
-  Impacted Bus Zones
-  Other Metro Zones
-  Other Metro Routes
-  City of Seattle



Route 60: South Park Bridge Closure: SR-99 Option

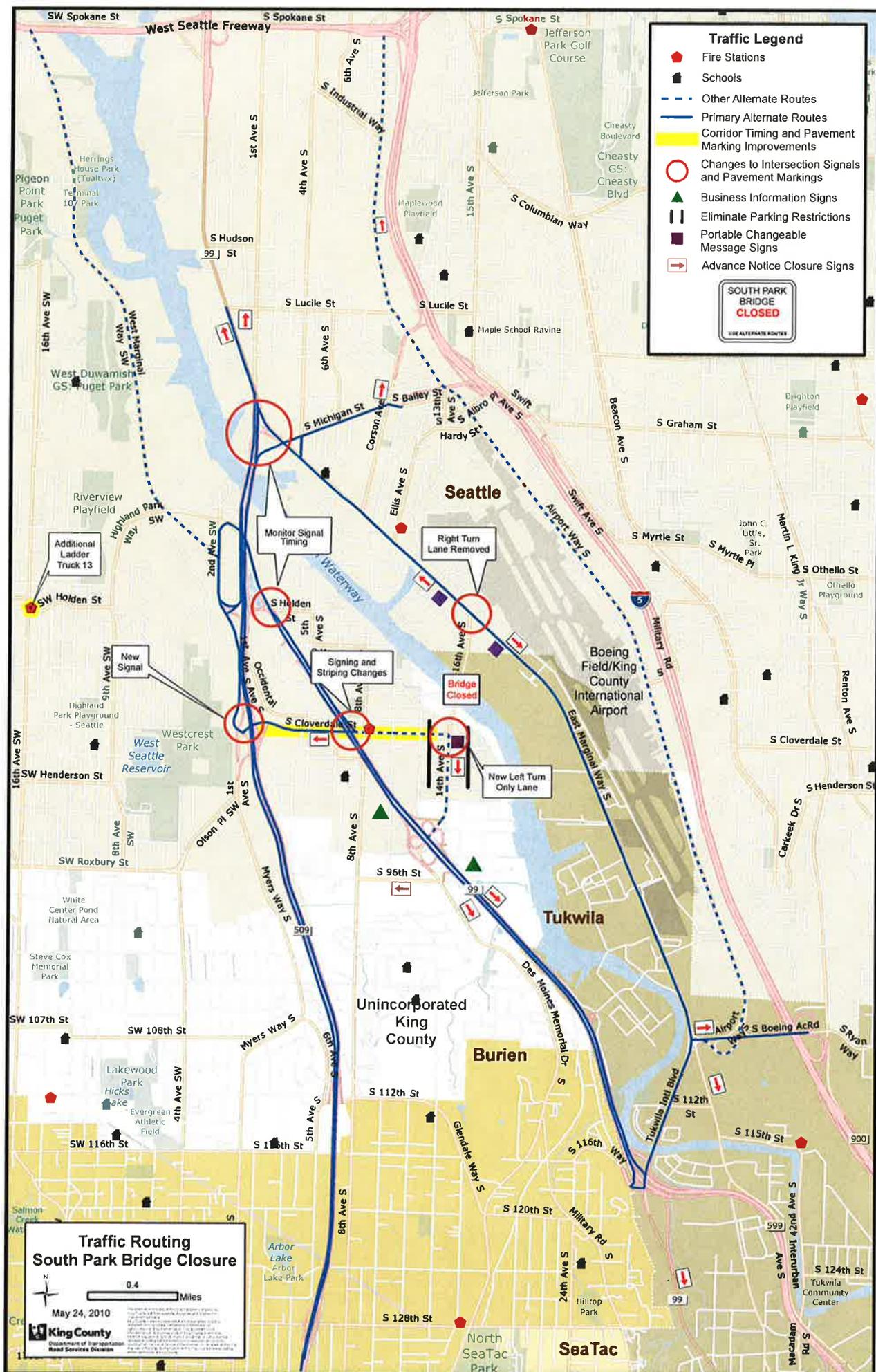
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Map produced by King County Department of Transportation, Transit Division, Service Development Section, Service Planning Group. Filename: route60_SR99

May 7, 2010



King County



Traffic Legend

- Fire Stations
- Schools
- Other Alternate Routes
- Primary Alternate Routes
- Corridor Timing and Pavement Marking Improvements
- Changes to Intersection Signals and Pavement Markings
- ▲ Business Information Signs
- Eliminate Parking Restrictions
- Portable Changeable Message Signs
- Advance Notice Closure Signs

SOUTH PARK BRIDGE CLOSED
(SEE ALTERNATE ROUTES)

Traffic Routing South Park Bridge Closure

May 24, 2010

King County
 Department of Transportation
 Road Services Division

0.4 Miles

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**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Appoint Voting Delegate to the 2010 Association of Washington Cities (AWC) Annual Business Meeting		Meeting Date: June 7, 2010
Department: City Manager	Attachments: AWC Notification Form	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Lisa Clausen, Government Relations Specialist		
Telephone: (206) 248-5515		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description: N/A	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is to name the City’s voting delegate(s) for the annual business meeting of the Association of Washington Cities (AWC) during the annual AWC conference on June 25, 2010.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>The City Council must formally designate up to three persons to serve as the City’s voting delegates at the AWC annual business meeting, held during the annual AWC conference. For the 2010 conference, Councilmembers Kathy Keene and Jack Block, Jr., have registered but Councilmember Block will not be present for the annual business meeting.</p>		
<p>According to the AWC Bylaws, “Each member, prior to the annual membership meeting, shall designate three delegates who shall be duly elected or appointed officials or employees of such member to represent the member in the affairs of the corporation, and shall file with the corporation’s Executive Director certificates of such designation prior to the annual member meeting. Members’ delegates may be changed at any time, provided the Executive Director receives notice of such change.”</p>		
<p>In addition, “Each member shall be entitled to one vote upon each issue submitted to membership vote at the annual membership meeting and one vote for each officer or director to be elected.”</p>		
<p>AWC has asked to receive notification of each city’s voting delegates no later than Monday, June 14, 2010. Therefore the Council’s action to name the voting delegate(s) needs to occur before that date.</p>		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Name up to three voting delegates. 2. Do not name any voting delegates. 		
Administrative Recommendation: Name a voting delegate for the AWC annual business meeting.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to name Councilmember Kathy Keene as the City’s voting delegate to the AWC Annual Business Meeting on June 25, 2010.		
Submitted by: Lisa Clausen Administration _____	Mike Martin City Manager _____	
Today’s Date: May 26, 2010	File Code: R:/CC/Agenda Bill 2010/060709cm-1 <u>awcvotingdelegates</u>	



The following are the official
2010 VOTING DELEGATES for:

City/Town of BURIED

	Name	Title
1.		
2.		
3.		

Mayor's Signature: _____

Please return by Monday, June 14, 2010
Fax to April Petersen at (360) 753-0149

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**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Resolution No. 312, Setting a Public Hearing for the Modification of the Transportation Benefit District known as TBD No. 1 for Street Overlay Program		Meeting Date: June 7, 2010
Department: Legal	Attachments: 1. Proposed Resolution No. 312	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Craig Knutson, City Attorney		
Telephone: (206) 248-5535		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No	Initiative Description: Street Overlay Program	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for the City Council to consider proposed Resolution No. 312, setting a public hearing for the modification of the Transportation Benefit District known as TBD No. 1, in order to establish a car tab fee of \$10.00 to assist in funding the Street Overlay Program.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>On April 26, 2010, City Council approved a motion to advance the Street Overlay Program by imposing a \$10.00 car tab fee through a TBD to assist in supporting the program, along with approving issuance of 8.6 million in bonds to support the remainder of the program.</p>		
<p>Pursuant to RCW 36.73.050, the legislative authority proposing to establish a transportation benefit district, or to modify the functions or boundaries of an existing district, or to dissolve an existing district shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. The proposed Resolution No. 312 establishes Monday, June 21, 2010, at 7:00 p.m. or shortly thereafter, as the date and time for the public hearing.</p>		
OPTIONS (including fiscal impacts):		
<ol style="list-style-type: none"> 1. Adopt Resolution No. 312 as presented. 2. Do not adopt Resolution No.312 as presented. 		
Administrative Recommendation: Adopt Resolution No. 312 as presented.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Resolution No. 312, setting a public hearing for the modification of the functions and boundaries of the Transportation Benefit District known as TBD No. 1, to support the Street Overlay Program with an annual vehicle license fee.		
Submitted by: Craig Knutson		Mike Martin
Administration _____		City Manager _____
Today's Date: June 2, 2010	File Code: \\File01\records\CC\Agenda Bill 2010\060710ls-TBD PH.docx	

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 312

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, SETTING A PUBLIC HEARING TO TAKE TESTIMONY REGARDING THE MODIFICATION OF THE BOUNDARIES AND FUNCTIONS OF THE TRANSPORTATION BENEFIT DISTRICT KNOWN AS TBD NO. 1

WHEREAS, Chapter 36.73 RCW provides for the establishment and modification of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, pursuant to Ordinance No. 516 adopted by the City Council of the City of Burien (the "City") on July 20, 2009, the City established a citywide transportation benefit district known as TBD No. 1 (the "District") for the purpose of funding and implementing certain transportation improvements described therein, and

WHEREAS, the City now desires to modify the boundaries of the District and to revise the list of authorized transportation improvements described in Ordinance No. 516, and

WHEREAS, pursuant to RCW 36.73.050, prior to establishing or modifying a transportation benefit district, the City is required to conduct a public hearing after giving proper notice describing the transportation improvements and activities to be funded by the transportation benefit district, and

WHEREAS, the City Council of the City of Burien finds it to be in the best interests of the City to modify the functions of the District for the funding and implementation of the transportation improvements described in attached Exhibit A, to be funded in part through fees collected pursuant to RCW 36.73.065 on qualifying vehicles, and desires to give notice of a public hearing in accordance with the requirements of RCW 36.73.050, and

WHEREAS, the City finds that the improvements listed in Exhibit A are "transportation improvements" within the meaning of Chapter 36.73 RCW and are projects described in the City's transportation plan.

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

Section 1. Public Hearing. A public hearing is hereby scheduled to be held during the City Council meeting of June 21, 2010 at the City Council Chambers located at Burien City Hall, for the

purpose of taking public testimony, including any objections of those persons affected, regarding the proposed boundary modification and modification of the functions of the District, to fund those transportation improvements described in the attached Exhibit A. The proposed geographical boundaries of the District shall comprise the corporate limits of the City, as they currently exist and as they may exist following future annexations.

Section 2. Notice of Public Hearing. The City Clerk is hereby directed to publish notice of the hearing in accordance with the requirements of RCW 36.73.050. Such notice shall describe the proposed District boundaries, the proposed transportation improvements to be funded and implemented by the District, which shall include those improvements set forth in Exhibit A, and the expected fees and charges to be imposed by the District to finance the transportation improvements.

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 JUNE, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 312

EXHIBIT A

(Description of Transportation Improvements)

Spend approximately \$8.6 million over the next two years, and \$600,000* per year for the next 18 years after that, to install asphalt overlays and other street related repairs up to 263 lane miles of streets in the City Street System, bringing the streets up to a Pavement Condition Index (PCI) of 80+.

* This amount does not include an inflation factor based on the Cost Price Index (CPI) of the greater Seattle-Tacoma Area that will be added to this figure each year.

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on and Possible Motion to Approve Resolution No. 313, Adopting Programs and Policies to Curb Green House Gas Emissions		Meeting Date: June 07 th , 2010
Department: Public Works Department	Attachments: 1. Proposed Resolution No. 313, Adopting Programs and Policies to Curb Green House Gas Emissions	Fund Source: Public Works Trust Fund Loan and Storm-water Management Fund Activity Cost: \$5,730,000 Amount Budgeted: In 6 Year CIP Unencumbered Budget Authority: N/A
Contact: Larry Blanchard, Director		
Telephone: (206) 248-5514		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Initiative Description: Northeast Redevelopment Area (NERA)	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to consider proposed Resolution No. 313, which will allow the City to be eligible to receive low interest Public Works Trust Fund Loans.		
BACKGROUND (Include prior Council action & discussion): During the 2010 Legislative Session cities and districts were not sure whether the State would include any funding in the Public Works Trust Fund Loan budget. After much debate the legislature approve \$330,000,000 to be made available in the 2011 Budget Year. The deadline for submitting applications for loans for the PWTF program was May 11 th , 2010 with a maximum askof \$10,000,000. Since one of the City's priority projects is the NERA Development staff worked with the consultant (OTAK) for the NERA project to come up with an application to complete the Drainage Improvements for Miller Creek and the Development, incorporating LID into the design. Estimated cost for these improvements is \$5,730,000. Permitting and construction for this work will take 2-3 years, and is the more critical path to having the NERA ready for potential development. However, before the City can be eligible for the grant, Burien must have in place Green House Gas (GHG) Emissions policies or procedures no later than June 30 th , 2010.		
OPTIONS (Including fiscal impacts): The document only allows us to be eligible for the Loan; it does not guarantee that we will be approved.		
Administrative Recommendation: Approve proposed Resolution N. 313 as the Green House Gas Emissions policy and procedures for the City of Burien.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Approve Resolution No. 313, Adopting Programs and Policies to Curb Green House Gas Emissions and Encouraging Continuing Efforts to Develop and Use Clean Technology in the City of Burien.		
Submitted by: Larry Blanchard, Acting City Manager Administration _____ City Manager _____		
Today's Date: June 2, 2010	File Code: R:/CC/AgendaBills2010/060710pw-2 NERA GHG climate cgh	

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 313

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN ADOPTING PROGRAMS AND POLICIES TO CURB GREEN HOUSE GAS EMISSIONS, AND ENCOURAGING CONTINING EFFORTS TO DEVELOP AND USE CLEAN TECHNOLOGY IN THE CITY OF BURIEN.

WHEREAS, the world's leading climate scientists have documented a clear trend toward climate change caused by greenhouse gasses which get trapped and build up in the atmosphere near the earth's surface; and

WHEREAS, climate change of the magnitude now predicted by many in the scientific community will cause extremely costly disruption of human and natural systems throughout the world; and

WHEREAS, the University of Washington's Joint Institute for the Study of Atmosphere and Oceans projects significant harm to the Pacific Northwest due to changes in weather patterns attributable to climate change global warming/cooling, including forest decline, deteriorating air quality, sea level rise, and most alarmingly, disruption of the water cycle on which the region's water, air, and agricultural systems depend; and

WHEREAS, achieving greenhouse gas emission reductions to protect the climate is important to the community of Burien, its water supply, air quality, and current and future quality of life; and

WHEREAS, greenhouse gas reduction activities contribute to the achievement of many of the City's environmental values, including promoting clean and efficient energy use, commuter trip reduction efforts, and clean construction technology among others, promoting a reliable and affordable water supply; protecting urban and rural forests and wetlands, and promoting low-impact development; and

WHEREAS, the mayors from more than 200 other cities in the United States have signed the U.S. Mayors Climate Protection Agreement.

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

Section 1: City Commitment to Green House Gas Reduction Goals: The City of Burien is committed to the long-range goal of stabilizing atmospheric concentrations of greenhouse gases and will contribute to the achievement of that goal by evaluating local energy use and carbon emissions, and by developing achievable targets for conservation.

