

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to adopt Ordinance 508, amending Section 15.05.120 BMC (Building and Construction Appeals).		Meeting Date: April 6, 2009
Department: Community Development	Attachments: 1. Proposed Ord. 508	Fund Source: N/A
Contact: Jan Vogee		Activity Cost: N/A
Telephone: (206) 248-5523		Amount Budgeted: N/A
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: Review Development Codes	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider 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>BACKGROUND (Include prior Council action & discussion): 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>At the March 23 study session, Council discussed the proposed ordinance and requested that it be place on the April 6, 2009 Consent Agenda for adoption.</p>		
<p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Adopt Ordinance No. 508. 2. Do not adopt Ordinance No. 508 		
Administrative Recommendation: Adopt Ordinance No. 508 amending Section 15.05.120 BMC (Building and Construction Appeals).		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to approve the consent agenda adopts Ordinance No. 508 amending Section 15.05.120 BMC (Building and Construction Appeals).		
Submitted by: Jan Vogee, Building Official		
Administration _____		City Manager _____
Today's Date: March 24, 2009		File Code: \\File01\records\CC\Agenda Bill 2009\040609cd-1 Amend BMC 15-20-120 Appeals.doc

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 508

**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**

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 30 days of the issuance of the final order, decision or determination.

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 Bacha
Kenyon Disend, PLLC
City Attorney

Filed with the City Clerk: March 31, 2009

Passed by the City Council:

Ordinance No. 508

Date of Publication: