



## CITY COUNCIL MEETING AGENDA

**April 16, 2012**

**6:00 p.m. - Special Meeting: Executive Session to discuss  
potential litigation and real estate acquisition**

**7:00 p.m. – Regular Meeting**

	PAGE NO.
<b>1. CALL TO ORDER</b>	
<b>2. PLEDGE OF ALLEGIANCE</b>	
<b>3. ROLL CALL</b>	
<b>4. AGENDA CONFIRMATION</b>	
<b>5. PUBLIC COMMENT</b>	Individuals will please limit their comments to three minutes, and groups to five minutes.
<b>6. CORRESPONDENCE FOR THE RECORD</b>	
a. Email Dated March 28, 2012, from Marv Jahnke Regarding Taxation.	3.
b. Response from Bill Harm, Fire Marshal, to Email Dated March 29, 2012, from Jerry Stafford Regarding IFC Enforcement.	5.
c. Email Dated March 31, 2012, from John Rizzardi Regarding Annexation.	7.
d. Email Dated March 31, 2012, from Linda Plein Regarding Vote on Monday April 2.	9.
e. Email Dated April 2, 2012, from John Poitras Regarding Nesbitt Study on Annexation Costs.	11.
f. Email Dated April 21, 2012, from Marga NewComb Regarding Annexation.	13.
<b>7. CONSENT AGENDA</b>	
a. Approval of Vouchers: Numbers 31292 - 31428 in the Amounts of \$220,826.12.	15.
b. Approval of Minutes: Council Meeting, April 2, 2012.	35.
<b>8. BUSINESS AGENDA</b>	
a. Adopt Proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations.	39.
b. Discussion on the Motion to Approve the Submittal of the 2013 Community Development Block Grant (CDBG.)	85.
c. Presentation of the Draft Transportation Master Plan (TMP).	87.
d. Seahurst Park North Seawall & Beach Restoration Project - Staff Update.	117.

### COUNCILMEMBERS

Brian Bennett, Mayor	Rose Clark, Deputy Mayor	Jack Block, Jr.	
Bob Edgar	Lucy Krakowiak	Joan McGilton	Gerald F. Robison

**City Hall, 400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor**

## CITY COUNCIL MEETING AGENDA

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### 8. BUSINESS AGENDA (cont'd.)

- e. Review of Proposed Council Agenda Schedule.
- f. City Business.

127.

### 9. COUNCIL REPORTS

### 10. ADJOURNMENT

## Janet Stallman

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**From:** Public Council Inbox  
**To:** Marv  
**Cc:** Mike Martin  
**Subject:** RE: Taxation Proposal

Mr. Jahnke,

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

Janet Stallman

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**From:** Marv [<mailto:marvjahnke@comcast.net>]  
**Sent:** Wednesday, March 28, 2012 11:19 AM  
**To:** Public Council Inbox  
**Subject:** Taxation Proposal

I want to tell you about a phone call we received over the weekend. A pollster with a company whose name I can't remember wanted to ask some questions about the city of Burien. Always wary, I said he could try but I might not answer some and in fact he did and some I didn't. But the thing I want to inform you of is that this man was very insistent on evoking positive responses from me and he kept repeating the questions in similar ways to get a favorable response from me. What were the questions? They were all related to my willingness to allow COB to raise my utility taxes, and energy taxes (?) to pay for the items proposed by Mr. Martin at Monday's council meeting. Namely, more police, K thru 3rd grade financial assistance to Burien (?) schools and Burien libraries.

Now I ask you, where does COB get the idea I want to pay extra taxes to COB for things like schools and libraries that I am already paying heavy taxes to support. I told the pollster in as many ways as I could that I oppose these ideas. First, Burien schools are part of the Highline System and any reputation that the schools have is part and parcel a Highline School's issue and I am perfectly in tune with letting the new superintendent manage the district and put her bond issues out there for me to decide if I want to support them or not. I do not want COB getting into school funding ever. The same goes for libraries. Let the KCLS libraries seek there own tax funding and keep our city out of it.

Now policing is a city matter and if COB wants to put that tax to a vote so be it. Frankly, after staff has led us down the path that we had adequate funding for policing the annexed areas it does seem to me that a proposal for a police "surge" is evidence we did not have resources for the extra police we need now that we have that annexed area to patrol. As you may suspect, I will vote No on that tax.

Finally, I want to say that these sorts of polls are rigged so that Staff can come to council in a few weeks and say most of the people polled want the added tax. Sure, the way all the questions were worded most people would probably say "well certainly we want all those good things." However, folks who do watch COB and think about it will probably have some of the same reservations I have expressed here.

I wonder who hired the polling firm, who drafted the questions and who authorized the funding for it? Please councilmembers, manage the staff. Don't let them lead you on.

Respectfully,

CFTR: 04/16/12



## Nhan Nguyen

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**From:** Bill Harm [BillHarm@burienfire.org]  
**Sent:** Thursday, April 05, 2012 4:27 PM  
**To:** jstafford@go2email.net  
**Cc:** Nhan Nguyen  
**Subject:** IFC Enforcement

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Stafford,

I received a copy of the letter/email that you sent to the Burien City Council on March 29, 2012 and would like to provide the following response to your comments.

The initial requirement to retrofit existing apartment buildings with "manual fire alarm" systems was contained in the 2003 edition of the International Fire Code which was adopted by the State of Washington and subsequently by the City of Burien in 2004. These requirements are also included in the 2006 and 2009 editions of the International Fire Code both of which were adopted by the State of Washington and the City of Burien. As you point out in your letter the threshold for the size of buildings that require these manual fire alarm systems is building over 16 units. Washington state law prohibits local jurisdictions such as the City of Burien from making modifications to the State Building and Fire Code that would diminish the requirements and standards as adopted by the State. Yours was one of approximately 54 apartment buildings that were initially identified as needing to meet compliance with the adopted fire codes. To date 49 of these building have either installed the required manual fire alarm systems or have issued subcontracts to have the work performed.

Since the original notices were sent out to building owners in January of 2010 the Fire Department in conjunction with the City of Burien has been able to make some modifications in the installation requirements that have resulted in significant reductions in the costs of these systems while still meeting all code requirements. When the city adopted the 2009 State Building and Fire Code in July of 2010 we included revisions that eliminated the requirement to prewire all of the bedrooms and bathrooms for future visible devices (strobes) in existing buildings. The basis for these revisions were changes to the 2012 International Fire Code that were approved by the International Code Council in May of 2010. These revisions provided a substantial reduction in the alarm system costs for existing buildings. I have checked with one of the alarm contractors that I believe you obtained pricing from back in 2010. This contractor indicated that he is in the process of rebidding your project and the revised estimate will be substantially reduced from his previous quote. It appears that for the majority of these buildings the costs are closer to \$1,200 to \$1,500 per unit than the original pricing of \$2,000 to \$3,000 per unit that you spoke of. I hope that this will be the case in your building as well.

I would be happy to meet with you to discuss any questions that you may have regarding the fire alarm requirements.

Sincerely,

**Bill J Harm**

Fire Marshal  
Burien/Normandy Park Fire Department  
15100 8th Ave SW  
Burien, WA 98166

CFR: 04/16/12

## Janet Stallman

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**From:** Public Council Inbox  
**To:** Jstafford  
**Cc:** Scott Greenberg; Mike Marrs  
**Subject:** RE: IFC enforcement

Mr. Stafford,

Thank you for writing to the City Council with your concern. Your email will be included in a future Council agenda packet as Correspondence for the Record. I have copied our Community Development Director and Burien's Fire Chief for their information, as well.

Janet Stallman

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**From:** Jstafford [mailto:jstafford@go2email.net]  
**Sent:** Thursday, March 29, 2012 4:51 PM  
**To:** Public Council Inbox  
**Subject:** IFC enforcement

Honorable council members

As an owner for the past 10 years of a 30 unit apartment building in Burien I have to register a comment on the decision to enforce the adherence to the IFC adopted by the council.

The interpretation of this code requirement by Burien fire department means it will cost an owner between \$ 2000 and \$3000 per unit to retrofit an existing building.

If you own a building with less than 16 units your are not required to retrofit, guess the thought is that that size building does not have fires. To realize how unfair this is, if I have an apartment across the street that has 2 -15 unit buildings they are not required to retrofit, but I must compete with them for the same renter. To just get my money back on that I would have to charge \$ 25 a month more for each apartment for the next ten years, can't do that in this town and certainly not with this economy and the sizable section 8 residents that I have.

I have worked hard to provide a safe, clean and affordable place for people to live in the city of Burien, this type of action will not add to the real safety of these residents, statistics show the benefit from this type of system in a building such as mine do not really result in the additional saving of life.

If this were a new construction mandate, no problem, cost would be a fraction of retrofit expense. This has to be a hardship not only for me - a \$ 60,000 to \$75,000 immediate outlay but for a lot of owners in Burien.

I ask that the council consider modifying this requirement to a reasonable level and it should apply to every rental, duplex etc. I would hate to think that Burien is so money hungry that this is only a prelude of policy to come

Respectfully  
Jerry Stafford

CFTR: 04/16/12

Nhan Nguyen

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**From:** Monica Lusk  
**Sent:** Monday, April 02, 2012 12:07 PM  
**To:** 'John Rizzardi'  
**Cc:** Council Members; Mike Martin; Nhan Nguyen  
**Subject:** RE: Annexation comment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Rizzardi,  
Thank you for your correspondence. It will be included in a future Council agenda packet as Correspondence for the Record.  
Monica Lusk  
City Clerk

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**From:** John Rizzardi [<mailto:JRizzardi@Cairncross.com>]  
**Sent:** Saturday, March 31, 2012 7:15 AM  
**To:** Monica Lusk  
**Subject:** Annexation comment

**To the Burien City Council-I am opposed to the annexation if Area Y. Burien cannot afford to support this area over the long term. There have been numerous reports generated that state this. However should the Council decide to place annexation on the ballot, the election should be held in November to give a chance for a fair, democratic, representative vote.**

John Rizzardi  
14620 25<sup>th</sup> SW  
Burien 98166  
244-0656

CFTR: 04116/12



**Nhan Nguyen**

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**From:** Monica Lusk  
**Sent:** Monday, April 02, 2012 12:08 PM  
**To:** 'Linda Plein'  
**Cc:** Council Members; Mike Martin; Nhan Nguyen  
**Subject:** RE: Vote on Monday Aril 2

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Plein,  
Thank you for your correspondence. It will be included in a future Council agenda packet as Correspondence for the Record.  
Monica Lusk  
City Clerk

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**From:** Linda Plein [<mailto:lindaplein@comcast.net>]  
**Sent:** Sunday, April 01, 2012 9:57 PM  
**To:** Monica Lusk  
**Subject:** Vote on Monday Aril 2

for the City Council for Monday Alpril 2, 2012

To the Burien City Council-I am opposed to the annexation if Area Y. Burien cannot afford to support this area over the long term. There have been numerous reports generated that state this. However should the Council decide to place annexation on the ballot, the election should be held in November to give a chance for a fair, democratic, representative vote.

Linda Plein  
1600 SW 156th St  
Burien, WA 98166

CFTR: 04/16/12



## **Nhan Nguyen**

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**From:** Monica Lusk  
**Sent:** Monday, April 02, 2012 12:09 PM  
**To:** 'John Poitras'  
**Cc:** Council Members; Mike Martin; Nhan Nguyen  
**Subject:** RE: Nesbitt study commissioned by King County Council on Annexation costs.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. and Mrs. Poitras,

Thank you for your correspondence. It will be included in a future Council agenda packet as Correspondence for the Record.

Monica Lusk  
City Clerk

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**From:** John Poitras [<mailto:poitrasjohn@comcast.net>]  
**Sent:** Monday, April 02, 2012 7:04 AM  
**To:** Monica Lusk  
**Subject:** Nesbitt study commissioned by King County Council on Annexation costs.

Members of the city council of Burien:

In 2005, on behalf of the North Highline Unincorporated Area Council (UAC), the King County Council commissioned the Nesbitt Planning & Management, Inc. to study the feasibility of incorporation or annexation of North Highline. During the previous twelve years, ten incorporation/annexation studies had already been done on the North Highline area. The Nesbitt study, like the previous studies, found that the cost to govern North Highline exceeded the revenues generated by the area. Interestingly, the BERK report, commissioned by the City of Burien, makes no mention of the Nesbitt study.

The Nesbitt Study of 2005 did include the costs the King County projected would be needed to run North Highline and they were significantly higher than the what the City of Burien had included in the Berk Report. It also included information about the condition of the roads in the area and they are as bad as Seattle has projected in its study. This road information also failed to make it to the Berk Study. Services that would be lost when the area left King County were included in the Nesbitt study and those also did not make it to the Berk Report. Mike Martin selectively excluded things from the Berk report that were known in previous studies that he did not want to be known about the costs. Also, the Nesbitt report included a citizen survey but failed to include the business and commercial community and the citizens of color in it-critical members of this community. Be sure to read the B-Town Blog article by Debi Wagner. She discusses some of these details and the details about who the NHUAC really is. This group is a very small group that has been carefully given special privileges and that excludes other voices in the community -but does not truly represent the North Highline Community.

CFTR: 04/16/12

For your information:

John and Linda Poitras  
Burien 98166

**han Nguyen**

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**From:** Monica Lusk  
**Sent:** Monday, April 02, 2012 3:37 PM  
**To:** 'mgmgn@comcast.net'  
**Cc:** Council Members; Mike Martin; Nhan Nguyen; Kathy Wetherbee  
**Subject:** RE: annexation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. NewComb,

Thank you for your correspondence. It will be included in a future Council agenda packet as Correspondence for the Record.

Monica Lusk  
City Clerk

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**From:** mgmgn@comcast.net [mailto:mgmgn@comcast.net]  
**Sent:** Monday, April 02, 2012 12:22 PM  
**To:** Monica Lusk  
**Subject:** annexation

**To the Burien City Council-**

I am opposed to the annexation of Area Y. Burien cannot afford to support this area over the long term, & there have been numerous reports generated that state this. My expectation is that if the area is annexed you will have to raise my taxes to even try and care for them, and I cannot afford that. We do not even know if the County/State will give us any money at all for the project or, if so, how much. If King Count does not want them because it is too expensive, I do not see how Buien expects to accomplish an adequate job of it. We have already had severe cost overruns for our simple Burien projects and that does not bode well for taking on more problems. However should the Council decide to place annexation on the ballot, the election should be held in November to give a chance for a fair, representative vote.

**Marga NewComb**

CFTR: 04/16/12



## COMPUTER CHECK REGISTER

### CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON This 16th day of April 2012 the FOLLOWING:

CHECK NOS. 31292 - 31428

IN THE AMOUNTS OF \$220,826.12

WITH VOIDED CHECK NOS. 0

1. *Microtus pennsylvanicus*

2. *Peromyscus leucopus*

3. *Thomomys talpae*

4. *Microtus pennsylvanicus* (continued)

5. *Peromyscus leucopus* (continued)

6. *Thomomys talpae* (continued)

7. *Microtus pennsylvanicus* (continued)

8. *Peromyscus leucopus* (continued)

9. *Thomomys talpae* (continued)

10. *Microtus pennsylvanicus* (continued)

11. *Peromyscus leucopus* (continued)

12. *Thomomys talpae* (continued)

13. *Microtus pennsylvanicus* (continued)

14. *Peromyscus leucopus* (continued)

15. *Thomomys talpae* (continued)

16. *Microtus pennsylvanicus* (continued)

17. *Peromyscus leucopus* (continued)

18. *Thomomys talpae* (continued)

19. *Microtus pennsylvanicus* (continued)

20. *Peromyscus leucopus* (continued)

21. *Thomomys talpae* (continued)

Accounts Payable  
Checks for Approval



**Burien**  
Washington, USA

User: CathyR  
Printed: 04/12/2012 - 7:26 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31292	04/16/2012	General Fund	Rental & Lease	First Student	222.00
					Check Total:
					222.00
31293	04/16/2012	General Fund	Subscriptions/publications	ABC LEGAL	71.00
					Check Total:
					71.00
31294	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware	26.21
31294	04/16/2012	General Fund	Office And Operating Supplies	ACE Hardware	26.26
					Check Total:
					52.47
31295	04/16/2012	General Fund	Software Subscription Costs	ActiveNetwork, Ltd.	6,150.48
					Check Total:
					6,150.48
31296	04/16/2012	General Fund	Office and Operating Supplies	Al Books Custom Welding	372.30
					Check Total:
					372.30
31297	04/16/2012	General Fund	Prof. Svcs-instructors	Pamela Ann Allen	495.30
					Check Total:
					495.30
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	42.50
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	42.50
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	42.50
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	127.50
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	85.00
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	42.50
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	85.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31298	04/16/2012	General Fund	Nuisance Abatement Costs	David Karch	42.50
				Check Total:	510.00
31299	04/16/2012	Street Fund	Repairs And Maintenance	Alpine Fence Company	10.56
				Check Total:	10.56
31300	04/16/2012	Street Fund	Repairs And Maintenance	Alpine Products Inc	525.60
31300	04/16/2012	Street Fund	Office And Operating Supplies	Alpine Products Inc	19.60
				Check Total:	545.20
31301	04/16/2012	General Fund	Office and Operating Supplies	Amerigas - Kent	370.88
				Check Total:	370.88
31302	04/16/2012	General Fund	Dues/memberships	American Planning Association	671.00
				Check Total:	671.00
31303	04/16/2012	General Fund	Office And Operating Supplies	Aramark Uniform Services	25.51
31303	04/16/2012	General Fund	Office and Operating Supplies	Aramark Uniform Services	62.46
				Check Total:	87.97
31304	04/16/2012	General Fund	Telephone	A T & T	51.28
				Check Total:	51.28
31305	04/16/2012	General Fund	Instructors Prof Svcs	Lucas Bonnema	80.00
				Check Total:	80.00
31306	04/16/2012	General Fund	Printing/binding/copying	Brim Press, LLC	32.85
31306	04/16/2012	General Fund	Printing	Brim Press, LLC	32.85
				Check Total:	65.70
31307	04/16/2012	General Fund	Prof. Svcs-instructors	Eileen Broomell	273.70

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	273.70
31308	04/16/2012	General Fund	Prof. Svcs-instructors	Viola Brumbaugh	1,132.30
				Check Total:	1,132.30
31309	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	150.23
31309	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc	80.73
31309	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc	85.65
				Check Total:	316.61
31310	04/16/2012	General Fund	Office and Operating Supplies	Burien Bark L.L.C.	34.00
				Check Total:	34.00
31311	04/16/2012	General Fund	Computer Related Supplies	CDW-G	141.70
				Check Total:	141.70
31312	04/16/2012	General Fund	Office and Operating Supplies	Clay Art Center Inc	31.92
				Check Total:	31.92
31313	04/16/2012	General Fund	Telephone	CenturyLink	48.54
31313	04/16/2012	General Fund	Telephone	CenturyLink	60.82
31313	04/16/2012	Street Fund	Telephone	CenturyLink	48.50
31313	04/16/2012	Surface Water Management Fund	Telephone	CenturyLink	48.50
				Check Total:	206.36
31314	04/16/2012	General Fund	Professional Services	Code Publishing Co.	1,092.75
				Check Total:	1,092.75
31315	04/16/2012	General Fund	Utilities	COMCAST	66.95
31315	04/16/2012	General Fund	Telephone	COMCAST	71.90
31315	04/16/2012	General Fund	Utilities	COMCAST	71.90
				Check Total:	210.75
31316	04/16/2012	General Fund	Office/operating Supplies	Complete Office	461.26

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31316	04/16/2012	General Fund	Office/operating Supplies	Complete Office	519.31
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	403.74
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	403.74
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	519.31
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	57.54
31316	04/16/2012	General Fund	Office/Operating Supplies	Complete Office	57.54
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	57.54
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	346.17
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	225.10
31316	04/16/2012	General Fund	Office And Operating Supplies	Complete Office	126.28
Check Total:					3,177.53
31317	04/16/2012	General Fund	Instructors Prof Svcs	Janet S. Crawley	396.00
31317	04/16/2012	General Fund	Prof. Svcs-instructors	Janet S. Crawley	333.20
Check Total:					729.20
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	34.76
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	98.82
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	140.27
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	44.48
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	17.36
31318	04/16/2012	Surface Water Management Fund	Utilities	City of Seattle	729.55
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	16.15
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	140.68
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	27.10
31318	04/16/2012	General Fund	Utilities	City of Seattle	73.92
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	109.45
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	85.77
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	108.99
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	16.52
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	81.82
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	124.86
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	16.65
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	234.96
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	17.36
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	18.06
31318	04/16/2012	General Fund	Utilities	City of Seattle	425.04
31318	04/16/2012	General Fund	Utilities	City of Seattle	734.06
31318	04/16/2012	General Fund	Utilities	City of Seattle	1,556.35
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	61.55
31318	04/16/2012	General Fund	Utilities	City of Seattle	856.16
31318	04/16/2012	General Fund	Utilities	City of Seattle	45.54
31318	04/16/2012	General Fund	Utilities	City of Seattle	52.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	8.12
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	218.60
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	67.93
31318	04/16/2012	Street Fund	Utilities - Traffic Signals	City of Seattle	151.80
Check Total:					6,315.51
31319	04/16/2012	General Fund	Utilities	City Of Seattle	28.51
31319	04/16/2012	General Fund	Utilities	City Of Seattle	44.00
31319	04/16/2012	General Fund	Utilities	City Of Seattle	48.77
31319	04/16/2012	General Fund	Utilities	City Of Seattle	99.48
31319	04/16/2012	General Fund	Utilities	City Of Seattle	48.77
Check Total:					269.53
31320	04/16/2012	General Fund	Prof. Svcs-instructors	Donald Custer	1,000.00
Check Total:					1,000.00
31321	04/16/2012	General Fund	State Lobbying Services	Michael D. Doubleday	4,386.00
Check Total:					4,386.00
31322	04/16/2012	Surface Water Management Fund	Mileage	RAMESH DAVAD	39.80
31322	04/16/2012	Street Fund	Mileage	RAMESH DAVAD	39.79
Check Total:					79.59
31323	04/16/2012	Equipment Reserve Fund	Machinery/eqpt - Noncapitalize	Dell Computer Corporation	851.58
Check Total:					851.58
31324	04/16/2012	Transportation CIP	Project Development	Daily Journal of Commerce	466.20
Check Total:					466.20
31325	04/16/2012	General Fund	Office and Operating Supplies	Dunn Lumber Co.	254.73
Check Total:					254.73
31326	04/16/2012	General Fund	Repair/maint-city Hall	Elidrew, LLC	11.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	11.83
31327	04/16/2012	General Fund	Postage	FedEx	19.21
31327	04/16/2012	General Fund	Telephone	FedEx	4.31
				Check Total:	23.52
31328	04/16/2012	General Fund	Instructors Prof Svcs	Deborah King	470.00
				Check Total:	470.00
31329	04/16/2012	Surface Water Management Fund	Fuel/gas/gasoline consumption	Wright Express FSC	1,666.16
31329	04/16/2012	General Fund	Fuel/gas/gasoline Consumption	Wright Express FSC	533.30
31329	04/16/2012	General Fund	Fuel/gas/gasoline Consumption	Wright Express FSC	467.56
31329	04/16/2012	General Fund	Fuel/Gas Consumption	Wright Express FSC	65.18
31329	04/16/2012	General Fund	Fuel/gas consumption	Wright Express FSC	119.41
31329	04/16/2012	General Fund	Fuel/gas/gasoline Consumption	Wright Express FSC	264.97
31329	04/16/2012	Street Fund	Fuel/gas/gasoline consumption	Wright Express FSC	1,373.98
				Check Total:	4,490.56
31330	04/16/2012	General Fund	Prof. Svcs-instructors	Patricia Flores	163.80
				Check Total:	163.80
31331	04/16/2012	General Fund	Instructors Prof Svcs	Pam Fredback	84.00
				Check Total:	84.00
31332	04/16/2012	General Fund	Instructors Prof Svcs	Gina Freuen	410.00
				Check Total:	410.00
31333	04/16/2012	General Fund	Repairs & Maintenance	Fusion Digital Solutions	42.92
				Check Total:	42.92
31334	04/16/2012	General Fund	Att Svcs - Litigation - 1st So	Global Construction Services,	1,702.00
				Check Total:	1,702.00
31335	04/16/2012	General Fund	Instructors Prof Svcs	Carol Gouthro	270.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	270.00
31336	04/16/2012	General Fund	Office and Operating Supplies	Grainger	35.04
				Check Total:	35.04
31337	04/16/2012	General Fund	Instructors Prof Svcs	Alina Gridley	70.00
				Check Total:	70.00
31338	04/16/2012	General Fund	Parks Building Security	Guardian Security	65.00
				Check Total:	65.00
31339	04/16/2012	General Fund	Office and Operating Supplies	Halfon Candy Co., Inc.	142.77
31339	04/16/2012	General Fund	Office and Operating Supplies	Halfon Candy Co., Inc.	100.00
				Check Total:	242.77
31340	04/16/2012	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	528.00
31340	04/16/2012	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	270.00
				Check Total:	798.00
31341	04/16/2012	General Fund	Prof. Svcs-instructors	Henry Hart	154.50
				Check Total:	154.50
31342	04/16/2012	General Fund	Cops Technology Grant Exps	HOME DEPOT	329.12
31342	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	HOME DEPOT	149.35
31342	04/16/2012	Street Fund	Office And Operating Supplies	HOME DEPOT	149.34
				Check Total:	627.81
31343	04/16/2012	General Fund	Arts & Culture Grants	Highline Historical Society	3,000.00
				Check Total:	3,000.00
31344	04/16/2012	General Fund	Operating Rentals and Leases	Head-quarters	81.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	81.50
31345	04/16/2012	Street Fund	Repairs And Maintenance	Hydroseeder	219.00	
31345	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	Hydroseeder	219.00	
					Check Total:	438.00
31346	04/16/2012	General Fund	Dues/memberships	Intl. Assoc. Of Electrical Ins	102.00	
					Check Total:	102.00
31347	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	161.08	
31347	04/16/2012	Street Fund	Repairs And Maintenance	ICON Materials	161.08	
31347	04/16/2012	Street Fund	Repairs And Maintenance	ICON Materials	301.13	
31347	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	301.12	
31347	04/16/2012	Street Fund	Repairs And Maintenance	ICON Materials	251.65	
31347	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	251.64	
31347	04/16/2012	Street Fund	Repairs And Maintenance	ICON Materials	68.51	
31347	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	68.51	
					Check Total:	1,564.72
31348	04/16/2012	General Fund	Operating Rents & Leases	IKON Office Solutions	542.93	
31348	04/16/2012	General Fund	Operating Rents & Leases	IKON Office Solutions	1,187.58	
					Check Total:	1,730.51
31349	04/16/2012	General Fund	Miscellaneous	Iron Mountain Rec. Management	40.43	
31349	04/16/2012	General Fund	Miscellaneous	Iron Mountain Rec. Management	213.15	
					Check Total:	253.58
31350	04/16/2012	Street Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	24.13	
31350	04/16/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	24.13	
					Check Total:	48.26
31351	04/16/2012	General Fund	Repairs And Maintenance	JW Tel-Tronics	832.20	
					Check Total:	832.20
31352	04/16/2012	General Fund	Prof. Svcs-instructors	Moodette Ka'apana	191.10	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	191.10
31353	04/16/2012	General Fund	Jail contracts	King County Finance	401.47
				Check Total:	401.47
31354	04/16/2012	General Fund	Drug seizure proceeds KCSO	K.C.Sheriff-Sgt.R. Crenshaw	1,338.00
				Check Total:	1,338.00
31355	04/16/2012	Surface Water Management Fund	Swm Assessment/tax	King County Treasury	25,268.60
				Check Total:	25,268.60
31356	04/16/2012	General Fund	Registration - Trainng/workshp	Holly Kennell	23.29
				Check Total:	23.29
31357	04/16/2012	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	6,100.00
				Check Total:	6,100.00
31358	04/16/2012	General Fund	Instructors Prof Svcs	Lauren Laughlin	198.00
				Check Total:	198.00
31359	04/16/2012	General Fund	Prof. Svcs-instructors	Lori Leberer	120.00
31359	04/16/2012	General Fund	Prof. Svcs-instructors	Lori Leberer	120.00
				Check Total:	240.00
31360	04/16/2012	General Fund	Instructors Prof Svcs	Yon Lemieux	160.00
				Check Total:	160.00
31361	04/16/2012	General Fund	Prof. Svcs-instructors	Alexander Lewis	990.00
				Check Total:	990.00
31362	04/16/2012	General Fund	Prof. Svcs-instructors	Anne Marie Littleton	634.40

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	634.40
31363	04/16/2012	Surface Water Management Fund	Repairs And Maintenance	Lloyd Enterprises Inc	715.91
				Check Total:	715.91
31364	04/16/2012	General Fund	Instructors Prof Svcs	Loren Lukens	240.00
				Check Total:	240.00
31365	04/16/2012	General Fund	Prof. Svcs-instructors	Galina Malevannaya	120.00
				Check Total:	120.00
31366	04/16/2012	General Fund	Prof. Svcs-instructors	Jacob Matthew	894.40
				Check Total:	894.40
31367	04/16/2012	General Fund	Instructors Prof Svcs	Hunter McGee	210.00
				Check Total:	210.00
31368	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	48.81
31368	04/16/2012	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.	290.44
31368	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	35.30
31368	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	103.01
31368	04/16/2012	Street Fund	Office And Operating Supplies	McLendon Hardware, Inc.	103.01
31368	04/16/2012	Street Fund	Office And Operating Supplies	McLendon Hardware, Inc.	104.15
31368	04/16/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	104.16
31368	04/16/2012	Street Fund	Office And Operating Supplies	McLendon Hardware, Inc.	48.81
				Check Total:	837.69
31369	04/16/2012	General Fund	Instructors Prof Svcs	Momentum Dance Academy	829.41
				Check Total:	829.41
31370	04/16/2012	General Fund	Teen Programs	Mehndi Madness, Inc.	240.00
				Check Total:	240.00
31371	04/16/2012	General Fund	B&O Tax collect & audit	Microflex, Inc.	1,927.74

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31371	04/16/2012	General Fund	B&O Tax collect & audit	Microflex, Inc.	121.35
31371	04/16/2012	Street Fund	Dt Business License Svcs	Microflex, Inc.	3,669.36
31371	04/16/2012	Street Fund	Dt Business License Svcs	Microflex, Inc.	121.34
31371	04/16/2012	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	55.20
Check Total:					5,894.99
31372	04/16/2012	General Fund	Office and Operating Supplies	Miller Paint Co.	28.62
31372	04/16/2012	General Fund	Office and Operating Supplies	Miller Paint Co.	31.95
Check Total:					60.57
31373	04/16/2012	General Fund	Prof. Svcs-instructors	Scott A. Miller	629.20
Check Total:					629.20
31374	04/16/2012	General Fund	Office/operating Supplies	Mountain Mist	67.70
Check Total:					67.70
31375	04/16/2012	General Fund	Instructors Prof Svcs	Shariana Mundi	132.00
31375	04/16/2012	General Fund	Instructors Prof Svcs	Shariana Mundi	968.00
Check Total:					1,100.00
31376	04/16/2012	General Fund	Instructors Prof Svcs	Aaron Murray	120.00
Check Total:					120.00
31377	04/16/2012	General Fund	Instructors Prof Svcs	New City Dance Company	1,508.00
Check Total:					1,508.00
31378	04/16/2012	General Fund	Subscriptions/publications	Nhan Nguyen	76.98
31378	04/16/2012	General Fund	Mileage	Nhan Nguyen	25.43
Check Total:					102.41
31379	04/16/2012	General Fund	Instructors Prof Svcs	Drew Nicklas	240.00
Check Total:					240.00
31380	04/16/2012	General Fund	Office And Operating Supplies	National Maintenance Cont.	589.66

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	589.66
31381	04/16/2012	General Fund	Prof. Svcs-instructors	Pamela Odegard	195.00
				Check Total:	195.00
31382	04/16/2012	General Fund	Building Maintenance	OpenWorks-Billing Agent	605.00
31382	04/16/2012	General Fund	Building Maintenance	OpenWorks-Billing Agent	1,003.00
				Check Total:	1,608.00
31383	04/16/2012	Surface Water Mgmt CIP	DRAINAGE MASTER PLAN	OTAK, Inc	9,886.91
31383	04/16/2012	Surface Water Management Fund	Professional services	OTAK, Inc	3,582.20
31383	04/16/2012	General Fund	Professional Services	OTAK, Inc	895.55
				Check Total:	14,364.66
31384	04/16/2012	General Fund	Prof. Svcs-instructors	Fritzi Oxley	192.00
				Check Total:	192.00
31385	04/16/2012	General Fund	Instructors Prof Svcs	J. D. Paulson	400.00
				Check Total:	400.00
31386	04/16/2012	General Fund	Professional Services	Johawna Olena Perry	200.00
31386	04/16/2012	General Fund	Instructors Prof Svcs	Johawna Olena Perry	160.00
				Check Total:	360.00
31387	04/16/2012	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company	25.62
				Check Total:	25.62
31388	04/16/2012	General Fund	Publications	Pottery Making Illustrated	19.95
				Check Total:	19.95
31389	04/16/2012	General Fund	Online Video Streaming	Puget Sound Access	650.00
31389	04/16/2012	General Fund	Channel 21 Video Production	Puget Sound Access	1,145.00

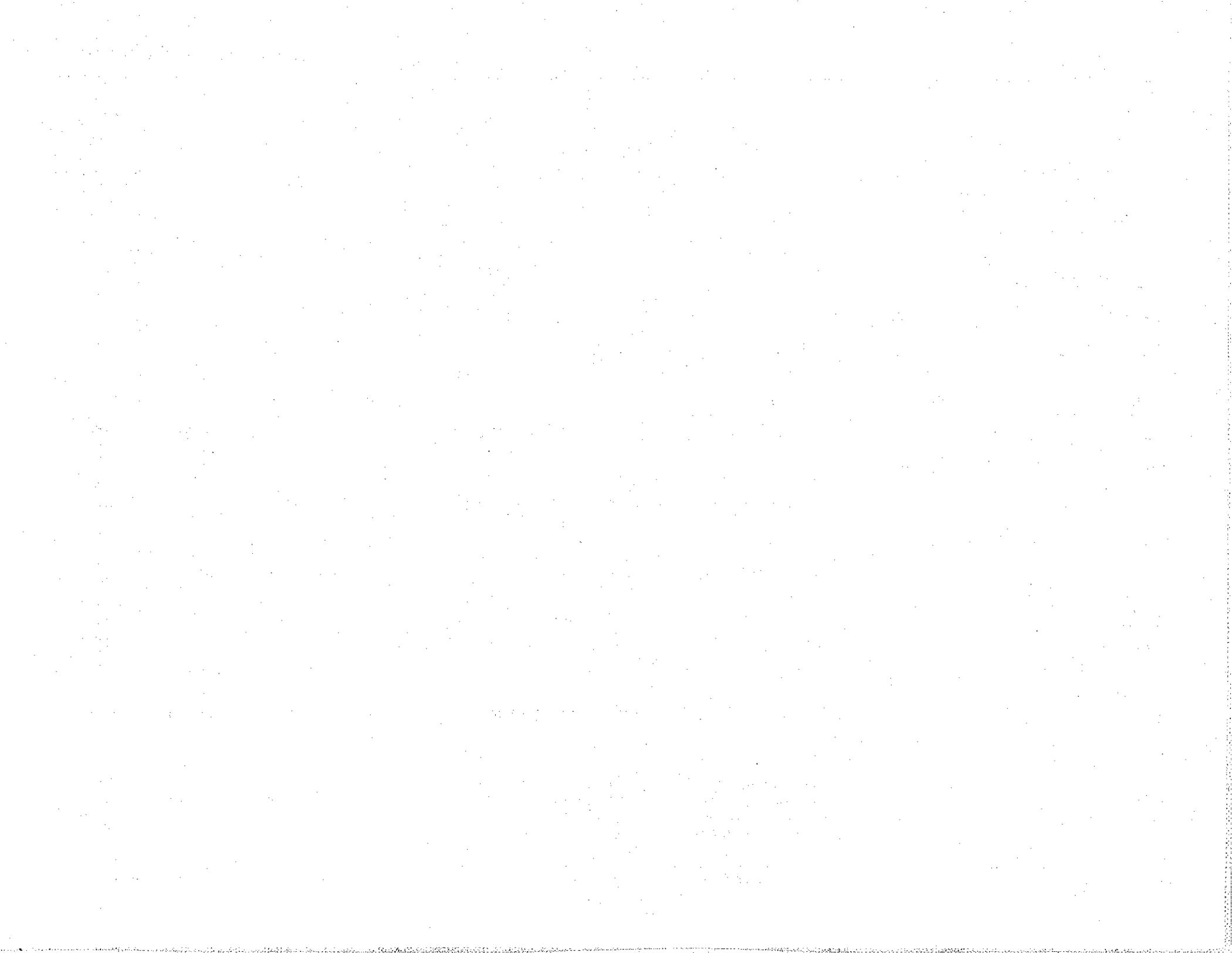
Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,795.00
31390	04/16/2012	General Fund	Utilities	PSE Pmt. Processing	451.59
31390	04/16/2012	General Fund	Utilities	PSE Pmt. Processing	2,516.77
31390	04/16/2012	Street Fund	Utilities-street Lighting	PSE Pmt. Processing	1,565.95
				Check Total:	4,534.31
31391	04/16/2012	General Fund	Repair and Maintenance	Rainier Fence & Decking	1,533.00
				Check Total:	1,533.00
31392	04/16/2012	General Fund	Refund Clearing Account -Parks	Central Puget Sound Square Dan	500.00
				Check Total:	500.00
31393	04/16/2012	General Fund	Refund Clearing Account -Parks	Sharon Girod	6.00
				Check Total:	6.00
31394	04/16/2012	General Fund	Refund Clearing Account -Parks	Norma Lopez	500.00
				Check Total:	500.00
31395	04/16/2012	General Fund	Printing/binding/copying	Claude McAlpin, III	16.36
				Check Total:	16.36
31396	04/16/2012	General Fund	Advertising/legal Publications	Robinson Newspapers	30.00
				Check Total:	30.00
31397	04/16/2012	General Fund	Professional Services	River Oaks Communications Corp	1,347.50
				Check Total:	1,347.50
31398	04/16/2012	General Fund	Office and Operating Supplies	Rosso Gardens, LLC	160.00
				Check Total:	160.00
31399	04/16/2012	General Fund	Prof. Svcs-instructors	Sandra Schneider	270.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	270.00
31400	04/16/2012	General Fund	Jail contracts	SCORE	59,336.68	
					Check Total:	59,336.68
31401	04/16/2012	General Fund	Advertising/legal Publications	Seattle Times	150.00	
31401	04/16/2012	Parks & Gen Gov't CIP	Construction	Seattle Times	416.24	
31401	04/16/2012	General Fund	Advertising	Seattle Times	166.84	
31401	04/16/2012	General Fund	Advertising	Seattle Times	166.84	
					Check Total:	899.92
31402	04/16/2012	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	1,330.26	
31402	04/16/2012	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	221.71	
31402	04/16/2012	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	221.71	
31402	04/16/2012	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	810.00	
31402	04/16/2012	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	135.00	
31402	04/16/2012	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	135.00	
31402	04/16/2012	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	1,774.71	
31402	04/16/2012	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	295.78	
31402	04/16/2012	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	295.78	
					Check Total:	5,219.95
31403	04/16/2012	General Fund	Instructors Prof Svcs	Kevon Shea	135.00	
					Check Total:	135.00
31404	04/16/2012	General Fund	Prof. Svcs-instructors	Gretchen Sinclair	180.00	
31404	04/16/2012	General Fund	Prof. Svcs-instructors	Gretchen Sinclair	270.00	
					Check Total:	450.00
31405	04/16/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	24.92	
31405	04/16/2012	Street Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	24.92	
					Check Total:	49.84
31406	04/16/2012	Transportation CIP	professional services	Shiels Obletz Johnsen	7,308.20	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					7,308.20
31407	04/16/2012	General Fund	Telephone	SPRINT	43.33
31407	04/16/2012	General Fund	Telephone	SPRINT	145.29
31407	04/16/2012	General Fund	Telephone	SPRINT	216.26
31407	04/16/2012	Street Fund	Telephone	SPRINT	216.26
31407	04/16/2012	Surface Water Management Fund	Telephone	SPRINT	216.27
31407	04/16/2012	General Fund	Telephone	SPRINT	121.72
31407	04/16/2012	General Fund	Telephone	SPRINT	165.17
31407	04/16/2012	General Fund	Drug seizure proceeds KCSO	SPRINT	289.63
31407	04/16/2012	General Fund	Telephone	SPRINT	19.21
Check Total:					1,433.14
31408	04/16/2012	Surface Water Management Fund	Professional services	Summit Security & Sound System	60.00
31408	04/16/2012	Street Fund	Professional Services	Summit Security & Sound System	60.00
Check Total:					120.00
31409	04/16/2012	General Fund	Office/operating Supplies	Secretary of State Archive Div	100.30
Check Total:					100.30
31410	04/16/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.	53.00
Check Total:					53.00
31411	04/16/2012	General Fund	Prof. Svcs-instructors	Bonnie Taschler	183.60
Check Total:					183.60
31412	04/16/2012	Transportation CIP	Project Development	The Daily Herald Company	553.35
31412	04/16/2012	General Fund	Quarterly Newsletter	The Daily Herald Company	250.00
Check Total:					803.35
31413	04/16/2012	General Fund	Telephone	TelSpan, Inc.	57.08
31413	04/16/2012	General Fund	Telephone	TelSpan, Inc.	10.07
Check Total:					67.15
31414	04/16/2012	General Fund	Prof. Svcs-instructors	Sallie Tierney	180.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	180.00
31415	04/16/2012	General Fund	Registration Training & Worksh	WAURISA 501(C) (6)	195.00
				Check Total:	195.00
31416	04/16/2012	General Fund	Operating Rentals & Leases	Valley View Sewer District	1,000.00
31416	04/16/2012	General Fund	Utilities	Valley View Sewer District	46.10
				Check Total:	1,046.10
31417	04/16/2012	General Fund	Prof. Svcs-instructors	Patricia Eslava- Vessey	702.00
				Check Total:	702.00
31418	04/16/2012	General Fund	Instructors Prof Svcs	Minh Huynh	292.50
				Check Total:	292.50
31419	04/16/2012	General Fund	Prosecution - City Atty	Walls Law Firm	12,685.11
31419	04/16/2012	General Fund	Attorney Svcs - Litigation	Walls Law Firm	250.00
				Check Total:	12,935.11
31420	04/16/2012	General Fund	Prof. Svcs-instructors	Carly Waterman	120.00
				Check Total:	120.00
31421	04/16/2012	Surface Water Management Fund	Registration - Trainng/workshp	Washington Tractor	136.63
31421	04/16/2012	Street Fund	Registration - Trainng/workshp	Washington Tractor	136.62
				Check Total:	273.25
31422	04/16/2012	General Fund	Utilities	Water District No. 20	195.42
31422	04/16/2012	General Fund	Utilities	Water District No. 20	239.08
				Check Total:	434.50
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	132.00
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	65.00
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	132.00
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	65.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	65.00	
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	65.00	
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	26.00	
31423	04/16/2012	Street Fund	Landscape Maint - Utilities	Water District No. 49	65.00	
					Check Total:	615.00
31424	04/16/2012	General Fund	Probatn/public Defndr Screenng	Tammy Weigel	960.00	
					Check Total:	960.00
31425	04/16/2012	General Fund	Subscriptions/publications	West Payment Center	404.94	
					Check Total:	404.94
31426	04/16/2012	General Fund	Dues/memberships/subscriptions	Washington Municipal Clerks As	75.00	
					Check Total:	75.00
31427	04/16/2012	Transportation CIP	construction engineering	Washington State D.O.T.	31.77	
					Check Total:	31.77
31428	04/16/2012	General Fund	Professional Services	Washington State Patrol	160.00	
					Check Total:	160.00
					Report Total:	220,826.12





## CITY COUNCIL MEETING MINUTES

April 2, 2012,

SPECIAL MEETING, Miller Creek Conference Room, 3<sup>rd</sup> Floor

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

6:30 p.m.

and

Council Meeting, Chambers, 1<sup>st</sup> Floor

7:00 p.m.

400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor

Burien, Washington 98166

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

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library

### **SPECIAL MEETING**

Deputy Mayor Clark called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose holding an Executive Session to discuss real estate acquisition per RCW 42.30.110(1)(b).

Present:, Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton and. Gerald F. Robison. Mayor Brian Bennett was excused.

Administrative staff present: Mike Martin, City Manager, Craig Knutson, City Attorney, and Dan Trimble, Economic Development Manager.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:59 p.m.

### **CALL TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Mayor Bennett led the Pledge of Allegiance.

### **ROLL CALL**

Present:, Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton and Gerald F. Robison. Mayor Brian Bennett arrived at 8:33 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Dan Trimble, Economic Development Manager; Chip Davis, Senior Planner; Maiya Andrews, Public Works Director; Kathy Wetherbee, Department Assistant; and Monica Lusk, City Clerk.

## **AGENDA CONFIRMATION**

### **Direction/Action**

**Motion** was made by Councilmember McGilton, seconded by Councilmember Krakowiak, and passed unanimously to affirm the April 2, 2012, Agenda.

## **PUBLIC COMMENT**

King County Councilmember Julia Patterson, 5<sup>th</sup> District Representative, spoke to the State of the County noting the redistricting (a map was distributed); unbalanced budgets of most of the SCA member cities; cuts to the King County budget; investments in food, housing, safety; and Metro Transit's 10 year strategic plan. Plans for 2012 were also noted.

Goodspaceguy, 10219 Nine avenue South, Seattle

Mr. Goodspaceguy spoke to his concerns about unemployment in Burien and the nation.

The following people spoke against the proposed Annexation of Area Y:

Roger DeLorm, 13254 2<sup>nd</sup> Avenue SW, Burien

Chestine Edgar, 1811 SW 152<sup>nd</sup> Street, Burien

Robbie Howell, 15240 20<sup>th</sup> Avenue SW, Burien

The following people spoke for the proposed Annexation of Area Y:

Doug Harrell, 12822 Shorecrest Drive SW, Burien

Joey Martinez, 429 South 189<sup>th</sup> Street, Burien

Elizabeth Gordon, Uncle Mike's BBQ, 9640A 16<sup>th</sup> Avenue SW, Seattle

Aaron Garcia, 11318 20<sup>th</sup> Place SW, Burien

Sandra Hopp, 12620 9<sup>th</sup> Avenue South, Burien

Gill Loring, 10009 20<sup>th</sup> Avenue SW, Seattle (he also provided graffiti photos taken on the Seattle side that borders the unincorporated area)

Ed Dacy, 2016 SW 146<sup>th</sup> Street, Burien

Tina Holmes, 6<sup>th</sup> Avenue SW, Seattle (on behalf of Liz Giba)

Quinton Thompson, 179 South 182<sup>nd</sup> Street, Burien

Mr. Thompson voiced his appreciation for Metro's new buses and the ADA upgrades.

Barbara Dobkin, North Highline Unincorporated Area Council (NHUAC) President

Ms. Dobkin spoke to the NHUAC's meetings, their relationship with the King County Sheriff's Department, and public safety.

## **CORRESPONDENCE FOR THE RECORD**

- a. Response from Rick Atkinson, Right-of-Way Inspector, to Email Dated February 27, 2012, from Matt Smith Regarding 8<sup>th</sup> Avenue SW Between 129<sup>th</sup> and 130<sup>th</sup> Streets.
- b. Email Dated March 19, 2012, from Andrew Ryan Regarding Ordinance 560.
- c. Email Dated March 19, 2012, from Scott Carey Regarding Spice the Drug.
- d. Email Dated March 19, 2012, from John Poitras Regarding Election Date for Annexation.
- e. Email Dated March 20, 2012, from Luther Ericksen Regarding Red Light Cameras.

- f. Email Dated March 28, 2012, from Debi Wagner Regarding North Highline Unincorporated Area Council (NHUAC).

**CONSENT AGENDA**

- a. Approval of Vouchers: Numbers 31196 - 31291 in the Amounts of \$923,747.18 with Voided Check No. 31206.
- b. Approval of Minutes: Council Meeting, March 19, 2012; Council Study Session, March 26, 2012.

**Direction/Action**

**Motion** was made by Councilmember McGilton, seconded by Councilmember Krakowiak, and passed unanimously to approve the April 2, 2012, Consent Agenda.

**BUSINESS AGENDA**

**Presentation on Seattle City Light's Strategic Plan**

Jorge Carrasco, Superintendent of Seattle City Light, reviewed the following: investment plan; goals; purpose of plan; planning process; strengths; challenges; efficiencies; five planning paths and rate impacts; preferred option recommendation; rate impacts to Burien; and the outreach for the draft plan.

Mayor Bennett arrived at the meeting at 8:33 p.m.

**Direction/Action**

Councilmembers reached consensus to reschedule the TMP presentation to the April 16, 2012, Council meeting.

**Presentation of Annual Report by Discover Burien**

Brian Frederick, Discover Burien President, introduced Gina Bourdage, Executive Director of Discover Burien. He highlighted the following 2011 Discover Burien accomplishments: Burien Awards Dinner; Events Partnership Program; online applications; monthly networking events; educational seminar series; job shadow program; Cash Mob; community involvement; and business recruitment and marketing. Plans for 2012 were reviewed.

**Presentation of the Draft Transportation Master Plan (TMP)**

**Direction/Action**

Councilmembers reached consensus to reschedule the TMP presentation to the April 16, 2012, Council meeting.

**Adopt Proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations**

**Direction/Action**

Councilmembers reached consensus to reschedule Ordinance No. 561 to the April 16, 2012, Council meeting.

**Discussion Regarding If and When to Adopt Resolution No. 330, Requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area**

**Direction/Action**

**Motion** was made by Councilmember McGilton, seconded by Councilmember Krakowiak, to adopt Resolution 330 requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area.

**Motion** by Councilmember Block, seconded by Councilmember Krakowiak, to table the motion. A roll call vote was taken. **Motion** failed 3-4. Opposed, Mayor Bennett, Deputy Mayor Clark, Councilmembers McGilton and Robison.

**Motion** by Mayor Bennett, seconded by Councilmember Krakowiak, to amend the motion to set the date for a November 6, 2012, election. **Motion** passed 6-1. Opposed, Councilmember Robison.

A roll call vote was taken on original motion as amended. **Motion** passed 4-3. Opposed, Councilmembers Block, Edgar, and Krakowiak.

Mayor Bennett left the meeting at 9:28 p.m.

**City Business**

**Follow-up**

Staff will provide in the City Manager's Report the assessed value of multi-family units; provide backup material for Waste Management's proposed rate increase; inform the Council when the Waste Management contract ends; and schedule the Kids and Cops Initiative on April 16.

**COUNCIL REPORTS**

Deputy Mayor Clark noted that the Highline Communities Coalition resolution will be scheduled on the May 4, 2012, agenda.

Councilmember McGilton noted that the Deputy Director of the US Army Corps of Engineers will be visiting the Green/Duwamish Ecosystem Restoration Project and will stop at the Seahurst Beach on his tour.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Councilmember McGilton, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 9:35 p.m.

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Rose Clark, Deputy Mayor

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Monica Lusk, City Clerk

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Adopt Proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations		<b>Meeting Dates:</b> April 16, 2012 (discussions held March 5 and 19, 2012)
<b>Department:</b> Legal	<b>Attachments:</b> 1. Matrix - Code Enforcement Ordinance 2. Proposed Ordinance 561 updating and consolidating code enforcement regulations	<b>Fund Source:</b> <b>Activity Cost:</b> <b>Amount Budgeted:</b> <b>Unencumbered Budget Authority:</b>
<b>Contact:</b> Craig Knutson, City Attorney		
<b>Adopted Work Plan Priority:</b> Yes    No	<b>Work Plan Item Description:</b>	
<p><b>PURPOSE/REQUIRED ACTION:</b> The City Attorney, Code Enforcement Officer, Paralegal, and other staff involved in code enforcement are recommending adoption of an ordinance updating and consolidating the City's code enforcement regulations. The ordinance is necessary to address legal issues with the existing regulations, make the regulations more internally consistent, and update the regulations to more effectively deal with current code enforcement situations. Some of the more significant matters addressed in the ordinance are as follows:</p> <p>1) The new ordinance provides a clear and concise process for addressing code violations and contains several clear options for obtaining compliance (i.e. voluntary compliance, infraction, notice of civil violation, stop work order, appeal to hearing examiner).</p> <p>2) The definition of "Person responsible for violation" is amended to include a mortgagee of property that is in foreclosure or has been unoccupied for 90 days. This should be a substantial tool in obtaining compliance, as we have had numerous properties with significant code violations where the owner has disappeared. Usually, in order to obtain compliance we have to wait until the foreclosure sale occurs, which can take a year or more. The amended definition will allow us to hold the banks responsible much sooner and get properties secured and cleaned up in a more timely manner.</p> <p>3) Instead of numerous code enforcement sections throughout the code that sometimes conflict with other chapters or are unclear regarding enforcement mechanisms, the new ordinance refers most code violations to one chapter for enforcement;</p> <p>4) Monetary penalties are set forth in a clear and consistent manner.</p> <p>5) The methods of serving notice and the process for obtaining abatement authority have been revised to be more expedient and legally supportable.</p> <p>The City's Hearing Examiner has been given the opportunity to review the proposed ordinance and is very supportive of how it addresses issues such as effective service of notice, who is a responsible party, how abatement may proceed, and some ambiguities that now exist in the current code.</p> <p><b>OPTIONS (Including fiscal impacts):</b></p> <ol style="list-style-type: none"> <li>1. Adopt the ordinance.</li> <li>2. Do not adopt the ordinance.</li> </ol>		
<b>Administrative Recommendation:</b> Adopt the ordinance		
<b>Suggested Motion for April 2, 2012 meeting:</b> Move to adopt Ordinance 561, updating and consolidating the City's code enforcement regulations.		
Submitted by:		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2012	<b>File Code:</b> \\File01\records\CC\Agenda Bill 2012\041012ls-3 Updating and consolidating code enforcement provisions.doc	



## CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
<b>Misdemeanor penalties for code enforcement violations</b>	More appropriate to pursue code violations as civil cases than criminal cases.	Staff concurs that civil penalties are generally more appropriate for code violations than criminal penalties. However, most if not all city codes, including Burien’s current code, make code enforcement violations subject to both civil and criminal penalties. This is because criminal penalties may occasionally be appropriate in egregious circumstances when civil penalties do not achieve compliance.	N/A
<b>Code enforcement officer <i>may</i> attempt to secure voluntary correction.</b>	Code enforcement officer should be <i>required</i> to obtain voluntary correction.	Staff believes that securing voluntary correction should be attempted whenever possible, which is the standard practice in Burien. However, since there may be rare instances when immediate corrective action by the City is necessary, staff does not support changing “may” to “shall” “attempt to secure voluntary correction.”	Change “may” to “shall” “attempt to secure voluntary correction” in BMC 1.15.100. (Change not made.)
<b>Unlawful to transfer ownership after receiving notice of civil violation, unless transferee acknowledges and accepts responsibility for the violation.</b>	<p>Clarify whether owner or transferee is responsible for the violation. Suggest that City provide a form with the appropriate language.</p> <p>How does this provision apply to foreclosure or probate cases?</p> <p><b>This provision should have an exemption for the following types of transfers of real property:</b></p>	<p>The intent is for the form to provide for the transferee to acknowledge and accept responsibility for the violation. Staff concurs that the City’s Legal Department should provide a form with the appropriate language.</p> <p>This provision would not be applied in foreclosure, probate or other cases when the owner cannot be located or held responsible for the ongoing violation.</p> <p><b>Exemption added to ordinance</b></p>	<p>N/A</p> <p><b>Add exemption to BMC 1.15.120(5) for the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or</b></p>

## CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
<p><b>The definition of “person responsible for violation” includes a mortgagee if foreclosure proceedings are commenced or the property is unoccupied for 90 days.</b></p>	<p>a gift to a family member; a transfer in connection with a marital dissolution; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.</p> <p>The term “mortgagee” should be defined to include only “a financial institution, including a bank, credit union or</p>	<p>Definition added.</p>	<p>domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.</p> <p>Definition of “mortgagee” added to BMC</p>

## CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
	<p>other commercial lender, which holds mortgaged property as security for repayment of a loan.”</p>		<p>1.15.020.</p>
<p><b>Alleged violator must respond to notice of civil violation within 14 days.</b></p>	<p>Provide for a stay of the 14 day response requirement if the violator is in active discussions with the code enforcement officer.</p>	<p>Staff concurs that an alleged violator should be allowed to request a stay of the 14 day response requirement if engaged in active discussions with the code enforcement officer.</p>	<p>Add stay provision to 14 day response requirement in BMC 1.15.130(2).</p>
<p><b>\$100 filing fee for appeal to the Hearing Examiner.</b></p>	<p>People should not have to pay a fee to assert their rights.</p>	<p>Staff concurs that it is appropriate to remove the filing fee requirement.</p>	<p>Delete \$100 filing fee requirement in BMC 1.15.130(1) and (2).</p>



# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 561

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, CONSOLIDATING AND UPDATING THE CITY'S CODE ENFORCEMENT PROVISIONS BY ADOPTING A NEW CHAPTER 1.15 AND AMENDING VARIOUS ENFORCEMENT SECTIONS IN TITLES 2, 3, 5, 7, 8, 10, 12, 13, AND 15, OF THE BURIEN MUNICIPAL CODE**

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**WHEREAS**, the City's current code enforcement provisions are set forth in various parts of the Burien Municipal Code and are in need of being consolidated and updated in order to be more uniform and effective; and

**WHEREAS**, it is in the public interest to revise the City's code enforcement provisions to have a uniform enforcement scheme that applies to all appropriate and applicable violations of the Burien Municipal Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. A new Chapter 1.15 of the Burien Municipal Code is hereby adopted to read as follows:

### **Chapter 1.15**

#### **CODE ENFORCEMENT**

##### Sections:

- 1.15.010 Purpose
- 1.15.020 Definitions
- 1.15.030 Conflicting code provisions
- 1.15.040 Joint and several responsibility and liability
- 1.15.050 Computation of time
- 1.15.060 Interference with code enforcement unlawful
- 1.15.070 Service of documents
- 1.15.080 Violations
- 1.15.090 Infractions
- 1.15.100 Voluntary correction
- 1.15.110 Stop work order
- 1.15.120 Notice of civil violation
- 1.15.130 Response to notice of civil violation
- 1.15.140 Scheduling of hearing to contest or mitigate – correction prior to hearing
- 1.15.150 Contested hearing – procedure
- 1.15.160 Mitigation hearing – procedure
- 1.15.170 Decision of Hearing Examiner
- 1.15.180 Failure to appear – default order
- 1.15.190 Judicial review
- 1.15.200 Payment and recovery of penalties and costs
- 1.15.210 Abatement
- 1.15.220 Right of entry

### **1.15.010 Purpose.**

The purpose of this Chapter is to establish an efficient system of enforcing City regulations that will enable violations to be promptly resolved whenever possible, while providing both appropriate penalties and a full opportunity for alleged violators to have a hearing to contest the violations. It is the express and specific purpose and intent of this Chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Chapter. It is also the express and specific purpose and intent of this Chapter that no provision or term used in this Chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Chapter is intended or shall be construed to create or form the basis of any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

### **1.15.020 Definitions.**

The definitions in this section apply throughout this Chapter unless the context clearly requires otherwise or they are more specifically defined in a subchapter or section. Terms not defined shall be given their usual meaning.

“Abate” means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this Code or a City regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this Chapter, the verbs “abate” and “correct” shall be interchangeable and have the same meaning.

“Act” means doing or performing something.

“City” means City of Burien, Washington.

“Civil penalty” or “monetary penalty,” as used in any code, ordinance or regulation of the City, shall be deemed to have the same meanings as used in this Chapter.

“Code” means the Burien Municipal Code.

“Code enforcement officer” or “enforcement officer” means the City’s Code Enforcement Officer(s); the Building Official; building inspectors; construction inspectors; the Fire Marshal or his or her designee; fire inspectors; the Chief of the Burien Police Department or his or her designee; the Director of the Community Development Department or his or her designee; the Director of the Public Works Department or his or her designee; or any other person or persons assigned or directed by the City Manager or his or her designee to enforce the regulations ~~subject~~ to the enforcement and penalty provisions of this Chapter.

“Costs” means, but is not limited to, contract expenses and City employee labor expenses incurred in abating a nuisance; a rental fee for City equipment used in abatement; costs of storage, disposal, or destruction; legal expenses and attorneys’ fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders; and any other costs incurred by the City, excluding fees and expenses associated with appeals authorized by this Code or by state law.

“Correction Notice” means a written statement issued by a code enforcement officer, notifying a person that property or work under his or her control is in violation of one or more regulations and informing such person that a notice of civil violation may be issued and/or an infraction or criminal charges filed if the violations are **not abated**.

“Day” or “Days” means one or more calendar days, unless expressly stated otherwise in a given section or subsection. In addition, any portion of a twenty-four hour day shall constitute a full calendar day.

“Hearing Examiner” means the Burien Hearing Examiner and the office thereof, as established pursuant to Ch. 2.15 BMC.

“Knowledge” means being aware of a fact or circumstance or having information, which would lead a reasonable person in the same situation to believe a fact or circumstance exists. A person acts knowingly or with knowledge when that person either is aware of one or more facts, circumstances, or results, which are described by an ordinance defining an offense, or has information which would lead a reasonable person in the same situation to believe that facts, circumstances, or results exist, which are described by an ordinance defining an offense.

“Mortgagee” means a financial institution, including a bank, credit union or other commercial lender, which holds mortgaged property as security for repayment of a loan.

“Notice of Violation” or “Notice of Civil Violation” means a written statement, issued by a code enforcement officer, which contains the information required under Section 1.15.120 and which notifies a person that he or she is responsible for one or more civil violations of the Burien Municipal Code.

“Omission” means a failure to act.

“Owner” means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land.

“Person” means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because “person” shall include both human beings and organizational entities, any of the following pronouns may be used to describe a person: he, she, or it.

“Person Responsible for the Violation” or “Violator” means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner’s tenant, or a person having the owner’s permission to occupy the premises for a period of at least ninety (90) days; or any person who created, caused, participated in, or has allowed a violation to occur.

“Regulation” means and includes any of the following, as now enacted or hereafter amended:

1. All Burien Municipal Code provisions;
2. All standards, regulations, and procedures adopted by the City pursuant to a City ordinance;
3. The terms and conditions of any permit or approval issued by the City, or any concomitant agreement entered into with the City, pursuant to Code provisions; and
4. A written order of the Hearing Examiner that has been served as provided in this Chapter.

“Repeat Violation” means, as evidenced by the prior issuance of a correction notice or a notice of violation, a subsequent violation that has occurred on the same property or that has been committed by a person responsible for the prior violation elsewhere within the City of Burien. To constitute a repeat violation, the violation need not be the same violation as the prior violation. The violation of a written order of the Hearing Examiner that has been served as provided in this Chapter shall constitute a repeat violation.

“Right-of-way” means land owned, dedicated or conveyed to the public or a unit of government, used primarily for the movement of vehicles or pedestrians and providing for access to adjacent parcels, with the secondary purpose of providing space for utility lines and appurtenances and other devices and facilities benefiting the public. “Right-of-way” includes, but is not limited to, any street, easement, sidewalk, or portion thereof under the jurisdiction of the City.

“Violation” or “civil violation” or “civil infraction” means an act or omission contrary to a regulation as defined in this section. A violation continues to exist until abated to the satisfaction of the City, with each day or portion thereof in which the violation continues constituting a separate violation.

**1.15.030 Conflicting code provisions.**

In the event a conflict exists between the enforcement provisions of this Chapter and the enforcement provisions of any international or uniform code, statute, or regulation that is adopted in the Burien Municipal Code and subject to the enforcement provisions of this Chapter, the enforcement provisions of this Chapter will prevail, unless the enforcement provisions of this Chapter are preempted or specifically modified by said code, statute, or regulation. In the event of a conflict between this Chapter and any other provision of this Code or City ordinance providing for a civil penalty, the more specific provision shall control.

**1.15.040 Joint and several responsibility and liability.**

Responsibility for violations of the codes enforced under this Chapter is joint and several, both as to duty to correct and to payment of monetary penalties and costs, and the City is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the City required to take action against all persons potentially responsible for a violation.

**1.15.050 Computation of time.**

In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

**1.15.060 Interference with code enforcement unlawful.**

Any person who intentionally obstructs, impedes, or interferes with any lawful attempt to serve a notice of violation, stop work order, or emergency order, or intentionally obstructs, impedes, or interferes with lawful attempts to correct a violation shall be guilty of a gross misdemeanor.

**1.15.070 Service of documents.**

(1) Methods of service. For purposes of this Chapter, service of documents related to code enforcement, such as correction notices, notices of civil violation, stop work orders, etc. (hereinafter “document”), shall be accomplished by one of the following methods, provided that civil infractions shall be served as provided in Chapter 7.80 RCW and criminal misdemeanors and gross misdemeanors shall be served as provided by applicable law:

(a) “Personal service” is accomplished by handing the document to the person subject to the document or leaving it at his or her last known dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or leaving it at his or her office or place of employment with a person in charge thereof. Personal service may also be accomplished by the Hearing Examiner or his or her assistant handing any order, ruling, decision, or other document to a person prior to, during, or after a hearing.

(b) “Service by mail” is accomplished by sending the document by regular first class mail to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed. If an address has not been provided to the City, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, as reflected on the most recent equalized tax assessment roll of the County Assessor or the taxpayer address appearing for the property on the official property tax information website for King County; the address appearing in any database used for the payment of utilities for the property at which the violations are occurring; or the address of the person to whom the documents are being sent that appears in the Washington State Department of Licensing database.

(c) “Service by posting” is accomplished by affixing a copy of the document in a conspicuous place on the subject property or structure, or as near to the affected property or structure as feasible, with at least one (1)

copy of such document placed at an entryway to the property or structure if an entryway exists.

(d) "Service by publication" is accomplished by publishing the document as set forth in RCW 4.28.100 and RCW 4.28.110, as currently enacted or hereafter amended.

(2) Service – when complete. If service is accomplished by personal service, service shall be deemed complete immediately. If service is accomplished by mail, service shall be deemed complete upon the third day following which the document is placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day. If service is accomplished by posting, service shall be deemed complete upon the fourteenth day following the day upon which the document is posted. If service is accomplished by publication, service shall be deemed complete upon the final publication of the document as set forth in RCW 4.28.110.

(3) Proof of service – Due diligence. Proof of service shall be made by written affidavit or declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service and the manner by which service was made. If service was made solely by posting or publication, the proof of service shall include a statement as to what steps were used in attempting to serve personally and by mail the person at whom service of the document is directed. If service was made by posting, a photograph of the posting may be taken and retained by the City as documentation.

(4) Additional proof of service not necessary. No additional proof of service beyond the requirements in this Chapter shall be required by the Hearing Examiner or other entity. Any failure of the person to whom a document is directed to observe a document served by posting or publication shall not invalidate service made in compliance with this section, nor shall it invalidate the document.

#### **1.15.080 Violations.**

(1) The violation of any regulation shall be unlawful. Violations may be enforced by issuing notices of violation and, if necessary, by filing civil infractions. In addition, any violation of this Code shall constitute a misdemeanor, unless otherwise designated as a gross misdemeanor, and the City shall have discretionary authority to enforce a violation as either a civil infraction or civil violation pursuant to this Chapter or as a criminal misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000) or by both such imprisonment and fine. A gross misdemeanor is punishable by a fine of not more than five thousand dollars (\$5000) or by imprisonment for not more than twelve (12) months or by both such fine and imprisonment.

(2) Each day during any portion of which a violation of this Code occurs or continues is a separate offense.

(3) Civil enforcement of the provisions of this Code or the terms and conditions of any permit or approval issued pursuant to this Code shall be governed by this Chapter unless other more specific provisions apply.

(4) Code enforcement officers are authorized to enforce the Code using the provisions and procedures of this Chapter; provided, however, that enforcement under this Chapter is in addition to, and does not preclude or limit, any other forms of enforcement available to the City including, but not limited to, criminal proceedings or sanctions, nuisance and injunction actions, rights to file and enforce liens, or other civil or equitable actions to abate, discontinue, correct, or discourage unlawful acts in violation of this Code.

(5) Nothing in this Chapter or in other Chapters of the Burien Municipal Code shall prevent code enforcement officers or any other officers of the City of Burien or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property. The City's costs of abating any such nuisance or endangerment summarily or otherwise abated shall be recoverable under this Chapter as well as in the same manner and to the same extent as costs of abating nuisances or endangerment under any other provisions of this Code, in addition to or as an alternative to any other rights or remedies the City may possess.

### **1.15.090 Infractions.**

(1) When the City determines that it is appropriate to enforce violations of this Code as civil infractions rather than civil or criminal violations as otherwise provided in this Chapter, or if the City is unable to obtain payment of civil fines pursuant to a notice of civil violation, enforcement officers shall file such infractions in King County District Court and shall follow the provisions of Chapter 7.80 RCW. First offenses shall be class 2 civil infractions, for which the maximum penalty and the default amount shall be \$125.00, and second or subsequent violations shall be class 1 civil infractions, for which the maximum penalty and the default amount shall be \$250.00, not including fees, costs, and assessments.

(2) Chapter 7.80 RCW is hereby adopted by reference to the extent that it is not inconsistent with explicit provisions of the Burien Municipal Code, including this Section.

### **1.15.100 Voluntary correction.**

(1) General. When the City determines that a violation has occurred, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction. This may be done orally and/or in writing. The City may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner. A voluntary correction agreement may be instead of, in lieu of, or in conjunction with, a notice of violation. Voluntary correction efforts need not be made where the nature of the violation creates a risk of imminent harm to public health or safety or where it is a repeat violation.

(2) Contents of written voluntary correction agreement. A voluntary correction agreement is a contract between the City and the person responsible for the violation, in which the responsible person agrees to abate the violation within a specified time and according to specified conditions. A voluntary correction agreement will generally contain the following information:

- (a) The name and address of a person responsible for the violation;
- (b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
- (c) A description of the violation and a reference to the code provisions that have been violated;
- (d) A statement indicating what corrective actions are required and a correction deadline stating the date by which the corrective actions must be completed to the satisfaction of the code enforcement officer in order for the violator to avoid the issuance of a notice of violation;
- (e) 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;
- (f) An agreement by the person responsible for the violation and/or the owner(s) of property on which the violation has occurred or is occurring that, if the terms of the voluntary correction agreement are not met, the City may enter the property, abate the violation, and recover its costs and expenses as provided in this Chapter;
- (g) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the Hearing Examiner under this Chapter regarding the violation, any penalty, and/or required corrective action; and
- (h) A statement indicating that, pursuant to BMC 1.15.120, a notice of civil violation may be issued with each violation constituting a separate offense subject to civil penalties, or, alternatively, civil infraction or criminal charges may be filed.

(3) Extension of voluntary correction period or modification of required actions. An extension of the deadline for

voluntary correction, or a modification of any required corrective action, may be granted by the code enforcement officer if the person responsible for the violation has, in the opinion of the code enforcement officer, shown due diligence or made substantial progress in correcting the violation but unforeseen circumstances have rendered correction unattainable within the original deadline.

(4) Revocation of deadline for compliance. The original deadline for compliance, or any extension for compliance previously granted by the code enforcement officer, may be revoked and immediate compliance required where, in the opinion of the code enforcement officer, circumstances make immediate correction necessary to avoid an imminent risk of injury to persons or property.

(5) Failure to comply with voluntary correction agreement.

(a) Abatement by the City. In addition to any other remedy provided for in this Chapter, the City may abate the violation in accordance with BMC 1.15.210, if the terms of the voluntary correction agreement are not met.

(b) Penalties and costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be issued a notice of civil violation and assessed a monetary penalty in accordance with BMC 1.15.120, plus all costs and expenses of abatement. Alternatively, the City may file a civil infraction or criminal charges.

#### **1.15.110 Stop work order.**

(1) Issuance. Whenever a code enforcement officer determines that any work, use, activity, or conduct is a violation under the Burien Municipal Code and creates an imminent threat of injury to the health, safety, or welfare of any member of the public or will damage or injure, or exacerbate damage or injury already caused, to any property, the code enforcement officer may issue a stop work order directing any person causing, allowing, or participating in the offending conduct to cease such use, activity or conduct immediately.

(2) Service of order. Service of the stop work order shall generally be accomplished as set forth in BMC 1.15.070(1)(c).

(3) The stop work order shall state the reasons for the order and may be appended to, or incorporate by reference, a notice of violation. The stop work order shall take effect immediately upon service and may be appealed under the procedures set forth in this Chapter. During any such appeal, the stop work order shall remain in effect.

(4) Effect of a stop work order. When a stop work order has been issued, posted and/or served pursuant to this section, it is unlawful for any person to whom the order is directed or any person with actual or constructive knowledge of the order to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the code enforcement officer has removed the copy of the order, if posted, and issued written authorization for the activity or work to be resumed. In addition, a monetary penalty shall accrue for each day or portion thereof that a violation of a stop work order occurs, in the same amounts as under BMC 1.15.120. In addition to such criminal or monetary penalties, the city may enforce a stop work order pursuant to any other provision of this Chapter and enforce it in Superior Court.

(5) Removal of a stop work order. When a stop work order has been posted in conformity with the requirements of this Chapter, removal of such order without the authorization of the City, or the Hearing Examiner if the matter has been heard by the Hearing Examiner, is unlawful and a violation.

#### **1.15.120 Notice of civil violation.**

(1) Issuance of notice of violation. When the City determines that a violation has occurred or is occurring, the code enforcement officer may issue a notice of civil violation to any person responsible for the violation.

(2) Monetary penalty. A monetary penalty shall accrue for each day or portion thereof that each violation continues beyond the date set in a notice of civil violation or any Hearing Examiner's decision. Unless a different penalty amount for a given violation is expressly authorized or required by a more specific City code provision, the

maximum penalty and the default amount shall be \$125.00 for the first violation and \$250.00 for a second or subsequent violation of the same nature or a continuing violation past a deadline set by a notice of violation, not including fees, costs, and assessments. The City may waive the monetary penalty, if corrective action is completed by the date specified in the notice of civil violation or a voluntary correction agreement. The City shall have the discretion to impose penalties in an amount lower than those shown above.

(3) Contents of notice. The notice of civil violation shall include the following:

- (a) The name and address of a person responsible for the violation;
- (b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
- (c) A description of the violation and a reference to the provision violated and a description of what must be done to correct the violation;
- (d) A statement indicating that the violator must respond to the notice of civil violation within fourteen (14) days of the date of issuance, or within such other time period as specified in the notice of civil violation, by doing one of the following:
  - i. Paying any fine and correcting the violation;
  - ii. Entering into and complying with a voluntary correction agreement with the City;
  - iii. Requesting a mitigation hearing and correcting the violation; or
  - iv. Requesting a hearing to contest the violation;
- (e) A statement indicating that failure to respond to the notice of violation, or failure to attend any hearing, shall result in the violation being deemed committed without requiring further action by the City, and that the monetary penalty specified in the notice shall be due to the City by the violator and further accrue as provided; and
- (f) A statement indicating that payment of a monetary penalty does not relieve the person or entity named in the notice of civil violation of the duty to abate the violation, and that failure to abate may result in the issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties, including the payment of costs for any abatement action taken by the City.

(4) Extension. Upon written request received prior to the correction date or time, the code enforcement officer may extend the date set for correction for good cause or in order to accommodate a violation correction agreement. The code enforcement officer may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.

(5) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of civil violation 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 civil 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 civil violation issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of civil violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. This provision shall not apply to the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a

transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.

**1.15.130 Response to notice of civil violation.**

(1) Generally. A person who has been served with a notice of civil violation must respond to the notice within fourteen (14) days of the date the notice is served or within such other time period as specified in the notice of civil violation. A person may respond to the notice of civil violation by:

- (a) Paying the amount of the monetary penalty as set forth in the notice of violation. Partial payment or payment using a check that is rejected for insufficient funds shall not be deemed payment under this subsection. Payment of the fine shall not relieve the person or entity responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.
- (b) Entering into a voluntary correction agreement with the City.
- (c) Contesting the notice of civil violation by requesting a contested hearing in writing and sending the request to the City as described in subsection (2) below.
- (d) Seeking to mitigate the monetary penalty by requesting a mitigation hearing to explain the circumstances surrounding the violation. The request to mitigate must be made in writing and sent to the City with a \$100 filing fee as described in subsection (2) below. Requesting to mitigate the penalty shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.

(2) Method of response. The person or entity to whom a notice of civil violation has been issued may respond by mailing or hand-delivering the response to the City Clerk. Mailed responses must be received no later than the fourteenth (14<sup>th</sup>) day from the date of service of the notice of violation or such other day as specified in the notice of violation. Hand-delivered responses must be brought to the City Clerk no later than 4:30 p.m. on the fourteenth (14<sup>th</sup>) day after service or such other day as specified in the notice of violation; provided that, where the fourteenth or other specified day falls on a weekend or holiday, the deadline shall be extended to the next regular business day. Telephone, facsimile, or email responses shall not satisfy the requirements of this section. The response deadline may be stayed for a time certain by the code enforcement officer, if the responsible person or entity is engaged in active discussions with the code enforcement officer and the code enforcement officer determines there is a reasonable probability that such discussions may result in compliance.

(3) If the person to whom the notice of civil violation is issued fails to respond as required in the notice of civil violation and this Chapter, the violation(s) shall be deemed committed without requiring further action by the City or the City's Hearing Examiner, and the person to whom the notice of civil violation was issued shall owe the monetary penalty indicated.

**1.15.140 Scheduling of hearing to contest or mitigate – correction prior to hearing.**

(1) Notice and scheduling of hearing. Upon the timely filing of a request for a hearing to contest a violation or to mitigate the penalty, the matter shall be scheduled to be heard at the next available appearance by the Hearing Examiner that is a minimum of fourteen (14) but no later than sixty (60) calendar days after the date the request was received by the City. Notice of the hearing date and time shall be served by regular first class mail to the address of the party who requested the hearing. The date and time for any hearing may be rescheduled by the Hearing Examiner for good cause upon the motion of a party or the Hearing Examiner.

(2) Correction of violation prior to hearing. The hearing may be cancelled and the party requesting the hearing need not appear if, at least two (2) business days prior to the scheduled hearing, the code enforcement officer determines that the violation has been satisfactorily corrected or abated and the monetary penalty paid in full. Where the scheduled hearing involves a repeat violation as defined in this Chapter, the hearing shall not be cancelled unless the

new violation has been corrected or abated to the satisfaction of the code enforcement officer and the monetary penalty and costs for the new violation(s) and any monetary penalty and costs owing for the previous violation(s) have been paid in full.

**1.15.150 Contested hearing – procedure.**

The Hearing Examiner shall conduct a contested violation hearing when such hearing is properly and timely requested. The City and the person or entity to whom the notice of civil violation was issued may participate in the hearing, and each party or its legal representative may call witnesses and present evidence and rebuttal, subject to the following:

- (1) Where not in conflict with a more specific provision of this Chapter, hearings shall be conducted in accordance with Chapter 2.15 BMC
- (2) The City shall have the burden of proving by a preponderance of the evidence that a violation has occurred.
- (3) The parties are responsible for securing the appearance of any witnesses they may wish to call. Neither the City nor the Hearing Examiner shall have the burden of securing any witnesses on behalf of the person who is contesting the violation(s) or seeking to mitigate the penalties.
- (4) Formal rules of evidence shall not apply to any such hearing, and the Hearing Examiner shall allow hearsay testimony by the parties and not require proof of chain of custody for evidence that is presented; provided that the Hearing Examiner shall determine the weight to be assigned to any evidence presented.
- (5) Any notes, reports, summaries, photographs, or other materials prepared by the parties shall be admitted into evidence if requested; provided that the parties are free to argue the weight that should be assigned by the Hearing Examiner to any evidence submitted.

**1.15.160 Mitigation hearing – procedure.**

The Hearing Examiner shall conduct a hearing to mitigate the penalty on a violation when such hearing is properly and timely requested; provided that in the event a person has requested a hearing to contest a violation and prior to the start of the hearing indicates to the Hearing Examiner a desire to mitigate rather than contest, the Examiner shall permit the person to seek mitigation of the monetary penalty. The mitigation hearing shall be conducted according to the following general procedures:

- (1) The person responsible for the violation shall be given the opportunity to explain or provide evidence regarding the nature of the violation, why the violation exists, why the violation has not been abated or corrected, and any other information the Hearing Examiner determines is relevant.
- (2) The City shall be given the opportunity, at its discretion, to provide evidence of the nature of the violation, evidence to rebut assertions made by any party, and any other information or evidence the Hearing Examiner deems to be relevant.

**1.15.170 Decision of Hearing Examiner.**

(1) Contents of Order. Upon the conclusion of a hearing, the Hearing Examiner may issue an oral decision pending issuance of the written decision. If necessary, the Hearing Examiner may delay issuing the written order for up to ten (10) business days following the hearing. In either event, the oral decision and written order shall contain findings and conclusions based on the record, which to the extent applicable includes the following information:

- (a) In mitigation hearings a statement indicating that each alleged violation has been found committed, and in contested hearings, for each alleged violation of the City code, a statement indicating whether the violation has been found committed or not committed;
- (b) For violations found committed, the monetary penalties and costs being assessed pursuant to this Chapter; provided that, where the person has requested to mitigate the monetary penalty, the Hearing Examiner may

reduce the monetary penalty for each violation, but in no case shall the penalty be reduced to an amount less than one hundred dollars (\$100) for each violation found committed;

(c) For violations found committed, any required corrective actions and compliance dates;

(d) For violations found committed, a finding that abatement of the violations by the City is authorized, at the expense of the person responsible for the violations; and

(e) A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated as required by the Hearing Examiner's order.

(2) Notice of decision. The Hearing Examiner may cause a copy of the decision and order to be served upon the parties at the close of the hearing. When the Hearing Examiner requires more time to prepare a written order, or when a party fails to appear after requesting a contested hearing, the Hearing Examiner shall cause a copy of the decision and order to be served on the parties by mailing a copy to each party's last known address no later than ten (10) business days following the hearing.

#### **1.15.180 Failure to appear – default order.**

If the person who requests a hearing to contest a violation or mitigate the penalty then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this Chapter, the Hearing Examiner shall immediately issue a default order, which finds committed all the violations set forth in the notice of civil violation and which assesses a monetary penalty in the full amount indicated in the notice of violation. In addition, at the request of the City, the Hearing Examiner shall also impose upon the non-appearing party any costs to the City related to preparation for the hearing. The Hearing Examiner shall cause a copy of the decision to be served upon the non-appearing party by mailing a copy to the last known address of the non-appearing party within ten (10) business days of the hearing. Upon the motion of a party, the Hearing Examiner may rescind a default judgment only upon a showing of good cause to do so and only if such motion has been brought within thirty (30) calendar days of the date of the hearing at which the default judgment was ordered.

#### **1.15.190 Judicial review.**

Judicial review of a decision by the Hearing Examiner relating to any ordinance regulating the improvement, development, modification, maintenance, or use of real property may be sought by any person aggrieved or adversely affected by the decision, pursuant to the provisions of the Land Use Petition Act, Chapter 36.70C RCW, if applicable, or other applicable authority, if any, if the petition or complaint seeking review is filed and served on all parties within 21 days of the date of the decision. For purposes of this section, "aggrieved or adversely affected" shall have the meaning set forth in RCW 36.70C.060(2). Judicial review of all other decisions may only occur subject to the procedures of Chapter 7.16 RCW.

#### **1.15.200 Recovery of penalties and costs.**

(1) Payment of monetary penalties and costs. Any monetary penalties or costs assessed pursuant to this Chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this Chapter may be assessed against the property that is the subject of the enforcement action. The City Attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues. The city may incorporate any outstanding penalty or cost into an assessment lien, if the city incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the City within thirty (30) days from the date of service of an uncontested notice of civil violation or any order of the Hearing Examiner that assesses monetary penalties.

(2) Recovery of costs. The City shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorneys' fees incurred by the City; costs incurred in documenting the violation; the actual expenses and costs to the city in the preparation of notices,

specifications and contracts, and in inspecting the work; hauling, storage and disposal expenses; the cost of any required printing and mailing; and interest. The City Manager or designee, or the Hearing Examiner, may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary or that the costs would cause a significant financial hardship for the responsible party. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the City Manager in an informal hearing. The City Manager shall make a written determination as to whether or not the City's costs were accurate and necessary for accomplishing the abatement.

(3) Use of collection agency. Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the City may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this Chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least thirty (30) calendar days have elapsed from the time that the City attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by regular first class mail to the last known address of the person responsible for the violation; provided that inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

(4) Assessment lien. If penalties or costs assessed against a property are not paid within 30 days, the City Clerk shall certify to the County Treasurer the confirmed amount for assessment on the tax rolls. 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 as provided in RCW 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. The lien shall be of equal rank with the state, county and municipal taxes. The validity of any assessment made under the provisions of this Chapter shall not be contested in any action or proceeding unless the same is commenced within 15 calendar days after the assessment is placed upon the assessment roll. The City Attorney may also file a lien for such costs against the real property.

(5) Continuing duty to abate violations. Payment of a monetary penalty or costs pursuant to this Chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.

#### **1.15.210 Abatement.**

(1) Abatement by City. The City may perform the abatement required upon noncompliance with the terms of an unappealed notice of violation, a voluntary correction agreement, or a final order of the Hearing Examiner. The City may utilize city employees or a private contractor under City direction to accomplish the abatement. The City, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this Chapter shall prohibit the City from pursuing abatement of a violation pursuant to any other laws of the State of Washington or the City.

(2) Summary Abatement. Whenever any violation causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that notice thereof is served on the person responsible for the violation as set forth in BMC 1.15.070.

(3) Obstruction with work prohibited. No person shall obstruct, impede or interfere with the City, its employees or agents, or any person who owns or holds any interest or estate in any property in the performance of any necessary act preliminary or incidental to carrying out the requirements of a notice of violation, voluntary correction agreement, or order of the Hearing Examiner issued pursuant to this Chapter.

#### **1.15.220 Right of entry.**

(1) When it is necessary to enforce the provisions of the Burien Municipal Code, or when a code enforcement

officer has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this Code, the code enforcement officer may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code enforcement officer shall have recourse to the remedies provided by law to secure entry.

(2) Posted property. Where private property is posted with a "No Trespassing" sign and has a gate or chain on private property, or where private property is enclosed by a secured gate or chain (other than by a simple latching or closure device) a City employee shall not make entry beyond areas open to the public without the express permission of the property owner/resident or a court order. No employee shall be required to enter a posted or gated piece of property if the employee feels threatened, intimidated, or otherwise in fear of his or her personal safety.

(3) Employee identification. City employees shall carry identification cards while on duty. Any employee, when legitimately requested by the public, shall show the requesting party his/her identification card.

(4) Intimidation of employees. Threats, intimidation, or other violations of public peace directed against an employee engaged in the lawful action upon private property are unlawful and may subject that person and the owner of the property, as applicable, to legal action.

Section 2. Titles 2, 3, 5, 7, 8, 10, 12, 13, and 15 of the Burien Municipal Code are hereby amended by amending various enforcement sections as set forth in the attached Exhibit A.

Section 3. Effective Date. This Ordinance shall take effect five days after publication.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

CITY OF BURIEN

\_\_\_\_\_  
Brian Bennett, Mayor

AUTHENTICATED:

\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

\_\_\_\_\_  
Craig D. Knutson, City Attorney

Filed with the City Clerk: \_\_\_\_\_, 2012

Passed by the City Council: \_\_\_\_\_, 2012  
Ordinance No. \_\_\_\_\_  
Date of Publication: \_\_\_\_\_, 2012

## EXHIBIT A

### **2.15.070 Duties of the examiner.**

The examiner shall consider the matters set forth below.

(1) Applications and Appeals – Final Decision. The examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed, as specified herein, for the following type of applications and appeals:

(a) Applications.

(i) Applications for residential condominium binding site plan;

(ii) Applications for shoreline substantial development permits when combined with other land use applications pursuant to KCC 25.32.080.

(b) Appeals.

(i) Appeals from the decision of the director regarding short subdivisions;

(ii) Appeal of administrative decision on building permits, grading permits and temporary use permit pursuant to review of the zoning code;

(iii) ~~Appeals from notices and orders issued pursuant to KCC Title 23 as adopted by reference;~~

~~(iv)~~ Appeal from decisions of the director on requests for rate adjustments to surface and storm water management rates and charges.

(2) Applications – Recommendation to Council. Until such time as the planning commission is created and its duties and procedures are adopted, the examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions, based upon those facts, together with a recommendation to the city council, for the following applications:

(a) Applications for preliminary plats;

(b) Applications for shoreline environment redesignation.

(3) The examiner shall act as the board of appeals and the hearing examiner for the purposes of the building and construction codes adopted in BMC Title 15.

(4) Other applications or appeals which the council may prescribe by ordinance.

(5) Hearings related to Chapter 1.15 BMC.

### **2.15.110 Appeals.**

Other than matters arising under Chapter 1.15 BMC, when ~~When~~ an appeal has been filed with the director or city clerk as prescribed by ordinance, the hearing shall be scheduled pursuant to the appeal procedures set forth in Chapter 2.20 BMC. [Ord. 61 § 11, 1993]

### **2.15.120 Public hearing.**

(1) Before rendering a decision or recommendation on any application or appeal, other than one arising under Chapter 1.15 BMC, the examiner shall hold at least one public hearing thereon.

(2) Notification of the time and place of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given as follows:

(a) Published and posted notice at least 10 days prior to scheduled hearing; and

(b) Mailed notice to all parties of record at least 10 day prior to scheduled hearing. [Ord. 61 § 12, 1993]

### **3.06.220 Unlawful actions – Violations – Penalties**

(1) It shall be unlawful for any person liable for fees under this chapter (or other chapters as listed):

(a) To violate or fail to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the director;

(b) To make any false statement on any license application or tax return;

(c) To aid or abet any person in any attempt to evade payment of a license fee or tax;

(d) To fail to appear or testify in response to a subpoena issued in accordance with state law;

(e) To testify falsely in any investigation, audit, or proceeding conducted pursuant to this chapter.

(2) Violation of any of the provisions of this chapter is a gross misdemeanor. ~~Any person convicted of a violation of this chapter may be punished by a fine not to exceed \$1,000, imprisonment not to exceed one year, or both fine and imprisonment. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.~~

(3) Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor ~~and may be punished by a fine not to exceed \$5,000, or imprisonment not to exceed one year, or both fine and imprisonment.~~

### **3.10.060 Penalties.**

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of BMC 3.10.010 and 3.10.020, or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of BMC 3.10.010 and 3.10.020. Any such violation shall constitute a misdemeanor ~~and shall be punished by a fine not exceeding \$1,000 or by imprisonment for any term not exceeding 180 days, or both.~~

### **3.10.130 Penalties.**

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of BMC 3.10.080 and 3.10.090 or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of BMC 3.10.080 and 3.10.090. Any such violation shall constitute a misdemeanor ~~and shall be punished by a fine not exceeding \$1,000 or by imprisonment for any term not exceeding 180 days, or both.~~

### **5.55.300 Penalty for violations.**

Any person who violates or fails to comply with any requirement of this chapter shall be guilty of a gross misdemeanor. ~~violation of a city ordinance and shall be subject to punishment by fine of not more than \$5,000 or imprisonment for a term not in excess of one year, or both.~~

### **5.62.090 License – Ground for suspension or revocation.**

The city manager or designee may deny, suspend or revoke a rental housing 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 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 operation of rental housing;

(4) The licensee is causing or permitting a public nuisance to exist;

- (5) The licensee, or licensee's employees or agents, have engaged in, have permitted or have acquiesced in unlawful activity on the business premises;
- (6) The licensee currently owes a civil penalty or is currently in noncompliance with any notice and order of the city clerk with regard to a violation of this chapter; or
- (7) The licensee's continued operation of rental housing will, for any other reason, result in substantial danger to the public health, safety or welfare. [Ord. 322, § 10, 2001]

**6.05.500 Violation – Penalty.**

Any person who allows an animal to be maintained in violation of this title, or otherwise violates or fails to comply with any requirement of this title, shall be guilty of a violation of a city ordinance, ~~and shall be subject to punishment by fine of not more than \$5,000 or imprisonment for a term not in excess of one year, or both.~~ 3 [Ord. 543 § 1 (Exh. A), 2010; Ord. 11 § 11, 1993] which violation shall constitute a gross misdemeanor.

**6.40.200 Penalty Enforcement.**

Violation of this chapter shall ~~constitute a civil infraction, punishable by a civil fine not to exceed \$2,000.~~ [Ord. 543 § 1 (Exh. A), 2010; Ord. 207 § 2, 1997] be enforced as provided in Chapter 1.15 of the Burien Municipal Code.

**7.40.020 Criminal violation.**

Any person who violates BMC 7.30.230, 7.30.240 or 7.30.320 is guilty of a misdemeanor and shall be subject to a maximum fine of \$1,000 or imprisonment for no more than 90 days or to both such fine and imprisonment. Any person who violates BMC 7.30.270 or BMC 7.30.330 and the damage to the property is in an amount exceeding \$250.00 is guilty of a gross misdemeanor and shall be subject to a maximum fine of \$5,000 or imprisonment for no more than 365 days or to both such fine and imprisonment, and in all other cases shall be guilty of a misdemeanor and shall be subject to a maximum fine of \$1,000 or imprisonment for no more than 90 days or to both such fine and imprisonment. Any person who violates BMC 7.30.330 shall be guilty of a gross misdemeanor and shall be subject to a maximum fine of \$5,000 or imprisonment for no more than 365 days or to both such fine and imprisonment. [Ord. 475 § 2, 2007]

**8.05.030 Enforcement – Penalty.**

The director of the Seattle-King County department of public health, the director of the King County department of public health, and city personnel occupying similar positions and authorities are authorized to enforce the provisions of this title, and any rules and regulations promulgated hereunder, and any applicable United States statutes, and any person violating any provision of this title shall, upon conviction, be guilty of ~~a gross misdemeanor, violating a city ordinance, and shall be punished by a fine not to exceed \$5,000 or imprisonment for a term not to exceed one year, or both, and each day during which such violation continues shall be considered an additional violation.~~

**8.45.015 Declaration of nuisance.**

All violations of city of Burien ordinances are found and declared to be detrimental to the public health, safety, and welfare and are further found and declared to be nuisances. It is unlawful and a violation of this chapter, whether by act or omission, to cause, create, maintain, suffer, or allow a nuisance to occur, exist, or remain. Each day any person allows or fails to abate such nuisance after notice shall constitute a separate violation. Nuisances create public harm. Prevention and correction of nuisances are necessary to prevent public harm. For purposes of this chapter, "public nuisances" and "private nuisances" shall have the same meaning. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

**8.45.020 Definitions.**

As used in this chapter, unless a different meaning is plainly required:

- (1) "Abate" means ~~to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.~~

(1) "Act" means doing or performing something.

~~(3) "Administrative notice of violation" means the notice of violation issued pursuant to BMC 8.45.035.~~

(2) "Applicable department director" means the city manager or his designee, including any department director or other designee, empowered by ordinance or by the city manager to enforce a city ordinance or regulation.

~~(5) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.~~

(3) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a city regulation.

~~(7) "District court" shall mean the King County District Court, South Division.~~

(4) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(5) "Nuisance" (also referred to herein as "violation" or "nuisance violation") means:

(a) A violation of any city of Burien ordinance;

(b) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which annoys, injures, or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(c) The existence, without limitation, of any of the following conditions:

(i) Trash Covered Premises. Any premises containing trash or abandoned materials, except that kept in garbage cans or containers maintained for regular collection;

(ii) Dangerous Structures. Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure;

(iii) 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;

(iv) Junk Vehicles. Any wrecked, inoperable, abandoned or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a

missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates; provided nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view;

(v) Attractive Nuisances. 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;

(vi) Obstructions to the Public Right-of-Way. Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the city. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

(vii) Vegetation. Any noxious or toxic weed or uncultivated plant, weeds or tall grass which may be a fire hazard, or any tree which is in danger of falling and creates a substantial risk of damage or injury;

(viii) Illegal Dumping. Dumping of any type by any person on public or private property not registered as a legal dump site; and

(ix) Dumping in Waterways. Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse.

(6) "Omission" means a failure to act.

~~(11) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.~~

~~(12) "Person responsible for the violation" means any person who has an interest in or resides on the property, whether as owner, tenant, occupant, or otherwise.~~

~~(13) "Repeat violation" means a violation of the same regulation in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding 12 consecutive month period.~~

~~(14) "Superior Court" shall mean the Washington State Superior Court for King County. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

#### **8.45.030 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). [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

#### **8.45.035 Administrative notice and order.**

##### **(1) Effect.**

(a) An administrative notice of violation represents a determination that a civil code violation has occurred, that the cited party is a person responsible for code compliance, and that the violations set out in the administrative notice of violation require the assessment of penalties and costs and other remedies specified in the administrative notice of violation.

(b) Failure to correct the civil code violation in the manner prescribed by the administrative notice of violation subjects the person to whom the administrative notice of violation is directed to the use of any of the compliance remedies provided by this title, including:

(i) Additional civil penalties and costs;

(ii) A requirement that abatement, remediation and/or mitigation be performed;

(iii) Abatement by a director and recovery of the costs of abatement under BMC 8.45.060; or

(iv) Any other legal or equitable remedy within this chapter or at law.

(e) Any person identified in the administrative notice of violation as responsible for code compliance may appeal the administrative notice of violation by filing a written notice of appeal with the city clerk no more than 10 days following the date of the administrative notice of violation along with a \$100.00 filing fee. The appellant must include in the notice of appeal concise statements indicating the reasons why the administrative notice of violation is in error. This requirement that the notice of appeal contain concise reasons for the appeal is jurisdictional, and upon motion of the city attorney, the hearing examiner shall dismiss appeals failing to comply with the requirements in this section regarding content of the notice of appeal. Appeals before the hearing examiner shall be scheduled and conducted as set forth in BMC 2.20.070. For purposes of the appeal hearing before the hearing examiner, the appellant bears the burden of establishing, by a preponderance of the evidence, that the appellant has not violated the applicable ordinances and regulations of the city of Burien. Should the appellant not prevail on appeal before the

hearing examiner, the appellant shall reimburse the city the hearing examiner's fees for conducting the appeal hearing.

(d) Failure to appeal the administrative notice of violation within the applicable time limits shall render the administrative notice of violation a final determination that the conditions described in the administrative notice of violation existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.

(e) Issuance of an administrative notice of violation in no way limits a director's authority to issue a stop work order to a person previously cited through the administrative notice of violation process pursuant to this title, or to pursue any of the other remedies for compliance set forth in this chapter. Payment of the civil penalties assessed under the administrative notice of violation does not relieve a person found to be responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under this chapter.

(2) Contents. The administrative notice of violation shall include the following:

(a) The name and address of the person responsible for code compliance; and

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

(c) A description of the violation and a reference to the provision(s) of the city regulation(s) which has been violated; and

(d) The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with BMC 8.45.060; and

(e) A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and

(f) Statements advising that:

(i) If any required work is not commenced or completed within the time specified, a director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation;

(ii) If the date for compliance is to be extended, such request for an extension must be made, in writing, to the department within three days of the date of the administrative notice of violation;

(iii) If any assessed civil penalty is not paid, a director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation; and

(iv) A statement advising that the order shall become final, unless, no later than 10 days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the city of Burien hearing examiner pursuant to subsection (1) of this section.

(3) Service of Administrative Notice of Violation. The city shall serve the administrative notice of violation upon the person responsible for code compliance, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for code compliance cannot be personally served within King County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.

(4) Extension. Extensions of the time specified in the administrative notice of violation for correction of the violation may be granted at the discretion of the applicable department director; provided, however, that should a person in violation desire to extend the time by which compliance is required as stated in the administrative notice of violation, such a request must be made to the department in writing within three days of the date of the administrative notice of violation; the department has the authority to deny the request.