Section 2: Adoption of Policies and Programs to Reduce Green House Gasses. The Community Development Department and the Public Works Department are directed to continue to implement, adopt, promote, and coordinate within their programs and authority, all appropriate measures to reduce greenhouse gas emissions, including but not limited to:

- Commute Trip Reduction Programs/Requirements.
- Construction of Green Buildings in accordance with LEED Certification.
- Purchase and Use of energy efficient/ hybrid vehicle fleet.
- Conversion of traffic light and other exterior public lighting to LED technology.
- Promote natural garden planting and yard care.
- Encourage the use of building construction materials made from recycled and recyclable materials.
- Encourage the recycling of construction demolition materials.
- Increase the overall coverage of tree canopies and other vegetation by encouraging new site development and retrofit plans to include provisions for the addition or preservation of trees and vegetation.
- Design and construct storm-water utility facilities with LID technology and measures, reduce the use of new impervious surfaces, and utilize pervious surfaces whenever practical, and promote natural flow and infiltration conditions.
- Consider the impacts of new development on air quality as part of the City's environmental review process and develop policies that outline mitigation measures as may be appropriate.
- Consider the impacts of new development on the quality of land, wildlife, and vegetative resources as a part of the City's environmental review process and required appropriate mitigation, which may include the retention of significant habitats.

- Maintain, protect and enhance greenbelts, riparian corridors, and wildlife habitat corridors to that the extent and intensity of the built environment is balanced by these natural features.
- Promote development of the City’s Urban Center to be characterized by daytime and nighttime uses that are transit-supportive, non- motorized or pedestrian/bicycle-supportive, reflect superior urban design, promote the reduction of the use of single-occupancy vehicles, and promote public open space.

Section 3. Coordination with Governments. The City of Burien shall work closely with local, state, and federal governments, in addition to public and private sector leaders, to reduce Green House Gas emissions consistent with local, state, and federal reduction goals as they exist and evolve over time.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS _____ DAY OF JUNE, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 313

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Proposed Ordinance #538 Modifying Burien Municipal Code Chapter 5.05 Relating to Business Licenses		Meeting Date: June 7, 2010
Department: City Manager	Attachments: 1. Proposed Ordinance #538 2. Exhibit A to Ordinance #538, with BEDP Changes	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Richard Loman, Economic Development Mgr.		
Telephone: (206) 248-5528		
Adopted Work Plan Priority: Yes No X	Description:	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss proposed changes to the Business License Code.		
BACKGROUND (Include prior Council action & discussion): The Council discussed the proposed changes during the regular Council Meeting on April 12, 2010. At that meeting the Council requested that the Burien Economic Development Partnership (BEDP) review and provide comment on the proposed changes. Those changes to paragraphs 5.05.090 and 5.05.250 are marked in yellow highlight on Exhibit A to Ordinance 538. The original Burien Municipal Code chapter for Business Licenses and Regulations was adopted in 1999. A few changes have been made to the code over the last ten plus years, but with the exception of fees, nothing has changed since 2005. The proposed changes outlined below serve to clean up obsolete language, clarify how the code is interpreted and how it is enforced. Specifically the proposed changes:		
<ul style="list-style-type: none"> • Delete references to the King County interlocal agreements and King County Code; • Delete definitions not used within the Business License Chapter and obsolete references; • Clarify the requirements for a new business license when a business changes locations or changes the nature of the business; • Extend an exemption to any governmental agency or political subdivision; • Create an exemption from the license requirement for vendors associated with nonprofit festivals meeting certain criteria; • Create an exemption from fees for a not-for-profit businesses meeting certain criteria; • Create an exemption from fees for persons engaged in service activities with less than \$1,000 in gross income per month, who do not maintain a permanent place of business within the City; • Increase penalty for nonpayment and provide mechanism to turn over to collection agency instead of requiring civil litigation; and • Clarify the right of the City inspectors to enter and inspect businesses during reasonable times, with minimal interference with lawfully conducted businesses and after identifying themselves and providing proper credentials. 		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Place Ordinance No. 538 on Consent Agenda for June 21 Council meeting. 2. Do not adopt budget amendment and instead provide staff direction on changes or modifications to proposed changes. 		
Administrative Recommendation: Hold Discussion and Consider Adopting BMC 5.05 Modifications.		
Committee Recommendation: N/A		
Advisory Board Recommendation: Adopt BMC 5.05 with Suggested Modifications		
Suggested Motion: None required.		
Submitted by: Richard Loman, Economic Development Manager		
Administration _____	City Manager _____	
Today's Date: June 1, 2010	File Code: \CC\Agenda Bill 2010\060710cm-2 Business License Code Update .docx	

CITY OF BURIEN, WASHINGTON

PROPOSED ORDINANCE NO. 538

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO BUSINESS LICENSES AND REGULATIONS; AMENDING CHAPTER 5.05 OF THE BURIEN MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 281 on December 13, 1999, which established new business licenses fees and regulations; and

WHEREAS, the City Council adopted Ordinance 318 on November 27, 2000 to ratify and re-adopt Ordinance 281; and

WHEREAS, the City Council adopted Ordinance 360 on October 7, 2002 amending the Business License Regulations; and

WHEREAS, the City Council adopted Ordinance 433 on May 16, 2005 amending Title 5.05.110 regarding business license fees; and

WHEREAS, certain sections are no longer applicable or modification to the regulations will more fairly apply the code requirements and clarify code applicability;

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

Section 1. Amendments to Burien Municipal Code Title 5, Chapter 5.05: The City Council of the City of Burien hereby amends Burien Municipal Code Title 5, Chapter 5.05 as shown on Exhibit A and incorporated by this reference as if 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 be published in the official newspaper of the City, and shall take effect and be in full force August 1, 2010.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig D. Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 538
Date of Publication:

Ordinance 538
Exhibit A

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Sections:

- [5.05.010](#) Exercise of revenue license power.
- [5.05.020](#) Dedicated revenue.
- ~~[5.05.030](#) Licensing authority.~~
- ~~[5.05.040](#) Licensing program — Adopted by reference.~~
- [5.05.050](#) Definitions.
- [5.05.060](#) Business license required.
- [5.05.070](#) Separate licenses required.
- ~~[5.05.075](#) Notification of exemption or termination of business activities.~~
- [5.05.080](#) Change in nature or location of business.
- [5.05.090](#) Exemptions from license requirement.
- ~~[5.05.091](#) Exemptions for nonprofit festivals.~~
- ~~[5.05.092](#) Exemptions — Fee waiver.~~
- [5.05.100](#) License — Application.
- [5.05.110](#) Business license fee.
- [5.05.120](#) Fee — Prorating.
- [5.05.130](#) General qualifications of licensees.
- [5.05.140](#) License — Grounds for suspension or revocation.
- [5.05.150](#) Appeal of denial, suspension or revocation.
- [5.05.160](#) License — Term.
- [5.05.170](#) License — Renewal.
- [5.05.180](#) Penalty for late application.
- [5.05.190](#) Administrative rules and regulations.
- [5.05.200](#) Licenses — General provisions.
- [5.05.210](#) Independent contractors to be licensed.
- [5.05.220](#) Confidentiality of information.
- ~~[5.05.230](#) Business license fee owed in 2000.~~
- [5.05.240](#) Required — Display.
- ~~[5.05.250](#) Inspections — Right of entry.~~

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5.05.010 Exercise of revenue license power.

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue. The provisions of this chapter prescribing license fees shall be strictly construed in favor of the applicability of the license fee. [Ord. 318 § 1, 2000; Ord. 281 § 3, 1999]

5.05.020 Dedicated revenue.

The revenue generated from business license fees shall be dedicated to maintenance or capital improvements in commercial areas of the city of Burien, promotion of economic development, and costs associated with periodic auditing and collection to assure accurate business participation in the payment of the business license fee. [Ord. 318 § 1, 2000; Ord. 281 § 4, 1999]

~~**5.05.030 Licensing authority.**~~

~~Pursuant to interlocal agreements, King County and its manager of the general services division, King County department of executive administration, or their designee, are designated as the city's agent for processing, including any related license enforcement, and any of the various specialty licenses required pursuant to KCC Title 6. A copy of the interlocal agreements shall be available in the office of the city clerk for use and examination by the public. [Ord. 318 § 1, 2000; Ord. 281 § 5, 1999]~~

5.05.040 Licensing program — Adopted by reference.

~~(1) The following chapters of the King County Code, as now in effect and as may be subsequently amended, are adopted by reference in their entirety, including that, if the context requires, the word "county" and the words "King County" may refer to the city of Burien:~~

~~KCC~~

~~—6.01 General Licensing Provisions~~

~~(2) The various specialty license provisions adopted by reference in Chapters 5.10 through 5.55 BMC are expressly reserved, and this chapter is not intended, nor shall it be construed, to repeal any of the various specialty license provisions contained in Chapters 5.10 through 5.55 BMC. [Ord. 318 § 1, 2000; Ord. 281 § 6, 1999]~~

5.05.050 Definitions.

For purposes of this title and unless otherwise provided, the following definitions shall apply:

(1) "Engaging in business" has the same meaning as that term is defined in BMC [3.11.030](#) and, to the extent not included therein, also includes activities of the type subject to taxation under Chapter [3.12](#) BMC, nonprofit or public "persons," contractors engaged temporarily at a job location within the city, on-site apartment management personnel, and home occupations.

(2) "Person" means any person, firm, corporation, company, person acting in a fiduciary capacity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, or nonprofit.

(3) "Home occupation" has the same meaning as that term is defined in the Burien Zoning Code but, for purposes of this chapter, includes businesses based in a dwelling unit or an accessory building outside as well as inside the city.

(4) "Employee" means an individual, whether employed full-time or part-time, located within the city, either permanently or temporarily, on the payroll of the business at the time of application for the business license.

~~(5) "New business" is defined as an individual, partnership, or corporation desiring to "engage in business," within the city as that term is defined in subsection (1) of this section, and to whom a business license has never before been issued by the city of Burien for the particular business enterprise contemplated. For purposes of this subsection, "new business" shall not include any individual, partnership, or corporation "engaging in business" without a valid business license or in violation of any provision of the Burien Municipal Code.~~

~~[Ord. 433 § 2, 2005; Ord. 360 § 1, 2002; Ord. 322 § 13, 2001; Ord. 318 § 1, 2000; Ord. 281 § 7, 1999]~~

5.05.060 Business license required.

~~Unless otherwise exempted by this chapter, a~~Any person engaging in business within the city, whether any office or physical facility of such business shall be located within or outside the city, will first apply for and obtain a business license and pay the fees as prescribed ~~in this chapter~~herein.

~~; provided, however, nonprofit and public "persons" shall be exempt from paying the fees, but not from filing the license application requirement established in this chapter.~~[Ord. 360 § 2, 2002; Ord. 322 § 14, 2001; Ord. 318 § 1, 2000; Ord. 281 § 8, 1999]

5.05.070 Separate licenses required.

A separate business license will be obtained for each separate location within the city at which the business is conducted. A separate business license will be obtained for each different and distinct business conducted by any person, whether at the same location, within the city, as another licensed business, or at a different location within the city. A business with no permanent place of business within the city shall be required to obtain only one business license even if such business delivers the same general type of goods or services to several locations within the city or performs the same general type of work at several locations within the city. [Ord. 360 § 3, 2002; Ord. 318 § 1, 2000; Ord. 281 § 9, 1999]

5.05.075 Notification of exemption or termination of business activities.

~~A. Every person who has obtained a business license required by this chapter and who thereafter ceases to engage in business within the city shall, prior to expiration of the current business license, notify the city clerk, in writing that the business activities that have ceased. Any business for which a license has been issued shall be presumed to continue in operation within the city unless notice of termination of business activities has been given and enforcement proceedings may be commenced on the basis of such presumption.~~

~~B. Every person who engages in business in the city, which is exempt or becomes exempt from the provisions of this chapter under federal, state, or local laws, shall notify the license officer/city clerk in writing of the exemption and the basis therefor.~~

5.05.080 Change in nature or location of business.

Each business license shall authorize a particular type of business at the designated location. Any change in the nature of the business will require a ~~new~~ **new application for a** business license. A change of location shall be reported to the city clerk, in writing, within 10 days of the change of location ~~and, if in compliance with zoning and business regulatory ordinances, the existing business license shall be transferred to the new location.~~ [Ord. 318 § 1, 2000; Ord. 281 § 10, 1999]

5.05.090 Exemptions from license requirement.

Notwithstanding the requirements of BMC 5.05.060, the following shall not be required to apply for and obtain a business license:

(1) Casual or isolated sales made by persons who are not engaged in the business of selling the type of property involved, providing that not more than four such ~~sales-transactions~~ are made during any tax year;

(2) Sales, delivery, or peddling of any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by any farmer, gardener, or other person; ~~and~~

(3) Minors engaged in babysitting, delivery of newspapers, mowing lawns, washing cars, and similar activities; ~~and~~-[Ord. 318 § 1, 2000; Ord. 281 § 11, 1999]

(4) Any instrumentality of the United States, the state of Washington, or political subdivisions thereof, including but not limited to any county, city, or special purpose district, with respect to exercise of governmental functions.

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5.05.091 Exemptions for nonprofit festivals.

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A. No license shall be required of any person who operates a business in conjunction with nonprofit community festivals, as approved by the city manager or designee; provided all of the following criteria are met:

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1. The business does not operate within the city more than three consecutive days;

2. The business does not operate within the city more than 12 days in a calendar year; and

3. The business is authorized to participate in the community festival by the sponsor of the festival.

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B. Any person claiming the exemption set forth in this section shall register with the city, on a form prescribed by the city manager or designee, each time he or she engages in business within the city to track the number of days said person does business within the city.

5.05.092 Exemptions – Fee waiver.

The licensing provisions of this chapter shall apply to the following persons and organizations; however, the business license fees shall be waived for:

A. Any person or organization engaged in a not-for-profit (i.e., nonprofit) enterprise, either regularly or temporarily, when it is without private profit, for a public, charitable, funding-raising, educational, literary, fraternal, or religious purpose when such persons sufficiently demonstrate their not-for-profit status through Internal Revenue Service documentation or other means acceptable to the city manager or designee; and

B. Any person whose gross business income is derived from service activity in the City generating gross income of less than \$1,000 per month and who does not maintain a permanent place of business within the City. Any such persons shall provide the city with an affidavit at the beginning of each license year, confirming the income for the prior license year. A copy of the person's Internal Revenue Service Schedule C, Profit or Loss from Business, or other applicable federal income tax forms may be requested and required as verification of gross income.

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5.05.100 License – Application.

(1) No business license shall be issued except upon application made upon a form furnished by the city manager or designee, on which the applicant shall state the company name and address, the nature of the business activity or activities in which the applicant desires to engage, the place where the business will be conducted, the number of employees, and such other information pertaining to the business as shall be reasonably required by the city manager or designee.

(2) Each application shall be accompanied by the license fee as set forth in this chapter ~~or subsequent resolutions~~. Such license fee shall be nonrefundable unless the city manager ~~or designee~~ determines, in ~~the his or her city manager's sole discretion, that~~ discretion that refunding a license fee is in the best interests of the city. Upon approval of the application, the business license shall be issued by the city. [Ord. 360 § 4, 2002; Ord. 318 § 1, 2000; Ord. 281 § 12, 1999]

5.05.110 Business license fee.

Fees will be established by separate resolution. ~~See Resolution No. 214 and any subsequent amendments thereto.~~ [Ord. 433 § 1, 2005]

5.05.120 Fee – Prorating.

The business license fee provided for in BMC [5.05.110](#) shall be for the license year, as set forth in BMC [5.05.160](#). If a business commences operations at any time on or after February 1st of a license year, the fee for such license year shall be equal to one-half the applicable fee set forth in BMC [5.05.110](#), irrespective of when during the period from February 1st to July 31st of such license year such business commences operations, and each applicant must pay the full or partial fee for the current license year or any portion thereof during which the applicant has engaged in business. [Ord. 360 § 6, 2002; Ord. 318 § 1, 2000; Ord. 281 § 14, 1999]

5.05.130 General qualifications of licensees.

No license shall be issued to any of the following applicants:

(1) Any applicant who has been convicted of a crime, which relates directly to the specific business for which the license is sought; provided, that the time elapsed between the conviction and the date of license application is less than five years for a felony conviction, and less than one year for a gross misdemeanor or misdemeanor conviction.

(2) Any applicant who has suffered a civil judgment based upon fraud, misrepresentation, violation of the Washington Consumer Protection Act, or similar state or federal statutes, or any other judgment or cease and desist order, or consent decree, relating to business activities; provided, that the time elapsed between the entry of judgment and the date of application is less than two years.

(3) Any applicant who does not possess a current and valid state license for operation of their business, if a state license is required. [Ord. 318 § 1, 2000; Ord. 281 § 15, 1999]

5.05.140 License – Grounds for suspension or revocation.

The city manager or designee may deny, suspend or revoke a business license, with cause. Cause for denial, suspension or revocation shall include, but not be limited to, the following:

- (1) The license was procured by fraud or misrepresentation of fact;
- (2) The licensee has failed to make timely payment of any amounts due to the City; or failed to comply with any of the provisions of this chapter, or any other city ordinance including but not limited to the zoning code and other development regulations;
- (3) The licensee, or licensee's management personnel, have been convicted of a crime, or suffered civil judgment or consent decree which bears a direct relationship to the conduct of the business licensed pursuant to this chapter;
- (4) The licensee, or licensee's employees or agents, have violated any law or ordinance relating to the regulation of the business licensed pursuant to this chapter, or any other ordinance;
- (5) The licensee has caused or permitted a public nuisance to exist;
- (6) The licensee, or licensee's employees or agents, have engaged in, have permitted or have acquiesced in unlawful activity on the business premises;
- (7) The licensee has failed to pay a civil penalty or to comply with any notice and order of the city clerk; or
- (8) The licensee's continued conduct of the business will, for any other reason, result in a substantial danger to the public health, safety or welfare. [Ord. 318 § 1, 2000; Ord. 281 § 16, 1999]

5.05.150 Appeal of denial, suspension or revocation.

(1) Any person, firm or corporation whose license has been denied, suspended or revoked may appeal to the hearing examiner from such finding by filing a written notice of appeal with the city manager or designee within 14 calendar days from the time such business was given notice of such denial, suspension or revocation.

(2) Appeals from the denial, suspension or revocation of a business license under this chapter will be governed by the provisions of Chapter 2.20 BMC. [Ord. 318 § 1, 2000; Ord. 312 § 7, 2000; Ord. 281 § 17, 1999]

5.05.160 License – Term.

All business licenses shall be effective for the license year of issuance. A license year shall be from August 1st through the following July 31st. Licenses issued shall be effective from the date of issue until the following July 31st, unless sooner suspended or revoked as provided in this chapter. [Ord. 318 § 1, 2000; Ord. 281 § 18, 1999]

5.05.170 License – Renewal.

Application for renewal of all business licenses shall be made on or before July 31st of the year following the year of issuance, and each succeeding year, if the business is to be continued. Application for renewal shall be made on forms prescribed by the city manager or designee. A business which has an existing business license, and which has applied for renewal of such license on or before July 31st of the license year, may remain in business under its existing license

until such time as the renewal license is either approved or denied. [Ord. 360 § 7, 2002; Ord. 318 § 1, 2000; Ord. 281 § 19, 1999]

5.05.180 Penalty for late application.

Any applicant or licensee who shall fail to make application or pay the fees for an original business license, or for renewal of an existing business license prior to July 31st of the applicable year, shall be subject to a penalty equal to ~~one-half~~ of the business license fee for the delinquent period, if the application or renewal business license fee is 30 or more days delinquent. [Ord. 360 § 8, 2002; Ord. 318 § 1, 2000; Ord. 281 § 20, 1999]

5.05.190 Administrative rules and regulations.

The city manager or designee is authorized but not required to adopt and enforce rules and regulations, not inconsistent with the provisions of this chapter, and any other business license or regulation ordinance, and it shall be unlawful for any person to violate or fail to comply with any of these rules and regulations. All such rules and regulations promulgated by the city manager or designee shall be reduced to writing, shall be provided to the licensee with each new or renewal business license upon request, or shall be mailed to each licensee for information of the licensee and the licensee's employees and agents. Such rules and regulations shall also be available for public inspection at the offices of the city manager or designee. [Ord. 318 § 1, 2000; Ord. 281 § 21, 1999]

5.05.200 Licenses – General provisions.

(1) Exemptions. The license fee provisions of this chapter shall not apply to any business, firm or corporation which the city is forbidden to tax by law.

(2) Renewal. The city manager or designee is authorized, but not required, to mail to businesses forms for application for licenses, but failure of the business to receive any such form shall not excuse the business from making application for and securing the license required and payment of the license fee when and as due hereunder.

(3) Penalties.

(a) Collection. Any license fee, penalty or tax due and unpaid and delinquent under this chapter, and all penalties thereon, may be collected by civil action, which remedy shall be in addition to any and all other existing remedies and penalties. (b) Nuisance. Any business failing to obtain or maintain a business license and yet conducting business within the city limits of the city is hereby declared to be a nuisance and is subject to applicable enforcement provisions for nuisances contained in the BMC or otherwise at law.

(c) Beginning with the 2002-2003 license period, if any person engaged in business fails or refuses to pay the license fee for any year as herein provided, he shall not be granted a license for the current year until such delinquent license fees as set forth in BMC 5.05.180 have been paid, in addition to the current year's required fee. Such fees may be collected by the city by proper legal action brought for that purpose if any person engaged in business fails or refuses to pay the license fee. This remedy is cumulative and not exclusive.

(d) Criminal Penalties. In addition to or as an alternative to any other penalty provided herein or by any other business license or regulation ordinance, any person who violates any provision of this chapter shall be guilty of a misdemeanor, and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.

(4) Appeal of Assessed Fee.

(a) Any business aggrieved by the amount of the fee found by the city manager or designee to be required under the provisions of this chapter may appeal to the hearing examiner from such assessment by filing a written notice of appeal with the city manager or designee within 15 days from the time such business was given notice of such amount.

(b) The city manager or designee shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall be not more than 30 days after the filing of the notice of appeal. The city manager or designee shall cause a notice of the time and place thereof to be mailed to the appellant.

(c) At the hearing the business shall be entitled to be heard and to introduce evidence in its own behalf. The hearing examiner before which the appeal is to be heard may, by subpoena, require the attendance of any person and may also require them to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the hearing examiner as to any matter required of them pertinent to the appeal, and it shall be unlawful for them to fail or refuse so to do.

(d) The hearing examiner shall ascertain the correct amount of the fee and make a written finding, supported by the record. The written finding will be sent to the city and the business.

(e) Failure of any business to file an appeal in accordance with the provisions of this subsection shall constitute a waiver of the right to an administrative hearing to contest the amount of the assessed fee.

(f) Any business aggrieved by the decision of the hearing examiner may seek review of that decision in the superior court of the state of Washington for King County by application for writ of certiorari, or other judicial review, within 20 calendar days following the decision of the hearing examiner. If the aggrieved party fails to obtain such judicial review within 20 calendar days following the hearing examiner's decision, the city attorney may invoke the aid of the appropriate court to secure enforcement and compliance with the hearing examiner's decision.

(g) Enforcement of any fee assessment will be stayed during the pendency of any timely appeal therefrom.

(5) Statute of Limitations for Unlicensed Businesses. No penalties shall be imposed or remedies sought under subsection (3) of this section more than three years following the close of the license year in which there is noncompliance with the provisions of this chapter, commencing with the license year ending July 31, 2002. The previous sentence shall not apply if the city shows that the business's

operation without a business license resulted from such business's willful intent to operate its business without a new or renewal business license.

(6) Assignability and Transferability of Business License. A business license is not transferable or assignable except, in the case of continuation of an existing business:

(a) To the surviving corporation into which a licensed corporation is merged or consolidated;

(b) To one or more individual partners or to a new partnership consisting solely of a portion the partners of an existing partnership upon death of a partner or dissolution of the partnership;

(c) To a partnership or a corporation formed by a licensed sole proprietor who has at least a majority interest in such corporation or partnership;

(d) To a surviving spouse; or

(e) In circumstances similar to subsections (6)(a) through (d) of this section, as approved by the city manager. [Ord. 360 § 9, 2002; Ord. 318 § 1, 2000; Ord. 281 § 22, 1999]

5.05.210 Independent contractors to be licensed.

Any person, firm or corporation doing business in Burien will not employ any independent contractors who have not obtained a Burien business license under the provisions of this chapter. [Ord. 318 § 1, 2000; Ord. 281 § 23, 1999]

5.05.220 Confidentiality of information.

The current provisions of RCW 82.32.330 and subsequent amendments are hereby adopted by reference as if fully set forth herein. [Ord. 318 § 1, 2000; Ord. 281 § 24, 1999]

~~**5.05.230 Business license fee owed in 2000.**~~

~~For those businesses possessing a business license on or before December 22, 1999, there will be no additional business license fee owed until the time of renewal in the year 2000. [Ord. 318 § 1, 2000; Ord. 281 § 25, 1999]~~

5.05.240 Required – Display.

It is unlawful for any person to engage in or carry on any business activity in the city without first procuring a license as provided in this chapter. The license shall thereafter be prominently displayed in the place of business of the applicant. [Ord. 360 § 10, 2002]

5.05.250 Inspections – Right of entry.

The city manager, or designee, may make such inspections of licensed premises and take such action as may be necessary to enforce the provisions of any business license ordinance. The city manager may designate any appropriate city employees, including the code enforcement officer and commissioned police officers, to undertake such inspections. Inspections shall, to the extent possible, be in compliance with the following procedures:

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A. Whenever possible inspections will be conducted at a reasonable time and seek to minimize interference with lawfully conducted business in the licensed premise.

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B. If the place of business is occupied, the inspector shall first present proper credentials and request entry and right to inspect.

C. If the place of business is unoccupied, the inspector shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises, by at a minimum checking city and county records, and shall then present proper credentials and request entry and right to inspect.

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D. No licensee, employee, or agent, shall fail or neglect, after proper request, to admit the inspector, acting within the scope of the inspector's employment, to any location licensed for business, or to interfere with the inspector while in the performance of the inspector's duty.

E. Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in appropriate circumstances, provided such investigations or inspections are conducted consistent with constitutional and legal requirements.

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**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on proposed Ordinance 541, Amending BMC Title 15, Buildings and Construction.		Meeting Date: June 7, 2010
Department: Community Development	Attachments: <ol style="list-style-type: none"> 1. Memorandum dated 6/1/2010 2. Proposed Ord. 541 3. Exhibit A, BMC 15.05 4. Exhibit B, BMC 15.10 5. Exhibit C, BMC 15.12 6. Exhibit D, BMC15.20 7. Exhibit E, BMC 15.40 8. Exhibit F – Fire Sprinkler Alternative 9. Exhibit F1 – IRC Appendix S and R 10. Exhibit G – Significant changes 	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Jan Vogee, Building Official		
Telephone: (206) 248-5523		
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: Review Development Codes	
<p>PURPOSE/REQUIRED ACTION:</p> <p>The purpose of this agenda item is for the Council to discuss proposed Ordinance 541, amending BMC Title 15 by adopting the new 2009 Construction and Fire codes, revising the Airport Noise Reduction requirements to correct a previous omission during the 1999 & 2004 adoption, consolidating the administrative provisions for all of the construction codes into one chapter, and adopting a Building and Property Maintenance Code to replace the outdated 1997 Uniform Code for the Abatement of Dangerous Buildings and the 1997 Uniform Housing Code; and to provide direction regarding the adoption of Appendix Chapters R and S of the International Residential Code pertaining to Residential Fire Sprinklers.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>Please refer to the attached memorandum dated 6/1/2010 for background information and discussion. (Attachment 1)</p> <p>OPTIONS (Including fiscal impacts):</p> <p>Adopt Appendix R and Appendix S of the International Residential code requiring all residential structures constructed under the provisions of the International Residential Code to be provided with a residential fire sprinkler system by directing staff to substitute the language in proposed BMC 15.10.070 included in Exhibit B with the alternate language for BMC 15.10.070 as provided in Exhibit F. Please refer to the attached memorandum dated 6/1/2010 for additional discussion, background, and fiscal impacts. (Attachment 1)</p>		
Administrative Recommendation: Hold discussion, provide direction to staff, and consider placing proposed Ordinance No. 541 on June 21, 2010 Consent Agenda for consideration.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required		
Submitted by: Jan Vogee, Building Official		
Administration _____	City Manager _____	
Today's Date: June 1, 2010	File Code: \\File01\records\CC\Agenda Bill 2010\060710cd-1 Amend BMC Title 15 Buildings and Construction.docx	

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: June 1, 2010
TO: Honorable Mayor and Members of the City Council
FROM: Jan Vogee, Building Official
SUBJECT: Background for Agenda Bill to Ordinance 541, Amending BMC Title 15, Buildings and Construction.

BACKGROUND (Include prior Council action & discussion):

Washington construction codes are updated every three year by the State Building Code Council and adopted by the State Legislature. In the past, the council has adopted the codes and amendments by local ordinance on a regular basis.

The Washington State Building Code Act (RCW 19.27) requires all jurisdictions in Washington State begin administering the new 2009 State Building codes effective July 1, 2010. 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 parameters. The amendments to the codes, as presented in this ordinance, fall within those parameters.

In 2004 the building officials for Cities participating in MyBuildingPermit.com formed a committee to review the changes in the 2003 construction codes and administrative provisions. This process was repeated in 2007 to review changes in the 2006 codes and again this year for review of changes in the 2009 codes. As part of the review, the committee looked at the technical provisions and the administrative provisions of each of the codes required to be adopted. In some cases they found significant differences between the various codes including some of the codes do not include any administrative provisions. For this reason, a common administrative chapter was created utilizing the most common provisions of the administrative chapters which could be used for all of the construction codes. This provides for consistent administration regardless of what type of permit is being processed and more consistency among the participating jurisdictions, which is essential in a shared on-line permitting system. MyBuildingPermit.com participants currently include the jurisdictions of Bellevue, Bothell, Burien, Duvall, Issaquah, Kenmore, Kirkland, Mercer Island, Mill Creek, Renton, Sammamish, SeaTac, Snohomish County, Snoqualmie, and Woodinville.

Section 1 of the proposed ordinance repeals the current Chapter 15.05 BMC "Administration". Section 2 replaces it with a new Chapter 15.05 BMC "Construction Administrative Code" which is included as Exhibit A. This chapter now includes all of the administrative provisions related to scope, application, administration, and enforcement of the adopted construction codes. It replaces the administrative provisions in the various construction codes for those that have administrative provisions and provides administrative provisions for those that don't. This proposed ordinance includes minor alterations to the

administrative provisions within the existing BMC, such as what is exempt from permits, enabling the Burien Construction Administrative Code to become consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 3 of the proposed ordinance repeals the current Chapter 15.05 “BMC Building Code.” Section 4 replaces it with a new Chapter 15.10 BMC “Construction Codes” which is included as Exhibit B. This chapter adopts by reference the 2009 Construction codes required to be enforced beginning July 1, 2010 together with local amendments. The amendments are consistent with State law which allows local jurisdictions to amend the codes provided the amendment is equal to or better than the state code and they are also consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 5 of the proposed ordinance amends Chapter 15.12 BMC “Aircraft Noise Reduction,” which is included as Exhibit C, to correct an error that occurred in the Adoption ordinance 250 and was carried over in ordinance 408. The language underlined in Exhibit C replaces the language that was inadvertently omitted during previous adoptions and reflects the manner in which the Aircraft Noise Reduction requirements have been consistently applied.

