

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on proposed Ordinance 508, amending Section 15.05.120 BMC (Building and Construction Appeals).		<b>Meeting Date:</b> March 23, 2008
<b>Department:</b> Community Development	<b>Attachments:</b> 1. <u>Proposed Ord. 508</u>	<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> Jan Vogee		
<b>Telephone:</b> (206) 248-5523		
<b>Adopted Work Plan Priority:</b> Yes X No	<b>Work Plan Item Description:</b> Review Development Codes	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is for the Council to discuss proposed Ordinance 508, amending Section 15.05.120 BMC (Appeals) regarding the appeal of interpretations related to orders, decisions, or determinations of the City of Burien building and construction codes.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> Section 15.05.120 of the Burien Municipal Code provides for a right to appeal a decision of the Building Official relative to the interpretation of the Burien building and construction codes. The current code requires any appeal to be filed within 10 days of the issuance or denial of a permit. It does not provide for an appeal based upon issuance of an interpretation or decision prior to or after a permit is issued.</p> <p>This ordinance would modify Section 15.05.120 to establish and clarify the right to a timely appeal of an interpretation of the building official based on the date of the decision, rather than the date of permit issuance.</p>		
<p><b>OPTIONS (Including fiscal impacts):</b> N/A</p>		
<b>Administrative Recommendation:</b> Hold discussion and place proposed Ordinance No. 508 on April 6, 2009 consent agenda for consideration.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required		
Submitted by: Jan Vogee, Building Official		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> March 12, 2009	<b>File Code:</b> \\File01\records\CC\Agenda Bill 2009\032309cd-1 Amend BMC 15-20-120 Appeals.doc	

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 508

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### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO ORDERS, DECISIONS OR DETERMINATIONS APPLYING AND INTERPRETING THE CITY OF BURIEN BUILDINGS AND CONSTRUCTION CODE; AMENDING SECTION 15.05.120 OF THE BURIEN MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, Section 15.05.120 of the Burien Municipal Code provides for a right to appeal a decision of the Building Official relative to the interpretation of the City of Burien construction codes; and

WHEREAS, the foregoing section links such appeals to issuance of denial of a permit and does not provide for an appeal based upon issuance of an interpretation after a permit is issued; and

WHEREAS, the City Council of the City of Burien finds that it would be in the best interests of the City to amend Section 15.05.120 to establish and clarify the right to timely appeal an interpretation by the building official of a provision of the City of Burien Buildings and Construction Code made after issuance of a permit;

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

Section 1. Amending Section 15.05.120 BMC (Appeals). Section 15.05.120(1) of the Burien Municipal Code is hereby amended to read as follows:

(1) Appeals of final orders, decisions, or determinations made by the building official relative to the application and interpretation of the city of Burien buildings and construction codes, may be appealed by the permit applicant, property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within ~~40~~ 30 days of the issuance of the final order, decision or determination. ~~or denial of a permit pursuant to Chapters 2.15 and 2.20 BMC.~~

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE  
\_\_\_\_ DAY OF \_\_\_\_\_, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF BURIEN

\_\_\_\_\_  
Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

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

Approved as to form:

\_\_\_\_\_  
Christopher D. Bacha  
Kenyon Disend, PLLC  
City Attorney

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