



City of Burien
400 SW 152nd Street
Suite 300
Burien, WA 98166-1911

P 206.241.4647
F 206.248.5539

burienwa.gov

BMC 1.15.120 NOTICE OF CIVIL VIOLATION

Person(s) Responsible for Violation(s):

Address:

Location of Violation(s):

Date of Violation(s) – 1st observed:

Related CAR:

Effective Date:

Violations or Nuisances under the Burien Municipal Code (“BMC”):

BMC 8.45.015 as defined by:

1. **BMC 8.45.020 Trash Covered Premises**
2. **BMC 8.45.020 Potential Vermin Habitat or Fire Hazard**
3. **BMC 8.45.020 Attractive Nuisances**
4. **BMC 15.40.195 Exterior property areas**
5. **BMC 15.40.205 Recreational vehicles or other vehicles**
6. **BMC 15.40.240 Rubbish and garbage**

This Notice of Civil Violation (“NOV”) has been issued to you for the nuisances/violations noted below. You must contact the undersigned to state how you intend to abate, correct, or fix these violations.

I. DECLARATION AND DEFINITION OF NUISANCE:

BMC 8.45.015, entitled *Declaration of nuisance*, states: *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.*

Violation(s): Violations of the Burien Municipal Code are deemed a nuisance.

BMC 8.45.020(5), entitled *Definitions*, defines “Nuisance” as:

- (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 the existence of the aforementioned in this subsection as defined in BMC 8.45.020(5)(c).

II. VIOLATION(S) OR NUISANCE(S) ON YOUR PROPERTY

On the date and at the location noted above, the Person(s) Responsible were found in violation of the following BMC or regulations:

FIRST VIOLATION

BMC 8.45.020 (5)(c)(i), entitled *Trash Covered Premises* requires the Person(s) Responsible to ensure:

(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;

Factual Allegations

SECOND VIOLATION

BMC 8.45.020 (5)(c)(iii), entitled *Potential Vermin Habitat or Fire Hazard* requires the Person(s) Responsible to ensure:

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

(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;

Factual Allegations

THIRD VIOLATION

BMC 8.45.020 (5)(c)(v), entitled *Attractive Nuisances* requires the Person(s) Responsible to ensure:

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

(v) 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;

Factual Allegations

FOURTH VIOLATION

BMC 15.40.195, entitled *Exterior property areas* requires the Person(s) Responsible to ensure:

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

Factual Allegations

FIFTH VIOLATION

BMC 15.40.205, entitled *Recreational vehicles or other vehicles* requires the Person(s)

Responsible to ensure:

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

Factual Allegations

SIXTH VIOLATION

BMC 15.40.240, entitled *Rubbish and garbage* requires the Person(s) Responsible to ensure:

(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 1.15 BMC.

Factual Allegations

III. REQUIRED CORRECTIVE ACTION

1. Resolve or correct all violations immediately. Penalties accrue daily for each violation.
2. Take the necessary steps to remove all materials, debris, or litter that endanger a property, or public safety or constitute as a fire hazard or vermin habitat. Items shall be properly removed by having the waste picked up by an approved waste hauler or transferring the waste to a designated waste drop off facility, or by utilizing another approved method of removal. All waste shall be kept, stored, and covered in a secured container. Property shall be kept maintained in a clean safe and sanitary condition at all times.
3. Immediately remove any and all large appliances, equipment, unsecured vehicles, pits, wells, storage tank, or shaft, and any lumber, trash, debris, or vegetation which may prove a hazard for minors. Unsecured structures shall be demolished, repaired or secured so that they no longer pose an attractive nuisance hazard. You are responsible to obtain all approval or permits you may need for this endeavor.
4. Immediately cease living, sleeping, cooking or any similar use while parked in private or public property except where permitted by the land use and zoning codes in an approved recreational vehicle park. The RV or any junk vehicles on the property shall be removed or stored in an approved structure.

IV. DATE FOR COMPLIANCE – PENALTIES

UNDER BMC 1.15.120(3)(d) YOU MUST RESPOND TO THIS NOV BY **April 24, 2023 (“Response Date”)**, BY DOING ONE OF THE FOLLOWING:

1. Pay any fine and correct the violation(s);
2. Enter into and comply with a voluntary correction agreement with Burien;
3. Request a mitigation hearing and correct the violation; or
4. Request a hearing to contest the violation.

V. PENALTIES

According to BMC 1.15.120(2), if you fail to respond to this notice of civil violation by the Response Date above, monetary penalties of \$125.00 for the first violation and \$250.00 for a second or subsequent violation of the same nature or a continuing violation shall accrue for each day or portion thereof that each violation continues beyond the Effective Date, not including fees, costs, and assessments.

According to BMC 1.15.120(3)(e), your failure to respond to this notice or failure to attend any hearing shall result in the violation being deemed committed without requiring Burien to take further action, and the monetary penalty specified herein shall be due. If you wish to avoid penalties but desire additional time for compliance, you must submit a written request for an extension of the compliance date to the code enforcement officer prior to the correction date listed above.

If you pay the monetary penalty, you are still obligated to abate, correct, or fix the violation(s). Burien 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. Failure to correct any violation, pay fines, or respond to this notice may result in criminal charges, additional NOV's, and financial expenses, including but not limited to, the payment of abatement cost and expenses that may be entered upon the tax rolls against the property and become due as a part of the general taxes that year with interest.

VI. RIGHT TO APPEAL

The recipients of this Notice of Civil Violation may appeal such NOV or order to the hearing examiner within fourteen (14) calendar days of the date of service.

See BMC 1.15.130 “Response to notice of civil violation” on the following page.

Please contact the undersigned with the City of Burien upon receipt of this Notice of Civil Violation.

Issued by: _____
Code Enforcement Officer.



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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 (14th) 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 (14th) 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.



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3/30/2023

PROPERTY OWNER
ADDRESS

Re: Failure to Respond
Notice of Civil Violation – FILE NUMBER
Location of violation: **PARCEL/ADDRESS**

Dear Property Owner,

January 25, 2023, City of Burien issued a notice of civil violation for code violations on your property. The 14-day deadline for a response was February 13, 2023.

Under Burien Municipal Code section 1.15.130(3), a failure to respond as provided shall result in the violations being deemed committed without requiring further action by Burien or Burien's Hearing Examiner, and the recipient of the Notice of Civil Violation shall owe the monetary penalty indicated on the notice.

At this time penalties are accruing for each day that the violations on your property are not corrected. At this time, you owe _____. Failure to immediately bring the property into compliance will result in additional legal action.

Sincerely,

Code Enforcement Officer