Section 6 of the proposed ordinance repeals Chapter 15.15 BMC “Mechanical Code.” The adoption of the Mechanical code is now located with other construction codes and amendments in proposed BMC 15.10.080 as included in Exhibit B.

Section 7 of the proposed ordinance repeals the existing BMC 15.20 “Fire Code.” Section 8 replaces it with a new Chapter 15.20 “Fire Code” which is included as Exhibit D. Previous amendments have been retained where appropriate, removed where the current Fire Code has been revised such that the amendment is no longer needed, and updated to reflect administrative provisions that are consistent with the administrative provisions of the proposed Chapter 15.05 BMC. Where applicable, amendments are also consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 9 of the proposed ordinance repeals Chapter 15.25 BMC “Plumbing Code.” The adoption of the Uniform Plumbing code is now located with other construction codes and amendments in proposed BMC 15.10.120 as included in Exhibit B.

Section 10 of the proposed ordinance repeals Chapter 15.30 BMC “Electrical Code.” The adoption of the Burien Electrical code is now located with other construction codes and amendments in proposed BMC 15.10.140 as included in Exhibit B.

Section 11 of the proposed ordinance provides adopts a new Chapter 15.40 BMC, “Burien Building and Property Maintenance Code, which is included as Exhibit E. Previously, the City adopted by reference the *1997 Uniform Housing Code* and *1997 Uniform Code, for the Abatement of Dangerous Buildings* published by the International Council of Building Officials. These Codes are no longer published or updated. The *International Property Maintenance Code*, published by the International Code Council is referenced throughout the International Codes. Staff reviewed the International Property Maintenance Code and revised it by deleting items which are truly un-enforceable (like clean window, window screens, and maximum grass height), deleting other sections which are covered by other provisions of the BMC in the Nuisance Chapter 8.45 BMC, and referencing existing enforcement provisions of the BMC. Because of the large number of edits, it would be impractical and confusing for both the city

staff and the citizens to view only amendments to the International Property Maintenance Code in the city code. For this reason, the new chapter 15.40 titled "Building and Property Maintenance Code" includes a customized version of the International Property Maintenance code designed to fit the needs of Burien.

Options:

The 2009, after years of study and debate, the International Residential Code was modified to mandate the installation of residential fire sprinkler systems in all newly constructed townhouses and one and two family dwellings. The 2009 edition of the International Residential Code has an effective date of July 1, 2010 for townhouses, and January 1, 2011 for one and two family dwellings. During the code adoption process in the State of Washington, this requirement was moved from the main body of the code to the Appendix section of the International Residential code (included as exhibit F1) with the stipulation that local jurisdictions may adopt these appendix chapters without obtaining approval from the State Building Code Council. This is the first year that the State Building Code Council has made this allowance. The fire department strongly recommends adopting Appendix chapters "S" and "R" of the 2009 International Residential Code to provide the benefit of this life saving technology to our residents.

Background:

Nearly 400,000 home fires occur every year in this country. Over the last six years an average of approximately 2,800 people died in home fires¹. However, when fires break out in homes with sprinklers, residents are protected and the fire is kept under control until firefighters arrive on the scene. Home fire sprinklers are a proven technology that saves lives and protects property. Model safety codes now require the use of fire sprinklers in new one- and two-family homes. Several communities have started the process of adopting sprinkler ordinances and many jurisdictions already mandate this life-saving system in new homes. These requirements offer the highest level of safety to protect our citizens. Home fire sprinkler systems respond quickly to reduce the heat, flames, and smoke from a fire—offering residents valuable time to get to safety and protection to firefighters from major structural failures like collapsing beams and floorboards.

Cost:

Estimated cost impact is approximately \$1.50 to \$2.00 per square foot. This estimate is based upon evaluation of approximately 45 residential sprinkler installations over the last three years in the City of Burien² and research conducted by the National Fire Protection Association³.

¹ National Fire Protection Association news release dated May 25, 2010.

² City of Burien – City View permitting system \$1.44 per square foot average cost.

³ National Fire Protection Association news release dated September 11, 2008 shows an average cost per square foot of \$1.61.

Significant Changes

Included in Exhibit G is a list of some the most significant changes, which are mandated by the State. The most controversial change in this code cycle is the Washington State Energy code requirements for residential structures. News reports have indicated the Building Industry Association of Washington is suing a state agency over new energy efficiency standards, saying they exceed federal requirements and would add as much as \$15,000 to the price of a single-family home. The State Building Code Council adopted the new standards after much deliberation last fall. According to the Council's managing director they're based on similar codes already in effect in Oregon and require builders to choose from among several ways to make homes environmentally friendly, such as by using high-efficiency furnaces. The Council's research suggested the cost of compliance would add about \$4,000-\$5,000 to most new single-family homes. This additional cost was considered by the State Building Code Council during the code hearings and it was determined that the resulting energy cost savings outweighed the initial construction cost. Regardless of whether the new State Energy Code is adopted locally or not, RCW 19.27 requires it to be enforced in all jurisdictions beginning July 1, 2010 unless the courts decide otherwise.

Outreach:

A public outreach plan has been established to ease transition for our stakeholders as they move towards the implementation date of the updated codes. Staff has developed and continues to implement a public outreach plan consisting of low-cost 2009 Code update training seminars with our MyBuildingPermit.com partner jurisdictions targeted towards contractors and design professionals, along with informational handout materials and website information.

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 541

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING BURIEN MUNICIPAL CODE TITLE 15, (BUILDINGS AND CONSTRUCTION CODE) BY REPEALING CHAPTERS 15.05 (ADMINISTRATION), 15.10 (BUILDING CODE), 15.15 (MECHANICAL CODE), 15.20 (FIRE CODE); 15.30 (ELECTRICAL CODE); AMENDING CHAPTER 15.12 (AIRCRAFT NOISE REDUCTION), AND ADOPTING NEW CHAPTERS 15.05 (CONSTRUCTION ADMINISTRATIVE CODE), 15.10 (CONSTRUCTION CODES), 15.20 (FIRE CODE), AND 15.40 (BURIEN BUILDING AND PROPERTY MAINTENANCE 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, 2010; 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 Repealed. Chapter 15.05, Administration, of the Burien Municipal Code is hereby repealed.

Section 2. New BMC Chapter 15.05 Adopted. Title 15, Building and Construction, of the Burien Municipal Code is hereby amended by the adoption of a new Chapter 15.05, Construction Administrative Code which is attached hereto as Exhibit A and is incorporated herein by this reference.

Section 3. BMC Chapter 15.10 Repealed. Chapter 15.10, Building Code, of the Burien Municipal Code is hereby repealed.

Section 4. New BMC Chapter 15.10 Adopted. Title 15, Building and Construction, of the Burien Municipal Code is hereby amended by the adoption of a new Chapter 15.10, Construction Codes which is attached hereto as Exhibit B and is incorporated herein by this reference.

Section 5. BMC Chapter 15.12 Amended. Chapter 15.12 Aircraft Noise Reduction, of the Burien Municipal Code is hereby amended by revising BMC 15.12.080 which is attached hereto as Exhibit C and is incorporated hereto by this reference.

Section 6. BMC Chapter 15.15 Repealed. Mechanical Code, of the Burien Municipal Code is hereby repealed and relocated to BMC Chapter 15.10, Construction Codes.

Section 7. BMC Chapter 15.20 Repealed. Chapter 15.20, Fire Code, of the Burien Municipal Code is hereby repealed.

Section 8. New BMC Chapter 15.20 Adopted. Title 15, Building and Construction, of the Burien Municipal Code is hereby amended by the adoption of new Chapter 15.20, Fire Code which is attached hereto as Exhibit D and is incorporated herein by this reference.

Section 9. BMC Chapter 15.25 Repealed. Plumbing Code, of the Burien Municipal Code is hereby repealed and relocated to BMC Chapter 15.10, Construction Codes.

Section 10. BMC Chapter 15.30 Repealed. Electrical Code, of the Burien Municipal Code is hereby repealed and relocated to BMC Chapter 15.10, Construction Codes.

Section 11. New BMC Chapter 15.40 Adopted. Title 15, Building and Construction, of the Burien Municipal Code is hereby amended by the adoption of new Chapter 15.40, Burien Building and Property Maintenance Code, which is attached hereto as Exhibit E and is incorporated herein by this reference.

Section 12. 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 13. 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, 2010.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig Knutson, 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:

- 15.05.010 Short title.
- 15.05.015 Scope.
- 15.05.020 Definitions.
- 15.05.025 Appendices.
- 15.05.030 Intent.
- 15.05.035 Referenced codes.
- 15.05.040 International Building Code - Scope.
- 15.05.045 International Residential Code - Scope.
- 15.05.050 International Mechanical Code - Scope.
- 15.05.055 Liquid Propane Gas Codes - Scope.
- 15.05.060 International Fuel Gas Code - Scope.
- 15.05.065 International Fire Code – Scope.
- 15.05.070 Uniform Plumbing Code - Scope.
- 15.05.075 Burien Building and Property Maintenance Code – Scope.
- 15.05.080 Washington State Energy Code – Scope.
- 15.05.085 Burien Electrical Code- Scope.
- 15.05.090 Applicability.
- 15.05.095 Other laws.
- 15.05.100 Application of references.
- 15.05.105 Referenced codes and standards.
- 15.05.110 Partial invalidity.
- 15.05.115 Existing structures.
- 15.05.120 Maintenance.
- 15.05.125 Added electrical wiring.
- 15.05.130 Requirements not covered by code.
- 15.05.135 Moved buildings.
- 15.05.140 Moved buildings - electrical requirements.
- 15.05.145 Structures in areas of special flood hazard.
- 15.05.150 Building department – established.
- 15.05.155 Building Official designated.
- 15.05.160 Deputies.
- 15.05.165 Duties and power of building official.
- 15.05.170 Applications and permits.
- 15.05.175 Notices and orders.
- 15.05.180 Inspections.
- 15.05.185 Identification.
- 15.05.190 Right of entry.
- 15.05.195 Department records.
- 15.05.200 Liability.
- 15.05.205 Approved materials and equipment.
- 15.05.210 Used materials and equipment.

- 15.05.215 Modifications.
- 15.05.220 Alternative materials, design and methods of construction and equipment.
- 15.05.225 Research reports.
- 15.05.230 Tests.
- 15.05.235 Permits required.
- 15.05.240 Electrical permit required.
- 15.05.245 Work exempt from permit.
- 15.05.250 Emergency repairs.
- 15.05.255 Ordinary repairs.
- 15.05.260 Public service agencies.
- 15.05.265 Application for permit.
- 15.05.270 Areas of flood hazard.
- 15.05.275 Action on permit application.
- 15.05.280 Time limitation on permit application.
- 15.05.285 Validity of permit.
- 15.05.290 Permit expiration.
- 15.05.295 Permit extensions and renewals.
- 15.05.300 Permit suspension or revocation.
- 15.05.305 Placement of permit.
- 15.05.310 Floor and roof design loads.
- 15.05.315 Submittal documents.
- 15.05.320 Construction documents.
- 15.05.325 Examination of documents.
- 15.05.330 Use of consultants.
- 15.05.335 Expedited Plan Review.
- 15.05.340 Approval of construction documents.
- 15.05.345 Phased approval.
- 15.05.350 Design professional in responsible charge.
- 15.05.355 Deferred submittals.
- 15.05.360 Amended construction documents.
- 15.05.365 Retention of construction documents.
- 15.05.370 Temporary structures and uses.
- 15.05.375 Fees.
- 15.05.380 Inspections.
- 15.05.385 Traffic management systems.
- 15.05.390 Certificate of occupancy - Use and occupancy.
- 15.05.395 Service utilities.
- 15.05.400 Appeals.
- 15.05.405 Unlawful Acts.
- 15.05.410 Violations – Penalties.
- 15.05.415 Stop work order.
- 15.05.420 Unsafe structures and equipment.
- 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 and 51-57 WAC;
- (8) Washington State Energy Code – Chapter 51-11 WAC
- (9) International Existing Building Code – Chapter 51-50-4800000 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.

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

“Building official” means the officer or 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.

“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

“Energy code” means the latest edition of the Washington State Energy Code promulgated by the Washington State Building 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.

“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 non competitive 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 (2) 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 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 safety to fire fighters and emergency responders during emergency operations.

15.05.035 Referenced codes.

The codes listed in Sections 15.05.040 through 15.05.85 BMC 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, movement, 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: 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 shall comply with the International Residential Code.

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.

Exception: Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*

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:

1. 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
2. International Residential Code shall apply to all structures regulated by the IRC except LPG installations.
3. 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.

15.050.055 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 from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; 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 installation, alteration, repair and replacement 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 structure 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 Washington State Energy Code – Scope.

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

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 offices 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 chapter shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire 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 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 code, 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 the building official.

Exceptions:

1. 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.
2. 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 this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

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 this code, 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. Alterations to existing structures shall be permitted to be performed in accordance with WAC 51-50-48000 (International Existing Building Code).

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 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 re-inspected.

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 the International Residential Code (WAC 51-51), the International Building Code (WAC 51-50), the International Mechanical Code (WAC 51-52), the International Fire Code (WAC 5154), the Uniform Plumbing Code and Standards (WAC 51-56 and 51-57), the Washington State Energy Code (WAC 51-11), and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13) for new buildings or structures.

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

(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) 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 #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, #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) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 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 Title 15 BMC. The building official shall have the authority to render interpretations of this code and Title 15 BMC 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 Title 15 BMC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and Title 15 BMC.

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 a associated penalties per BMC 15.05.405 and BMC 15.05.410 of this code 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 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.

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 Title 15 BMC, while acting for the city of Burien in good faith and without malice in the discharge of the duties required by this code and Title 15 BMC 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 Title 15 BMC 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 Title 15 BMC.

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, 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 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. 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 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, 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:

1. When deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.
2. 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 thirty 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 ten 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 ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-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 ten 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.

15.05.245 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 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 6 feet (1829 mm) or less in height
 - (c) Oil derricks.
 - (d) Retaining walls which are 4 feet (1219 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 2 to 1.
 - (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 Washington State Energy 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.
 - (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 (1372 mm) from the exterior wall and do not require additional support.
 - (q) Non-fixed and movable cases, counters and partitions 5 feet 9 inches (1753 mm) or less in height.
 - (r) Satellite earth station antennas 6-1/2 feet (2 m) or less in diameter or diagonal dimensions in zones other than residential zones.
 - (s) Satellite earth station antennas 3-1/4 feet (1m) or less in diameter in residential zones.
 - (t) Video programming service antennas 3-1/4 feet (1 m) 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 fifty 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 ninety days and removed at the conclusion of the ninety-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 fifty 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 a: 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; ten horsepower or smaller motor; and induction detection loops that comply with WAC 296-46B-300(2) and are used to control gate access devices.
- (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 1 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 pre-fabricated 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 2 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 1 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 five thousand dollars, 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 fifty 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 Burien Municipal Code Chapter 15.55

15.05.275 Action on permit application.

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 therefore. 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 2-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 2-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 2 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 RCW 19.27 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 and or plumbing permit shall expire 2 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 1 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 6 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 1 year from the date of reestablishment 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 (2.40kN/m²), such design live load shall be conspicuously posted by the owner 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 by the building official.
- (b) **Braced wall lines.** 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.
- (c) **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.
- (d) **Means of egress.** 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 this code. In occupancies within the scope of the International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.
- (e) **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.

- (f) **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.
- (g) **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 BMC 15.55.