(5) Monetary Penalty. The monetary penalty to be imposed concurrent with the notice of administrative violation shall be \$100.00. The city may waive the monetary penalty if corrective action is completed by the date specified in the notice of administrative violation. If corrective action is not completed by the date specified in the notice of administrative violation, the \$100.00 shall remain in effect. The notice of administrative violation shall contain a second deadline for compliance to be established by the department. If the corrective action is not completed by the second deadline, the penalty shall increase to \$250.00. The notice of administrative violation shall contain a third

deadline for compliance. If the corrective action is not completed by the third deadline, the penalty shall increase to \$500.00. The department shall have the discretion to impose penalties in an amount lower than those shown above.

(6) ~~Continued Duty to Correct.~~ Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

~~(7) Collection of Monetary Penalty.~~

~~(a) The monetary penalty constitutes a personal obligation of the person to whom the administrative notice of violation is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date the penalty is imposed pursuant to the notice of administrative violation. Any such monetary penalty shall further constitute a lien against the affected real property, in the manner as set forth in BMC 8.45.060(6).~~

~~(b) The city attorney is authorized to pursue any legal or equitable action to collect the monetary penalty, including referring the action to a collection agency.~~

~~(8) Recording.~~

~~(a) Whenever an administrative notice of violation is served on a person responsible for code compliance, the city attorney shall cause to have recorded a copy of the administrative notice of violation with the King County records and elections division, or its successor agency.~~

~~(b) When all violations specified in the administrative notice of violation have been corrected or abated, the city attorney shall cause to have recorded a certificate of compliance with the King County records and elections division, or its successor agency. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties for which liens have been recorded are still outstanding and continue as liens on the property.~~

~~(9) Supplementation, Revocation, Modification.~~

~~(a) Whenever there is new information or a change in circumstances, a director may add to, rescind in whole or part or otherwise modify an administrative notice of violation by issuing a supplemental notice and order. The supplemental administrative notice of violation shall be governed by the same procedures applicable to all administrative notice of violations contained in this title.~~

~~(b) A director may revoke or modify an administrative notice of violation issued under this title if the original notice and order was issued in error or if a party to an order was incorrectly named. The revocation or modification shall identify the reasons and underlying facts for revocation and shall be recorded with the King County records and elections division, or its successor agency.~~

~~(10) Administrative Conference.~~ An informal administrative conference may be conducted by a director at any time for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation. Interested parties shall not unreasonably be excluded from such conferences.

~~(11) Remedies — Civil Penalties — Authority and General Provisions.~~

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

~~(b) Civil penalties assessed create a joint and several personal obligations in all persons responsible for code compliance. The city attorney may collect the civil penalties assessed by any appropriate legal means.~~

~~(c) Civil penalties assessed also authorize the city of Burien to take a lien for the value of civil penalties imposed against the real property of the person responsible for code compliance.~~

~~(d) The payment of penalties does not relieve a person responsible for code compliance of any obligation to cure, abate or stop a violation.~~

~~(12) Remedies — Cost Recovery.~~

~~(a) In addition to the other remedies available under this title, a director may charge the costs of pursuing code compliance and abatement incurred to correct a code violation to the person responsible for code compliance, including legal and incidental expenses to the extent these costs exceed the amount of the penalty paid. Such costs are due and payable 30 days from mailing of the invoice.~~

~~(b) For purposes of this section, "legal and incidental expenses" shall include but are not limited to:~~

~~(i) Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation as soon as the violation occurs;~~

~~(ii) Hauling, storage and disposal expenses;~~

~~(iii) Actual expenses and costs of the city in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and~~

~~(iv) Interest on the costs of abatement incurred by the city.~~

~~(e) All costs assessed by the city in pursuing code compliance and/or abatement create a joint and several personal obligation in all persons responsible for code compliance. The city attorney may collect the costs of code compliance efforts by any appropriate legal means.~~

~~(d) The city of Burien may take a lien for the value of the costs of pursuing code compliance against the real property of the person responsible for code compliance.~~

~~(13) Remedies—Abatement—Authorized. In addition to or as an alternative to any other judicial or administrative remedy, a director may use the administrative notice of violation provisions of this title to order any person responsible for code compliance to abate the violation and to complete the work at such time and under such conditions as a director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, a director may proceed to abate the violation pursuant to BMC 8.45.060. [Ord. 383 § 1, 2003]~~

#### **8.45.040 Filing of nuisance abatement action in district court.**

~~(1) Issuance.~~

~~(a) When the applicable department director determines that a violation has occurred or is occurring, the department director may cause the city attorney to issue a notice and order of civil violation and summons to the person responsible for the violation.~~

~~(b) The notice and order of civil violation and summons may issue without the city having attempted to secure voluntary correction as provided in BMC 8.45.030 at the discretion of the department director.~~

~~(2) Content. The notice and order of civil violation and summons shall include the following:~~

~~(a) The name and address of the person responsible for that violation; and~~

~~(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and~~

~~(c) A description of the violation and a reference to the provision(s) of the city regulation(s) which has been violated; and~~

~~(d) The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with BMC 8.45.060; and~~

~~(e) The date, time and location of an appeal hearing before a judge, judge pro tem, or commissioner of the district court which will be at least 20 days but no more than 60 days from the date the notice of civil violation is issued, unless such date is continued by the district court for good cause shown; and~~

~~(f) A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, other than the district court filing fee, if the applicable department director approves the completed, required corrective action prior to the hearing; and~~

~~(g) A statement that the costs and expenses of abatement incurred by the city pursuant to BMC 8.45.060(4), and a monetary penalty in an amount per day for each violation as specified in subsection (5) of this section, may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the district court.~~

~~(3) Service of Notice and Order of Civil Violation and Summons. The city shall serve the notice and order of civil violation and summons upon the person responsible for code compliance, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for code compliance cannot be personally served within King County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person affecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.~~

~~(4) Extension. Extensions of the time specified in the notice and order of civil violation and summons for correction of the violation may be granted at the discretion of the applicable department director or by order of the district court.~~

(5) ~~Monetary Penalty.~~ The monetary penalty for each violation shall be \$100.00, which shall increase to \$250.00 if the violation is not corrected within seven days prior to the district court hearing, and which shall increase to \$500.00 if the violation is not corrected by the date of the scheduled hearing in district court.

(6) ~~Continued Duty to Correct.~~ Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice and order of civil violation and summons was issued of the duty to correct the violation.

(7) ~~Collection of Monetary Penalty.~~

(a) ~~The monetary penalty constitutes a personal obligation of the person to whom the notice and order of civil violation and summons is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date of mailing of the district court's decision or a notice from the city that penalties are due. Any such monetary penalty shall further constitute a lien against the affected real property, in the manner as set forth in BMC 8.45.060(6). Payment of the monetary penalty does not relieve the person responsible for code compliance of the duty to correct the violation.~~

(b) ~~The city attorney is authorized to take appropriate action to collect the monetary penalty. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

#### **8.45.050 Hearing before the district court.**

(1) ~~Notice.~~ A person to whom a notice of civil violation is issued will be scheduled to appear before the district court not less than 20 calendar days nor more than 60 calendar days after the notice of civil violation is issued. Continuances may be granted at the discretion of the applicable department director, or by the district court for good cause shown.

(2) ~~Prior Correction of Violation.~~ The hearing will be canceled and no monetary penalty will be assessed, other than the district court filing fee, if the applicable department director approves the completed required corrective action prior to the scheduled hearing.

(3) ~~Procedure.~~ The district court shall conduct a hearing on the civil violation pursuant to the then current applicable rules of civil procedure for district courts of limited jurisdiction. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable under the circumstances. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the court in determining the reasonableness of the required corrective action.

(4) ~~Decision of the District Court.~~

(a) ~~The district court shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable under the circumstances, and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.~~

(b) ~~The district court shall issue an order to the person responsible for the violation which contains the following information:~~

(i) ~~The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;~~

(ii) ~~The required corrective action;~~

(iii) ~~The date and time by which the correction must be completed;~~

(iv) ~~The monetary penalties assessed based on the criteria in subsection (4)(c) of this section; and~~

(v) ~~The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.~~

(c) ~~Assessment of Monetary Penalty.~~ Monetary penalties assessed by the district court shall be in accordance with the monetary penalty in BMC 8.45.040(5).

(i) ~~The district court shall have the following options in assessing monetary penalties.~~

(A) ~~Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or~~

(B) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the district court and thereafter; or

(C) Assess less than the established monetary penalty set forth in BMC 8.45.040(5), based on the criteria of subsection (4)(e)(ii) of this section; or

(D) Assess no monetary penalties.

(ii) In determining the monetary penalty assessment, the district court shall consider the following factors:

(A) Whether the person responded to staff attempts to contact the person, and cooperated to correct the violation;

(B) Whether the person failed to appear at the hearing;

(C) Whether the violation was a repeat violation;

(D) Whether the person showed due diligence and/or substantial progress in correcting the violation;

(E) Whether a genuine, "close call" code interpretation issue exists; and

(F) Any other relevant factors.

(iii) The district court may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the district court shall consider the factors set forth in subsection (4)(e)(ii) of this section.

(5) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear without lawful excuse at the scheduled hearing, the district court will enter an order with findings pursuant to subsection (4)(b) of this section and assess the appropriate monetary penalty pursuant to subsection (4)(e) of this section. The city may enforce the district court's order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from that person.

(6) Appeal to Superior Court. Any appeal of the decision of the district court shall be prosecuted pursuant to the then current Rules for Appeal from Courts of Limited Jurisdiction (RALJ). [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

#### 8.45.060 Abatement by the city.

(1) The city may abate a condition which was caused by or continues to be a civil violation when:

(a) The terms of voluntary correction agreement pursuant to BMC 8.45.030 have not been met; or

(b) An administrative notice of violation has been issued pursuant to BMC 8.45.035 and the required correction has not been completed by the date specified in the administrative notice of violation; or

(c) A notice and order of civil violation and summons has been issued pursuant to BMC 8.45.040 and a hearing has been held pursuant to BMC 8.45.050 and the required correction has not been completed by the date specified in the district court's order; or

(d) The condition is subject to summary abatement as provided for in subsection (2) of this section.

(2) Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the city be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.

(3) Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

(4) Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or control of the property and shall become due and payable to the city within 10 calendar days. The term

“incidental expenses” includes but is not limited to personnel costs, both direct and indirect and including attorney’s fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in subsection (6) of this section.

(5) Interference. Any person who knowingly obstructs, impedes, or interferes with the city or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding \$1,000.

(6) Lien—Authorized. The city of Burien shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

(a) The applicable department director shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due or the date the work is completed or the nuisance abated.

(b) The claim of lien shall contain sufficient information regarding the notice of civil violation, as determined by the applicable department director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

(c) Any such claim of lien shall be verified by the applicable department director, and may be amended from time to time to reflect changed conditions.

(d) No such liens shall bind the affected property for a period longer than five years, without foreclosure or extension agreed to by the property owner. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

#### **8.45.080 Conflicts.**

In the event of a conflict between this chapter and any other provision of the Burien Municipal Code or other city ordinance providing for a civil penalty, this chapter shall control. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

#### **8.45.070 Enforcement procedures.**

This chapter shall be enforced as provided in Chapter 1.15 of the Burien Municipal Code. The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by the Burien Municipal Code except as precluded by law.

#### **8.55.030 Graffiti prohibited.**

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, signage or other structure, tree or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as “graffiti” within the city without permission from the city.

Violation of any of the provisions of this section shall constitute a gross misdemeanor, ~~and may be punished by a fine of up to \$5,000 and a jail term not in excess of one year.~~ [Ord. 270 § 4, 1999]

#### **8.55.050 City costs enforceable – Debt – Lien.**

Any and all costs incurred by the city in the abatement of the graffiti nuisance as provided in this chapter shall be recoverable pursuant to Chapter 1.15 BMC constitute a debt owed to the city by the property owner and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts. [Ord. 270 § 6, 1999]

### **8.55.060 Appeal.**

Within 14 calendar days from the mailing or from personal service of the notice of intent to remove graffiti, the owner or person occupying or managing the premises affected may appeal the matter to the hearing examiner serving the city. Appeals will be governed by the provisions of Chapter 1.15 BMC ~~Chapter 2.20 BMC~~. [Ord. 312 § 10, 2000; Ord. 270 § 7, 1999]

### **10.10.010 Regulation of vehicle impoundment and redemption – Adopted by reference.**

(1) Chapter 46.08 KCC, Impoundment and Redemption of Certain Vehicles, as now in effect and as may subsequently be amended is adopted in its entirety, except that unless the context indicates otherwise, the words “county” or “King County” shall refer to the city and references to violations of the county code or of a county ordinances shall be deemed to be references to violations of a city ordinances, ~~subject to punishment by fine of not more than \$5,000 or imprisonment for a term not to exceed one year, or both, which shall constitute a gross misdemeanor.~~

(2) To the extent necessary or convenient to implement this chapter, the administrative hearing officers appointed pursuant to KCC 46.08.100 or otherwise, are appointed as agents for the city of Burien to conduct any applicable hearings on Burien’s behalf. ~~{Ord. 43 § 1, 1993}~~

### **10.11.050 Enforcement procedure.**

The enforcement procedure for this chapter shall be the enforcement procedure set out in Chapter ~~8.45~~ 1.15 BMC. ~~{Ord. 492 § 1, 2008}~~

### **12.17.050 Definitions.**

The following words and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

~~(1) “Administrative notice of violation means a letter from the city to a right of way use permittee notifying the recipient of specific nonconforming or unsafe conditions and specifying the date by which corrective action must be taken.~~

(1) “Citation and notice” means a written document initiating a criminal proceeding after an arrest and issued by an authorized peace officer, in accordance with the Criminal Rules for Courts of Limited Jurisdiction.

(2) “City” means the city of Burien, Washington.

(3) “City inspector” means the designated employee(s) of the department responsible for inspecting the installation of warning and safety devices in the public right-of-way and restoration of public rights-of-way disturbed by work.

(4) “Complaint” means a written document certified by the prosecuting attorney initiating a criminal proceeding in accordance with the Criminal Rules for Courts of Limited Jurisdiction.

(5) “Department” means the public works department or other department designated by the city manager.

(6) “Director” means the director of the public works department, or his/her designated representative, or other person designated by the city manager.

(7) “Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, but not limited to, damage to persons or property from natural or manmade consequences, such as storms, earthquakes, riots or wars.

(8) “Franchised utilities” means utilities that have city approval to use city rights-of-way for the purpose of providing their services within the city, whether by written franchise or other agreement granted by the city.

(9) “Nonprofit” means not for a monetary gain unless for charitable purposes.

(10) “Oral directive” means a directive given orally by city personnel to correct or discontinue a specific condition.

(11) “Permit” means a document issued by the city granting permission to engage in an activity not allowed without a permit.

(12) “Permit center” means the central location for applying for permits.

(13) “Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

(14) "Private use" means use of the public right-of-way for the benefit of a person, partnership, group, organization, company, or corporation, other than as a thoroughfare for any type of vehicles, pedestrians or equestrians.

(15) "Procedure" means a procedure adopted by the director to implement this code, or to carry out other responsibilities as may be required by this code or by other codes, ordinances, or resolutions of the city or other agencies.

(16) "Right-of-way" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, paths, trails, sidewalks, bikeways and horse trails, whether improved, unimproved, or unopened, including the air rights, sub-surface rights and easements related thereto.

(17) "Right-of-way use permit" or "permit" means a permit for use of the right-of-way issued in conformance with BMC 12.17.080.

(18) "Stop work order" means a notice posted at the site of activity that requires all work to be stopped until the city approves continuation of work.

(19) "Telecommunications carrier" means every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering and providing telecommunications or cable services.

(20) "Telecommunications facilities" means the plant, equipment and property, including but not limited to cables, wires, conduits, ducts, fiber optic cable, pedestals, antennas, electronics, poles, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications or cable services.

(21) "Telecommunications provider" means every person who provides telecommunications or cable services over telecommunications facilities without any ownership or management control of the facilities.

(22) "Telecommunications service(s)" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

(23) "Underground location service" means the underground utilities location center that will locate all underground utilities prior to an excavation.

(24) "Unsafe condition" means any condition which the director determines is a hazard to health, or endangers the safe use of the right-of-way by the public, or does or may impair or impede the operation or functioning of any portion of the right-of-way, or which may cause damage thereto. [Ord. 395 § 2, 2004]

#### **12.17.110 Correction and discontinuance of unsafe, nonconforming, or unauthorized conditions.**

(1) Whenever the director determines that any condition on any right-of-way is in violation of, or any right-of-way is being used contrary to any provision of this code or procedures adopted hereunder or other applicable codes or standards, or without a right-of-way use permit, the director may order the correction or discontinuance of such condition or any activity causing such condition.

(2) The director is authorized to order correction or discontinuance of any such condition or activities following the methods specified in any of the procedures adopted pursuant to this code or pursuant to Chapter 8.45 1.15 BMC.

(3) The director shall also have all powers and remedies which may be available under state law, this code, and procedures adopted hereunder for securing the correction or discontinuance of any condition specified in this section.

(4) The director is authorized to use any or all of the following methods in ordering correction or discontinuance of any such conditions or activities as the director determines appropriate including but not necessarily limited to:

(a) Serving of oral or written directives to the permittee or other responsible person requesting immediate correction or discontinuance of the specified condition;

(b) Service of a ~~written administrative~~ notice of civil violation pursuant to BMC ~~8.45.035~~ 1.15.120, ordering correction or discontinuance of a specific condition or activity within any reasonable period as the director may determine;

(c) Service of a ~~summons and notice of order of violation~~ civil infraction filed in the King County District Court, Division South pursuant to Chapter 8.45 1.15 BMC;

(d) Revocation of previously granted permits where the permittee or other responsible person has failed or refused to comply with requirements imposed by the city related to such permits;

(e) Issuance of a stop work order to immediately stop work until authorization is received from the city to proceed with such work;

(f) Service of summons and complaint certified by the ~~city prosecutor prosecuting attorney~~ or a citation and notice to appear by an arresting peace officer upon the permittee or other responsible person who is in violation of this or other city ordinances;

(g) Any object or thing which shall occupy any right-of-way without a permit is declared a nuisance per Chapters 8.45 and 9.75 BMC. The department may attach a notice to any such object or thing stating that if it is not removed from the right-of-way within 24 hours of the date and time stated on the notice, the object or thing may be taken into custody and stored at the owner's expense. The notice shall provide an address and phone number where additional information may be obtained. If the object or thing is a hazard to public safety, it may be removed summarily by the city. Notice of such removal shall be thereafter given to the owner, if known. This section does not apply to motor vehicles legally occupying the right-of-way;

(h) All expenses incurred by the city in abating the condition or any portion thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice or who own the object or thing or placed it in the right-of-way, which debt shall be collectible in the same manner as any other civil debt; and

(i) The city shall also have all powers and remedies which may be available under law, this code and procedures adopted hereunder for securing the correction or discontinuance of any conditions specified by the city. [Ord. 395 § 2, 2004]

#### **12.17.250 Violation – Penalty.**

~~(1) The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC.~~

~~(2) Any violation of any provision of this chapter is a civil violation as provided for in Chapter 8.45 BMC, for which a monetary penalty may be assessed and abatement may be required as provided therein.~~

~~(3) In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.~~

#### **12.20.060 Violations – Penalty.**

~~The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. (1) Criminal Penalties. Any violation of this chapter is a misdemeanor and shall be punishable, upon conviction, by fine not exceeding \$250.00 or by confinement in the county jail not exceeding 90 days, or both.~~

~~(2) Civil Penalties. Any person who fails to comply with the provisions of this chapter is in addition, but not as an alternative, to any criminal penalties, subject to a maximum civil penalty of \$250.00 for each day or portion of any day that the violation continues.~~

~~(3) Other Legal Remedies. Nothing in this chapter limits the right of the city to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.~~

#### **12.38.060 Violations – Penalties.**

~~(1) The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. Criminal Penalties. In addition to or as an alternative to any other penalty herein or by Chapter 8.45 BMC, 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.~~

~~(2) Nuisance. Any person violating the provisions of this chapter is hereby declared to have committed, or to continue to commit, a nuisance and is subject to applicable enforcement provisions contained in Chapters 1.15 and 8.45 BMC.~~

~~(3) Action Under RCW 64.12.030. In addition to or as an alternative to any other penalty provided herein, the city may bring an action in trespass under the timber trespass statute, RCW 64.12.030, for the removal or damage to any tree or ornamental shrub on city property. Should the city obtain judgment against a person or persons under RCW 64.12.030, the city shall be entitled to treble the amount of damages claimed or assessed therefor.~~

(4) Additional Enforcement Procedures. The provisions of this chapter are not exclusive and may be used in addition to any other remedies in law or equity. [Ord. 402 § 1, 2003]

### **13.10.510 Enforcement – Violations.**

~~The provisions set forth in this section shall apply to all~~ Any violations of this chapter, ~~or the Surface Water Design Manual, and or the Stormwater Pollution Prevention Manual, are violations of this chapter and code and are subject to the provisions of this section.~~ In addition to the listed enforcement options, the city may also pursue any other lawful civil, criminal or equitable remedy or relief. At the director of public works' discretion, the choice of enforcement option taken and the severity of any monetary penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, the public resources expended to take enforcement action and ensure compliance with this chapter, and/or the degree of bad faith of the persons subject to the enforcement action. Enforcement options are cumulative and shall not be deemed exclusive.

(1) Nuisance. Any structure, condition, act or failure to act which violates any provision of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and may be abated using the procedures of Chapters 1.15, 8.45, and 9.75 BMC, as currently written or hereafter amended or as otherwise allowed by law.

(2) Violation. Any structure, condition, act or failure to act which violates any provision of this chapter shall be and the same is declared to be, unlawful and is subject to the enforcement and penalty provisions of this section, Chapter 1.15 BMC, and BMC 13.10.520.

~~(3) Order to Cease Activity. The director or designee shall have the authority to order immediate cessation of any activity that is in violation of this chapter whether occurring on public or private property.~~

~~(a) Posting and Notice. The director or designee shall prominently post this order at the subject location and shall make reasonable attempts to send this order on to the property owner, the person in charge of the property, or the person causing the activity to be conducted or the improvement erected or altered.~~

~~(b) Effect. When an order to cease activity has been posted on the subject location, it is a violation of this chapter for any person with actual or constructive knowledge of the order to conduct the activity or do the work covered by the order until such time as the director or designee has removed or authorized removal of the order. If an order to cease activity is violated, the director or designee may issue a notice of civil infraction under subsection (5) of this section.~~

~~(c) Appeal. An order to cease activity may be appealed in like manner as a notice of civil infraction under subsection (5) of this section. If a notice of civil infraction has also been issued and appealed, the appeals shall be consolidated for hearing.~~

~~(4) Notice of Violation. If the public works director or designee determines that any structure, condition, act or failure to act exists that is in violation of this chapter, he/she may issue a notice of violation. This notice will specifically indicate:~~

~~(a) The name and address of the property owner or other person to whom the notice of violation is directed;~~

~~(b) The street address or description sufficient for identification of the location where the violation has occurred or is occurring;~~

~~(c) A description of the violation and a reference to the provision or provisions of this chapter being violated;~~

~~(d) A statement of the action required to be taken to correct the violation, as determined by the public works director, and a date or time by which correction is to be completed; and~~

~~(e) A statement that a monetary penalty in an amount per day for each violation as specified by BMC 13.10.520 shall be assessed against the person to whom the notice of violation is directed for each and every day, or portion of a day, that the violation continues following the date set for correction.~~

~~(f) Notice to Property Owner and Responsible Party. The public works director or designee shall:~~

*R:\Legal\Legal\ordinances\Code Enforcement Consolidation & Update Ordinance (clean) - Exhibit A.doc*

(i) Leave a copy of this notice with the occupant or responsible party or post it in a conspicuous place on the subject property; and

(ii) Personally serve or send a copy of the notice by certified mail to the owner of the subject property and/or responsible party.

(iii) Extension. Upon written request received prior to the correction date or time, the public works director or designee may extend the date set for correction for good cause. The public works director or designee may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause.

(5) Notice of Civil Infraction.

(a) General. The public works director or designee may cause a notice of civil infraction to be issued in the following circumstances:

(i) There is a violation of a posted order to cease activity; or

(ii) If, after the time specified in a notice of violation, the corrections specified in the notice of violation have not been completed, and a violation persists; or

(iii) There is reasonable cause to believe that there has been a violation of this chapter.

(b) Issuance. The notice of civil infraction will be issued to the owner of the property and/or to the responsible party, if the violation exists on private property, or to the party responsible for the activity or condition if the violation exists on public property.

(i) Notwithstanding the provisions of subsections (3) and (4) of this section, the public works director or designee may issue a notice of civil infraction without having issued an order to cease activity or a notice of violation when a repeated violation occurs within a six-month period of time or otherwise at the director's or designee's discretion.

(ii) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless appealed as provided in this chapter.

(c) Content. The following shall be included in the notice of civil infraction.

(i) The name and address of the property owner or other persons to whom the notice of civil infraction is directed;

(ii) The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

(iii) A description of the violation and a reference to that provision or provisions of this chapter which has been violated;

(iv) A statement that the monetary penalty in the amount per day for each violation as specified in BMC 13.10.520 is assessed against the person to whom the notice of civil infraction is directed for each and every day, or portion thereof, during which the violation continues beyond the date or time established for correction in the notice of violation; and

(v) A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and may pay the monetary penalty imposed to the city clerk or may appeal the notice of civil infraction as provided in subsection (5)(e) of this section.

(d) Service of Notice. The public works director or designee shall serve the notice of civil infraction upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil infraction by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting the notice of civil infraction conspicuously on the affected property or structure. The person who effected personal service shall

~~make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.~~

~~(e) Appeal to Hearing Examiner.~~

~~(i) A person to whom a notice of civil infraction is directed may appeal the notice of civil infraction, including the determination that a violation exists, or may appeal the amount of any monetary penalty imposed to the hearing examiner.~~

~~(ii) A person may appeal the notice of a civil infraction by filing a written notice of appeal with the department of public works within the earlier of seven calendar days from the date of personal service of the notice of civil infraction, and if the notice is not personally served, within 10 calendar days from the date the notice was deposited in the United States mail, properly addressed and postage prepaid, and if the notice was posted, within 10 calendar days from the date the notice was posted on the property.~~

~~(iii) The monetary penalty for a continuing violation does not accrue during the pendency of the appeal; however, the hearing examiner may impose a daily monetary penalty from the date of service of the notice of civil infraction if the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance.~~

~~(iv) The hearing before the hearing examiner shall be conducted as follows:~~

~~(A) The office of the hearing examiner shall give notice of the hearing before the hearing examiner to the appellant 17 calendar days before such hearing; and~~

~~(B) The hearing examiner shall conduct a hearing on the appeal. The city and the appellant may participate as parties in the hearing and each may call witnesses. The city shall have the burden of proof by a preponderance of the evidence that a violation has occurred.~~

~~(f) Action of Hearing Examiner.~~

~~(i) The hearing examiner shall determine whether the city has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the notice of civil infraction with or without written conditions.~~

~~(ii) The hearing examiner shall consider the following in making his/her determination:~~

~~(A) Whether the intent of the appeal was to delay compliance;~~

~~(B) Whether the appeal is frivolous;~~

~~(C) Whether there was a written contract or agreement with another party which specified the securing by the other party of the applicable permit or approval from the city;~~

~~(D) Whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and~~

~~(E) Any other relevant factors.~~

~~(g) Notice of Decision. The hearing examiner shall mail a copy of his or her decision to the appellant by certified mail, postage prepaid, return receipt requested.~~

~~(h) Judicial Review. The decision of the hearing examiner may be reviewed pursuant to the standards set forth in Chapter 36.70C RCW in King County superior court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the hearing examiner. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.~~

~~(i) Criminal Penalty. Each day for which there occurs or continues to occur a willful violation of an order issued pursuant to this section for which a criminal penalty is not prescribed by state law shall constitute a misdemeanor and any person found guilty thereof shall be subject to a maximum penalty of \$1,000 or 90 days in jail, or by both such fine and imprisonment for each such day that a violation occurs or continues to occur.~~

(63) Criminal. Any willful violation of the provisions of this chapter is deemed a misdemeanor ~~unless a more exacting charge is allowed by law.~~ [Ord. 534 § 13, 2010; Ord. 519 § 14, 2009; Ord. 489 § 2, 2008]

### 13.10.520 Enforcement – civil penalties.

Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be liable for all damages to public or private property arising from such violation and for all costs of inspection and sampling in the event the violation constitutes an illicit discharge. If the city repairs or replaces the damaged property, the actual cost to the city for such repair or replacement shall be assessed against the responsible party and shall be due and payable within ten days of the date of written notice of the same. Delinquent bills may be collected by a civil action or as otherwise allowed by law. If the City obtains judgment, it shall also be entitled to reimbursement for court costs and reasonable attorney's fees expended in the litigation.

(1) Monetary Penalty.

(a) The amount of the monetary penalty per day or portion thereof for each violation of this chapter ~~shall be as set forth in Ch. 1.15 BMC, is as follows:~~

- ~~(a) — Except as may be otherwise set forth herein, the monetary penalty assessed shall not exceed \$1,000 per day for each such day that a violation occurs or continues to occur. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil infraction is directed. Any monetary penalty assessed must be paid to the City Clerk within seven calendar days from the date of service of the notice of civil infraction or, if a contested or mitigation hearing was held pursuant to Ch. 1.15 BMC, within seven calendar days of the Hearing Examiner's decision.~~
- ~~(b) — The City Attorney, on behalf of the city, is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate accrual of additional per diem monetary penalties so long as the violation continues.~~
- ~~(c) — In the event of failure to appear at a hearing as provided in Ch. 1.15 BMC, the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of twenty five dollars.~~
- ~~(db) In the event of a conflict between this chapter and any other provision of this code of city ordinances providing for a civil penalty, this chapter shall control.~~

(2) ~~Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the Director of Public Works.~~

### 15.05.410 Violations – Penalties.

The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. (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) 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. [Ord. 541 § 2 (Exh. A), 2010]~~

#### **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 sight on the premises, structure, fixture, or system as applicable. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Effect.

(a) The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375(5), Work Commencing before Permit Issuance.

(b) A stop work order represents a determination that a code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city hearing examiner according to the procedures prescribed by BMC 15.05.400, Appeals.

(e) Failure to appeal the stop work order within the applicable time limits shall render the stop work order a final determination that a code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order ~~subjects the person responsible for code compliance to penalties and costs. is declared to be unlawful and subject to enforcement as provided in BMC 1.15.110.~~

~~(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 BMC 15.05.410(3), 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.~~

~~(e) 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 this title. [Ord. 541 § 2 (Exh. A), 2010]~~

#### **15.05.420 Unsafe structures and equipment.**

(1) General. Structures or existing equipment which are or hereafter become unsafe, insanitary 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 civil violation as prescribed in BMC ~~15.05.410~~1.15.120. The notice of violation shall include a statement requiring the unsafe structure or equipment to be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 15.40 BMC, Burien Building and Property Maintenance Code. [Ord. 541 § 2 (Exh. A), 2010]

#### **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 Enforcement. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to enforcement as set forth in Chapter 1.15 BMC, 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 (4)(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 8.45.035(12). [Ord. 541 § 11 (Exh. E), 2010]

#### **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). [Ord. 541 § 11 (Exh. E), 2010]~~

#### **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. [Ord. 541 § 11 (Exh. E), 2010]~~

#### **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~~15.200. [Ord. 541 § 11 (Exh. E), 2010]

**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 ~~15.40.105~~1.15.070. [Ord. 541 § 11 (Exh. E), 2010]

**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's 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~~1.15.120.

(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. [Ord. 541 § 11 (Exh. E), 2010]

**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, Means of appeal.
- (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 pursuant to Chapter 1.15 BMC.

(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-Chapter 1.15 BMC.

- (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 Chapter 1.15 BMC.
- (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 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 this title. [Ord. 541 § 11 (Exh. E), 2010]

**15.40.200 Motor vehicles.**

The following city codes shall be applicable to motor vehicles on private property. Enforcement shall be in accordance with ~~Chapter 8.45~~ 1.15 BMC.

- (1) Nuisance, Junk Vehicle(s). BMC 8.45.020(9)(c)(iv).
- (2) Parking on Residential Property. Chapter 10.11 BMC.
- (3) Off Street Parking Design Standards. BMC 19.20.100(10)(B).
- (4) Critical Area Aquifer Recharge Areas – Performance Standards Vehicle Repair and Servicing. BMC 19.40.430(6)(G). [Ord. 541 § 11 (Exh. E), 2010]

**15.40.240 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 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 Chapter 8.45 1.15 BMC.

The city is authorized to recover all costs and expenses from the property owner in accordance with BMC 8.45.060 1.15.200.

