



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

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burienwa.gov

NOTICE OF CONDEMNATION Structure Unfit for Human Occupancy

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"):

1. **BMC 15.40.035 Maintenance**
2. **BMC 15.40.110 Unsafe structures and equipment**
3. **BMC 15.40.265 Plumbing systems and fixtures**
4. **BMC 15.40.270 Water system**

This Notice of Condemnation 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.

Pursuant to RCW 59.18.085, you may become liable to any tenants on the property for relocation assistance, rents, and/or other fines and penalties as prescribed by the Residential Landlord Tenant Act.

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; ...

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

FIRST VIOLATION: On the date and at the location noted above, the Person(s) Responsible for the Violation(s) violated **BMC 15.40.035 Maintenance** by:

Permitting the water supply to the property to be removed, shut off and/or discontinued 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.

The aforementioned BMC section that the Person(s) Responsible violated states in pertinent part(s):

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

SECOND VIOLATION: On the date and at the location noted above, the Person(s) Responsible for the Violation(s) violated **BMC 15.40.110 Unsafe structures and equipment** by:

Permitting the inadequate maintenance and supply of water to the property 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.

The aforementioned BMC section that the Person(s) Responsible violated states in pertinent part(s):

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

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

(i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be insanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

THIRD VIOLATION: On the date and at the location noted above, the Person(s) Responsible for the Violation(s) violated **BMC 15.40.265 Plumbing systems and fixtures** by:

Permitting the inadequate maintenance and supply of water to the property, thereby not allowing for the plumbing systems and fixtures to properly function, 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.

The aforementioned BMC section that the Person(s) Responsible violated states in pertinent part(s):

(1) General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(3) Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

FOURTH VIOLATION: On the date and at the location noted above, the Person(s) Responsible for the Violation(s) violated **BMC 15.40.270 Water system** by:

Permitting the inadequate maintenance and supply of water to the property 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.

The aforementioned BMC section that the Person(s) Responsible violated states in pertinent part(s):

(1) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with Chapter 15.10 BMC.

(3) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except where allowed in Chapter 15.10 BMC. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters

III. REQUIRED CORRECTIVE ACTION

1. Resolve or correct all violations immediately. Penalties accrue daily for each violation.
2. Immediately renew the water supply to the property and resolve any additional conditions, fines, and penalties that led to the water supply being removed, shut off and/or discontinued.

IV. DATE FOR COMPLIANCE – NOTICE OF HEARING

A virtual hearing has been scheduled before the Code Enforcement Officer on **(date) at time** via Zoom. Property owners shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing. For purposes of this Notice of Condemnation and hearing, a “property owner” shall be all persons having an interest in the property as shown upon the records of the auditor's office of the county in which such property is located.

To access the hearing, use the link below on the date and time provided above.

Zoom link

After the hearing, Code Enforcement Officer shall make a determination and shall state in writing its findings of fact in support of such determination, and shall issue an order that (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper, or (ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

V. RIGHT TO APPEAL

Appeals of determinations made by the Code Enforcement Officer may be appealed by the property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within thirty (30) days of the issuance of the determination. See BMC 15.40.170. An application for appeal shall be based on a claim that the true intent of this title or the rules adopted thereunder have been incorrectly interpreted, the provisions of this title do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

Only those parties who have appealed the Code Enforcement Officer’s determination may participate in the appeal in either or both of the following ways:

(a) By submitting written comments or testimony to the hearing examiner prior to commencement of the hearing; or

(b) By appearing in person or through a representative at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

VI. PENALTIES

Under BMC 1.15.080, any violation of the Burien Municipal Code shall constitute a misdemeanor, unless otherwise designated as a gross misdemeanor, and the city shall have discretionary authority to enforce a violation as a criminal misdemeanor punishable 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. A gross misdemeanor is punishable by a fine of not more than \$5,000 or by imprisonment for not more than 12 months or by both such fine and imprisonment.

Please contact the undersigned with the City of Burien upon receipt of this notice.

Issued by: _____
Code Enforcement Officer



Landlord-Tenant Inspection Report

Date of inspection:

Address:

Parcel #:

Alleged Concern:

Owner Information:

The defective conditions provided by the occupant's written notice pursuant to RCW 59.18.115. The written notice was dated March 16, 2022. The notice was provided to Burien on March 20, 2023. An inspection was conducted on March 21, 2023. Property the tenants were present at the time of inspection. The property owner was contacted but did not attend.

Findings:

1. NO WATER

Observations:

The following inspection report was conducted by:

, Code Enforcement Officer: _____ Date: **3/23/2023**

BEFORE THE CITY OF BURIEN
Code Enforcement Officer

In Re: The premises at) CAR No.
[Address])
) ORDER OF ABATEMENT
)
)
_____)

TO: The owners and occupiers of the premises located at .

(List names, address, and whether owner or occupier)

On the DATE, at _____ (time) via Zoom virtual meeting, a hearing was held before the City of Burien Code Enforcement Officer pursuant to notice given by the Code Enforcement Officer through a complaint issued on _____ (date). (If applicable, list who appeared and short summary of testimony.) The Code Enforcement Officer after the hearing made the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On ____, 2022, Burien was notified the premises was no longer connected to water service.
2. Burien provided a complaint to the owner and occupiers via certified mail and posting that the property and its structures were unfit for occupancy.
3. Neither the owner nor the occupier attended the (date), hearing.
4. Burien's Code Enforcement Officer has determined that the property continues to not have water service and remains unfit for occupancy.

CONCLUSIONS OF LAW

1. Pursuant to BMC 8.45.015, the property is in violation of the Burien Municipal Code and deemed a nuisance.
2. The property is in violation of BMC 15.40.035, Maintenance, for permitting the water supply to the property to be removed, shut off and/or discontinued 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.
3. The property is in violation of BMC 15.40.110, Unsafe structures and equipment, for permitting the inadequate maintenance and supply of water to the property 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.

4. The property is in violation of BMC 15.40.265, Plumbing systems and fixtures, for permitting the inadequate maintenance and supply of water to the property, thereby not allowing for the plumbing systems and fixtures to properly function, 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.
5. The property is in violation of BMC 15.40.270, Water system, for permitting the inadequate maintenance and supply of water to the property 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.

Whereupon the Code Enforcement Officer issued the following order:

The Code Enforcement Officer has determined that the property remains out of compliance with the BMC, is unfit for occupancy, and is to be posted as CONDEMNED. Any occupied structure condemned and placarded is authorized to be vacated. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code

The Code Enforcement Officer is authorized to remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code. In order to correct the action, you must immediately:

1. Resolve or correct all violations immediately. Penalties accrue daily for each violation.
2. Immediately renew the water supply to the property and resolve any additional conditions, fines, and penalties that led to the water supply being removed, shut off and/or discontinued.

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

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building official, is authorized to be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the city of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest.

The owner or any party in interest, within thirty (30) days from the date of service upon that owner and the posting of this Order may appeal by filing a written notice of appeal pursuant to BMC Chapters 2.15 and 2.20.

Dated this ____ day of _____ 20____.

Code Enforcement Officer
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5507