(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 180-29, 246B-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:
 - 3.1. Service or distribution equipment involved is rated 100 amperes or greater and does not exceed 250 volts;
 - 3.2. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);
 - 3.3. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and
 - 3.4. Service and feeder load calculations are increased by 5% 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:
 - 4.1. Emergency systems other than listed unit equipment per NEC 700.12(F);
 - 4.2. Critical branch circuits or feeders as defined in NEC 517.2, or
 - 4.3. A required fire pump system.
- (ii) Alterations in non-residential occupancies 2,500 square feet and greater.
 - (iii) 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) All work on electrical systems operating at/over 600 Volts.
 - (v) All commercial generator installations or alterations.
 - (vi) All work in areas classified as hazardous locations by the NEC.
 - (vii) If 60% or more of luminaires change.
 - (viii) Installations of switches or circuit breakers rated four hundred amperes or over except for one and two family dwellings.
 - (ix) Wind driven generators.
 - (x) Solar photovoltaic systems.
 - (xi) Any proposed installation which cannot be adequately described in the application form.

(3) **Plumbing.** Plans must be submitted for review and approval whenever the scope of the work is too complex for inspection alone as determined by the building official. 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 whenever the scope of the work is too complex for inspection alone as determined by the building official. 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.

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:

1. 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.
2. 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 ninety 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) **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.

(4) **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, 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.

Construction or work for which a permit is required shall be subject to 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 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 rocking, 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.** Underground inspection shall be made after trenches or ditches are excavated and bedded and piping and 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.
 - (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 BMC 15.55 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 when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.
- (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. 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, 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:** Groups 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 located in Aircraft Noise Reduction Zone 3 (Twenty-five dB).
- (m) **Fire 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 WAC 51-11, the following inspections are also required:

(i.) **Envelope**

1. 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.
2. Glazing: To be made after glazing materials are installed in the building.
3. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.
4. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

(ii.) **Mechanical**

1. 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.
2. 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**

1. 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.
2. Motors: To be made after installation of all equipment covered by the construction codes, but before concealment.

(o) **Final inspection.** The final inspection shall be made after all work required by the permit is completed.

(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) **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) **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) **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) **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.

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 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 therefore 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.

(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% 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 disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in this code 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 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 or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

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 Title 15 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 twenty-one 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

- (1) **Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (2) **Enforcement of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The city may enforce violations of this chapter and the codes referenced herein under Chapter 8.45 BMC.
- (3) **Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by this section.
- (a) **Civil Violation.** Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed \$5,000 may be imposed.
- (b) **Criminal Penalty.** In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than \$1,000 or by both such imprisonment and fine.
- (c) **Separate Offense.** Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (a) and (b) of this section.
- (4) **Abatement of violation.** In addition to the imposition of the penalties herein described, the building official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
- (5) **Remedies Not Exclusive.** Nothing herein shall prohibit nor prevent the city from utilizing any remedy at law or equity for the enforcement of violations herein.

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 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 15.05.375 (5) BMC, "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 15.05.400 BMC, "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 subjects the person responsible for code compliance to penalties and costs.

(4) **Remedy –penalties.** Any person who shall continue any work in or about the structure 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 penalties as prescribed in BMC 15.05.410.

(a) In addition to any other judicial or administrative remedy, the building official or designee may assess penalties for the violation of any stop work order as set forth in 15.05.410 (3) BMC, "Penalties."

(b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

(c) Violation of a stop work order shall be a separate violation from any other code violation. Civil penalties assessed create joint and several personal obligations in all

persons responsible for the code violation. The city may collect the penalties assessed by any appropriate legal means.

- (d) In addition to all other remedies, a lien for the value of the penalties imposed may be filed against the real property that is subject to compliance with Title 15 of the Burien Municipal Code.

15.05.420 Unsafe structures and equipment.

(1) **General.** 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 notice of violation as prescribed in BMC 15.05.410. 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."

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 Washington State Energy Code adopted.
- 15.10.140 Burien Electrical 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 Title 15 BMC 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 2009 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 A117.1-2003 (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 2009 International Existing Building Code (IEBC) is included in the adoption of this code in Section 3401.5 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.

(2) 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.

(3) 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.

(4) 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.

(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

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.

(6) Amend IBC Section 403.4.7, Standby power, as follows: Add the following sentence to the end of the first paragraph:

403.4.7 Standby power. A standby power system complying with Chapter 27 shall be provided for standby power loads specified in Section 403.4.7.2. Fuel-fired emergency generators sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access require the approval of the Fire Code Official.

(7) Amend IBC Section 403.4.7.1 Special requirements for standby power systems to read as follows:

403.4.7.1 Special requirements for standby power systems. 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 403.4.7.1.1 and Section 707 or *horizontal assemblies* constructed in accordance with Section 712, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

(8) Add new IBC Section 403.4.7.1.1 Penetrations, to read as follows:

403.4.7.1.1 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 713.

Exception: Metallic piping with no joints or openings where it passes through the standby power system room.

(9) Amend IBC Section 403.4.7.2, Standby power loads to add a fourth item to read as follows:

403.4.7.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.5;
2. Ventilation and automatic fire detection equipment for smokeproof enclosures;
3. Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008: and
4. Smoke control systems.

(10) 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.

- (11) 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. 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.

- (12) Amend IBC Table 508.4 Required Separation of Occupancies (Hours) as follows:

Add footnote reference superscript “g” to R and group I-1 Occupancy Classification row and column headings. Add footnote g. to read: See Section 419 for Live/Work Unit separations. See Section 420 for Dwelling Unit separation requirements.

- (13) Amend IBC Section 708.2, “Shaft enclosure required”, as follows: Revise Exception 2.1 the last sentence to read:

708.2 Shaft enclosure required. Openings through a floor/ceiling assembly shall be protected by a shaft enclosure complying with this section.

Exceptions:

2. A shaft enclosure is not required in a building equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 for an escalator opening or *stairway* that is not a portion of the *means of egress* protected according to Item 2.1 or 2.2.

- 2.1. Where the area of the floor opening between *stories* does not exceed twice the horizontal projected area of the escalator or *stairway* and the opening is protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13. ~~In other than Groups B and M, this application is limited to openings that do not connect more than four stories.~~ This application is limited to openings that do not connect more than four stories in buildings not required to have smoke control systems. In buildings that are required to have smoke control systems, escalators are limited to openings that do not atmospherically connect more than four stories, and non-egress stairs are limited to openings that do not atmospherically connect more than two stories.

- (14) 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 buildings with a gross 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 712, 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) Amend IBC Section 906, Portable Fire Extinguishers subsection 906.1, where required by deleting the exception as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

~~**Exception:** In new and existing Group A, B and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

2. Within 30 feet (9144 mm) of commercial cooking equipment.

3. In areas where flammable or combustible liquids are stored, used or dispensed.

4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1 of the *International Fire Code*.

5. Where required by the *International Fire Code* sections indicated in Table 906.1.

6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

(16) 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.

(17) 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.

- (18) 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.

- (19) 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 Section 1503 and ~~the International Plumbing Code~~ 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.

- (20) Amend IBC Section 1608.1, General, to read as follows:

1608.1 General. Design snow loads shall be ~~determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall~~ not less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

- (21) Amend IBC Section 1612.3, Establishment of flood hazard areas.1612.3, 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 ~~[INSERT NAME OF JURISDICTION], King County~~” dated ~~[INSERT DATE OF ISSUANCE], 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.

- (22) Amend IBC Section 1704.14, Exterior insulation and finish systems (EIFS), to read as follows:

1704.14 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.

~~Exceptions~~ Exception:

~~1. Special inspections shall not be required for EIFS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.~~

Special inspections shall not be required for EIFS applications installed over masonry or concrete walls.

1704.14.1 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.

- (23) 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 ~~NEPA 70~~ the Burien Electrical Code as adopted in BMC 15.10.140.

- (24) Add new IBC section 2702.1.1, Location, to read as follows:

2702.1.2 Location. Location of stationary generators, fuel piping, and storage tanks are subject to the approval of the building official and/or fire code official.

- (25) 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 stories ~~in height or more above grade plane or four or more stories below grade plane and in buildings which are required to have an elevator and contain Group R-1, R-2 or I Occupancies on a level other than the exit discharge level, 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. Such 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.

- (26) Amend IBC Section 3303, Demolition standards, is amended 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, ~~subsections (5) 3303.5 and (9) 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 preminent.

~~**3303.1**~~ **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.

~~3303.2~~ **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.

~~3303.3~~ **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

~~3303.4~~ **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.

~~3303.5~~ **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.

~~3303.6~~ **3303.12 Utility Connections.** ~~Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.~~ 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.

(27) Amend IBC Section 3412.2, Applicability as follows: Insert applicable date:

3412.2 Applicability Structures existing prior to ~~[DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION]~~ July 1, 2010, 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.

(28) IBC Section H104, Identification, is deleted as follows:

~~**H104.1 Identification.** Every outdoor advertising display sign hereafter erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign or other method of identification approved by the building official.~~

15.10.070 International Residential Code adopted.

The 2009 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, and excluding Chapters 1, 11, 25-43, 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 51-11 WAC (WSEC) 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) 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

TOPOGRAPHIC EFFECTS: Not Applicable

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

15.10.080 International Mechanical code adopted.

The 2009 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 501.2, Exhaust discharge to read as follows:

501.2 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawlspace.

EXCEPTIONS:

1. Whole-house ~~ventilation type attic fans~~ cooling fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.

501.2.1 Location of exhaust outlets. The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. For ducts conveying explosive or flammable vapors, fumes or dusts: 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.
2. For other product-conveying outlets: 10 feet (3048 mm) from property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.
3. For environmental air exhaust other than enclosed parking garage and transformer vault exhaust: 3 feet (914 mm) from property lines, 3 feet (914 mm) from operable openings into buildings for all occupancies other than Group U,

and 10 feet (3048 mm) from mechanical air intakes. Such exhaust shall not be considered hazardous or noxious.

Exceptions:

1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

4. Exhaust outlets serving structures in flood hazard areas shall be installed at or above the design flood level.

5. For enclosed parking garage exhaust system outlets and transformer vault exhaust system outlets: 10 feet (3048 mm) from property lines which separate one lot from another; 10 feet (3048 mm) from operable openings into buildings and 10 feet (3048 mm) above adjoining grade.

Exception: Parking garage and transformer vault exhaust outlets may terminate less than 10' above grade at the discretion of the building official.

6. For elevator machinery rooms in enclosed or open parking garages: Exhaust outlets may discharge air directly into the parking garage.

~~5.7.~~ 7. For specific systems see the following sections:

~~5.7.1~~ 7.1 Clothes dryer exhaust, Section 504.4.

~~5.7.2~~ 7.2 Kitchen hoods and other kitchen exhaust equipment, Sections 506.3, 506.4 and 506.5.

~~5.7.3~~ 7.3 Dust stock and refuse conveying systems, Section 511.

~~5.7.4~~ 7.4 Subslab soil exhaust systems, Section 512.4.

~~5.7.5~~ 7.5. Smoke control systems, Section 513.10.3

~~5.7.6~~ 7.6 Refrigerant discharge, Section 1105.7

~~5.7.7~~ 7.7 Machinery room discharge, Section 1105.6.1

(2) 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.

15.10.090 National Fuel Gas Code (NFPA 54) adopted.

The 2009 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 2008 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 2009 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" 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 2009 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 Chapters 51-56 and 51-57 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. In addition, and Appendix L –

Alternate Plumbing Systems, excluding Sections L5 through L7 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 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 WAC 51-56 are not adopted.

- (1) Amend UPC Section 312.0 Independent Systems as follows:

312.0 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 6-5, 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 1101.11.2.2.2, Combined System, to read as follows:

1101.11.2.2.2 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 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 Washington State Energy Code adopted.

The 2009 Washington State Energy Code (WSEC), as adopted by the State Building Code Council in Chapter 51-11 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.

15.10.140 Washington Cities Electrical Code adopted

- (1) The November 12, 2009 edition of the Washington Cities Electrical Code (WCEC), Parts one and three, as published by the Washington Association of Building Officials is hereby adopted by reference and shall be known as the Burien Electrical Code.
- (2) The "Construction Administrative Code" as set forth in BMC 15.05 shall be used for the administration of the Burien Electrical Code.
- (3) Conflicts.
- (a) The requirements of this chapter 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 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.

EXHIBIT C**15.12.080 Seattle-Tacoma International Airport noise reduction areas.**

Noise determined construction requirements detailed in this chapter shall be applied to new construction and additions of all structures, except for not normally inhabited portions of warehouses, storage buildings, public and private garages, and similar structures as determined by the building official, within the following areas:

- (1) Thirty-Five dB Reduction Area. Those portions of the city, east of First Avenue South extended from the northern to the southern city limits and to the eastern city limits. All living and working areas must comply with BMC ~~15.12.100~~ 15.12.090 which is designed to achieve a noise reduction level of ~~30-35~~ 35 dB.

- (2) Thirty dB Reduction Area. Those portions of the city, between First Avenue South and 12th Avenue S.W. extending from the northern to the southern city limits are a 30 dB Reduction Area. All living and working areas must comply with 15.12.100 BMC which is designed to achieve a noise reduction level of 30 dB.

- (~~2~~ 3) Twenty-Five dB Reduction Area. All remaining areas of the city. All living and working areas must comply with BMC 15.12.110 that is designed to achieve a noise reduction level of 25 dB.

Exhibit D**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.
- 15.20.090 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 - 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 3404.2.9.6.1 amended - Flammable and combustible liquids - Storage.
- 15.20.210 Section 3406.2.4.4 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 3506.2 amended – Flammable Cryogenic Fluids – Limitations.
- 15.20.230 Section 3804.2 amended - Location of LP-Gas Containers - Maximum capacity within established limits.
- 15.20.240 Section 4603.7.1 amended – Single- and multiple- station smoke alarms – Where required.

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 2009 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 51-54 WAC, and including Appendix B (Fire-Flow Requirements for Buildings), Appendix C (Fire Hydrant Locations and Distribution), Appendix D (Fire Apparatus Access Roads, Appendix H (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions and Appendix J (Emergency Responder Radio Coverage), is hereby adopted by reference, together with the amendments, additions, deletions, and exception 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 a any operational permit ~~for any proposed work or operation~~ 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 limitations 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. shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.~~ 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 a 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 ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to the effects and penalties in BMC 15.05.415 (3) and (4).

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 schedule as established by the applicable govern authority 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 ~~an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees~~ 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. ~~The applicable governing authority is authorized to establish a refund policy.~~ Refunds may be authorized by the building official in accordance with BMC 15.05.375 (7).

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 motorcraft 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 motorcraft 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.

(2) IFC Section 503.2, Specifications, as written in the IFC is adopted without amendment, except IFC section 503.2.2, Authority, is amended 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.

(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 ~~markings that include the words NO PARKING - FIRE LANE~~ other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. ~~The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.~~

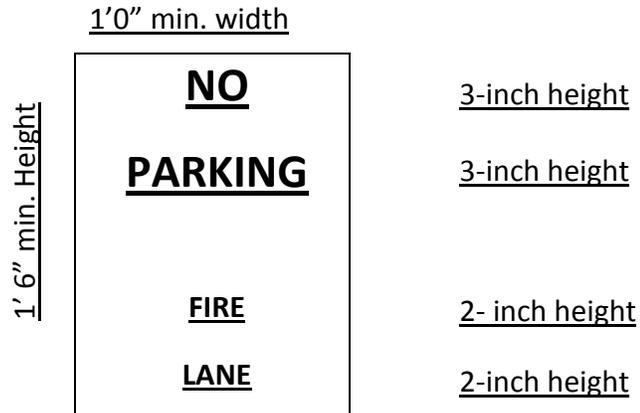
Signs or notices shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Marked fire apparatus access roads, or "fire lanes" as defined above may be established or relocated at the time of plan review, pre-construction 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 #2-“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 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, Required water supply, is amended by the addition of the following paragraph:

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.