(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 and 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. [Ord. 541 § 11 (Exh. E), 2010]

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on the Motion to Approve the Submittal of the 2013 Community Development Block Grant (CDBG) Application.		<b>Meeting Date:</b> April 16, 2012
<b>Department:</b> Finance	<b>Attachments:</b> None.	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Kim Krause, Finance Director		
<b>Telephone:</b> (206) 439-3150		
<b>Adopted Initiative:</b> Yes      No      X	<b>Initiative Description:</b>	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this agenda item is for Council to discuss the submittal of the 2013 Community Development Block Grant (CDBG) capital application for the Burien Dottie Harper Park Improvement project.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
Each year, the City of Burien, as a King County Community Development Block Grant (CDBG) Consortium member, is able to apply for federal CDBG capital funding. King County administers these funds on behalf of the Consortium. The CDBG funds are for capital projects that benefit low and moderate income neighborhoods.		
The City's application is for replacing the old play equipment at Dottie Harper Park, located at 421 SW 146 <sup>th</sup> St., Burien, WA 98166. The project includes removing the old play equipment, installing new play equipment, benches, garbage cans, and a soft surface pathway near the play area. The application for approximately \$180,000 for the park improvements does not require a match. The grant application must be submitted to King County by June 1, 2012.		
The City of Burien was previously awarded \$402,645 in 2009 - 2010 CDBG funds for the Hazel Valley Sidewalk Improvement Project; \$119,473 in 2011 CDBG funds for the Puget Sound Park Improvement Project, and \$154,000 in 2012 CDBG Funds for the Burien Community Center Roof Replacement		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Approve the submittal of the 2013 CDBG application for the Burien Dottie Harper Park Improvement Project.</li> <li>2. Do not approve the submittal of the CDBG application.</li> </ol>		
<b>Administrative Recommendation:</b> Discuss the submittal of the 2013 CDBG application for the Burien Dottie Harper Park Improvement Project and place on the May 7, 2012 Council consent agenda for approval.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Discuss the submittal of the 2013 CDBG application for the Burien Dottie Harper Park Improvement Project and place on the May 7, 2012 Council consent agenda for approval.		
Submitted by:		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2012	<b>File Code:</b> R:/CC/Agenda Bill 2012/041612ad-1 CDBG Applic	



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Presentation of the Draft Transportation Master Plan (TMP).		<b>Meeting Date:</b> April 16, 2012
<b>Department:</b> Public Works	<b>Attachments:</b> 1) Fehr and Peers PowerPoint Presentation 2) Advisory Committee and Public Comments	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A
<b>Contact:</b> Charles W. "Chip" Davis, AICP, Senior Planner		
<b>Telephone:</b> (206) 248-5501		
<b>Adopted Work Plan Priority:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> .	<b>Work Plan Item Description:</b> Preparation and Adoption of Transportation Master Plan.	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is to present to the City Council the draft Transportation Master Plan.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b>            Since May, 2011 a transportation consultant and the Transportation Master Plan Advisory Committee (TMPAC) have been working on an analysis of the Burien's transportation system and conducting a review of existing comprehensive plan transportation policies to develop a new transportation vision for the city. The draft Transportation Master Plan (TMP) advances two new transportation planning principals for Burien: a layered transportation network and multimodal levels of service. These principals compliment Burien's complete streets policy, adopted in October 3, 2011, by providing a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel for all users, including pedestrians, bicyclists, motor vehicle drivers, and public transit users.</p> <p>The Council adopted revised comprehensive plan transportation polices by Ordinance 559 on December 12, 2011 as part of the 2011 Comprehensive Plan amendments. The draft Transportation Master Plan provides the multimodal transportation framework and supporting data for those revised transportation policies. A printed copy of the draft Transportation Master Plan has been distributed to councilmembers under separate cover. A printed copy of the TMP and appendices is available for public review at City Hall or an electronic version can be accessed at the city website, <a href="http://www.burienwa.gov">www.burienwa.gov</a>.</p> <p>Don Samdahl with Fehr and Peers, our consultant on the plan, will provide a PowerPoint presentation on the development of Burien's Transportation Master Plan, which is attached to this agenda bill as Attachment 1 and those comments received from the Transportation Master Plan Advisory Committee and public concerning the TMP are included as Attachment 2. Following the presentation, the Council may ask questions, request more information or comment on the draft plan and the attached information. No action is necessary at this time.</p> <p><b>FUTURE ACTIONS</b>            May 7, 2012 – Council Meeting, staff follow-up to Council questions, additional discussion and possible motion to adopt the Transportation Master Plan.            May 21, 2012 – Council Meeting, discussion and possible motion to adopt the Transportation Master Plan (if needed).</p> <p><b>OPTIONS (Including fiscal impacts):</b> N/A</p>		
<b>Administrative Recommendation:</b> Receive presentation, ask questions, request more information and/or comment on the Draft Transportation Master Plan.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> The Transportation Master Plan Advisory Committee (TMPAC) expressed support for the proposed TMP.		
<b>Suggested Motion:</b> None required.		
Submitted by: Charles W. "Chip" Davis, AICP		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2012	<b>File Code:</b> _____	



## Transportation Master Plan Briefing

### City Council Meeting

April 16, 2012



## Draft Transportation Master Plan

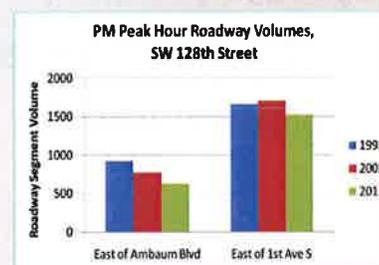
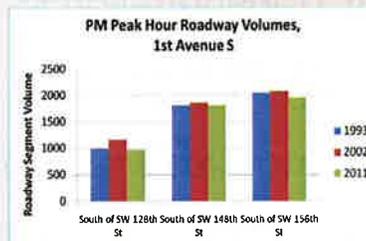
1. Introduction
2. Trends and Conditions
3. Multimodal Transportation System
4. Sustainable Transportation
5. Implementing the TMP

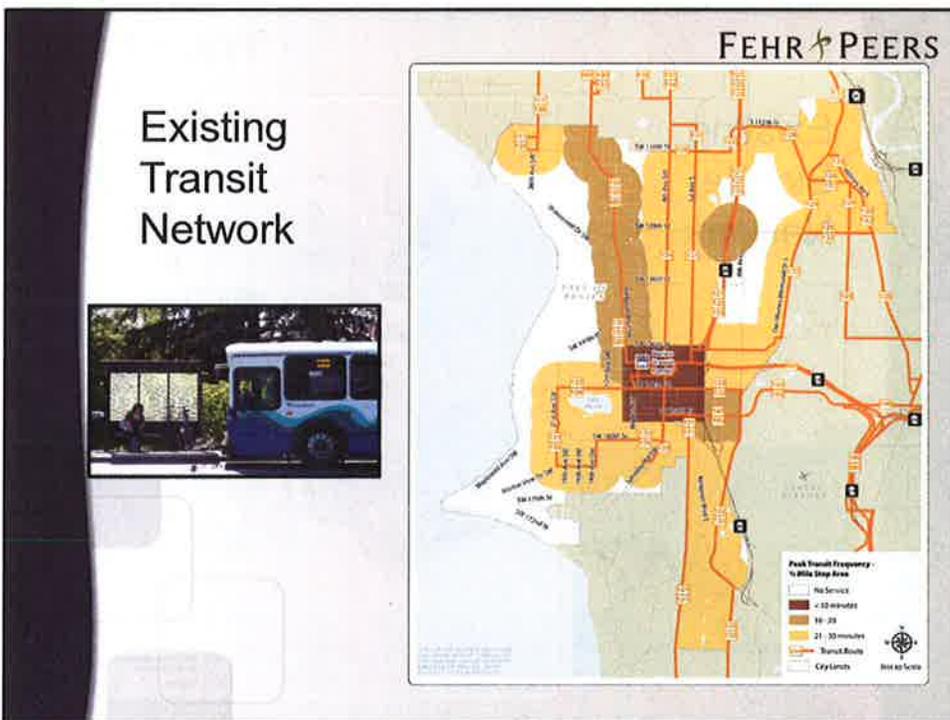
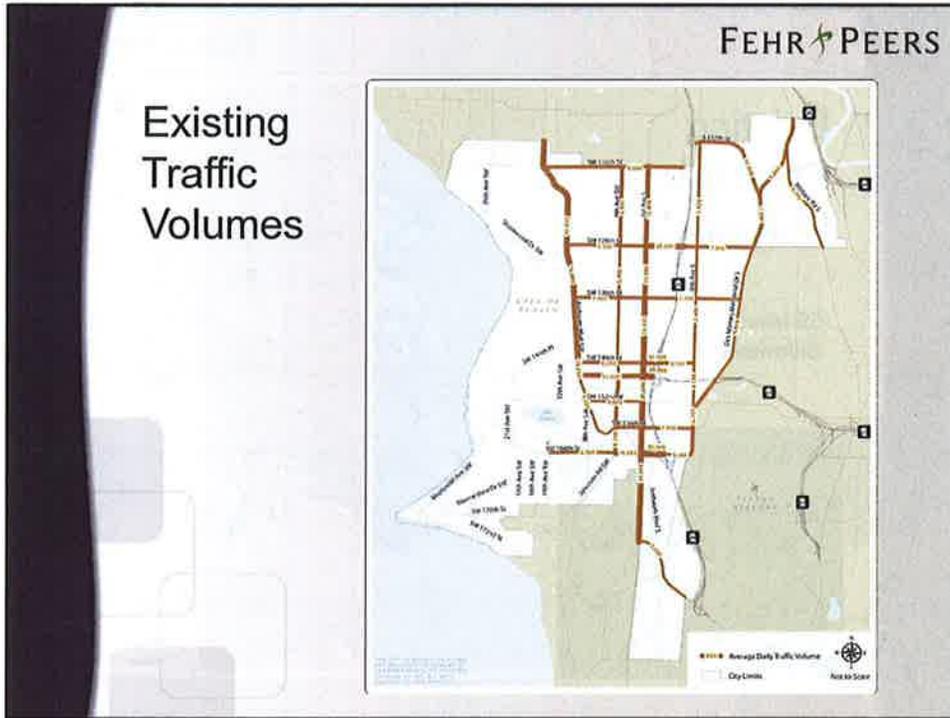
## Public Outreach

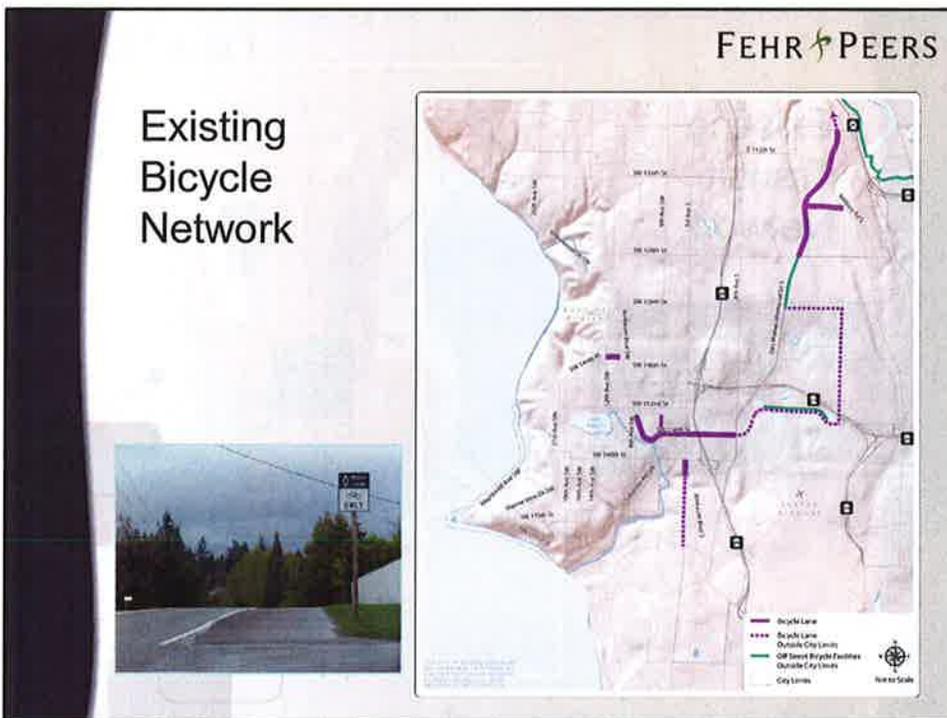
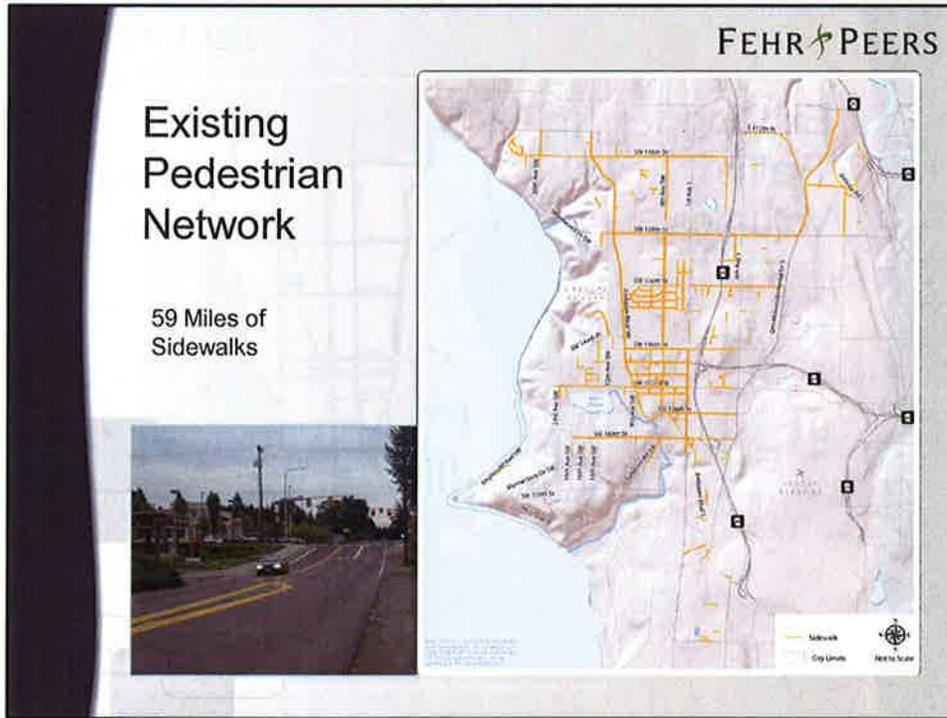
- Transportation Master Plan Advisory Committee (TMPAC)
  - Cross section of city interests
  - 6 meetings
- Open Houses
  - Opportunities for public input
- Stakeholder Outreach
  - School district, hospital, other agencies

## Trends and Conditions

Traffic Volumes haven't Changed Much







Safety

**Table 2. Roadway Segments with a High Rate of Injury/Fatality Collisions**

Segment	Collisions per Mile
S 28th St (Occidental Ave S to 8th Ave S)	10.6
Ambaum Blvd SW/12 <sup>th</sup> Ave SW (136th to 124th)	6.8
S 28th St (4th Ave SW in Burien to 22nd Ave S)	6.2
4 <sup>th</sup> Ave SW (148th to 128th)	4.8
Ambaum/12th/188th (west of DMMD to 160th)	2.8

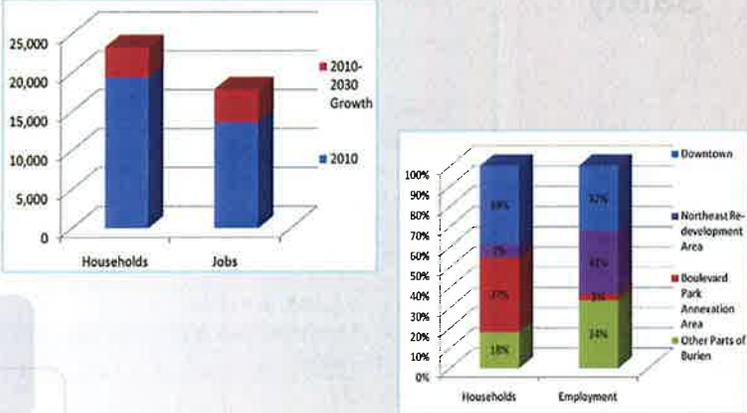
WSDOT, 2011



Traffic Hot Spots



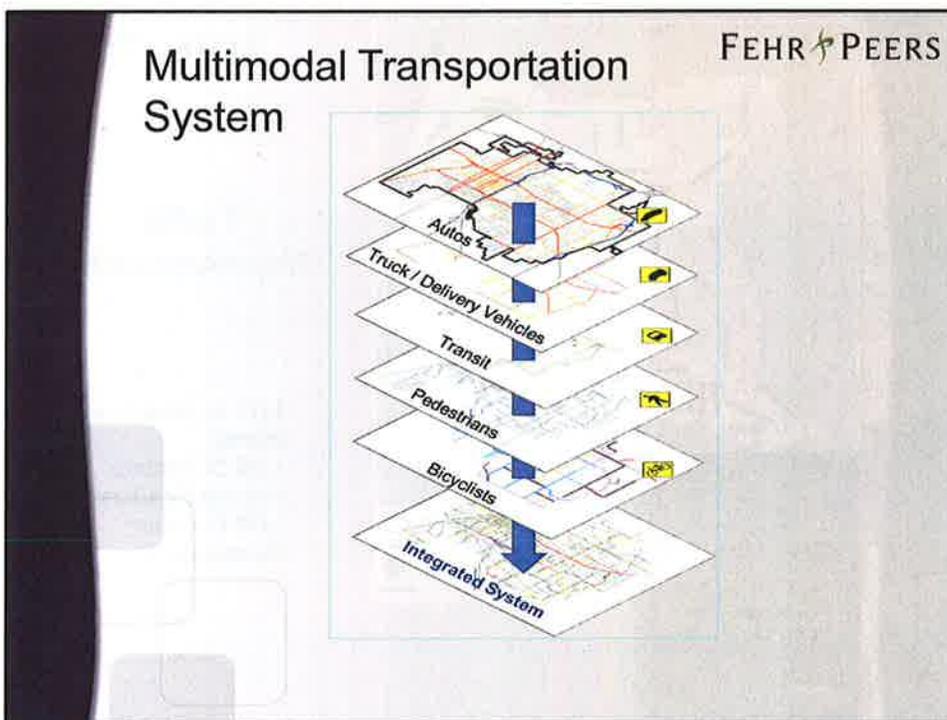
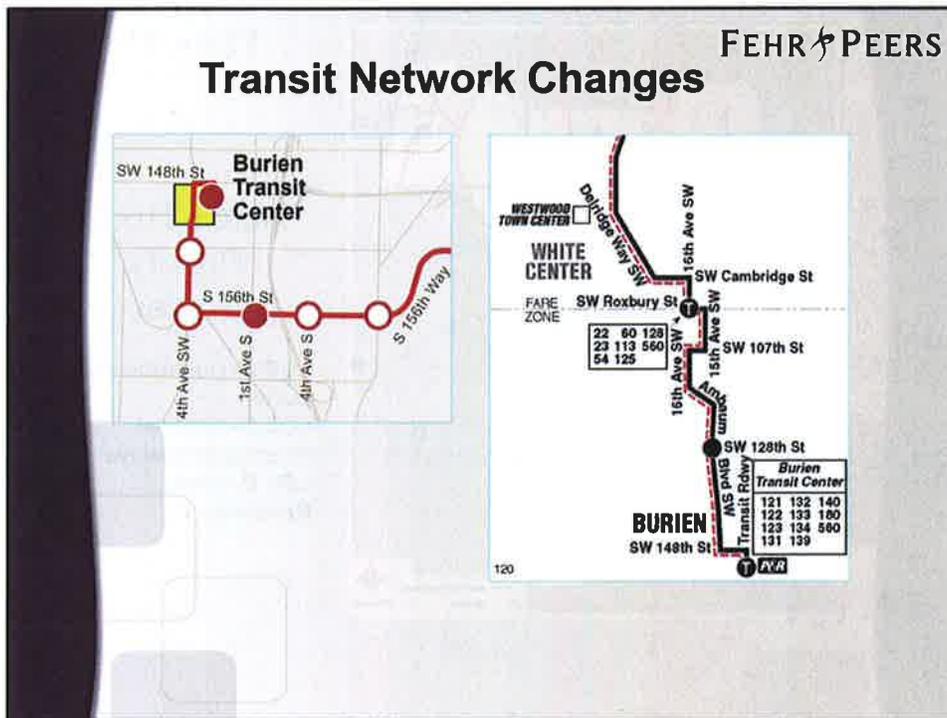
### Land Use Growth 2010-2030

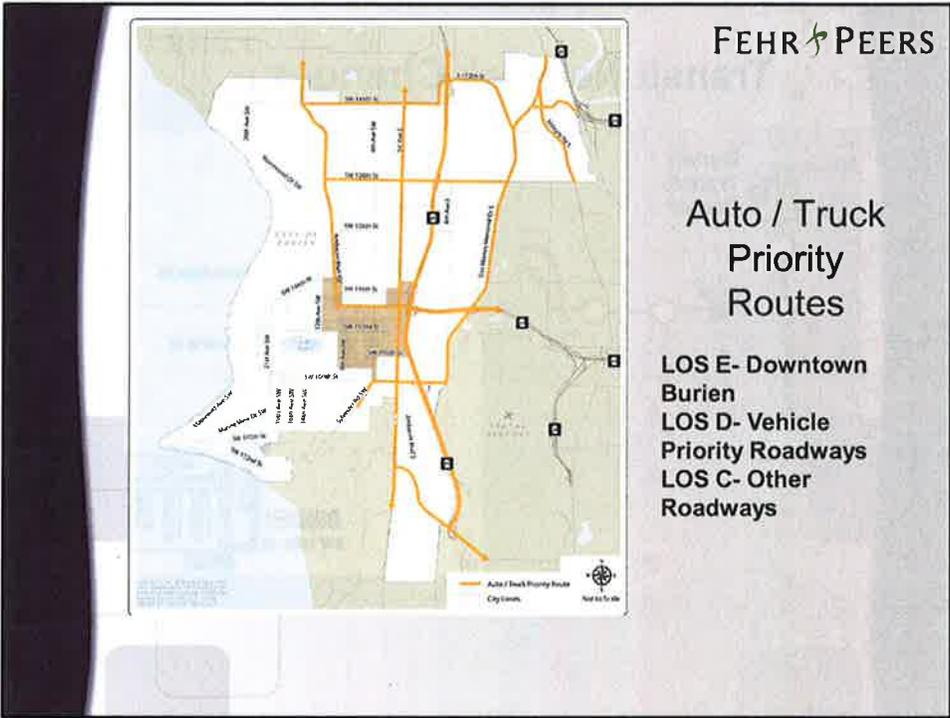


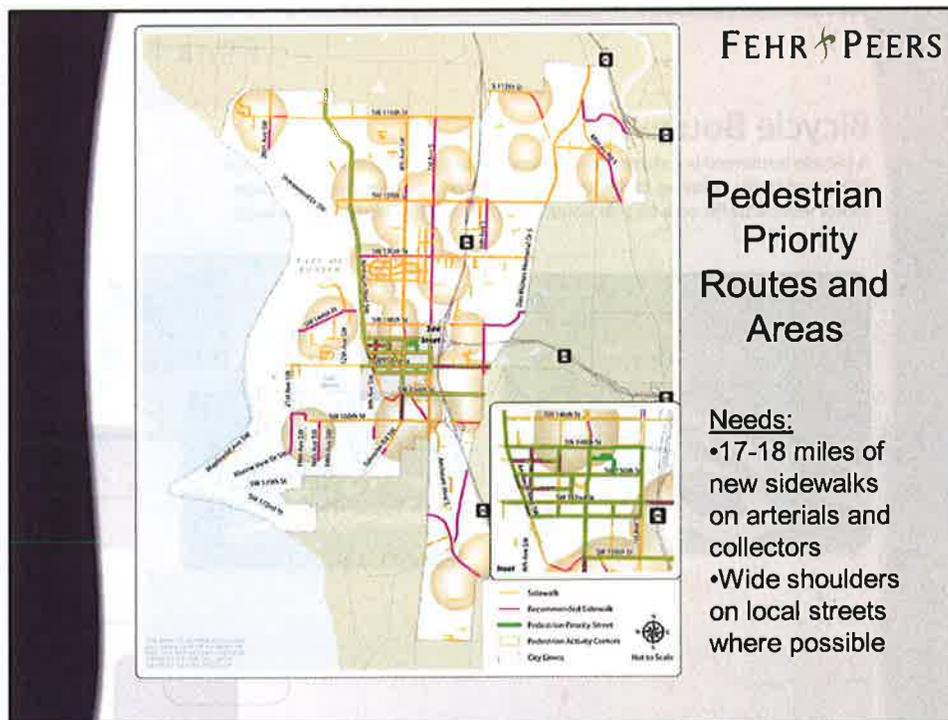
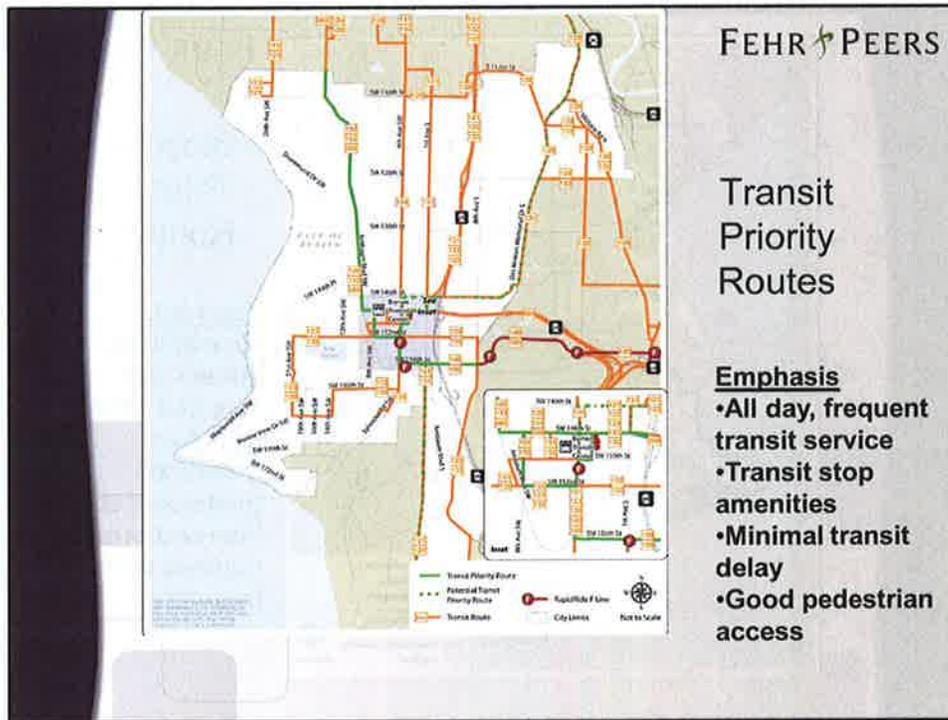
**PM Peak Hour Traffic will Increase by 20-25% throughout the City (1% annually)**

### Roadway Network Changes









FEHR PEERS

### Bicycle Priority Routes

**Emphasis**

- Use of local streets and selected arterial corridors
- Adequate treatments at intersections
- Limited stop frequency



FEHR PEERS

### Bicycle Boulevards

A bicycle boulevard is a **shared roadway** optimized for bicycle traffic through the use of **traffic calming, traffic control measures, and directional signage**. Motor vehicle traffic on a bicycle boulevard is usually low and primarily local.





FEHR & PEERS

## Sustainable Transportation

- 3 Areas- Environmental, Community, Financial
- Environmental
  - Tailor to modes
  - No major roadway widening
- Community
  - Connect to CPPW/HEAL program
  - Safe mobility for all modes
- Financial
  - Reasonable capital investments

## Implementing the TMP

**Table 6. Costs of Burien Transportation Master Plan (20 Years)**

Project Needs*	Description	Cost Range (\$ Millions)
Auto/Truck Priority Projects	Traffic signals, intersection channelization	\$ 5-10
Pedestrian Projects	Sidewalks, crossings	\$ 30-35
Bicycle Projects	Bike boulevards, bike lanes, crossings	\$ 5-10
Transit Projects	Shelters, Transit Signal Priority, other enhancements	\$ 4-5
Pavement Maintenance	Overlay and pavement repair	\$ 12-15
<b>TOTAL</b>		<b>\$ 56-75</b>

\* Does not include major regional or street reconstruction projects described in Table 7.

## Implementing the TMP

**Table 7. Regional Roadway Reconstruction Projects [a]**

Project Name	Notes	Cost (\$ Millions)
SR 518 Interchange at Des Moines Memorial Drive	Tied to development of the Northeast Redevelopment Area (joint WSDOT, City of Burien and City of SeaTac Project)	\$ 76
1 <sup>st</sup> Avenue South Phases 3 and 4	Project boundaries are SW 116 <sup>th</sup> Street to SW 140 <sup>th</sup> Street	\$ 20
Reconstruction on several roadways to meet urban design standards [b]	Includes curb, gutter, drainage, illumination, and nonmotorized facilities	\$ 60-70
<b>TOTAL</b>		<b>\$ 156-166</b>

[a] Note that some of these projects (for example, adding sidewalks to 1<sup>st</sup> Avenue S) are a duplicate of TMP recommendations.

[b] 8th Avenue South (S 152nd St to S 128th St); 8th Avenue SW (Aambaum Blvd to Sylvester Rd SW); 4th Avenue SW (SW 148th St to SW 150th St); Des Moines Memorial Drive (S 165th St to Normandy Rd); SW 159th Street and 19th Avenue SW (SW 21st Ave to SW 160th St); South Normandy Road (1st Ave S to Des

## Potential Increased Revenue from Existing Sources

- Update impact fees with new project list
- Increase vehicle license fee (transportation benefit district)
- Create additional local improvement districts (LIDs)
- Grants, grants, grants

## Other Sources of Revenue for Transportation

- Bonds
- Solid waste hauler fee for heavy impact
- Reciprocal impact fees
- Business license fee per employee

## Project Prioritization

- Criteria Categories
  - Mobility
  - Safety
  - Environment
  - Preservation and Maintenance
  - Health and Safety
  - Implementation

## Monitoring and Evaluation

- Bi-Annual Mobility Report Card
  - Land Use and Transportation Trends
  - Transportation Performance
  - Project Implementation Status

## TMP Review

- **TMPAC Review**
  - Some comments on specific projects and priorities but overall strong support
- **Council Meetings**
  - April 16
  - May 7
  - May 21 (If needed)
- **Make Final Changes to TMP**



# **Advisory Committee and Public Comments**

## Chip Davis

---

**From:** Travis Butcher [butcher.travis@gmail.com]  
**Sent:** Wednesday, February 29, 2012 10:17 PM  
**To:** Chip Davis  
**Subject:** Transportation Master Plan - SW 128th

Hello Mr. Davis,

I am a resident of Burien and I walk along SW 128th to reach my bus at 4th ave sw and 128th. Does Burien have any plans for the stretch of 128th between Ambaum Blvd and 4th Ave? Durring my walking commute I do not feel comfortable walking on the sidewalks due to the high speeds that the cars drive on the road. Also since there are no center turn lanes I often see cars swerve to avoid crashing into left turning vehicles. Has Burien considered a "Road Diet" for this stretch? Is there any data on the ammount of vehicles that use that stretch? It appears to me that the four lanes are wide open and encourage speeding and racing. One day I would love to see Burien add more bike lanes and adding them to 128th would encourage me and the neighborhood to get out and bike and ride to 4th ave SW to the community center and downtown. Thank you for your time.

- Travis Butcher

## Chip Davis

---

**From:** Brooks Stanfield [huevodelcampo@gmail.com]  
**Sent:** Thursday, March 01, 2012 11:01 PM  
**To:** Chip Davis  
**Subject:** Draft TMP Comments

Chip-

My focus was on transportation choices and safety particularly for the less experienced bike/ped users of our roadways and all as a way to just make Burien a better, healthier and more pleasant place to live.

In general I don't really have a problem with the layered network approach or the routes selected, in general. I thought that the emphasis of pedestrian investments focused near schools and parks was especially appropriate. Of course I'd like to see much more in the way of investment in bike/ped facilities but I agree that focusing resources on key connector areas is a good approach for the near term. Maybe someday we'll be able to fill even more gaps. I do have a few questions about some of the bike/ped priority areas that I'll lay out below.

- I think that some of the north-side bike routes utilizing unimproved right-of-way is a very creative idea. I think that kind of amenity would really connect that neighborhood and make it pretty unique. I don't agree with the concept of shifting bikes off of the main commercial blocks of 152nd and focusing them a block or two to the north. The reality is that bikes use this roadway to access the shops and amenities and even if there isn't enough space for bike lanes, it needs to be established as a shared roadway (i.e. sharrows), just because it's going to be used by cyclists whether we like it or not, and really we ought to support having that active traffic visit the shops along our commercial core. Similarly it seems like SW 152nd between Old Burien and 21st provides a perfect opportunity for a bike lane. The roadway is wide, the traffic is neither too fast or too heavy, and cyclists already prefer it.

- Another thing I struggled with was the lack of focus on SW 149th SW near Lake Burien Park for pedestrians since this is the main roadway that this park is accessed from. This road gets quite a bit more pedestrian use than does SW 144th, which was recommended for sidewalks for a good long stretch. 149th also attracts a lot of auto fast traffic, which creates a safety issue accessing parks (and nearby Seahurst Elementary) without adequate facilities (the current one-side shoulder situation is sketchy at best). I do like the idea of creating a stronger safer connection between Ambaum and Seahurst Elementary because it creates a critical connection between the

dense housing on Ambaum and the school, where a lot of those students live. Also I understand that many of those students do walk to school because they have no other means of getting there. But along 144th, west of the school I don't see nearly the amount of foot traffic (or auto traffic) as on 149th. It's tough and maybe they both need to be priorities.

\*\*Naturally my first two comments being focused and probably more opinionated about the Seahurst area reflect that I live in that neighborhood and see what's going on there more than in other neighborhoods.

- Given that we may not have the resources to provide the kind of facilities we want to provide pedestrians and cyclists in as many places as we want to provide them, I really think we have to look at the other side of what discourages people from walking and biking and generally feeling safe on the roadways.... cars are going way too fast and too close to non-motorized users. I think the concept of "traffic calming" really needs to be emphasized going forward. I may have missed it but I didn't really see it mentioned in the draft plan. I don't know if traffic calming treatments - speed bumps, curb bump-outs, stop signs - are necessarily cheaper, but they seem like they would be and if so should be used as much as possible to slow down the pace of traffic especially moving through neighborhoods and around schools and parks. Just having slower moving traffic would increase the quality of life in Burien tremendously regardless of whether you're on a bike or just out in your yard.