The type of hydrants 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 ~~an approved method~~ use of Appendix B.

Exception: Fire flow is not required for structure 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

- (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 ~~400~~ 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 ~~600~~ 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.

[Ord. 408 § 1, 2004]

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, Penetrations, to read as follows:

508.1.6 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 713 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 amended - Emergency and standby power systems – High rise buildings.

(1) IFC Section 604.2.14, High-rise buildings, is amended to include new subsection 602.14.1.4, 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 604.2.14.34.

604.2.14.1.4 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 713 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, Installation, is amended by the addition of a new subsection 901.4.5 Additions, change of use, alterations and repairs to buildings, to read as follows:

901.4.5 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 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 ~~required~~ 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 buildings with a gross 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 712, 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 907.9.5, Maintenance, inspection and testing, is amended by addition of ~~the following section~~ a second paragraph to read as follows:

907.9.5 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 3404.2 amended - Flammable and combustible liquids – Storage.

(1) IFC Section 3404.2.9.3.1, Locations where above-ground tanks are prohibited, is amended to read as follows:

3404.2.9.6.1 Locations where above-ground tanks are ~~prohibited~~ regulated. Storage of Class I and II liquids in above-ground tanks outside of buildings is ~~prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)~~ subject to the requirements of Chapter 19.40 BMC – “Critical Areas.”

(2) IFC Section 3404.11.2, Locations, is amended to read as follows:

3404.2.11.2 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 3406.2.4.4 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 3406.2.4.4, Locations where above ground tanks are prohibited, is amended to read as follows:

3406.2.4.4 Locations where above-ground tanks are ~~prohibited~~ regulated. The storage of Class I and II liquids in above-ground tanks is ~~prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)~~ subject to the requirements of Chapter 19.40 BMC – “Critical Areas.”

15.20.220 Section 3506.2 amended – Flammable Cryogenic Fluids – Limitations.

(1) IFC Section 3506.2, Limitations, is amended to read as follows:

3506.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is ~~prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page xiii)~~ subject to the requirements of Chapter 19.40 BMC – “Critical Areas.”

15.20.230 Section 3804.2 amended - Location of LP-Gas Containers - Maximum capacity within established limits.

(1) IFC Section 3804.2, Maximum capacity within established limits, is amended to read as follows:

3804.2 Maximum capacity within established limits. ~~Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page xiii).~~ 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.

(1) IFC Section 4603.7.1, Where required, is amended to read as follows:

4603.7.1 Where required. Existing Group R occupancies and *dwelling*s not classified as Group R occupancies ~~not already provided with single-station smoke alarms~~ shall be provided with single-station smoke alarms. ~~Installation shall be in accordance with Section 907.2.11, except as provided in Sections 4603.7.2 and 4603.7.3.~~

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

Exhibit E**Chapter 15.40 Burien Building and Property Maintenance Code**

Sections:

15.40.010	Short title.
15.40.015	Scope.
15.40.020	Intent.
15.40.025	Severability.
15.40.030	Applicability.
15.40.035	Maintenance.
15.40.040	Application of other codes.
15.40.045	Existing remedies.
15.40.050	Workmanship.
15.40.055	Historic buildings.
15.40.060	Referenced codes and standards.
15.40.065	Requirements not covered by this code.
15.40.070	Application of references.
15.40.075	Other laws.
15.40.080	Duties and powers of the code official.
15.40.085	Fees.
15.40.090	Approvals.
15.40.095	Violations and penalties.
15.40.100	Voluntary correction.
15.40.105	Notices and orders.
15.40.110	Unsafe Structures and equipment.
15.40.115	Closing of vacant structures.
15.40.120	Standards for securing buildings.
15.40.125	Authority to disconnect service utilities.
15.40.130	Notice.
15.40.135	Placarding.
15.40.140	Placard removal.
15.40.145	Prohibited occupancy.
15.40.150	Abatement methods.
15.40.155	Record.
15.40.160	Emergency measures.
15.40.165	Demolition.
15.40.170	Means of appeal.
15.40.175	City performance of work of demolition or repair, and recovery of costs.
15.40.180	Stop work order.
15.40.185	Definitions.
15.40.190	General requirements.
15.40.195	Exterior property areas.
15.40.200	Motor vehicles.
15.40.205	Recreational Vehicles or other vehicles.

- 15.40.210 Swimming pools, spas, and hot tubs.
- 15.40.215 Cargo containers and semi trailers.
- 15.40.220 Exterior structure.
- 15.40.225 Interior structure.
- 15.40.230 Component serviceability.
- 15.40.235 Handrails and guardrails.
- 15.40.240 Rubbish and garbage.
- 15.40.245 Pest Elimination.
- 15.40.250 Light and ventilation.
- 15.40.255 Occupancy limitations.
- 15.40.260 Plumbing facilities and fixture requirements.
- 15.40.265 Plumbing systems and fixtures.
- 15.40.270 Water system.
- 15.40.275 Sanitary drainage system.
- 15.40.280 Storm drainage.
- 15.40.285 Mechanical and electrical requirements.
- 15.40.290 Elevator, escalators and dumbwaiters.
- 15.40.295 Fire safety requirements.
- 15.40.300 Referenced standards.

15.40.010 Short title.

These regulations shall be known as the Burien Building & Property Maintenance Code, hereinafter referred to as “this code.”

15.40.015 Scope.

The provisions of this code shall be construed and shall be applied to be consistent with the authority and provisions of Chapter 35.80 RCW and shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for the safe and sanitary maintenance of such structures, premises, equipment, and facilities; for the responsibility of owners, operators and occupants; for the occupancy of existing structures and premises; and for administration, enforcement and penalties.

15.40.020 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

15.40.025 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

15.40.030 Applicability.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

15.40.035 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

15.40.040 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Burien Municipal Code. Nothing in this code shall be construed to cancel, modify or set aside any other provisions of the Burien Municipal Code.

15.40.045 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

15.40.050 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

15.40.055 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings as defined in the International Existing Building Code when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

15.40.060 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

15.40.065 Requirements not covered by code.

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

15.40.070 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.

15.40.075 Other laws.

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

15.40.080 Duties and power of the code official.

(1) **General.** The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(2) **Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.

(3) **Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.

(4) **Liability.** The code official, hearing examiner, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any 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 shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(5) **Inspections.** The code official is authorized to make all of the required inspections, or accept reports of inspection by approved agencies or individuals. All 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 code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(6) **Initial Inspection and Enforcement.** An initial enforcement determination shall be undertaken against buildings or properties whenever the code official has reason to believe that a violation of this code exists; or a complaint is filed with the department by any person, provided that where complaints have been filed by tenants, the tenant first shall exhaust all remedies provided through the Washington State Landlord Tenant Act, unless circumstances exist that give evidence of an immediate life safety or health condition that warrants an immediate response by the department.

(7) **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(8) **Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(9) **Notices and orders.** The code official is authorized to issue all necessary notices or orders to ensure compliance with this code.

(10) **Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

15.40.085 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as adopted by the Burien city council.

15.40.090 Approvals.

(1) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code 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, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(2) **Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved and complies with all other codes adopted by the city of Burien. An alternative material or method of construction shall be approved where the code 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.

(3) **Required testing.** 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 code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(4) **Test methods.** 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 code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(5) **Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

(6) **Used material and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

(7) **Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

(8) **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.

15.40.095 Violations and penalties.

(1) **Unlawful acts.** It shall be unlawful for a person, firm or corporation to be 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) **Notice of violation.** The code official is authorized to serve a notice of violation or order in accordance with BMC 8.45.035.

(3) **Enforcement of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the city

to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The code official is authorized to enforce violations of this chapter and the codes referenced herein under Chapter 8.45 BMC.

- (4) **Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by this section.
- (a) **Civil Violation.** Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed \$5,000 may be imposed.
 - (b) **Criminal Penalty.** In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than \$1,000 or by both such imprisonment and fine.
 - (c) **Separate Offense.** Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (a) and (b) of this section.

Failure to correct a civil violation in a manner and within the time frame specified by the administrative notice of violation subjects the person(s) responsible for code compliance to additional civil penalties as set forth in BMC 8.45.040(5), (6), and (7).

- (5) **Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- (6) **Remedies – Cost Recovery.** In addition to other remedies, the cost of pursuing code compliance and abatement incurred to correct a code violation shall be in accordance with BMC 8.45.35 (12).

15.40.100 Voluntary correction.

- (1) **Applicability.** While it is the city's desire to obtain voluntary correction pursuant to this section, compliance herewith is not a prerequisite for pursuing any of the other remedies for correction in this chapter, or any remedies available in law or equity. This section may apply whenever the applicable department director determines that a nuisance has occurred or is occurring.
- (2) **General.** The applicable department director may attempt to secure voluntary correction by contacting the person responsible for the nuisance and, where possible, explaining the violation and requesting correction.

(3) **Issuance of Voluntary Correction Agreement.** A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director.

- (a) **Content.** The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:
- (i.) The name and address of the person responsible for the violation; and
 - (ii.) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
 - (iii.) A description of the violation and a reference to the regulation which has been violated; and
 - (iv.) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
 - (v.) An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
 - (vi.) An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and
 - (vii.) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
- (b) **Right to a Hearing Waived.** Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
- (c) **Extension and Modification.** An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.
- (d) **Abatement by the city.** The city may abate the violation in accordance with BMC 8.45.060 if the terms of the voluntary correction agreement are not met.

- (e) **Collection of Costs.** If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with BMC 8.45.040(5), plus all costs and expenses of abatement, as set forth in BMC 8.45.060(4).

15.40.105 Notices and orders.

(1) **Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in BMC 8.45.035(2) to the person responsible for the violation as specified in this code.

A copy of such notice shall also be filed with the County auditor, and such filing of the notice or order shall have the same force and effect as other lis pendens notices provided by law.

(2) **Method of service.** A notice of violation shall be served in accordance with BMC 8.45.035(3). Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally;
- (b) Sent by certified or first-class mail with return receipt requested, addressed to the last known address; or
- (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(3) **Unauthorized tampering.** 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.

(4) **Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in BMC 15.40.095 (4).

(5) **Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

15.40.110 Unsafe structures and equipment.

(1) **General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official is authorized to condemn the structure pursuant to the provisions of this code.

(2) **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(3) **Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(4) **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(5) **Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(6) **Dangerous structure or premises.** For the purpose of this code, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous:

- (a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- (d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored,

attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

- (e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- (i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- (k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(7) **Drug Properties and Structures.** It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property but is also of a classification of property calling for the special procedures set forth in this section. The building official is authorized to abate such dangerous

buildings, structures and/or associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

- (a) Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
- (b) Building(s) and structures will be inspected to determine compliance with all city ordinances and codes;
- (c) Building(s) and any entry gates to the property will be secured against entry.
- (d) No reconnection of utilities or re-occupancy of the building(s), structures or property shall be allowed until all violations have been remedied, and all dangerous conditions abated to the satisfaction of the building official and a notice of release for re-occupancy has been received from the health department.

15.40.115 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official is authorized to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and such costs will be recoverable pursuant to BMC 8.45.060.

15.40.120 Standards for securing buildings.

To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with 7/16 inch minimum thickness structural panel cut to fit over the building opening and secured with #10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of 1-1/4 inches and the screws shall be spaced around the perimeter of the opening at no less than 12 inches on center.

15.40.125 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in BMC 15.40.060 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

15.40.130 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice, and served on the owner or the person or persons responsible for the structure or equipment in accordance with BMC 15.40.105. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in BMC 15.40.125.

15.40.135 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

15.40.140 Placard removal.

The code official is authorized to remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

15.40.145 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official is authorized to be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

15.40.150 Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action as determined by the code official.

15.40.155 Record.

The code official shall have the authority to cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.40.160 Emergency Measures.

(1) **Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is

hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

The code official is authorized to cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(2) **Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and is authorized to cause such other action to be taken as the code official deems necessary to meet such emergency.

(3) **Closing streets.** When necessary for public safety, the code official is authorized to temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(4) **Emergency repairs.** For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

(5) **Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is authorized to institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(6) **Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Hearings Examiner, be afforded a hearing as described in this code

15.40.165 Demolition.

(1) **General.** The code official shall have the authority to order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official is authorized to order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

- (2) **Notices and orders.** All notices and orders shall comply with BMC 15.40.105.
- (3) **Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall have the authority to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (4) **Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.40.170 Means of appeal.

- (1) **General.** Appeals of final orders, decisions, or determinations made by the code official relative to the application and interpretation of the city of Burien Building and Property maintenance code may be appealed by the 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 has 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 code.
- (3) **Participation in the appeal.** Only those parties who have appealed the code official's final order, decision or determination may participate in the appeal 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's 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 twenty-one calendar days of the issuance of the hearing examiner's decision.

(6) **Records and copies.** The decision of the Hearings Examiner shall be recorded. Copies shall be furnished to the appellant and to the code official.

(7) **Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

(8) **Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Hearings Examiner.

15.40.175 City performance of work of demolition or repair, and recovery of costs.

If the owner or party in interest following exhaustion of the rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the code official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building official, is authorized to be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the city of the city of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city. If the dwelling, building, structure, or premises is removed or demolished by the city, the city is authorized to, if possible, sell the materials of such dwelling, building, structure, [or] premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there by any balance remaining, it shall be paid to the parties entitled thereto, as determined by the city, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

15.40.180 Stop work order.

- (1) **Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code 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.** A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. 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 is authorized to resume.
- (3) **Emergencies.** Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.
- (4) **Effect.**
 - (a) The code 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 civil 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 of Burien hearings examiner according to the procedures prescribed by BMC 15.40.170, Appeals.
 - (e) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.
 - (f) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs.
- (5) **Remedy – Civil penalties.** Any person who shall continue any work in or about the structure 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 penalties as prescribed by law.
 - (a) In addition to any other judicial or administrative remedy, the code official or designee may assess penalties for the violation of any stop work order as set forth in BMC 15.40.095(4), Penalties.

- (b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.
- (c) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligations in all persons responsible for code violation. The city of Burien may collect the civil penalties assessed by any appropriate legal means.
- (d) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with Title 15 of the Burien Municipal Code.

15.40.185 Definitions.

- (1) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown herein.
- (2) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (3) **Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Fire Code, International Zoning Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- (4) **Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (5) **Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”
- (6) **General Definitions.**

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

ATTRACTIVE NUISANCE. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building

to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

POTENTIAL VERMIN HABITAT OR FIRE HAZARD. Any accumulation of material on a property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RECREATIONAL VEHICLE. A portable structure such as a motor home, travel trailer, park model trailer, or equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as a temporary dwelling for travel, recreation and vacation uses.

REFUSE. Garbage, trash or any other item that is disregarded or thrown away, and shall also include recyclable materials and solid wastes.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRASH COVERED PREMISES. Any premises containing trash or abandoned materials, except that kept in garbage cans or containers with lids maintained for regular collection/removal.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

15.40.190 General requirements.

(1) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(2) **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

15.40.195 Exterior property areas.

(1) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition in accordance with this code and the provision of Chapter 8.45 BMC. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(2) **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

- (3) **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (4) **Vegetation.** Vegetation as defined in BMC 8.45.020 is regulated under Chapter 8.45 BMC.
- (5) **Potential Vermin Habitat.** All structures and exterior property shall be kept free from potential vermin habitat and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (6) **Exhaust vents.** Clearances to property lines and openings into a building prescribed in the adopted codes and standards applicable to the installation of pipes, ducts, conductors, fans or blowers shall be maintained.
- (7) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (8) **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. Graffiti removal shall be in accordance with Chapter 8.55 BMC.

- (9) **Motor vehicles.** The following city codes shall be applicable to motor vehicles on private property. Enforcement shall be in accordance with Chapter 8.45 BMC.
- (a) Nuisance, Junk Vehicle(s): BMC 8.45.020(9)(c)(iv)
 - (b) Parking on Residential Property: Chapter 10.11 BMC.
 - (c) Off Street Parking Design Standards: BMC 19.20.100(10)(B)
 - (d) Critical Area Aquifer Recharge Areas-Performance Standards Vehicle Repair and Servicing: BMC 19.40.430(6)(G)

15.40.205 Recreational vehicles or other vehicles.

No recreational vehicle or other vehicles shall be used for the purpose of living, sleeping, cooking or any similar use while parked on public or private property except where permitted by the land use and zoning codes in an approved Recreational Vehicle Park.

15.40.210 Cargo containers and semi trailers.

- (1) Except as permitted by city of Burien land use and zoning codes, cargo containers shall not be permitted to be used as storage buildings. Cargo containers which are permitted by the

land use and zoning code to be used as storage buildings shall be provided with a foundation system that provides adequate clearance from the ground to prevent deterioration and shall be provided with an anchorage system to prevent sliding or overturning by wind or seismic forces prescribed by the building code.

(2) Semi trailers shall not be used as storage buildings.

15.40.210 Swimming pools, spas, and hot tubs.

(1) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(2) **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

15.40.220 Exterior structure.

(1) **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (c) Structures or components thereof that have reached their limit state;
- (d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

- (f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- (i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- (j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- (m) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

(3) **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(4) **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm)

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010 are permitted to have an existing address number size be a minimum of 3" high.

(5) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(6) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(7) **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(8) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be intentionally discharged directly onto any other private property,, public right of way or in a manner that creates a public nuisance.

(9) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(10) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(11) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(12) **Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(13) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (14) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (15) **Glazing.** All glazing materials shall be maintained free from cracks and holes.
- (16) **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (17) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
- (18) **Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

15.40.225 Interior structure.

- (1) **General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (2) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code, the International Residential Code or the International Existing Building Code as required for existing buildings:
- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - (c) Structures or components thereof that have reached their limit state;
 - (d) Structural members are incapable of supporting nominal loads and load effects;
 - (e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 - (f) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (3) **Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (4) **Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.
- (5) **Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (6) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (7) **Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

15.40.230 Component serviceability.

- (1) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (2) **Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:
 - (a) Soils that have been subjected to any of the following conditions:
 - (i.) Collapse of footing or foundation system;
 - (ii.) Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - (iii.) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - (iv.) Inadequate soil as determined by a geotechnical investigation;
 - (v.) Where the allowable bearing capacity of the soil is in doubt; or
 - (vi.) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
 - (b) Concrete that has been subjected to any of the following conditions:
 - (i.) Deterioration;
 - (ii.) Ultimate deformation;

- (iii.) Fractures;
 - (iv.) Fissures;
 - (v.) Spalling;
 - (vi.) Exposed reinforcement; or
 - (vii.) Detached, dislodged or failing connections.
- (c) Aluminum that has been subjected to any of the following conditions:
- (i.) Deterioration;
 - (ii.) Corrosion;
 - (iii.) Elastic deformation;
 - (iv.) Ultimate deformation;
 - (v.) Stress or strain cracks;
 - (vi.) Joint fatigue; or
 - (vii.) Detached, dislodged or failing connections.
- (d) Masonry that has been subjected to any of the following conditions:
- (i.) Deterioration;
 - (ii.) Ultimate deformation;
 - (iii.) Fractures in masonry or mortar joints;
 - (iv.) Fissures in masonry or mortar joints;
 - (v.) Spalling;
 - (vi.) Exposed reinforcement; or
 - (vii.) Detached, dislodged or failing connections.
- (e) Steel that has been subjected to any of the following conditions:
- (i.) Deterioration;
 - (ii.) Elastic deformation;
 - (iii.) Ultimate deformation;
 - (iv.) Metal fatigue; or
 - (v.) Detached, dislodged or failing connections.
- (f) Wood that has been subjected to any of the following conditions:
- (i.) Ultimate deformation;
 - (ii.) Deterioration;
 - (iii.) Damage from insects, rodents and other vermin;

- (iv.) Fire damage beyond charring;
- (v.) Significant splits and checks;
- (vi.) Horizontal shear cracks;
- (vii.) Vertical shear cracks;
- (viii.) Inadequate support;
- (ix.) Detached, dislodged or failing connections; or
- (x.) Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

15.40.235 Handrails and guardrails.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than thirty-four inches high or more than thirty-eight inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces

Guards shall not be less than thirty-six inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface for one or two family residences and town homes, and forty-two inches high for all other occupancies.

Exception: Guards shall not be required where exempted by the adopted building code.

15.40.235 Rubbish and garbage

(1) **Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(2) **Disposal of refuse and recyclable materials.** Every occupant of a structure shall dispose of refuse and recyclable materials in a clean and sanitary manner by placing such materials in an approved disposal facility or approved containers maintained for regular collection.

(3) **Containers.** Containers for the purpose of collecting refuse shall provide adequate storage capacity to assure that all refuse is totally contained. All refuse shall be contained at all times. The number of refuse containers and the collection frequency of these containers shall be determined by the property owner, landlord or the individual/s who are in control of the use of the property. The code official may require additional containers, larger containers or more frequent collection of all refuse, and if all refuse is not kept within the containers.

Any refuse that is not contained shall constitute a nuisance and the code official is authorized to abate the nuisance in accordance with the Chapter 8.45 BMC.

The city is authorized to recover all costs and expenses from the property owner in accordance with BMC 8.45.060.

(4) **Recyclable materials and solid waste storage.** Space required by WAC 51-50-009 for the storage of recycled materials and solid waste shall be maintained to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

(5) **Refrigerators.** Refrigerators, freezers and similar equipment not in operation shall not be discarded, abandoned or stored on premises and are defined as an attractive nuisance as set forth in BMC 8.45.020.

15.40.245 Pest Elimination.

(1) **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(2) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(3) **Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(4) **Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

(5) **Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

15.40.250 Light and ventilation.

(1) **Responsibility.** The owner of the structure shall provide and maintain light, ventilation in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(2) **Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Burien Construction Codes shall be permitted.

(3) **Light**

- (a) **Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
 2. The glazed areas need not be installed in rooms where an emergency rescue and escape opening is not required and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.
- (b) **Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.
- (c) **Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(4) **Ventilation.**

- (a) **Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in BMC 15.40.250 (3).

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

2. The glazed areas need not be openable where an emergency rescue and escape opening is not required and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
- (b) **Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by BMC 15.40.250(4)(a), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (c) **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.
- Exceptions:**
1. Where specifically approved in writing by the code official.
 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.
- (d) **Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
- (e) **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

15.40.255 Occupancy limitations.

- (1) **Responsibility.** The owner of the structure shall provide and maintain space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (2) **Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (3) **Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(4) **Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required are ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

(5) **Bedroom and living room requirements.** Every bedroom and living room shall comply with the following requirements:

- (a) **Room area.** Every living room shall contain at least 120 square feet (11.2m²) and every bedroom shall contain at least 70 square feet (6.5 m²).
- (b) **Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- (c) **Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (d) **Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (e) **Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of BMC 15.40.260 and 15.40.265; the heating facilities and electrical receptacle requirements of BMC 15.40.285; and the smoke alarm and emergency escape requirements of BMC 15.40.295.

(6) **Overcrowding.** The number of persons occupying a dwelling unit shall be in conformance with occupancy limits established in the adopted construction codes and land

use/zoning codes and shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

(7) **Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (a) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
- (b) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
- (c) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (d) The maximum number of occupants shall be three.

(8) **Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

15.40.260 Plumbing facilities and fixture requirements.

(1) **Scope.** The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided in existing structures.

(2) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(3) **Number and Type of Fixtures.** Plumbing fixtures shall be provided and maintained in the quantity and location as required under the building and plumbing codes in existence at the time the occupancy was first approved by the jurisdiction unless subsequently approved to be relocated or removed under an approved permit.

(4) **Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(5) **Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

- (6) **Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (7) **Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
- (8) **Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (9) **Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code as adopted in BMC 15.10.120. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- (10) **Toilet Rooms.** Toilet rooms shall comply with the following requirements:
- (a) **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
 - (b) **Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
 - (c) **Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.
 - (d) **Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

15.40.265 Plumbing systems and fixtures.

- (1) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

- (2) **Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (3) **Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

15.40.270 Water system.

- (1) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Chapter 15.10 BMC.
- (2) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (3) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (4) **Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except where allowed in Chapter 15.10 BMC. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

15.40.275 Sanitary drainage system.

- (1) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (2) **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (3) **Grease interceptors.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

15.40.280 Storm drainage.

- (1) **General.** Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall be discharged in a manner consistent with the requirements of the Burien Municipal Code and shall not be discharged in a manner that creates a public nuisance.
- (2) **Private Property Drainage.** Drainage from roof, paved areas, yards, or courts shall not be intentionally discharged directly onto any other private property or public Right of Way.

16.40.285 Mechanical and electrical requirements.

- (1) **Scope.** The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (2) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.
- (3) **Heating facilities.** Heating facilities shall be provided in structures as required by this section.
- (a) **Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- (b) **Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.
- (c) **Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 68°F (20°C) during the period the spaces are occupied.
- Exceptions:**
1. Processing, storage and operation areas that require cooling or special temperature conditions.
 2. Areas in which persons are primarily engaged in vigorous physical activities.
- (d) **Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

- (4) **Mechanical equipment and appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed

and maintained in a safe working condition, and shall be capable of performing the intended function.

- (a) **Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

- (b) **Clearances.** All required clearances to combustible materials shall be maintained.
- (c) **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (d) **Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (e) **Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved by the city of Burien under an approved permit.

(5) **Duct systems.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(6) **Electrical facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

- (a) **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Chapter 15.10 BMC. Existing dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating as required by the Electrical Code in effect at the time of construction but in no case shall the service rating be less than 60 amperes
- (b) **Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- (c) **Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water. Electrical equipment and wiring that have been submerged or exposed to water shall comply with the provisions of Title 15 of the Burien Municipal Code.
- (d) **Abatement of electrical hazards associated with fire exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and

equipment that have been exposed to fire. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire shall be replaced in accordance with the provisions of Chapter 15.10 BMC.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

- (e) **Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner
- (f) **Receptacles.** Every habitable space in a dwelling shall contain receptacle outlets as required by the Electrical Code in effect at the time of installation or construction. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (g) **Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.
- (h) **Extension Cords.** Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in any area where such cord may be subject to physical damage.

15.40.290 Elevators, escalators and dumbwaiters.

(1) **General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.

(2) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

15.40.295 Fire safety requirements.

(1) **Scope.** The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

- (2) **Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.
- (3) **Means of egress.**
- (a) **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code as adopted in Chapter 15.20 BMC.
 - (b) **Aisles.** The required width of aisles in accordance with the International Fire Code as adopted in Chapter 15.20 BMC shall be unobstructed.
 - (c) **Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code as adopted in Chapter 15.10 BMC or has been maintained in accordance with the code in effect at the time of construction, alteration, or change in use.
 - (d) **Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- (4) **Fire-resistance ratings.**
- (a) **Fire-resistance-rated assemblies.** The required fire-resistance-rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
 - (b) **Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
- (5) **Fire protection systems.**
- (a) **General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code as adopted in Chapter 15.20 BMC.

- (b) **Automatic sprinkler systems.** Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.
- (c) **Smoke Alarms.** Single- or multiple- station smoke alarms shall be installed and maintained in accordance with the International Fire Code as adopted in Chapter 15.20 BMC.

15.40.300 Referenced standards.

This section lists the standards that are referenced in Chapter 15.40 BMC. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in BMC 15.40.060.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990
Standard reference number: A17.1/CSA B44—2007
Title: Safety Code for Elevators and Escalators
Referenced in BMC 15.40.290

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959
Standard reference number: F1346—91 (2003)
Title: Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
Referenced in BMC 15.40.210

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269
Standard reference number: 25—08 Inspection
Title: Testing and Maintenance of Water-based Fire Protection Systems
Referenced in BMC 15.40.295

EXHIBIT F: Fire Sprinkler Alternate

➤ Revise Exhibit B, Section 15.10.070 BMC to read as follow:

15.10.070 International Residential Code adopted.

The 2009 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, WAC 51-51-60105 - Appendix Chapter R, Dwelling Unit Fire Sprinkler Systems, WAC 51-51-60107 – Appendix S, Fire Sprinklers, and excluding Chapters 1, 11, 25-43, 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 is regulated by chapter 51-11 WAC (WSEC) as adopted in BMC 15.10.130.
- (2) Plumbing is regulated by chapter 51-56 WAC (UPC) as adopted in BMC 15.10.120.
- (3) Electrical is 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.

~~(4)~~ (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

TOPOGRAPHIC EFFECTS: Not Applicable

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

Exhibit F1: IRC Appendix R and S

WASHINGTON STATE AMENDMENTS

WAC 51-51-60107

APPENDIX S

FIRE SPRINKLERS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

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 R.

WASHINGTON STATE AMENDMENTS

WAC 51-51-60105

APPENDIX R

DWELLING UNIT FIRE SPRINKLER SYSTEMS

(Note: Appendix R is an extraction of Section P2904)

AR105.1 General. Where installed, residential fire sprinkler systems, or portions thereof, shall be in accordance with NFPA 13D or Appendix R, which shall be considered equivalent to NFPA 13D. Appendix R shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall supply domestic water to both fire sprinklers and plumbing fixtures. A stand-alone sprinkler system shall be separate and independent from the water distribution system.

AR105.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions:

1. Attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m²) in area.
4. Garages; carports; exterior porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

AR105.2 Sprinklers. Sprinklers shall be new listed residential sprinklers and shall be installed in accordance with the sprinkler manufacturer's installation instructions.

AR105.2.1 Temperature rating and separation from heat sources. Except as provided for in Section AR105.2.2, sprinklers shall have a temperature rating of not less than 135°F (57°C) and not more than 170°F (77°C). Sprinklers shall be separated from heat sources as required by the sprinkler manufacturer's installation instructions.

AR105.2.2 Intermediate temperature sprinklers. Sprinklers shall have an intermediate temperature rating not less than 175°F (79°C) and not more than 225°F (107°C) where installed in the following locations:

1. Directly under skylights, where the sprinkler is exposed to direct sunlight.

2. In attics.
3. In concealed spaces located directly beneath a roof.
4. Within the distance to a heat source as specified in Table AR105.2.2.

AR105.2.3 Freezing areas. Piping shall be protected from freezing. Where sprinklers are required in areas that are subject to freezing, dry-side-wall or dry-pendent sprinklers extending from a nonfreezing area into a freezing area shall be installed.

AR105.2.4 Sprinkler coverage. Sprinkler coverage requirements and sprinkler obstruction requirements shall be in accordance with Sections AR105.2.4.1 and AR105.2.4.2.

AR105.2.4.1 Coverage area limit. The area of coverage of a single sprinkler shall not exceed 400 square feet (37 m²) and shall be based on the sprinkler listing and the sprinkler manufacturer's installation instructions.

AR105.2.4.2 Obstructions to coverage. Sprinkler discharge shall not be blocked by obstructions unless additional sprinklers are installed to protect the obstructed area. Sprinkler separation from obstructions shall comply with the minimum distances specified in the sprinkler manufacturer's instructions.

AR105.2.4.2.1 Additional requirements for pendent sprinklers. Pendent sprinklers within 3 feet (915 mm) of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

AR105.2.4.2.2 Additional requirements for sidewall sprinklers. Sidewall sprinklers within 5 feet (1524 mm) of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

AR105.2.5 Sprinkler installation on systems assembled with solvent cement. The solvent cementing of threaded adapter fittings shall be completed and threaded adapters for sprinklers shall be verified as being clear of excess cement prior to the installation of sprinklers on systems assembled with solvent cement.