- We never really got to a deep discussion of prioritization in the TMPAC (maybe a good thing) and probably because it's hard, especially when so much of what drives investment seems to be outside the control of the City. One thing that really concerns me about the way things are left is that infrastructure investments that will most affect the quality of life in Burien's neighborhoods could end up losing out to some of the bigger highway investments such as the 518 interchange. While I'm sure the interchange will be good for certain components of the City's economic development goals, at the same time I wonder whether that big investment is really going to improve the quality of life for the average citizen here as much as simply a safe route to the local school would. That's my soapbox speech and I just really want to offer my support to the City in finding every possible way to finance the non-motorized components of this plan.

- I really like the idea of bi-annual mobility report card and this could be one tool to address some of the concerns stated below. Along those lines, a group of citizens in Burien -- which is now forming a nonprofit called "Walk/Bike Buren" aka "WABI" -- has volunteered to conduct bike/ped counts for the annual State Bike/Ped census organized locally through Cascade Bike Club each fall. As a board member of "WABI"

I want to offer our collaboration in figuring out a way that citizen volunteers can collect bike/ped data that will be the most useful for the city in this effort or in something more local coordinated. I also think that overall continuing to communicate with the public and keep folks actively engaged in the success but also the challenges of implementing these projects is one way to develop the community support we may need to advance some creative financing options such as TBDs.

Finally a slight side note.... the picture of the bike lane on page 11 may have been taken by me and dropped into that photo bucket that Fehr Peers set up for the TMPAC early on. That particular facility is not Burien's best example of a bike lane as that particular facility has a pretty dangerous storm drain obstructing the lane as riders pick up speed down the steep hill heading toward Seahurst Park. I would suggest that that the City actually consider looking at what can be done to improve that shoulder just from a safety and liability standpoint.

Thanks again for all your hard work and patience on seeing this process through. Hopefully it's apparent from my comments that I am very supportive of the work that has gone into this and I'm looking forward to staying engaged in the challenging work of implementation that lies ahead. Thanks again for letting me participate!

-Brooks  
206-326-9723

Burien streets and intersections  
July 2, 2004 & March 1, 2011  
Burien City,

Here is a tale of woe to tell about some problems on a few streets and intersections.

At the public meetings there was never any mention of intersections. There was no reason to ever believe they would be so drastically, poorly changed. Without drawings of the intersections it would send the message that they would remain the same.

152<sup>nd</sup> west bound at 1<sup>st</sup> from 3 lanes to 2

152<sup>nd</sup> east bound at 1<sup>st</sup> from 3 lanes to 2

152<sup>nd</sup> west bound at Ambaum from 3 lanes to 2 and no left turn light

4<sup>th</sup> south bound at 152<sup>nd</sup> reversed the lanes. There were 3 near sideswipes because there were no markers letting the public know of the change. The city said if the project lasts more than a year we need not be notified of the change. We, the citizens do not know that. It took the building of the library to set the intersection back to normalcy.

152<sup>nd</sup> east bound at Ambaum: why would you have a right turn only when you cannot turn right on red?

152<sup>nd</sup> west bound at Ambaum: why did you eliminate the left turn light?

152<sup>nd</sup> east & west bound at Ambaum: many car drivers get impatient & take the right lane to continue straight. This has to change before there is an accident.

Ambaum north bound at 156<sup>th</sup> (actually, Ambaum continuation): reversed the lanes. Left should be left & thru, right & thru should be right, because there is no light.

I remember reading about your timing the lights to make traffic flow on Ambaum. I notice we wait terribly long on 152<sup>nd</sup> at Ambaum to the point the line of waiting cars are way back to between 9<sup>th</sup> and 10<sup>th</sup>. Also the car line on 152<sup>nd</sup> east bound at 1<sup>st</sup> backs up as far as imaginary 3<sup>rd</sup> (between 2<sup>nd</sup> and 4<sup>th</sup>).

Tanya Engeset

RECEIVED

MAR 01 2012

CITY OF BURIEN

Burien streets and intersections  
March 2, 2011  
Burien City,

**RECEIVED**

**MAR 2 2012**

**CITY OF BURIEN**

This is a continuation of March 1 letter:

Intersection 152<sup>nd</sup> at 4<sup>th</sup> eliminated left turn lanes. Traffic backs up to 2<sup>nd</sup> and 5<sup>th</sup>.

The change from 4 lanes to 2 lanes on 152<sup>nd</sup> was desperately needed, but the turn lanes should never have been eliminated.

The raised curbs jut out too far at intersections that trucks & some cars are unable to maneuver a right turn without hitting or riding up on the curb.

That goes for the start of curbs at business driveways, also. They're so close to the edge of the driveways that regular cars need to move way to the left in order to clear the curb when turning right. I heard that business driveways don't have to follow any guide lines. Wow. Examples are Schucks (O'Reilly's?), Albertson's complex, Sterling Bank.

Sidewalks are for pedestrians, not vehicles. Sidewalks must be flat, not slanted for vehicles. Two examples are north side of 149<sup>th</sup> west of 6<sup>th</sup> & north side of 152<sup>nd</sup> west of 18<sup>th</sup>. I must walk in the road because of the slanted surface.

All the learning from books cannot come up to par with common sense. Common sense must prevail. Try turning right off east bound 156<sup>th</sup> onto south bound Ambaum. That should never have been changed.

I hope you have fixed the erratic red/green light at 6<sup>th</sup> and 150<sup>th</sup>. That poor light is extremely confused.

Tanya Engeset

## Chip Davis

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**From:** Sue Barnes Blazak [substance@yahoo.com]  
**Sent:** Sunday, March 04, 2012 3:35 PM  
**To:** Chip Davis  
**Subject:** Re: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Chip,

I'm finding it hard to make time for TMPAC now that I'm working and going to school.

I will try to go through the draft plan this week although I realize I may be too late for my comments to count.

I have a few questions from the slides:

What is the ped priority street project which appears to be at SW 149th and 2nd Ave SW? Isn't there already sidewalk from the Big Five parking lot down to SW 150th?

Ambaum is marked in yellow (having sidewalks) but outlined in green (ped priority street). Does that mean it's a high priority to make improvements beyond what's there - and transitions to/from Ambaum?

Bicycle Priority Routes - the map shows 8th Ave SW as a straight line south from SW 146th to SW 160th and beyond when in fact it follows Ambaum briefly and then makes a right turn by Triangle Park. I want to be sure we're addressing the shift and not redoing work already completed there.

What street is the E-W bike connection north of SW 136th St? There is a dip between 132nd and 128th along 4th Ave SW.

I like the bi-annual mobility report card.

Sue Blazak

---

**From:** Chip Davis <chipd@burienwa.gov>  
**To:**  
**Sent:** Friday, February 24, 2012 12:50 PM  
**Subject:** Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments.

Greetings,

I have attached a PDF version of the presentation slides from last night's TMPAC meeting for those of you who were not able to attend the meeting. At the meeting it was decided to extend the deadline for receiving your comments on the draft of the Transportation Master Plan (TMP) until **5:00 pm on Thursday March 1<sup>st</sup>**. I will gladly receive your comments in any format (written, verbal or e-mail) and the plan is to forward all comments received to the consultant not later than Friday March 2<sup>nd</sup> so a revised printing can be prepared for the City Council meeting on March 19<sup>th</sup>.

Due to the massive file size of the draft plan and appendices I cannot attach it to this e-mail, but we have uploaded them to the TMP Advisory Committee web page which can be accessed clicking on the following link: <http://www.burienwa.gov/index.aspx?nid=959>. The documents are at the top of the list beneath the heading "Agenda Packets and Summaries" and depending on your internet server it may take a while to download the PDF version of the document. Appendices H and G are even larger electronic data files concerning individual intersection levels of service and the 24 hour traffic counts which were conducted for the plan. They are not included in the online version due to their size, but a hard copy is available for inspection at City Hall.

If anyone needs a hard copy of the Draft TMP and Appendices (excluding H and G), just let me know and we will get the copy to you. I look forward to receiving your comments and if you have any questions regarding the Draft TMP, please let me know.

Charles W. "Chip" Davis, AICP  
Senior Planner  
City of Burien  
(206) 248-5501  
[chipd@burienwa.gov](mailto:chipd@burienwa.gov)  
[www.burienwa.gov](http://www.burienwa.gov)

## Chip Davis

---

**From:** Sue Barnes Blazak [substance@yahoo.com]  
**Sent:** Sunday, March 04, 2012 9:13 PM  
**To:** Chip Davis  
**Subject:** Re: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Chip,

I read through the draft TMP (but haven't gotten to the appendices yet). I think it looks very good. I have a few questions/comments:

p. 37 Bike lanes are recommended for 4<sup>th</sup> Ave SW south of SW 146<sup>th</sup> St. Are we talking about widening the curved road along Dottie Harper Park? (If the answer is in an Appendix, tell me where to look.)

p. 37 Stop frequencies were acceptable except 8<sup>th</sup> Ave SW between SW 146<sup>th</sup> & Ambaum. What is being proposed for this? (If the answer is in an Appendix, tell me where to look.)

p. 42 When I was on council I seem to recall that further phases (3 and 4) for 1<sup>st</sup> Ave S became lower priorities. I would hope that bike and ped projects would be prioritized before this one.

p. 43 Criteria for Project Prioritization - I would argue for Health and Safety coming before Environment and Preservation and Maintenance.

While I am happy to see the amount of bike/ped improvements listed, my fear is that they will lose out to the costlier projects in Table 7.

Those of us in WABI – Walk/Bike Burien will be watching!

Sue Blazak

---

**From:** Chip Davis <chipd@burienwa.gov>  
**To:**  
**Sent:** Friday, February 24, 2012 12:50 PM  
**Subject:** Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

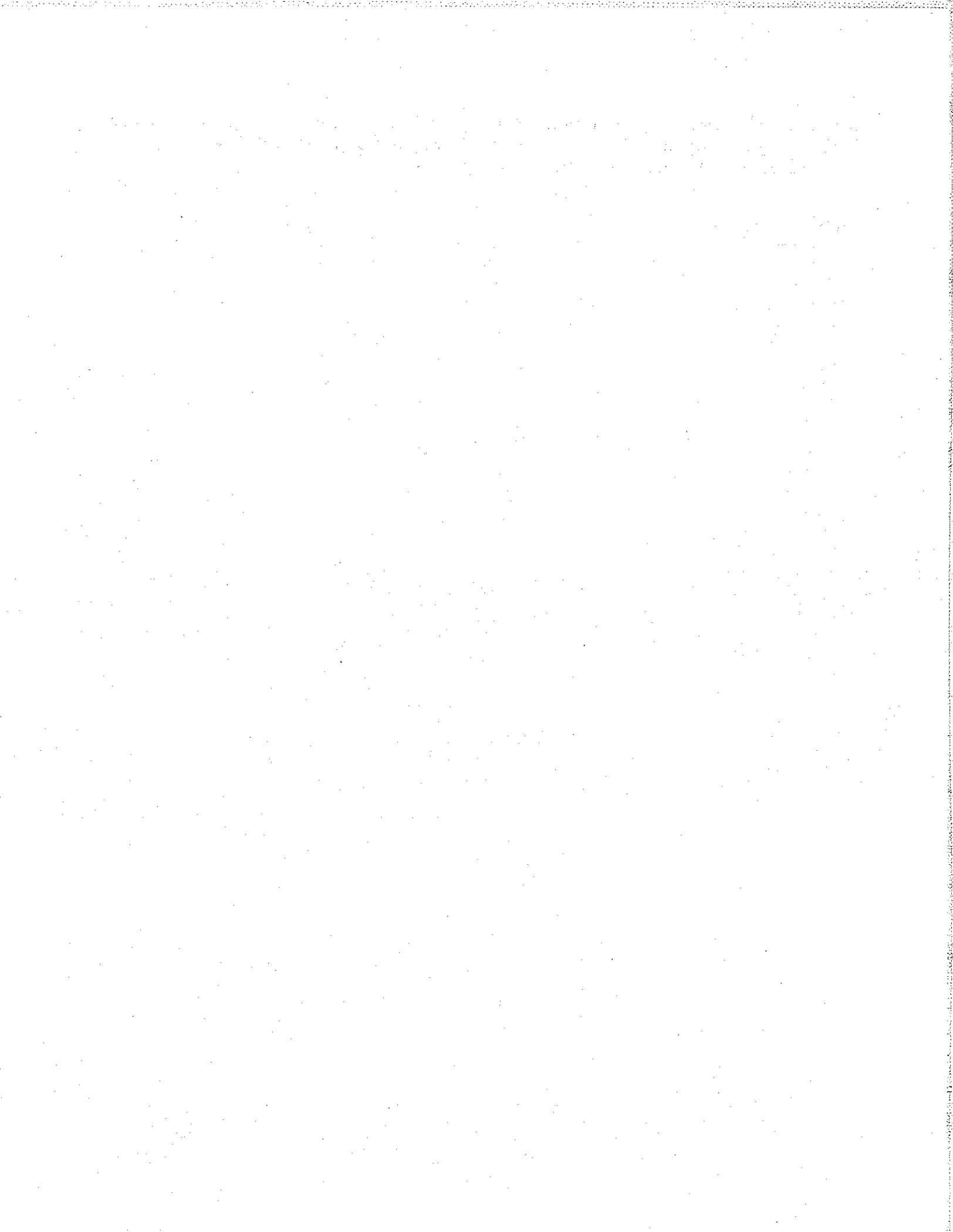
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**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Seahurst Park North Seawall & Beach Restoration Project - Staff Update		<b>Meeting Date:</b> April 16, 2012
<b>Department:</b> Parks, Recreation & Cultural Svcs.	<b>Attachments:</b> 1. Seahurst Fact Sheet 2. Seahurst Phasing	<b>Fund Source:</b> Parks & General Gov't CIP – Seahurst Park - North Shoreline <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Steve Roemer, Parks Development & Operations Manager		
<b>Telephone:</b> (206) 248-5513		
<b>Adopted Initiative:</b> Yes <input checked="" type="checkbox"/> No	<b>Initiative Description:</b> Seahurst Park North Seawall Removal / Beach Restoration	
<p><b>PURPOSE/REQUIRED ACTION:</b></p> <p>The purpose of this Agenda Bill is to hear an update from staff regarding the Seahurst Phase II Shoreline Ecosystem Restoration Project with the US Army Corps of Engineers.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b></p> <p>The Seahurst Phase II Shoreline Ecosystem Restoration Project is a joint project between the City and the US Army Corps of Engineers (Corps) to remove the North Seawall and restore the adjacent beach. The goal of this work is to restore the marine habitat to the pre-wall conditions that existed prior to 1972. Council reviewed the project, the proposed scope of work, and the preliminary budget estimates on August 3, 2009. Council then approved the Project Feasibility Cost Share Agreement on August 17, 2009. The Corps subsequently conducted its feasibility study and 35% design, which concluded in late 2010. On September 1, 2011 a Project Partnership Agreement was executed formalizing the Corps and City's relationship to continue towards final project design and construction. The project and its associated budget authority is also part of the adopted 2011-2012 CIP.</p> <p>The Corps has obtained the necessary permits to proceed this summer, however it is still seeking the necessary federal funding for its share of the total project cost. As discussed previously with Council, should the Corps fail to obtain full funding for the entire project in the next few months, the Corps and the City would proceed with a portion of the project as an interim phase based on available funding.</p> <p><b>OPTIONS (Including fiscal impacts):</b> N/A</p>		
<b>Administrative Recommendation:</b> Receive update.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Steve Roemer	Mike Martin	
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2011	<b>File Code:</b> R:\CC\Agenda Bill 2012\04162012parksSeahurstupdate.doc	



# Seahurst Phase II Shoreline Ecosystem Restoration

## Fact Sheet

April 5, 2012

### At a Glance:

**Project Authority** Water Resources Development Act of 2000, Section 544

**Description** Restore habitat for ecosystem and Salmon Recovery in Puget Sound Basin

**Total Project Cost** \$6,973,200

**Funds Requested** \$3,000,000 in the Construction Account for PSAWRP



Photo: Existing concrete seawall at project site



Photo: Restored south Seahurst shoreline after seawall removal

### Project Scope

The 14 acre project area includes 2800 feet of Puget Sound shoreline and extends from approximate elevation -10 feet mean lower low water (MLLW) to the lower slopes of forested bluffs. Restoration would include removing 1800 lineal feet. of concrete seawall, rock riprap, groins, paving and fill, restoring beaches to replicate natural slopes and add nourishment of 18,000 cubic yards of gravel and sand substrates. Over 20,200 riparian plantings will be added along most of the length of the project, with a small wetland/ estuary added and supported by three perennial streams.

### Project Status

Construction in 2012: The project will restore the shoreline along the northern portion of the Seahurst Beach by removing a concrete bulkhead on the site owned by the City of Burien. The Seahurst Park Shoreline Restoration Phase II project follows up on earlier shoreline restoration work completed in 2005 as a partnership with the City of Burien, the U S Army Corps of Engineers (Corps), and WRIA 9 Watershed Ecosystem Forum, along the southern shore of the park. Funded through the Salmon Recovery Funding Board (SRFB) and King Conservation District (KCD), the southern beach restoration has had excellent results from both restoration and recreation perspectives. Pre and post construction monitoring has documented improvements of biological and physical processes. Park users have overwhelmingly welcomed the shoreline change, which now provides a natural setting for recreational opportunities.

### Restoration Goal and Objectives

The goal of the proposed Seahurst Park restoration is to restore natural nearshore processes to sustain a naturally functioning park shoreline and contribute to nearshore function within and beyond the park boundaries. The objectives of the restoration are as follows:

- Reconnect feeder bluffs to the intertidal zone to restore natural sediment supply processes in the park
- Improve intertidal habitat by restoring a more natural setting for longshore and cross-shore sediment transport by addressing shoreline armoring impacts occurring within the Project Area
- Enhance intertidal habitat by restoring natural slopes and substrate sizes
- Increase availability of suitable high intertidal spawning areas for forage fish by increasing the amount of high intertidal habitats with suitable size substrate
- Re-establish riparian vegetation in close proximity to the intertidal habitats
- Increase the amount of marsh vegetation and habitats
- Enhance stream mouths draining into the intertidal zone by addressing channel constrictions at the mouth

## Project Fit in Regional Recovery Plan

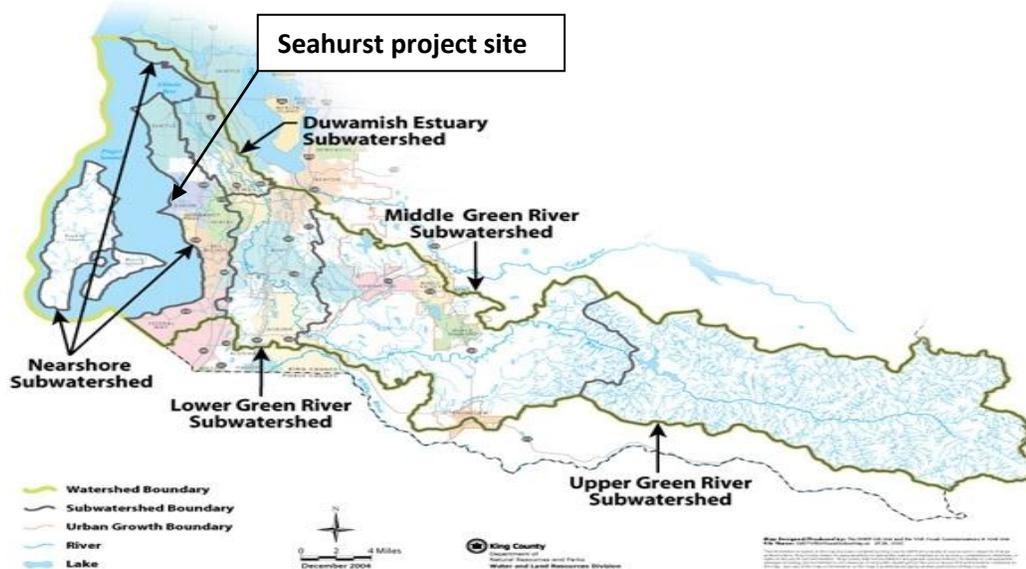
The Seahurst Park restoration objectives are aligned with regional restoration objectives described in the Puget Sound Action Agenda

*Implement and maintain priority ecosystem restoration projects for marine, marine nearshore, estuary, freshwater riparian, and upland areas. Near-term actions to implement restoration projects in the salmon recovery three-year work plans and the Estuary and Salmon Restoration Program of the Nearshore Partnership. "Removal of or softening shoreline armoring"*

and the Water Resource Inventory Area (WRIA) 9 Salmon Habitat Plan.

- *Restore nearshore sediment transport processes by reconnecting sediment sources and removing shoreline armoring that affects sediment transport*
- *Restore pocket estuaries*
- *Protect and expand forage fish spawning areas by maintaining/increasing high intertidal zone access and availability of suitable substrate sizes*
- *Protect and increase availability of vegetated shallow nearshore and marsh habitats*

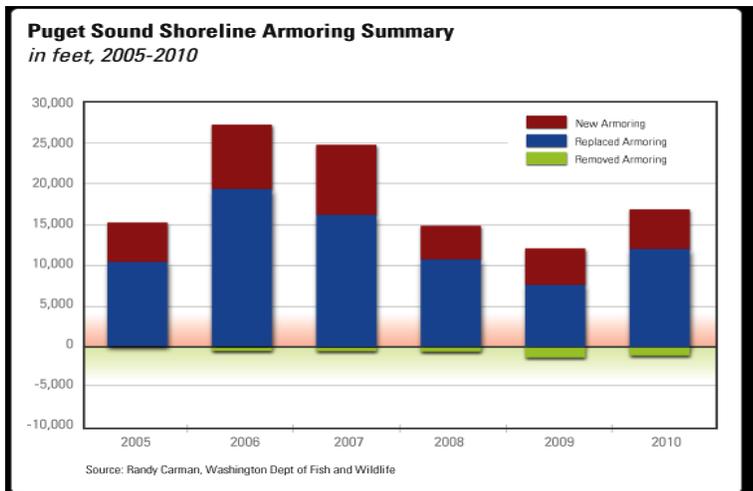
The Project is specifically recommended in the WRIA 9 Salmon Habitat Plan and is included in the Three-Year Implementation Work Plan. The Project is fully consistent with the Puget Sound Partnership Action Agenda.



## Background and Explanation of the Problems the Project will Address

Most of the park's shoreline was armored in the early 1970s using a combination of stacked gabions, vertical concrete bulkhead, and riprap. The extensive shoreline armoring present in the park has interrupted natural sediment supply and transport processes and significantly degraded habitat function within and beyond the park boundaries. Specifically, the shoreline armoring in the park prevents coastal bluff sediment supplies from reaching the intertidal zone, thereby reducing the amount of beach sediment. Coastal bluffs are the primary source of sediment for most Puget Sound beaches, delivering nearly 90 percent of the region's beach material.

Shoreline armoring also alters sediment transport processes along the shoreline. Shoreline armoring structures tend to increase and reflect wave energy at the face of the structure. The increased energy entrains increased amounts of sediment and transports it offshore or longshore at unnaturally high rates that are faster than the system's natural erosion of bluffs would replace. As a result, there is increased erosion and scour of beach sediment near the armor face, leading to decreased elevations and changes in habitat structure and their resulting biota.



Evidence of such decreases in beach elevations has been documented in Seahurst Park. Over the 30-year period from 1972 to 2002, the combination of bulkhead-induced erosion from reflected wave energy and loss of sediment supply resulted in a 3- to 4-foot lowering of the upper beach grade along portions of the park's shorelines.

#### **Fish Resources Utilization of Project Area and Effects of Current Park Shoreline Conditions**

Several years of beach seine sampling in Seahurst Park have documented consistent utilization by juvenile salmonids throughout the summer. Seven salmonid species have been documented along the park shoreline, including two species listed as threatened by the Endangered Species Act: Chinook salmon and steelhead trout.

Forage fish also utilize nearshore habitats of Seahurst Park. Two forage fish species, surf smelt and Pacific sand lance, require middle and high intertidal habitats with fine-grained substrates for spawning. The presence of forage fish have been documented along the shoreline of Seahurst Park. The shoreline armoring present in Seahurst Park, degrades habitat conditions for juvenile salmon and forage fish through the impacts to sediment supply and transport processes, as well as reducing the amount of accessible and suitable habitat as well as interrupting the connectivity between nearshore riparian and nearshore aquatic habitats.

#### **Benefits of the Seahurst Park Shoreline Restoration Project**

Restoration activities will focus on reconnecting feeder bluffs to the intertidal zone, improving intertidal habitat by addressing shoreline armoring impacts to sediment transport and restoring natural slopes and substrate sizes, enhancing stream mouths, and enhancing marsh and riparian vegetation conditions. The construction of these restoration activities in the project area would complete the shoreline restoration at Seahurst Park. Given the park's location, size, and importance to sediment supply to beaches extending north, this project represents a significant step in the region's ecosystem restoration efforts. At nearly 3,000 linear feet of restored shoreline, this project is one of the largest restoration projects to occur in Central Puget Sound. This is especially true when coupled with the south seawall restoration in Seahurst Park that has been completed by the City and the Corps. The completion of the north seawall restoration project, combined with the south seawall project, will result in 4,500 linear feet of restored shoreline.



### **Project Partners**

This type of work would not be possible if not for all of the support from our project supporters and partners:

- U.S. Army Corps of Engineers
- The Washington Department of Fish and Wildlife
- King Conservation District
- Washington Recreation and Conservation Office
- Salmon Recovery Funding Board
- Puget Sound Partnership
- Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Lead Entity

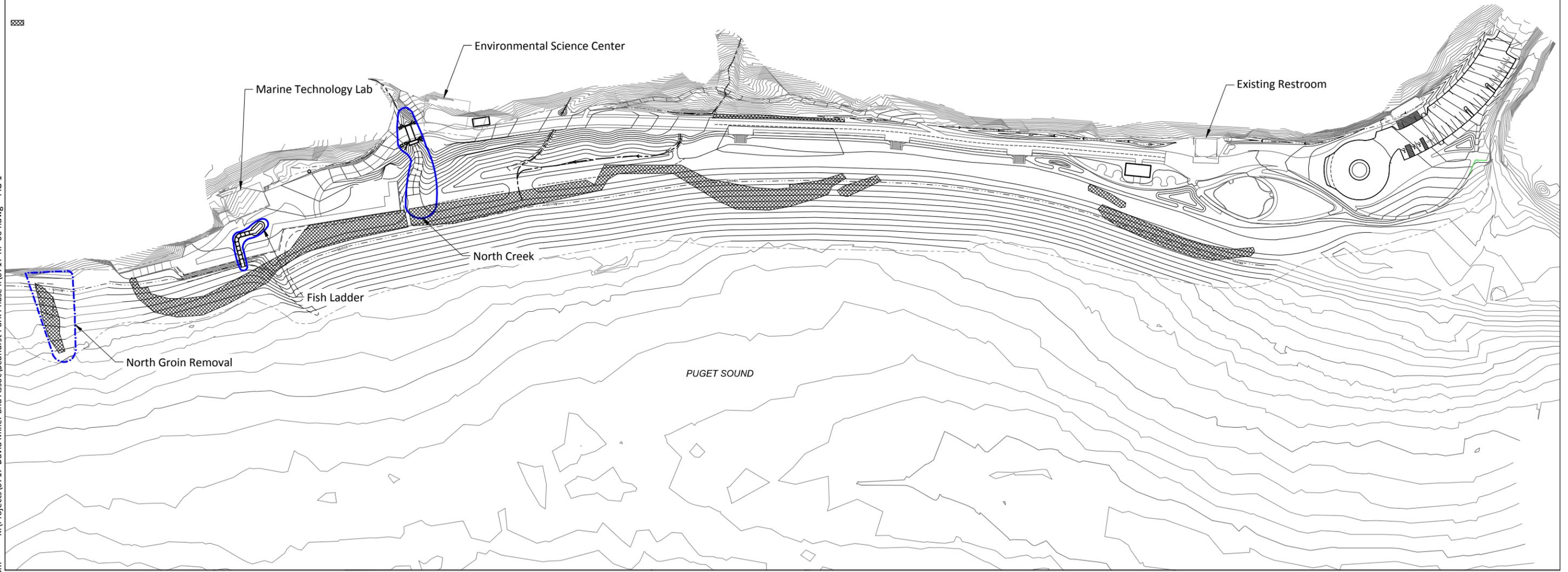
### **Consequences of Not Conducting Project at this Time**

The risks and consequences of not conducting the project at this time include continued degraded habitat function within and beyond park boundaries due to conditions in the park. The loss of the opportunity created by currently secured project funding with SRFB and KCD, which have rapidly approaching project completion deadlines. The loss the opportunity in the current partnership with the Corps that combined with secured grant funding, will allow the project to move forward. The opportunity lost for the two educational programs within the park, the Environmental Science Center and Highline School District Marine Technology Lab, to benefit from the educational value created by this project. These programs educate over 10,000 students a year, from elementary through high school ages. The opportunity lost, for the public to experience and understand the value of ecosystem restoration gained through the removal of bulkheads, and the educational opportunity that through sound science there are viable alternatives for shoreline protection.



Contact Info: Steve Roemer  
City of Burien, WA  
Office: 206-248-5513  
E-mail: [stever@burienwa.gov](mailto:stever@burienwa.gov)

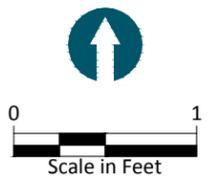
K:\Projects\0717-David Miller and Assoc\Seahurst Park Phase II\0717-RP-004.dwg FIG 1  
Mar 26, 2012 4:06pm bbermingham



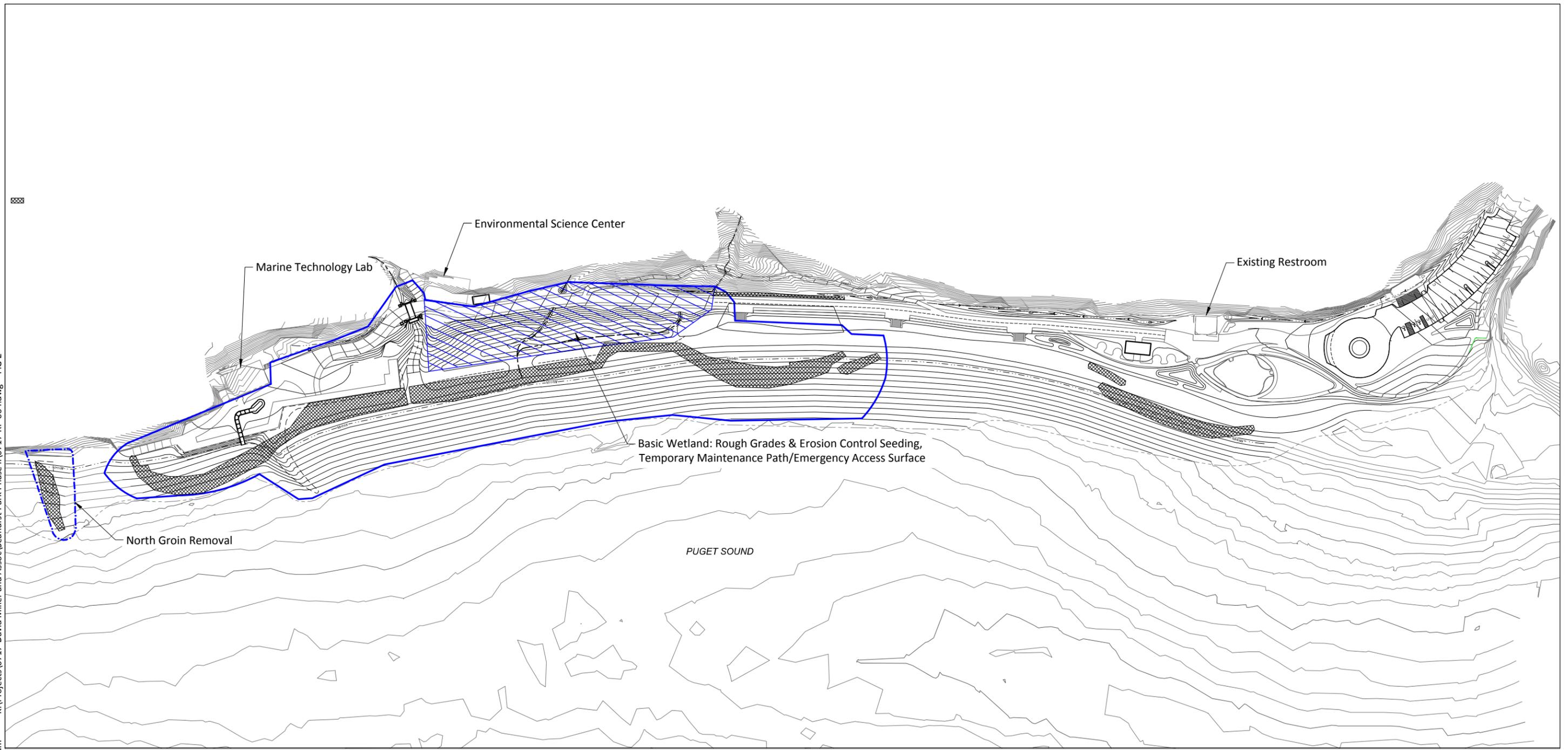
**LEGEND:**

-  Base Bid Extent
-  Option Item

Note:  
Complete utility relocation will be included  
in the Base Bid for all Alternatives (full  
project extent). This work is not shown.



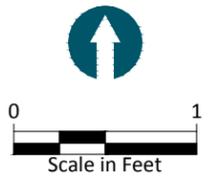
K:\Projects\0717-David Miller and Assoc\Seahurst Park Phase II\0717-RP-004.dwg FIG 2  
Mar 26, 2012 4:06pm bbermingham



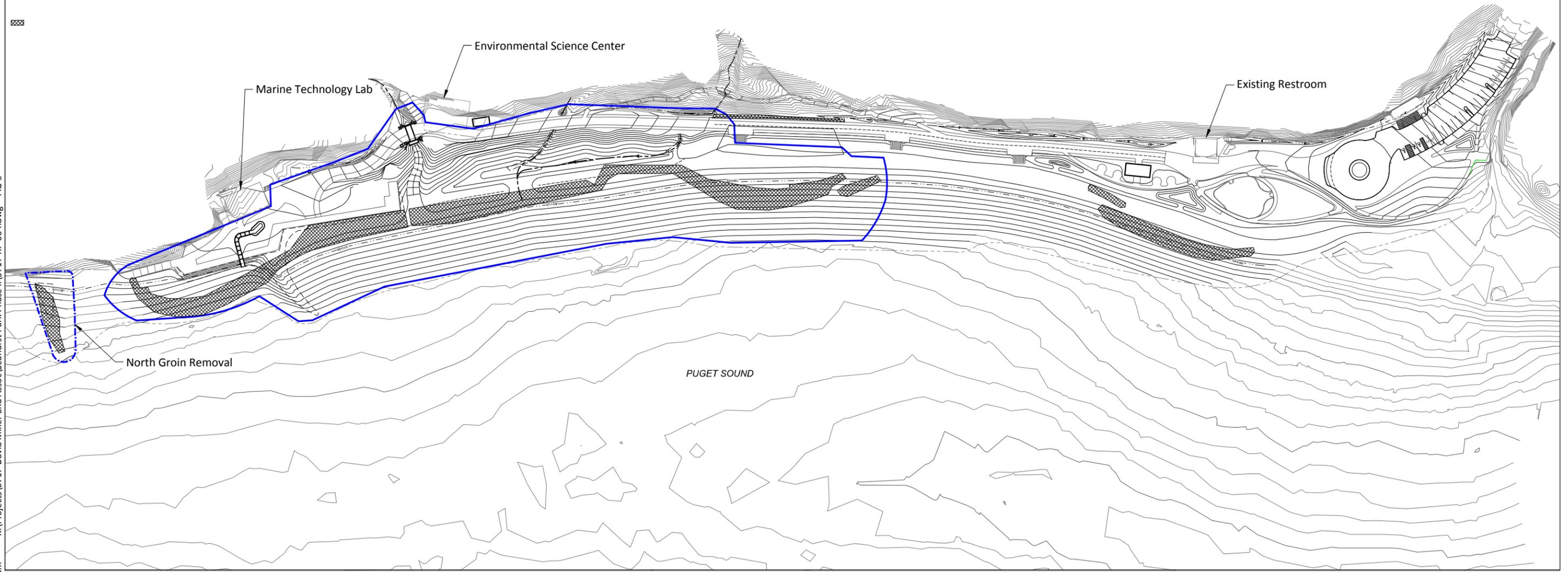
**LEGEND:**

-  Base Bid Extent
-  Option Item
-  Limited Scope completed in base bid

**Note:**  
Complete utility relocation will be included in the Base Bid for all Alternatives (full project extent). This work is not shown.



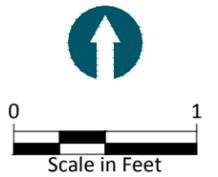
K:\Projects\0717-David Miller and Assoc\Seahurst Park Phase II\0717-RP-004.dwg FIG 3  
Mar 26, 2012 4:07pm bbermingham



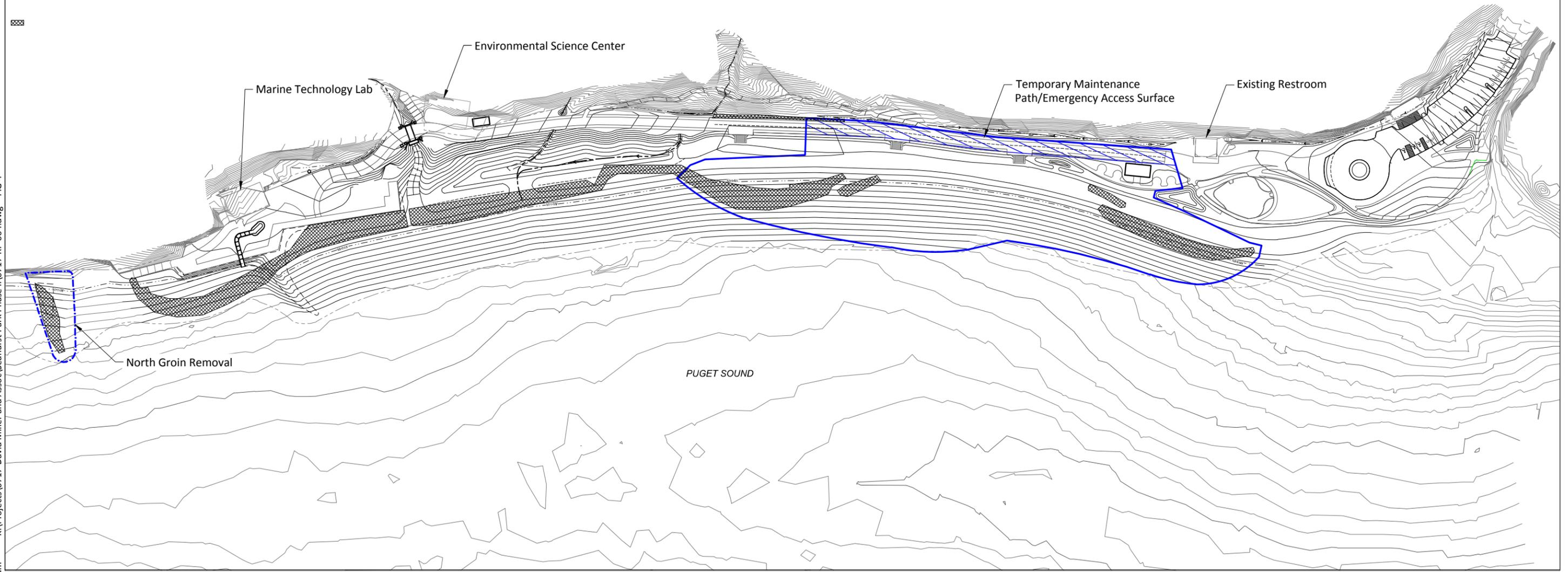
**LEGEND:**

-  Base Bid Extent
-  Option Item

Note:  
Complete utility relocation will be included  
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project extent). This work is not shown.



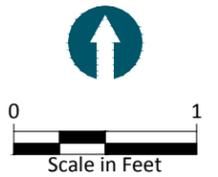
K:\Projects\0717-David Miller and Assoc\Seahurst Park Phase II\0717-RP-004.dwg FIG 4  
Mar 26, 2012 4:07pm bbermingham



**LEGEND:**

- Base Bid Extent
- Option Item

Note:  
Complete utility relocation will be included  
in the Base Bid for all Alternatives (full  
project extent). This work is not shown.



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Review of Council Proposed Agenda Schedule		<b>Meeting Date:</b> April 16, 2012
<b>Department:</b> City Manager	<b>Attachments:</b> Proposed Meeting Schedule	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Initiative:</b> Yes    No    X	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
 <b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.		
 <b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Review the schedule, and add, delete, or move items.</li> <li>2. Review the schedule and make no modifications.</li> </ol>		
<b>Administrative Recommendation:</b> Review the schedule and provide direction to staff.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Monica Lusk <b>Administration</b> _____	Mike Martin <b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2012	<b>File Code:</b> <a href="R:/CC/AgendaBill2012/041612cm-1/proposedagendareview.doc">R:/CC/AgendaBill2012/041612cm-1/proposedagendareview.doc</a>	



**CITY OF BURIEN  
COUNCIL PROPOSED AGENDA SCHEDULE  
2012**

**April 23, 7:00 p.m. Council Study Session**

Discussion on Results of Public Opinion Survey Related to Kids and Cops Initiative.

*(City Manager)*

Discussion on 2012 Council Retreat Notes.

*(City Manager)*

Discussion on Liquor and B&O Taxes.

*(Finance)*

**May/June**

1. Motion to Adopt Resolution No. 331, Recognizing the Highline Communities Coalition.  
*(City Manager)*
2. Motion to Approve the Submittal of the 2013 Community Development Block Grant (CDBG) Application.  
*(Finance)*
3. Discussion on and Possible Motion to Adopt Transportation Master Plan (TMP).  
*(Community Development)*
4. Review of Proposed Council Agenda Schedule.  
*(City Manager)*
5. City Business.  
*(City Manager)*





# Burien

*Washington, USA*

400 SW 152<sup>nd</sup> St., Suite 300, Burien, WA 98166  
Phone: (206) 241-4647 • Fax: (206) 248-5539  
[www.burienwa.gov](http://www.burienwa.gov)

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Mike Martin, City Manager  
**DATE:** April 16, 2012  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### **Community Development:**

##### Comprehensive Plan Work Program Update:

Planning staff is working on revisions to the Comprehensive Plan to incorporate mandatory changes from the State, PSRC and Countywide Planning Policies. The revisions will also include reformatting of the Plan to be more readable and easier to use online. We are planning to start review of revisions with the Planning Commission in April. In addition, we are working with The Watershed Company on updating the City's Best Available Science (BAS) document related to critical areas. Watershed is also working on a gap analysis to help us determine where our current Comprehensive Plan policies and development regulations need updating to comply with BAS.

##### CPPW/HEAL Grant Wraps Up:

We recently completed work under our CPPW/HEAL Grant. Under the grant, we accomplished the following: adopted a complete streets ordinance, adopted zoning standards for community gardens, prepared a Transportation Master Plan (currently at Council for adoption), established nutrition guidelines for City-sponsored meetings, worked with other cities to form the Highline Communities Coalition, participated in safe Routes to School study for Cedarhurst Elementary and developed a joint Safe Routes to School committee involving city and school district staff, adopted healthy eating/active living policies in the Comprehensive Plan, prepared new Parks and Trails Map, received technical training on a variety of community health topics, and completed food access survey and identified areas in Burien needing more healthy food options.

##### Miller Creek Junction Update:

The currently-stalled Miller Creek Junction project (mixed use—multi-family and office) located at SR-509 and S. 162<sup>nd</sup> St. has received a lot of interest lately as the trustee has advertised the project for sale. Community Development staff has spent many hours assembling project files and documents and meeting with potential purchasers regarding the requirements for re-starting the project.

Planning Staff Conducts Orientation for New Planning Commissioner:

Planning staff provided an orientation for newly-appointed Planning Commissioner Joey Martinez. Topics covered included the relationship between State, regional and local planning, the purpose of the Comprehensive Plan and how the Plan is implemented. We sent outgoing Commissioner Rachel Pizzaro a certificate of appreciation for her service to the City.

Sunset Townhomes completed

The Sunset Townhome development located at 148 S 152<sup>nd</sup> Street started construction in 2008. The 6 townhomes were almost complete in September of 2009 but the project stopped due to the economy. Recently the project was taken over by a new contractor who completed all remaining work. Final inspection was approved and occupancy was granted on April 3, 2012

New Businesses

A building permit was issued March 29 for change of use from Blockbuster Video to a Super Supplements store at 15871 1<sup>st</sup> Ave S. A portion of the building will be used for future tenants yet to be determined.

Eagle Rider Motorcycle Rental located at 13214 1<sup>st</sup> Ave S was granted occupancy approval on March 30. This is the first tenant to occupy the building since construction was completed in 2006.

Monthly Permit Reports (Page 137)

Attached are reports for Permit Applications Received and Permits Issued in March 2012 with work continuing to be steady.

Forterra City Leaders Group:

On April 12, Community Development Director Scott Greenberg attended the quarterly meeting of the Forterra City Leaders Group (formerly cascade Land Conservancy). The goal of the City Leaders group is to foster discussions on how to advance smart growth policies and the goals of the Cascade Agenda in our region. These discussions are a chance to network with a small group of peers and both share information and brainstorm creative approaches to development and change in our communities. The quarterly meetings focus on how to get progressive land-use policies implemented by sharing knowledge and ideas within a select group of City Managers/Administrators and Planning Directors that are at the forefront of policies to shape where and how our communities grow. By looking at best practices in local cities along with case studies from other parts of the country, the group can strategically approach the implementation of innovative policies and tools. The April 12<sup>th</sup> meeting focused on implementation strategies and values messaging.

**ParCS:**

PaRCS Partners with Seattle Tilth

A new "Container Gardening" series began last month at the Burien Community Center, offered through the Burien Parks, Recreation & Cultural Services (PaRCS) Department. Ten registrants are participating in this low-cost program which is being taught by a program partner, Seattle Tilth, a non-profit organic gardening and urban ecology organization that is known throughout the region for their classes, demonstration gardens and community events.

### Moshier Arts Center Participates in National Conference

The annual National Council on Education for the Ceramic Arts (NCECA) was held in Seattle and surrounding cities March 28-31. Moshier Arts Center participated in the conference by hosting a Master Artist Workshop on March 24. An exhibit at SeaTac airport during the NCECA conference also highlighted the region's four clay centers, including Moshier.

### Artist Selection Process for New Downtown Murals

Per the City's Public Art plan, a mural is planned for the west wall of the Dollar Store, located between 151<sup>st</sup> and 152<sup>nd</sup> Streets on 4<sup>th</sup> Ave SW. Thirty-five artists responded to the 'Call for Artists', which is an impressive number for a project of this size. A selection panel comprised of community representatives, public artists and business owners convened on March 14 to review the proposals. The panel's recommendations will be submitted to the Arts Commission for review at their April 24 meeting. Staff will be taking the Commission's recommendation to Council after a design proposal has been approved by the Commission. The mural project is funded through the City's Arts-in-Public-Places Fund.

### Puget Sound Park Playground Construction Awarded

The renovation of the play area and a section of trail at Puget Sound Park has been awarded to the low bidder, Pacific Northwest Earthworks, LLC on March 20, 2012. The construction contract was for the amount of \$21,761.48. The renovation will include the removal of the old play equipment and an expansion of the playground to also add a swing set. The new play equipment is manufactured by KOMPAN and will look a bit different in style from the existing equipment. The new design focuses on exercising a wider variety of muscle groups and balance challenges. The project will also include the addition of a short section of soft surface trail, which will bring those with physical challenges or a parent with stroller from the parking lot down to the main park trail. Construction is anticipated to begin in May 2012 and should be completed in 60 days. The project was made possible through King County Community Development Block Grant funds, and has been a collaborative effort between the Public Works, PaRCS and Finance Departments.

### Seahurst Park hosts Army Corps Leaders

On Tuesday, April 3, 2012, the City of Burien had the distinction of hosting U.S. Army Corps of Engineers (USACE) administrators and its Seattle District Civil Works Branch staff at Seahurst Park. Major General Michael J. Walsh from USACE headquarters in Washington, DC was given a presentation of many Corps-related projects in the Green/Duwamish Watershed, including Seahurst Park. The Major General oversees a \$125 billion civil works budget and serves as principal advisor to the Chief of Engineers and the Assistant Secretary of the Army for Civil Works and directly interfaces with members of Congress on civil works issues and programs. The Seattle District, currently led by Colonel Estok, is Burien's project and funding partner for both Phase 1 and Phase 2 of the Seahurst Seawall Removal project. Many District staff attended as well as Billy Frank, Chair of the Northwest Indian Commission and Chris Townsend from the Puget Sound Partnership. This visit showcased the importance of the need to remove the last 1,800 feet of hard armoring in the park in order to restore the nearshore to a natural juvenile fish-rearing habitat.

## **Public Works:**

### **SW 132<sup>nd</sup> Street Improvement Project**

The SW 132<sup>nd</sup> Street Improvements Project has been advertised for construction bids. This project has been in development since 2009 and was previously advertised for bids in August 2011. The project was modified to accommodate additional funding from the City and a Community Development Block Grant sponsored by King County. The project brings sidewalk, curb/gutter, and stormwater management improvements along SW 132<sup>nd</sup> Street, 8<sup>th</sup> Avenue SW, and SW 130<sup>th</sup> Street. Bid opening is set for Wednesday, April 18 at 1:00 pm at City Hall. Construction is expected to begin in late May and run through the summer, ending just prior to School Year 2012-13. For more information, contact Brian Victor, Project Manager at 206-248-5533 or [brianv@burienwa.gov](mailto:brianv@burienwa.gov).

### **Environmental Science Center Holds Sustainable Yard Workshop**

On Sunday, March 18<sup>th</sup>, the first of a series of workshops was held at the Environmental Science Center in conjunction with the Public Outreach requirement of the City of Burien's NPDES Permit. This Workshop, entitled "Your Sustainable Yard: Rain Gardens, Native Plants and More" was attended by 78 citizens who learned from a group of experts, including Zsofia Pasztor from Stewardship Partners, Lori Beehner from Environmental Construction Inc., Franziska McKay from People for Puget Sound, as well as Michael Steinross and students from St. Francis of Assisi. Subjects included construction techniques, plant selection, soil texture, cost considerations and maintenance of environmentally conscious yards. Each participant left with their own native plant!

The next Workshop is scheduled for Tuesday, May 15, from 6-8pm. It is titled *Rain Barrels to Rain Gardens: Rainwater Strategies to Enhance Your Yard*. For more information, please contact Heungkook (HK) Lim at 206/248-5516, or [heungkookl@burienwa.gov](mailto:heungkookl@burienwa.gov).

### **MetroCount used to Monitor Traffic Volumes and Speeds**

A few times each year, the City conducts traffic studies of areas receiving frequent speeding complaints. The MetroCount Equipment is first programmed in-house for the specific location and lane configuration; then a team of two installs the tubes. For each location, a pair of tubes is installed or, if necessary, two pairs to capture a more accurate representation of the traffic volumes and speeds. Each tube must be nailed down and spaced correctly for the metro counter to accurately measure the speeds and identify vehicle classifications. The tubes are then wrapped around the nearest permanent utility pole, plugged in to the metro counter and locked to prevent it from being tampered with or stolen. Metro counters and tubes are set out to collect data for one week, after a week the tubes are taken down, and the nails are removed from the pavement. Once all the equipment is taken down, the data is unloaded and reports are run to determine the 85<sup>th</sup> percentile speed, time of day speeding occurs the most, types of vehicle that are speeding, etc.

The 85<sup>th</sup> percentile speed is the speed at which 85% of the traffic is travelling; this is compared to the posted speed limit. If the 85<sup>th</sup> percentile speed is 30% higher than the posted speed limit, the location will be referred to the Burien Police Department (BPD) for additional enforcement or patrol. Staff provides BPD with additional information including the time of day and day of the week when the speeding is occurring. They will then follow up with PW staff if they believe

the locations needs further traffic calming studies. City staff maintains a list of locations with speeding concerns and conducts the traffic studies as time permits. Malissa Phok is the lead on placing the equipment; requests can be made via the Citizen Action Request form which is available in hard copy at City Hall or on the City of Burien website.

### **Legal:**

#### 2012 Washington Cities Insurance Authority Risk Management Audit and Review Topic

As a member of Washington Cities Insurance Authority ("WCIA"), an insurance pool of public entities, the City is required to meet mandatory COMPACT requirements. This includes completion of an annual risk management performance audit that reviews individual departments and risks along with completing a series of mandatory trainings associated with the chosen department audit and a minimum of two other trainings related to good risk management practices. The focus of the 2011 audit was public records and premises liability. Various staff from the City Clerk, IT and Parks Departments assisted the Legal department in preparing and attending the audit in late 2011. The City is pleased to report that the 2011 annual review and audit generated no mandatory requirements. The 2012 audit will focus on Cyber Liability. Several risk management trainings surrounding this topic will be offered by WCIA to its members throughout the year along with the City's participation in the annual review and audit process in late 2012.

### **Finance:**

This item is a follow-up to Councilmember Block's request for information from the King County Assessor's office regarding the assessed valuation of multi-family housing. The assessed value for 6,555 multi-family housing units in Burien is \$444,051,200. The City's total assessed value for 2011 is \$4,172,857,681.

This item is a follow-up to requests made by Councilmembers Block, Krakowiak and Robison, at the April 2, 2012 Council meeting, for additional information related to the Waste Management contract. The term of the contract is for 10 years, starting June 1, 2004, and expiring May 31, 2014. The City may, at its option, extend the contract for up to two extensions, each of which shall not exceed two years in duration.

On November 17, 2008 Council approved contract amendment #3, modifying the annual Inflation Adjustment Factor to a combination of three indices. The three indices and their weights are: 1) the second-half annual consumer price index for Urban Wage Earners and Clerical Works for Seattle-Tacoma-Bremerton Area, Series ID No. CWURA423SAO, or successor indices, which will have a weight of 42% 2) the Energy Information Agency annual West Coast Retail Price Series for On-Highway Diesel Fuel, Index No. PADD5, which will have a weight of 8% and 3) the Employment Compensation Cost Index for Private Industry, in current dollars, December 2005=100 for Trade, Transportation and Utilities, Series ID No. ECU20140000000001 (B,I), which will have a weight of 50%. The Inflation Adjustment Factor is calculated by taking the weighted average, based on the weights above, of the percentage difference between the three indices' most recent year-end values and the corresponding values for the prior year, and adding the result to 1.0. In 2011, the third index (Employment Compensation Cost Index for Private Industry) was discontinued and substituted with the

Employment Compensation Cost Index for Administrative, Support, and Waste Management and Remediation Services, Series ID No. CIU201560000000 (B,I). Per the contract, the City is not allowed to disapprove a CPI increase unless there are errors in the calculations. Staff has reviewed the calculations and found no errors. A letter titled "2012 Inflation Adjustment" dated March 5, 2012 from Waste Management is on page 139.

## **Human Resources:**

### **Organizational Development Work Plan in Progress**

The employees' 2012 organizational work plan has been developed and is now in full swing. The desired outcome of the program is to reinforce our organization as an excellent performing, stable city organization capable of weathering any anticipated and unanticipated changes. Employees are currently participating in a survey that will create a baseline measure and identify organizational and department gaps. Specific employee trainings will begin later in the month and occur throughout the year.

### **City Recruitment Efforts**

The City has hired three seasonal Public Works Maintenance Assistants to support our regular maintenance crewmembers. The new employees will primarily focus on controlling vegetation during the growing season, litter pick up, and providing additional hands to tackle the day-to-day duties of the maintenance division.

In other recruitment fronts, we are preparing for interviews for our Summer Day Camp staff and accepting applications for a new Information Systems Manager.

## **II. COUNCIL UPDATES/REPORTS**

### **A. Citizen Action Report (Page 149)**

Staff has prepared the attached March 2012 Citizen Action Report.



# Burien

*Washington, USA*

## Summary of Permit Applications Received – March 2012

Type Permit	Count	Valuation
Building	25	\$ 971,731
Damage	1	
Demolition	3	
Electrical	87	\$ 189,633
Fire Protection	19	\$ 217,361
Mechanical	31	\$ 107,896
Plumbing	8	\$ 46,300
Right of Way	32	
Sign	10	\$ 12,372
<b>Totals :</b>	<b>216</b>	<b>\$ 1,545,293</b>



# Burien

Washington, USA

## Summary of Permits Issued

Start Date: 03/01/2012

End Date: 03/31/2012

TypePermit	Count	Valuation
Building	31	\$3,746,223.36
Demolition	3	
Electrical	78	\$158,307.73
Fire Protection	11	\$100,530.13
Mechanical	33	\$330,673.65
Plumbing	9	\$139,300.00
Right of Way	30	
Sign	10	\$18,491.50
<b>Totals :</b>	<b>205</b>	<b>\$4,493,526.37</b>

RECEIVED

MAR 12 2012

CITY OF BURIEN



WASTE MANAGEMENT

720 4th Ave, Suite 400

Kirkland WA 98033

March 5, 2012

City of Burien

Attention: Mike Martin, City Manager

Re: 2012 Inflation Adjustment

Please find the enclosed 2012 rate schedule for solid waste and recycling services provided by Waste Management to the residents and businesses of the City of Burien.

These rates are based upon the published Consumer Price Index for Urban Wage Earners and Clerical Workers in the Seattle-Tacoma-Bremerton statistical area, the Energy Information Agency annual West Coast Retail Price Series for On-Highway Diesel Fuel, and the Employment Compensation Cost Index for Private Industry, all for the year ending December 2011. This year's CPI index was 231.415, up from 223.053 last year, which was an annual change of 3.75%. This year's Diesel Fuel index was 3.999, up from 3.119 last year, which was an annual change of 28.21%. This year's Employment Cost index was 113.9, up from 111.9 last year, which was an annual change of 1.78%. Based on these numbers, weighted increase calculates to a 4.73% increase.

Please review this schedule and let me know of any discrepancies, as Waste Management will adjust our billing system to reflect these changes. Implementation of these rates will take effect on June 1, 2012.

Waste Management looks forward to providing quality waste and recycling services to the City of Burien in the year ahead.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Hale'.

Greg Hale  
District Manager  
Waste Management, Northwest



CITY OF BURIEN Garbage and Yard Debris Service Fees		Rates Effective 6/1/2012			6/1/2012 B & O Tax
SERVICE CLASS	(Monthly) Collection Fee	(Monthly) Disposal Fee*	(Monthly) Total Fee	(Monthly) Total Fee	
<b>Residential Services</b>					
<b>MSW Monthly Service:</b>					
Monthly Service 20 Gal. Cart	\$ 13.17	\$ 0.91	\$ 14.08		14.08
Monthly Service 35 Gal. Cart	\$ 13.20	\$ 1.45	\$ 14.65		14.65
<b>MSW Weekly Service:</b>					
1-10 Gal. Micro-can	\$ 13.17	\$ 2.29	\$ 15.46		15.46
1-20 Gal. Cart	\$ 13.33	\$ 3.16	\$ 16.49		16.49
1-35 Gal. Cart	\$ 16.70	\$ 5.52	\$ 22.22		22.22
2-35 Gal. Carts + 1 Recycle Cart	\$ 18.84	\$ 11.05	\$ 29.89		29.89
3-35 Gal. Carts + 1 Recycle Cart	\$ 20.97	\$ 16.58	\$ 37.55		37.55
4-35 Gal. Carts + 1 Recycle Cart	\$ 23.11	\$ 22.11	\$ 45.22		45.22
1-64 Gal. Cart	\$ 21.01	\$ 10.10	\$ 31.11		31.11
2-64 Gal. Carts + 1 Recycle Cart	\$ 34.14	\$ 20.20	\$ 54.34		54.34
3-64 Gal. Carts + 1 Recycle Cart	\$ 47.25	\$ 30.31	\$ 77.56		77.56
4-64 Gal. Carts + 1 Recycle Cart	\$ 60.36	\$ 40.41	\$ 100.77		100.77
1-96 Gal. Cart	\$ 24.68	\$ 15.15	\$ 39.83		39.83
2-96 Gal. Carts + 1 Recycle Cart	\$ 41.46	\$ 30.30	\$ 71.76		71.76
3-96 Gal. Carts + 1 Recycle Cart	\$ 58.24	\$ 45.45	\$ 103.69		103.69
4-96 Gal. Carts + 1 Recycle Cart	\$ 75.01	\$ 60.60	\$ 135.61		135.61
1-32 gallon equivalent "extra"	\$ 4.18	\$ 1.16	\$ 5.34		5.34
<b>Recycle Service (bundled) EOW service:</b>					
1-35 Gal. Cart	\$		\$		
1-64 Gal. Cart	\$		\$		
1-96 Gal. Cart	\$		\$		
Residential Recycling Rebate set rate					
1-Recycling Cart EOW service for non-subscribing garbage customers	\$ 9.09		\$ 9.09		9.09
<b>Yard Debris Service (Weekly Service)</b>					
1-35 Gal. Cart YDW	\$ 9.01		\$ 9.01		9.01
1-64 Gal. Cart YDW	\$ 9.98		\$ 9.98		9.98
1-96 Gal. Cart YDW	\$ 10.94		\$ 10.94		10.94
32 Gal. Can YDW - Non scheduled collection for non-subscribing customers	\$ 5.68		\$ 5.68		5.68
64 Gal. Cart YDW - Non scheduled collection for non-subscribing customers	\$ 6.87		\$ 6.87		6.87
96 Gal. Cart YDW - Non scheduled collection for non-subscribing customers	\$ 9.12		\$ 9.12		9.12
Additional 96 Gal. YDW Carts	\$ 3.11		\$ 3.11		3.11
1-32 gallon equivalent "extra" YDW	\$ 3.43		\$ 3.43		3.43
1-64 gallon equivalent "extra" YDW	\$ 4.55		\$ 4.55		4.55
1-96 gallon equivalent "extra" YDW	\$ 6.87		\$ 6.87		6.87
1-35 Gal. Cart YDW weekly service for non-subscribing garbage customers	\$ 10.20		\$ 10.20		10.20
1-64 Gal. Cart YDW weekly service for non-subscribing garbage customers	\$ 11.16		\$ 11.16		11.16
1-96 Gal. Cart YDW weekly service for non-subscribing garbage customers	\$ 12.12		\$ 12.12		12.12
<b>Miscellaneous Fees:</b>					
Return Trip Cans & Carts, per pick-up	\$ 6.01		\$ 6.01		6.01
Carry-out service per unit, per pick-up, over 5 feet but not over 25 feet	\$ 0.23		\$ 0.23		0.23
Carry-out service per unit, per pick-up, for ea addl. 25 feet or fraction of 25 feet add	\$ 0.14		\$ 0.14		0.14
Drive-in Charge - Weekly service, Monthly Rate	\$ 4.70		\$ 4.70		4.70
Redelivery Fee (Carts)	\$ 15.93		\$ 15.93		15.93
Over loaded/filled cart/container	\$ 4.82		\$ 4.82		4.82
Cart Roll-out requested by customer. Per Cart, per month.>5'	\$ 3.74		\$ 3.74		3.74
<b>On-Call Bulky Waste Collection:</b>					
White Goods/Appliances (non-refrigerant)	\$ 54.96	\$ 8.19	\$ 63.15		63.15
Refrigerator/Freezer	\$ 49.86	\$ 13.65	\$ 63.51		63.51
Sofas, Chairs	\$ 52.41	\$ 10.92	\$ 63.33		63.33
Mattress or Box Springs	\$ 57.51	\$ 5.46	\$ 62.97		62.97
<b>Temporary Container Service:</b>					
Temp. 1 Yard Container	\$ 22.52	\$ 6.34	\$ 28.86		28.86
Daily Rent	\$ 1.17		\$ 1.17		1.17
Temp. 1.5 Yard Container	\$ 25.15	\$ 9.50	\$ 34.65		34.65
Daily Rent	\$ 1.17		\$ 1.17		1.17
Temp. 2 Yard Container	\$ 27.13	\$ 12.67	\$ 39.80		39.80
Daily Rent	\$ 1.22		\$ 1.22		1.22
Temp. 3 Yard Container	\$ 33.45	\$ 19.02	\$ 52.47		52.47
Daily Rent	\$ 1.28		\$ 1.28		1.28
Temp. 4 Yard Container	\$ 35.81	\$ 25.35	\$ 61.16		61.16
Daily Rent	\$ 1.34		\$ 1.34		1.34
Temp. 6 Yard Container	\$ 41.89	\$ 38.03	\$ 79.92		79.92
Daily Rent	\$ 1.65		\$ 1.65		1.65
Delivery fee all Front Load Temp. containers	\$ 59.06		\$ 59.06		59.06