AR105.2.6 Sprinkler modifications prohibited. Painting, caulking or modifying of sprinklers shall be prohibited. Sprinklers that have been painted, caulked, modified or damaged shall be replaced with new sprinklers.

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**TABLE AR105.2.2
LOCATIONS WHERE INTERMEDIATE TEMPERATURE SPRINKLERS ARE REQUIRED**

HEAT SOURCE	RANGE OF DISTANCE FROM HEAT SOURCE WITHIN WHICH INTERMEDIATE TEMPERATURE SPRINKLERS ARE REQUIRED ^{a,b} (inches)
Fireplace, side of open or recessed fireplace	12 to 36
Fireplace, front of recessed fireplace	36 to 60
Coal and wood burning stove	12 to 42
Kitchen range top	9 to 18
Oven	9 to 18
Vent connector or chimney connector	9 to 18
Heating duct, not insulated	9 to 18
Hot water pipe, not insulated	6 to 12
Side of ceiling or wall warm air register	12 to 24
Front of wall mounted warm air register	18 to 36
Water heater, furnace or boiler	3 to 6
Luminaire up to 250 watts	3 to 6
Luminaire 250 watts up to 499 watts	6 to 12

For IS: 1 inch = 25.4 mm.

- a. Sprinklers shall not be located at distances less than the minimum table distance unless the sprinkler listing allows a lesser distance.
b. Distances shall be measured in a straight line from the nearest edge of the heat source to the nearest edge of the sprinkler.

AR105.3 Sprinkler piping system. Sprinkler piping shall be supported in accordance with the requirements for cold water distribution piping. Sprinkler piping shall comply with all requirements for cold water distribution piping. For multipurpose piping systems, the sprinkler piping shall connect to and be a part of the cold water distribution piping system.

AR105.3.1 Nonmetallic pipe and tubing. Nonmetallic pipe and tubing, such as CPVC and PEX, shall be listed for use in residential fire sprinkler systems.

AR105.3.1.1 Nonmetallic pipe protection. Nonmetallic pipe and tubing systems shall be protected from exposure to the living space by a layer of not less than 3/8-inch (9.5 mm) thick gypsum wallboard, 1/2-inch thick plywood (13 mm), or other material having a 15-minute fire rating.

Exceptions:

1. Pipe protection shall not be required in areas that do not require protection with sprinklers as specified in Section AR105.1.1.
2. Pipe protection shall not be required where exposed piping is permitted by the pipe listing.

AR105.3.2 Shutoff valves prohibited. With the exception of shutoff valves for the entire water distribution system, valves shall not be installed in any location where the valve would isolate piping serving one or more sprinklers.

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AR105.3.3 Single dwelling limit. Piping beyond the service valve located at the beginning of the water distribution system shall not serve more than one dwelling.

AR105.3.4 Drain. A means to drain the sprinkler system shall be provided on the system side of the water distribution shutoff valve.

AR105.4 Determining system design flow. The flow for sizing the sprinkler piping system shall be based on the flow rating of each sprinkler in accordance with Section AR105.4.1 and the calculation in accordance with Section AR105.4.2.

AR105.4.1 Determining required flow rate for each sprinkler. The minimum required flow for each sprinkler shall be determined using the sprinkler manufacturer's published data for the specific sprinkler model based on all of the following:

1. The area of coverage.
2. The ceiling configuration.
3. The temperature rating.
4. Any additional conditions specified by the sprinkler manufacturer.

AR105.4.2 System design flow rate. The design flow rate for the system shall be based on the following:

1. The design flow rate for a room having only one sprinkler shall be the flow rate required for that sprinkler, as determined by Section AR105.4.1.

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2. The design flow rate for a room having two or more sprinklers shall be determined by identifying the sprinkler in that room with the highest required flow rate, based on Section AR105.4.1, and multiplying that flow rate by 2.
3. Where the sprinkler manufacturer specifies different criteria for ceiling configurations that are not smooth, flat and horizontal, the required flow rate for that room shall comply with the sprinkler manufacturer's instructions.
4. The design flow rate for the sprinkler system shall be the flow required by the room with the largest flow rate, based on Items 1, 2 and 3.
5. For the purpose of this section, it shall be permissible to reduce the design flow rate for a room by subdividing the space into two or more rooms, where each room is evaluated separately with respect to the required design flow rate. Each room shall be bounded by walls and a ceiling. Openings in walls shall have a lintel not less than 8 inches (203 mm) in depth and each lintel shall form a solid barrier between the ceiling and the top of the opening.

AR105.5 Water supply. The water supply shall provide not less than the required design flow rate for sprinklers in accordance with Section AR105.4.2 at a pressure not less than that used to comply with Section AR105.6.

AR105.5.1 Water supply from individual sources. Where a dwelling unit water supply is from a tank system, a private well system or a combination of these, the available water supply shall be based on the minimum pressure control setting for the pump.

AR105.5.2 Required capacity. The water supply shall have the capacity to provide the required design flow rate for sprinklers for a period of time as follows:

1. 7 minutes for dwelling units one story in height and less than 2,000 square feet (186 m²) in area.
2. 10 minutes for dwelling units two or more stories in height or equal to or greater than 2,000 square feet (186 m²) in area.

Where a well system, a water supply tank system or a combination thereof is used, any combination of well capacity and tank storage shall be permitted to meet the capacity requirement.

AR105.6 Pipe sizing. The piping to sprinklers shall be sized for the flow required by Section AR105.4.2. The flow required to supply the plumbing fixtures shall not be required to be added to the sprinkler design flow.

AR105.6.1 Method of sizing pipe. Piping supplying sprinklers shall be sized using the prescriptive method in Section AR105.6.2 or by hydraulic calculation in accordance with NFPA 13D. The minimum pipe size from the water supply source to any sprinkler shall be 3/4 inch (19 mm) nominal. Threaded adapter fittings at the point where sprinklers are attached to the piping shall be a minimum of 1/2 inch (13 mm) nominal.

AR105.6.2 Prescriptive pipe sizing method. Pipe shall be sized by determining the available pressure to offset friction

loss in piping and identifying a piping material, diameter and length using the equation in Section AR105.6.2.1 and the procedure in Section AR105.6.2.2.

AR105.6.2.1 Available pressure equation. The pressure available to offset friction loss in the interior piping system (Pt) shall be determined in accordance with Equation AR-1.

$$P_t = P_{sup} - PL_{svc} - PL_m - PL_d - PL_e - P_{sp} \text{ (Equation AR-1)}$$

Where:

- P_t = Pressure used in applying Tables P2904.6.2(4) through P2904.6.2(9).
- P_{sup} = Pressure available from the water supply source.
- PL_{svc} = Pressure loss in the water service pipe.
- PL_m = Pressure loss in the water meter.
- PL_d = Pressure loss from devices other than the water meter.
- PL_e = Pressure loss associated with changes in elevation
- P_{sp} = Maximum pressure required by a sprinkler.

AR105.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure:

Step 1 - Determine P_{sup}

Obtain the static supply pressure that will be available from the water main from the water purveyor, or for an individual source, the available supply pressure shall be in accordance with Section AR105.5.1.

Step 2 - Determine PL_{svc}

Use Table P2904.6.2(1) to determine the pressure loss in the water service pipe based on the selected size of the water service.

Step 3 - Determine PL_m

Use Table P2904.6.2(2) to determine the pressure loss from the water meter, based on the selected water meter size.

Step 4 - Determine PL_d

Determine the pressure loss from devices other than the water meter installed in the piping system supplying sprinklers, such as pressure-reducing valves, backflow preventers, water softeners or water filters. Device pressure losses shall be based on the device manufacturer's specifications. The flow rate used to determine pressure loss shall be the rate from Section AR105.4.2, except that 5 gpm (0.3 L/S) shall be added where the device is installed in a water-service pipe that supplies more than one dwelling. As alternative to deducting pressure loss for a device, an automatic bypass valve shall be installed to divert flow around the device when a sprinkler activates.

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Step 5 - Determine P_L .

Use Table P2904.6.2(3) to determine the pressure loss associated with changes in elevation. The elevation used in applying the table shall be the difference between the elevation where the water source pressure was measured and the elevation of the highest sprinkler.

Step 6 - Determine P_p .

Determine the maximum pressure required by any individual sprinkler based on the flow rate from Section AR105.4.1. The required pressure is provided in the sprinkler manufacturer's published data for the specific sprinkler model based on the selected flow rate.

Step 7 - Calculate P_t .

Using Equation AR-1, calculate the pressure available to offset friction loss in water-distribution piping between the service valve and the sprinklers.

Step 8 - Determine the maximum allowable pipe length

Use Tables P2904.6.2(4) through P2904.6.2(9) to select a material and size for water distribution piping. The piping material and size shall be acceptable if the developed length of pipe between the service valve and the most remote sprinkler does not exceed the maximum allowable length specified by the applicable table. Interpolation of P_t between the tabular values shall be permitted.

The maximum allowable length of piping in Tables P2904.6.2(4) through P2904.6.2(9) incorporates an adjustment for pipe fittings, and no additional consideration of friction losses associated with pipe fittings shall be required.

AR105.7 Instructions and signs. An owner's manual for the fire sprinkler system shall be provided to the owner. A sign or valve tag shall be installed at the main shutoff valve to the water distribution system stating the following: "Warning, the water system for this home supplies fire sprinklers that require certain flows and pressures to fight a fire. Devices that restrict the flow or decrease the pressure or automatically shutoff the water to the fire sprinkler system, such as water softeners, filtration systems and automatic shutoff valves, shall not be added to this system without a review of the fire sprinkler system by a fire protection specialist. Do not remove this sign."

AR105.8 Inspections. The water distribution system shall be inspected in accordance with Sections AR105.8.1 and AR105.8.2.

AR105.8.1 Preconcealment Inspection. The following items shall be verified prior to the concealment of any sprinkler system piping:

1. Sprinklers are installed in all areas as required by Section AR105.1.1.
2. Where sprinkler water spray patterns are obstructed by construction features, luminaires or ceiling fans, additional sprinklers are installed as required by Section AR105.2.4.2.

3. Sprinklers are the correct temperature rating and are installed at or beyond the required separation distances from heat sources as required by Sections AR105.2.1 and AR105.2.2.
4. The pipe size equals or exceeds the size used in applying Tables P2904.6.2(4) through P2904.6.2(9) or, if the piping system was hydraulically calculated in accordance with Section AR105.6.1, the size used in the hydraulic calculation.
5. The pipe length does not exceed the length permitted by Tables AR105.6.2(4) through AR105.6.2(9) or, if the piping system was hydraulically calculated in accordance with Section AR105.6.1, pipe lengths and fittings do not exceed those used in the hydraulic calculation.
6. Nonmetallic piping that conveys water to sprinklers is listed for use with fire sprinklers.
7. Piping is supported in accordance with the pipe manufacturer's and sprinkler manufacturer's installation instructions.
8. The piping system is tested in accordance with the plumbing code.

AR105.8.2 Final inspection. The following items shall be verified upon completion of the system:

1. Sprinklers are not painted, damaged or otherwise hindered from operation.
2. Where a pump is required to provide water to the system, the pump starts automatically upon system water demand.
3. Pressure-reducing valves, water softeners, water filters or other impairments to water flow that were not part of the original design have not been installed.
4. The sign or valve tag required by Section AR105.7 is installed and the owner's manual for the system is present.

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Exhibit G: Significant Changes within the 2009 Construction Codes**• State Mandated Changes:**

- “Bed & Breakfast” establishments are now permitted in an Occupancy Group R3 (Single Family) when the occupant load is 10 or less (IBC 310.1).
- Carbon monoxide detectors are required within new and existing Residential Occupancy Groups (IRC & IBC). EXCEPTION: Owner-occupied Group R-3 residences legally occupied prior to July 1, 2010.
- The previous exemption for special inspections related to Residential (R3) Occupancies has been removed (IBC 1704.1).
- Decks require two hold-down devices (1500 pound rated) to attach deck to the building structure.
- Where a permanent bench is installed adjacent to the edge of a deck requiring a guard rail, the guardrail height is measured from the bench rather than the deck. (IRC and IBC)
- The previous exception that allowed residences with forced air duct systems to forgo the installation of fresh air inlets has been removed (IMC 403.8.6.1).
- The replacement of space-conditioning equipment requires additional duct sealing/test (WSEC 101.3.2.6).
- Water heaters require a 30” x 30” working space at controls and piping or ductwork from unrelated equipment cannot block removal of the water heater (IMC).
- Noise ratings of residential fan installations cannot exceed a 1.0 Son rating (WSEC 403.8.6.5)
- The maximum length of clothes dryer ducts has increased to 35-feet and the deduction is based on equivalent length duct length of the type of fitting and turn radius (IMC).
- Where an appliance is placed in the attic or crawl space, the attic access or crawl space access door is required to be large enough to remove the entire appliance. (IMC, IRC)
- Booster fans on clothes dryer ducts may be installed when part of engineered system (WSEC 504.6.4.1).
- Motorized dampers are now required for outdoor air ducts in HVAC systems (IMC 403.8.5.2)
- Residential energy code requirements are more conservative with regard to ceiling insulation, window heat loss values, duct testing and air leakage testing. (WCEC)
- Posting of a certificate depicting the building’s energy performance data is required. The certificate is to be posted adjacent to the main electrical panel (WSEC 105.4).
- Half of luminaries within dwelling units must be high efficiency lamps (WSEC).
- Duct testing standards have been updated (WSEC).

- Waterless urinal installations require a water distribution line rough-in to the urinal that allows for the installation of a backflow device in the event of a retrofit. (UPC) 402.3.1.3.1 (State Amendment).
 - The plumbing code now has a new section on Rainwater Harvesting. (UPC)
 - Marking (signage) is required for fire walls, fire barriers, smoke barriers, smoke partitions, etc. (IBC 703.6)
 - Fire sprinklers are now required in Mercantile (Group M) Occupancies used for the display/sale of upholstered furniture. (IBC & IFC)
 - As an alternate to providing Areas of Refuge for the disabled, fire sprinkler protection may be provided (IBC 1007.3)
 - Two-way communication systems for Areas of Refuge have new specific requirements (IBC 1007.9).
 - The Fire Code has a new Existing Building Chapter (IFC Chapter 46).
 - Emergency radio responder coverage is required within all new buildings and within 18 months – all existing buildings (IFC 511)
 - Fire sprinklers are required within all existing I-2 (Hospital – Nursing Home) occupancies (IFC 903.6.2)
 - Outdoor refrigerant systems require locking access caps to prevent inhaling of refrigerant by children (IMC 1101.10)
 - Non-Single Family buildings must have tests for air leakage/air barriers, and require more efficient glazing (WSEC).
 - New requirements for Live/Work units. Allowed in single family & townhomes if they meet all of the requirements for IBC.
- **Optional Changes (not mandated by State)**
 - Appendix R and S of the International Residential Code which requires Fire Sprinklers to be installed in all one & two family dwellings, and townhomes may be adopted by local jurisdictions without having to get State Building Code Council approval.
- **Additional Resources**
 - <http://www.coloradochaptericc.org/codechanges1209.pdf> (2009 IBC, IRC, IFC code change highlights)
 - www.iccsafe.org/ (International Code Council – Publisher of the International Codes)
 - <http://www.sbcc.wa.gov/> (State Building Code Council – State Amendments & Interpretations)
 - <http://www.energy.wsu.edu/> (Energy Code Requirements for Building constructor to the IRC)
 - <http://www.neec.net/> (Energy Code Requirements for Buildings constructed to the IBC)
 - <http://www.iapmo.org/> (International Association of Plumbing & Mechanical Officials – Publisher of UPC)
 - <http://www.wabo.org/> (Washington Association of Building Official – Contacts & bookstore)