CITY OF BURIEN		Rates Effective 6/1/2012			6/1/2012 B & O Tax
Garbage Service Fees		(Monthly) Collector Fee	(Monthly) Disposal Fee*	(Monthly) Total Fee	Total Service Fee
SERVICE CLASS					
<b>Commercial / Multifamily Cans &amp; Carts:</b>					
<b>Weekly Service:</b>					
1 20 Gal. Cart	\$ 12.23	\$ 2.31	\$ 14.54	\$ 14.54	\$ 14.54
1 35 Gal. Cart	\$ 13.92	\$ 4.04	\$ 17.96	\$ 17.96	\$ 17.96
1 64 Gal. Cart	\$ 21.43	\$ 8.11	\$ 29.59	\$ 29.59	\$ 29.59
1 96 Gal. Cart	\$ 26.32	\$ 12.15	\$ 38.47	\$ 38.47	\$ 38.47
35 Gal. Cart Special Pick-up (on unscheduled day)	\$ 94.88	\$ 0.93	\$ 95.81	\$ 95.81	\$ 95.81
64 Gal. Cart Special Pick-up (on unscheduled day)	\$ 96.47	\$ 1.87	\$ 98.34	\$ 98.34	\$ 98.34
96 Gal. Cart Special Pick-up (on unscheduled day)	\$ 97.67	\$ 2.80	\$ 100.47	\$ 100.47	\$ 100.47
1-32 gallon equivalent "extra"	\$ 4.18	\$ 1.16	\$ 5.34	\$ 5.34	\$ 5.34
<b>Miscellaneous Services (per event):</b>					
Return Trip	\$ 14.76		\$ 14.76	\$ 14.76	\$ 14.76
Carry-Out Service >5' & <25' (per unit, per pick-up)	\$ 0.23		\$ 0.23	\$ 0.23	\$ 0.23
Carry-Out Service each 25', >25' (per unit, per pick-up)	\$ 0.14		\$ 0.14	\$ 0.14	\$ 0.14
Drive-ins on driveways >125' & <250' (per service)	\$ 0.80		\$ 0.80	\$ 0.80	\$ 0.80
Drive-ins on driveways >250' & <1/10 mile (per service)	\$ 1.55		\$ 1.55	\$ 1.55	\$ 1.55
Drive-ins on driveways >1/10 mile each 1/10 mile (per service)	\$ 3.11		\$ 3.11	\$ 3.11	\$ 3.11
Connect/Disconnect Compactor (per pickup)	\$ 16.48		\$ 16.48	\$ 16.48	\$ 16.48
Roll-Out Container	\$ 13.01		\$ 13.01	\$ 13.01	\$ 13.01
Unlock Container	\$ 3.11		\$ 3.11	\$ 3.11	\$ 3.11
Gate Opening	\$ 3.11		\$ 3.11	\$ 3.11	\$ 3.11
Re-Delivery	\$ 15.93		\$ 15.93	\$ 15.93	\$ 15.93
Steam Cleaning per yard	\$ 2.78		\$ 2.78	\$ 2.78	\$ 2.78
Steam Cleaning minimum charge	\$ 12.88		\$ 12.88	\$ 12.88	\$ 12.88
Pickup and re-delivery for container cleaning customer requested	\$ 30.01		\$ 30.01	\$ 30.01	\$ 30.01
<b>Commercial / Multifamily Uncompacted Containers:</b>					
<b>1 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 51.37	\$ 27.48	\$ 78.85	\$ 78.85	\$ 78.85
2 Pickups/Week/Container	\$ 93.74	\$ 54.97	\$ 148.71	\$ 148.71	\$ 148.71
3 Pickups/Week/Container	\$ 136.08	\$ 82.45	\$ 218.53	\$ 218.53	\$ 218.53
4 Pickups/Week/Container	\$ 178.44	\$ 109.94	\$ 288.38	\$ 288.38	\$ 288.38
5 Pickups/Week/Container	\$ 220.81	\$ 137.43	\$ 358.24	\$ 358.24	\$ 358.24
Extra Pick-up on scheduled collection day	\$ 9.77	\$ 6.34	\$ 16.11	\$ 16.11	\$ 16.11
Special Pick-up unscheduled collection day	\$ 101.70	\$ 6.34	\$ 108.04	\$ 108.04	\$ 108.04
<b>1.5 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 67.19	\$ 41.18	\$ 108.37	\$ 108.37	\$ 108.37
2 Pickups/Week/Container	\$ 124.71	\$ 82.37	\$ 207.08	\$ 207.08	\$ 207.08
3 Pickups/Week/Container	\$ 182.25	\$ 123.56	\$ 305.81	\$ 305.81	\$ 305.81
4 Pickups/Week/Container	\$ 239.58	\$ 164.75	\$ 404.33	\$ 404.33	\$ 404.33
5 Pickups/Week/Container	\$ 297.05	\$ 205.94	\$ 502.99	\$ 502.99	\$ 502.99
Extra Pick-up on scheduled collection day	\$ 13.25	\$ 9.50	\$ 22.75	\$ 22.75	\$ 22.75
Special Pick-up unscheduled collection day	\$ 105.19	\$ 9.50	\$ 114.69	\$ 114.69	\$ 114.69
<b>2 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 81.73	\$ 54.98	\$ 136.71	\$ 136.71	\$ 136.71
2 Pickups/Week/Container	\$ 151.55	\$ 109.96	\$ 261.51	\$ 261.51	\$ 261.51
3 Pickups/Week/Container	\$ 221.37	\$ 164.95	\$ 386.32	\$ 386.32	\$ 386.32
4 Pickups/Week/Container	\$ 290.04	\$ 219.93	\$ 509.97	\$ 509.97	\$ 509.97
5 Pickups/Week/Container	\$ 359.57	\$ 274.92	\$ 634.49	\$ 634.49	\$ 634.49
Extra Pick-up on scheduled collection day	\$ 16.04	\$ 12.69	\$ 28.73	\$ 28.73	\$ 28.73
Special Pick-up unscheduled collection day	\$ 107.97	\$ 12.69	\$ 120.66	\$ 120.66	\$ 120.66
<b>3 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 118.47	\$ 82.48	\$ 200.95	\$ 200.95	\$ 200.95
2 Pickups/Week/Container	\$ 223.19	\$ 164.96	\$ 388.15	\$ 388.15	\$ 388.15
3 Pickups/Week/Container	\$ 327.92	\$ 247.44	\$ 575.36	\$ 575.36	\$ 575.36
4 Pickups/Week/Container	\$ 429.79	\$ 329.92	\$ 759.71	\$ 759.71	\$ 759.71
5 Pickups/Week/Container	\$ 533.80	\$ 412.41	\$ 946.21	\$ 946.21	\$ 946.21
Extra Pick-up on scheduled collection day	\$ 23.99	\$ 19.03	\$ 43.02	\$ 43.02	\$ 43.02
Special Pick-up unscheduled collection day	\$ 115.93	\$ 19.03	\$ 134.96	\$ 134.96	\$ 134.96

CITY OF BURDEN Garbage Service Fees		Rates Effective 6/1/2012			R & O Tax
SERVICE CLASS	(Monthly) Collection Fee	(Monthly) Disposal Fee	Total Service Fee	Total Service Fee	
<b>Commercial / Multifamily Uncompacted Containers:</b>					
<b>4 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 138.87	\$ 109.98	\$ 248.85	\$ 248.85	
2 Pickups/Week/Container	\$ 261.75	\$ 219.96	\$ 481.71	\$ 481.71	
3 Pickups/Week/Container	\$ 384.58	\$ 329.94	\$ 714.52	\$ 714.52	
4 Pickups/Week/Container	\$ 503.69	\$ 439.92	\$ 943.61	\$ 943.61	
5 Pickups/Week/Container	\$ 630.36	\$ 549.90	\$ 1,180.26	\$ 1,180.26	
Extra Pick-up on scheduled collection day	\$ 28.13	\$ 25.38	\$ 53.51	\$ 53.51	
Special Pick-up unscheduled collection day	\$ 120.06	\$ 25.38	\$ 145.44	\$ 145.44	
<b>6 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 182.19	\$ 164.96	\$ 347.15	\$ 347.15	
2 Pickups/Week/Container	\$ 346.04	\$ 329.92	\$ 675.96	\$ 675.96	
3 Pickups/Week/Container	\$ 509.88	\$ 494.89	\$ 1,004.77	\$ 1,004.77	
4 Pickups/Week/Container	\$ 668.06	\$ 659.85	\$ 1,327.91	\$ 1,327.91	
5 Pickups/Week/Container	\$ 830.47	\$ 824.82	\$ 1,655.29	\$ 1,655.29	
Extra Pick-up on scheduled collection day	\$ 37.47	\$ 38.07	\$ 75.54	\$ 75.54	
Special Pick-up unscheduled collection day	\$ 129.41	\$ 38.07	\$ 167.48	\$ 167.48	
<b>8 Cubic Yard Uncompacted</b>					
1 Pickup/Week/Container	\$ 221.79	\$ 219.96	\$ 441.75	\$ 441.75	
2 Pickups/Week/Container	\$ 421.44	\$ 439.92	\$ 861.36	\$ 861.36	
3 Pickups/Week/Container	\$ 621.58	\$ 659.88	\$ 1,281.46	\$ 1,281.46	
4 Pickups/Week/Container	\$ 821.72	\$ 879.84	\$ 1,701.56	\$ 1,701.56	
5 Pickups/Week/Container	\$ 1,012.38	\$ 1,099.80	\$ 2,112.18	\$ 2,112.18	
Extra Pick-up on scheduled collection day	\$ 45.74	\$ 50.76	\$ 96.50	\$ 96.50	
Special Pick-up unscheduled collection day	\$ 137.67	\$ 50.76	\$ 188.43	\$ 188.43	
<b>Commercial / Multifamily: FL Compacted Containers:</b>					
<b>2 Cubic Yard Compactor weekly</b>					
2 yard Special Pick-up	\$ 140.84	\$ 274.83	\$ 415.77	\$ 415.77	
3 Cubic Yard Compactor weekly	\$ 130.89	\$ 63.44	\$ 194.33	\$ 194.33	
3 yard Special Pick-up	\$ 204.12	\$ 412.41	\$ 616.53	\$ 616.53	
4 Cubic Yard Compactor weekly	\$ 140.54	\$ 95.47	\$ 235.71	\$ 235.71	
4 yard Special Pick-up	\$ 281.91	\$ 549.90	\$ 811.81	\$ 811.81	
5 Cubic Yard Compactor weekly	\$ 153.89	\$ 126.90	\$ 280.79	\$ 280.79	
5 yard Special Pick-up	\$ 955.51	\$ 661.00	\$ 1,016.51	\$ 1,016.51	
6 Cubic Yard Compactor weekly	\$ 175.48	\$ 152.54	\$ 328.02	\$ 328.02	
6 yard Special Pick-up	\$ 378.01	\$ 824.82	\$ 1,202.83	\$ 1,202.83	
"Extra" Uncompacted Cubic Yard	\$ 14.20	\$ 6.34	\$ 20.54	\$ 20.54	

CITY OF BURDEN Garbage Service Fees		Rates Effective 6/1/2012			6/1/2012 R & O Tax		
SERVICE CLASS	Daily Rental	Monthly Container Rental	Charge per Haul	Daily Rental	Monthly Container Rental	Charge per Haul	
<b>Drop-box Collection:</b>							
<b>Noncompacted Service</b>							
1 10 Cu. Yd. Container		\$ 36.50	\$ 152.71		\$ 36.50	\$ 152.71	
1 15 Cu. Yd. Container		\$ 42.94	\$ 152.71		\$ 42.94	\$ 152.71	
1 20 Cu. Yd. Container		\$ 49.40	\$ 152.71		\$ 49.40	\$ 152.71	
1 25 Cu. Yd. Container		\$ 54.76	\$ 152.71		\$ 54.76	\$ 152.71	
1 30 Cu. Yd. Container		\$ 60.13	\$ 152.71		\$ 60.13	\$ 152.71	
1 40 Cu. Yd. Container		\$ 71.94	\$ 152.71		\$ 71.94	\$ 152.71	
<b>Compacted Service</b>							
1 10 Cu. Yd. Container			\$ 181.92			\$ 181.92	
1 15 Cu. Yd. Container			\$ 181.92			\$ 181.92	
1 20 Cu. Yd. Container			\$ 181.92			\$ 181.92	
1 25 Cu. Yd. Container			\$ 181.92			\$ 181.92	
1 30 Cu. Yd. Container			\$ 181.92			\$ 181.92	
1 40 Cu. Yd. Container			\$ 181.92			\$ 181.92	
<b>Drop-box (Temporary)</b>							
1 10 Cu. Yd. Container	\$ 2.14		\$ 164.31	\$ 2.14		\$ 164.31	
1 15 Cu. Yd. Container	\$ 2.14		\$ 164.31	\$ 2.14		\$ 164.31	
1 20 Cu. Yd. Container	\$ 2.40		\$ 164.31	\$ 2.40		\$ 164.31	
1 25 Cu. Yd. Container	\$ 2.68		\$ 164.31	\$ 2.68		\$ 164.31	
1 30 Cu. Yd. Container	\$ 2.95		\$ 164.31	\$ 2.95		\$ 164.31	
1 40 Cu. Yd. Container	\$ 3.48		\$ 164.31	\$ 3.48		\$ 164.31	

**CITY OF BURRIEN**  
**Garbage Service Fees**

SERVICE CLASS
<b>Additional Services</b>
Mileage Charge for all hauls over 5 miles one way, per mile.
Connect/Disconnect Compactors
Return Trip
Solid Drop-box Lid Charge (per month)
Position Drop-box Lids open after returning empty container to site
Pressure Washing (per yd.)
Pickup and re-delivery for container cleaning customer requested
Stand-By Time (per minute)
Delivery Fee Permanent & Temporary
Disposal Surcharge per ton
<b>Hourly Rates</b>
Rear/Side Load Packer & Driver
Front Load Packer & Driver
Drop Box Truck & Driver
Additional Labor (per person)

Total Service Fee Effective 6/1/2012	Total Service Fee Effective 7/1/2012
\$ 3.21	\$ 3.21
\$ 16.48	\$ 16.48
\$ 39.08	\$ 39.08
\$ 25.50	\$ 25.50
\$ 17.50	\$ 17.50
\$ 2.78	\$ 2.78
\$ 30.01	\$ 30.01
\$ 1.47	\$ 1.47
\$ 59.06	\$ 59.06
\$ 9.25	\$ 9.25
\$ 88.92	\$ 88.92
\$ 88.92	\$ 88.92
\$ 88.92	\$ 88.92
\$ 32.21	\$ 32.21

**City of Burien**  
**Administrative Fee**

<u>Year</u>	<u>Monthly Administrative Fee</u>	<u>% Weighted Index</u>	<u>Monthly June 2010 LOU Payment</u>
2009	\$ 11,345.57		
2010	\$ 11,345.57		\$ 5,750.00
2011	\$ 11,634.88	102.55%	\$ 5,750.00
2012	\$ 12,184.66	104.73%	\$ 5,750.00
2013	\$ -		\$ 5,750.00

# City of Burien

## Annual Rate Adjustment Calculation

Collection Component Adjustment:					
	2010 Value	2011 Value	Ratio to Prior Year	Weight	Total Adj. Factor
CPI-W	223.053	231.415	1.03749	42%	43.57%
Fuel	3.119	3.999	1.28214	8%	10.26%
Labor	111.9	113.9	1.01787	50%	50.89%
Weighted Index					104.73%

### Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id: CWURA423SA0,CWUSA423SA0

Not Seasonally Adjusted

Area: Seattle-Tacoma-Bremerton, WA

Item: All Items

Base Period: 1982-84=100

Year	Feb	Apr	Jun	Aug	Oct	Dec	Annual	HALF1	HALF2
2000	171.600	173.300	174.500	175.400	177.500	177.000	174.600	172.800	176.400
2001	179.200	179.400	181.300	181.500	183.100	181.100	180.800	179.600	181.900
2002	182.500	183.600	184.100	184.800	185.500	184.600	184.000	183.100	184.900
2003	186.200	187.000	185.700	188.200	187.800	185.300	186.700	186.200	187.100
2004	187.800	189.100	190.400	189.600	191.600	190.300	189.600	188.700	190.500
2005	192.400	196.200	194.800	195.300	198.600	196.100	195.300	194.100	196.500
2006	198.000	202.500	203.800	205.100	203.900	204.300	202.600	200.800	204.400
2007	205.746	210.388	210.550	210.220	213.107	214.024	210.266	208.373	212.160
2008	216.332	218.483	223.573	223.273	220.687	216.424	219.692	218.664	220.721
2009	218.752	220.208	221.993	221.873	221.339	220.905	220.658	219.853	221.463
2010	221.215	222.309	221.857	223.444	223.112	222.853	222.384	221.714	223.053
2011	225.790	228.313	230.072	230.558	232.697	231.297	229.435	227.455	231.415

**(PAAD 5) West Coast No 2 Diesel Ultra Low Sulfur (0-15 ppm) Retail Sales by All Sellers (Dollars per Gallon)**

[http://tonto.eia.doe.gov/dnav/pet/pet\\_pri\\_gnd\\_dcus\\_r50\\_w.htm](http://tonto.eia.doe.gov/dnav/pet/pet_pri_gnd_dcus_r50_w.htm)

Product	2007	2008	2009	2010	2011
Diesel - Ultra Low Sulfur (15 ppm and Under)	\$ 3.080	\$ 3.875	\$ 2.571	\$ 3.119	\$ 3.999

**Employment Cost Index**

Series Id: CIU20156000000001 (B,I)

Not Seasonally Adjusted

compensation: Total compensation

sector: Private industry

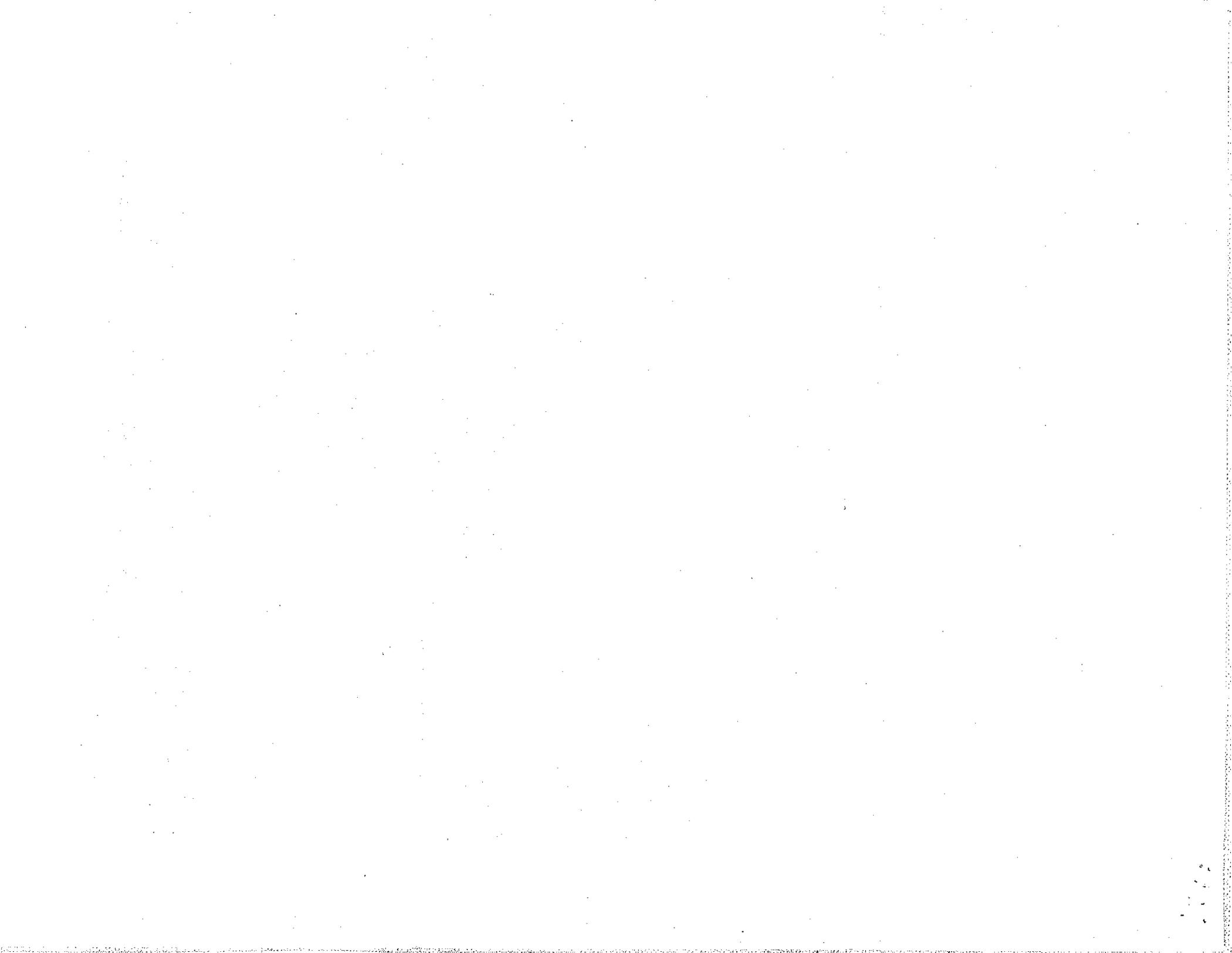
periodicity: Index number

Industryoc: Administrative and support and waste management and remediation services

Year	Qtr1	Qtr2	Qtr3	Qtr4
2001	86.2	87.7	89.5	90.1
2002	90.2	90.6	91.4	91.1
2003	92.1	92.5	94.5	94.7
2004	95.7	97.4	98.1	98.6
2005	99.0	99.8	99.9	100.0
2006	100.5	101.9	102.1	102.8
2007	103.8	104.8	105.6	106.4
2008	107.1	108.0	109.0	109.4
2009	109.9	110.2	110.0	110.7
2010	111.1	111.0	111.5	111.9
2011	112.3	113.4	113.3	113.9

B : Includes wages, salaries, and employer costs for employee benefits.

I : New series. Historical data are available beginning with March 2001.





# Burien

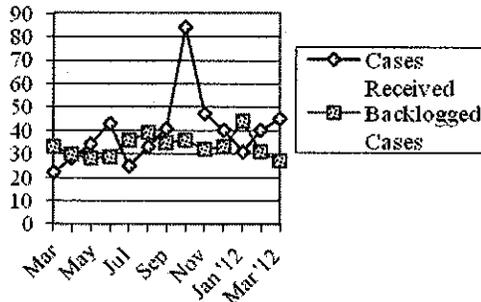
Washington, USA

## CITY OF BURIEN MEMORANDUM

**DATE:** April 2, 2012  
**TO:** Mike Martin, City Manager  
**FROM:** Cynthia Schaff, Paralegal  
**RE:** March 2012 Citizen Action Report

This report reflects the caseload for March and includes all backlog cases open as of March 31, 2012. As of that date, there were 62 open cases. 27 of the open cases are more than five weeks old and are considered backlog. There were 45 cases opened during the month of March; 10 cases initiated by staff/police/fire, and 35 cases initiated by residents.

Citizen Action Case Status



	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan '12	Feb '12	Mar '12
<b>Cases Received</b>	22	28	34	43	25	33	41	84	47	40	31	40	45
<b>Backlogged Cases</b>	33	30	28	29	36	39	35	36	32	33	44	31	27
<b>Total Open Cases</b>	47	48	50	66	59	66	62	72	71	60	67	54	62
<b>% of Backlog</b>	70%	63%	56%	44%	61%	59%	56%	50%	45%	55%	66%	57%	44%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

**Cc:** Scott Greenberg, Community Development Director    Michael Lafreniere, Parks Director  
 Jim Bibby, Code Compliance Officer    Jan Vogee, Building Official  
 Henry McLauchlan, Administrative Sergeant    Maiya Andrews, Public Works Director  
 Craig Knutson, City Attorney

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# Monthly Report to the City Manager Citizen Action Request Case Status

Report Date: 04/02/2012

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
721	Code Enforcement	CAR-10-0161	04/12/2010	Nuisance	12563 16TH AV S Nuisance-Johnson	Phone Call	03/14/2011	Open
713	Public Works	CAR-10-0208	04/20/2010	Planning / Zoning	804 SW 122ND ST Zoning-Puloka-Zone 1	Enforcement Letter 1	12/22/2011	Open
335	Code Enforcement	CAR-11-0174	05/03/2011	Nuisance	12411 DES MOINES MEMORIAL DR S Nuisance, Garbage, Vehicles-Souffront-Zone 2	NOV Issued	12/09/2011	Open
319	Fire Department	CAR-11-0206	05/19/2011	Fire Department Issue	1223 SW 128TH ST Fire Dept.-Amber Glo-Zone 1	Case Received	05/19/2011	Open
298	Code Enforcement	CAR-11-0213	06/09/2011	Nuisance	18460 4TH AV S Nuisance-Martinez-Zone 4	Other - See Notes	02/03/2012	Open
293	Code Enforcement	CAR-11-0287	06/14/2011	Nuisance	318 SW 126TH ST Nuisance-Beltran-Zone 1	Enforcement Letter 1	11/16/2011	Open
285	Fire Department	CAR-11-0233	06/22/2011	Fire Department Issue	Fire Alarm System-HiPointer Condos-Zone 4	Case Received	06/22/2011	Open
262	Code Enforcement	CAR-11-0269	07/15/2011	Nuisance	11860 12TH AV S Vegetation/Trash/Vacant-Fannie Mae-Zone 1	Case Received	07/15/2011	Open
236	Building	CAR-11-0304	08/10/2011	Other	13825 DES MOINES MEMORIAL DR S Grading Permit-Haberzettl-Zone 4	Site Investigation	02/07/2012	Open
171	Building	CAR-11-0399	10/14/2011	Critical Area Concerns	16705 MAPLEWILD AV SW Critical Area House-Johnson/Justin-Zone 3	Enforcement Letter 1	02/07/2012	Open
171	Fire Department				12311 AMBAUM BL SW			

Days Old Department CAR # Date Received Nature of Request Complaint Information Last Action Date Status

CAR-11-0536 Fire Department Issue Manuel Fire Alarm-View Ridge Park Villa Apts-Zone 1 Phone Call 12/14/2011 Open

168 Code Enforcement CAR-11-0439 10/17/2011 Business License 12000 DES MOINES MEMORIAL DR S Case Received 10/27/2011 Open

159 Code Enforcement CAR-11-0428 10/26/2011 Housing Concerns 638 S 169TH ST Phone Call 11/16/2011 Open

144 Code Enforcement CAR-11-0486 11/10/2011 Nuisance 16331 MAPLEWILD AV SW Housing, Electrical-Boitel-Zone 4 Enforcement Letter 2 02/10/2012 Open

137 Code Enforcement CAR-11-0506 11/17/2011 Nuisance 451 SW 142ND ST Phone Call 12/22/2011 Open

123 Code Enforcement CAR-11-0516 12/01/2011 Nuisance 12241 5TH AV S Nuisance, Junk Vehicles & Boats-Goebel-Zone 1 Phone Call 12/29/2012 Open

109 Code Enforcement CAR-11-0537 12/15/2011 Fire Department Issue 1050 SW 151ST ST Nuisance debris/vehicles-Poelzer-Zone 2 Case Received 12/15/2011 Open

103 Code Enforcement CAR-11-0552 12/21/2011 Nuisance 11813 ROSEBERG AV S Fire Alarm System-Royal Arms Apts-Zone3 Case Received 12/22/2011 Open

102 Code Enforcement CAR-11-0550 12/22/2011 Sign Violation 13409 AMBALUM BL SW Nuisance Junk Vehicles-Teem-Zone 2 Case Received 12/22/2011 Open

59 Code Enforcement CAR-12-0042 02/03/2012 Sign Violation 11455 DES MOINES MEMORIAL DR S Abandoned sign & Graffiti-Donatelli's-Zone 1 Case Received 02/03/2012 Open

52 Code Enforcement CAR-12-0049 02/10/2012 Sign Violation 14257 DES MOINES MEMORIAL DR S Sign, ABS-Dunn Lumber-Zone 2 Case Received 02/10/2012 Open

49 Code Enforcement CAR-12-0052 02/13/2012 Nuisance 11833 3RD AV S Sign Maint-757-Zone 4 Nuisance Vehicles-Tran-Zone 2 Case Received 02/13/2012 Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
48	Code Enforcement	CAR-12-0068	02/14/2012	Nuisance	12013 12TH AV S Nuisance-Voring-Zone 2	Case Received	02/27/2012	Open
42	Code Enforcement	CAR-12-0093	02/20/2012	Nuisance	12226 10TH AV S Nuisance, Vehicles-Powell-Zone 2	Case Received	03/05/2012	Open
41	Code Enforcement	CAR-12-0059	02/21/2012	Nuisance	234 SW 137TH ST Garbage/Debris-Smith - Zone 1	Case Received	02/21/2012	Open
41	Code Enforcement	CAR-12-0061	02/21/2012	Tree Cutting - Private	2610 SW 152ND ST Tree Cutting Critical-Lyon-Zone 3	Phone Call	02/27/2012	Open
38	Code Enforcement	CAR-12-0064	02/24/2012	Rental Housing License	14608 11TH AV SW Rental Housing License-Baker-Zone 3	Case Received	02/24/2012	Open
34	Code Enforcement	CAR-12-0082	02/28/2012	Graffiti	14232 4TH AV SW Graffiti-BAC Home-Zone 1	Case Received	02/28/2012	Open
33	Code Enforcement	CAR-12-0071	02/29/2012	Business License	122 SW 166TH ST Business License-Absolute Mortgage-Zone 3	Enforcement Letter 1	03/02/2012	Open
33	Code Enforcement	CAR-12-0080	02/29/2012	Nuisance	1011 SW 151ST ST Nuisance, Attractive-Masonic-Zone 3	Case Received	03/01/2012	Open
32	Code Enforcement	CAR-12-0076	03/01/2012	Nuisance	1123 SW 144TH ST Vacant/Garbage-1123 SW St Trust-Zone 1	Case Received	03/01/2012	Open
32	Code Enforcement	CAR-12-0078	03/01/2012	Nuisance	12427 16TH AV S Nuisance, Vehicles etc-Beyers-Zone 2	Case Received	03/01/2012	Open
28	Code Enforcement	CAR-12-0083	03/05/2012	Nuisance	12515 14TH AV S Vacant-Haydon-Zone 2	Case Received	03/05/2012	Open
28	Code Enforcement	CAR-12-0084	03/05/2012	Nuisance	238 SW 119TH ST Vacant/Garbage-Wells Fargo-Zone 1	Phone Call	03/16/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
28	Code Enforcement	CAR-12-0085	03/05/2012	Nuisance	12880 2ND AV S Septic Tank Truck-Ware-Zone 4	Case Received	03/05/2012	Open
28	Code Enforcement	CAR-12-0089	03/05/2012	Animals	12433 20TH AV S Animals-Calderon-Zone 2	Case Received	03/06/2012	Open
28	Code Enforcement	CAR-12-0090	03/05/2012	Nuisance	11833 24TH AV S Nuisance, Vehicles-Luster-Zone 2	Phone Call	03/09/2012	Open
28	Code Enforcement	CAR-12-0095	03/05/2012	Nuisance	16457 13TH AV SW Nuisance, Vegetation-Kopick-Zone 3	Phone Call	03/09/2012	Open
27	Code Enforcement	CAR-12-0088	03/06/2012	Planning / Zoning	12432 20TH AV S Zoning, Garage Sales-Marvich-Zone 2	Case Received	03/06/2012	Open
25	Code Enforcement	CAR-12-0091	03/08/2012	Sign Violation	216 SW 153RD ST ABS, Graffiti-Vederoff-Zone 3	Case Received	03/08/2012	Open
24	Code Enforcement	CAR-12-0094	03/09/2012	Rental Housing License	620 SW 149TH ST Rental Housing License-Werzynski-Zone 3	Case Received	03/09/2012	Open
21	Code Enforcement	CAR-12-0096	03/12/2012	Rental Housing License	Rental License-Seagull Bldg-Zone 3	Case Received	03/12/2012	Open
21	Code Enforcement	CAR-12-0121	03/12/2012	Sign Violation	Sign Permit-LH Foot Care-Zone 4	Case Received	03/27/2012	Open
19	Code Enforcement	CAR-12-0103	03/14/2012	Housing Concerns	11924 4TH AV SW Housing, No SCL-Pablo-Zone 1	Case Received	03/14/2012	Open
19	Code Enforcement	CAR-12-0105	03/14/2012	Housing Concerns	648 S 159TH ST Housing, No SCL-Murray-Zone 4	Case Received	03/19/2012	Open
17	Code Enforcement	CAR-12-0104	03/16/2012	Nuisance	16009 DES MOINES MEMORIAL DR S Nuisance-PNC Bank-Zone 4	Phone Call	03/26/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
17	Code Enforcement	CAR-12-0106	03/16/2012	Housing Concerns	Housing, Vacant-Talbert-Zone 2	Case Received	03/19/2012	Open
17	Code Enforcement	CAR-12-0107	03/16/2012	Housing Concerns	12623 14TH AV S	Case Received	03/19/2012	Open
12	Code Enforcement	CAR-12-0110	03/21/2012	Fire Department Issue	Housing, No SCL-Martinez-Zone 2 420 SW 154TH ST	Case Received	03/21/2012	Open
12	Code Enforcement	CAR-12-0111	03/21/2012	Fire Department Issue	615 AMBAUM BL SW Fire Issue-Laru Apts-Zone 3	Case Received	03/21/2012	Open
12	Code Enforcement	CAR-12-0112	03/21/2012	Fire Department Issue	15800 4TH AV S Fire Issue-Woodcrest Apt-Zone 4	Case Received	03/21/2012	Open
12	Code Enforcement	CAR-12-0113	03/21/2012	Fire Department Issue	143 S 152ND ST Fire Issue-Princess Ann Apts-Zone 4	Case Received	03/21/2012	Open
12	Code Enforcement	CAR-12-0114	03/21/2012	Fire Department Issue	15621 4TH AV S Fire Issue-Cedar Court Apts-Zone 4	Case Received	03/21/2012	Open
7	Code Enforcement	CAR-12-0115	03/26/2012	Planning / Zoning	12250 OCCIDENTAL AV S ADU-Thongvanh-Zone 2	Case Received	03/26/2012	Open
7	Building	CAR-12-0116	03/26/2012	Building	16233 DES MOINES MEMORIAL DR S Building Permit-Purewell-Zone 4	Case Received	03/26/2012	Open
7	Code Enforcement	CAR-12-0123	03/26/2012	Nuisance	1017 S 124TH PL Nuisance, Garbage-Coulter-Zone 2	Case Received	03/30/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
6	Code Enforcement	CAR-12-0117	03/27/2012	Business License	132 SW 153RD ST Business License-Postal Union-Zone 3	Case Received	03/27/2012	Open
6	Code Enforcement	CAR-12-0118	03/27/2012	Nuisance	13104 14TH AV S Nuisance, Vehicles-Foley-Zone 2	Case Received		
6	Code Enforcement	CAR-12-0119	03/27/2012	Nuisance	15840 8TH AV SW Nuisance Debris-Johnson-Zone 3	Case Received	03/27/2012 03/27/2012	Open Open
6	Code Enforcement	CAR-12-0120	03/27/2012	Accessory Dwelling Unit	ADU-Peterson-Zone 3	Case Received	03/27/2012	Open
3	Code Enforcement	CAR-12-0124	03/30/2012	Business License	12639 DES MOINES MEMORIAL DR S Business License-Storage, Werner-Zone 2	Case Received	03/30/2012	Open
3	Code Enforcement	CAR-12-0125	03/30/2012	Nuisance	2618 SW 170TH ST Nuisance, Trash-Montague-Zone 3	Case Received	03/30/2012	Open