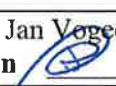



**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to adopt Ordinance 521, amending Chapter 15.05.032 BMC (Electrical code Adoption) and Chapter 15.30 (Electrical Code)		Meeting Date: October 5, 2009
Department: Community Development	Attachments: 1. <u>Proposed Ord. 521</u>	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 521, amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code).</p> <p>BACKGROUND (Include prior Council action & discussion): Every three years the National Electrical Code is updated and a new edition is published by the National Fire Protection Association (NFPA), which is amended and adopted by the State of Washington. RCW 19.28 requires cities that enforce the electrical code to adopt a code the is equal, higher or better than the state electrical code. The Burien Municipal Code establishes the adoption of the Burien Electrical Code.</p> <p>MyBuildingPermit.com and the Washington Association of Building Officials' formed a committee to review the changes in the 2008 National Electrical Code as well as the state amendments. The Electrical committee had participation for Bellevue, Bellingham, Burien, Des Moines, Kirkland, King County, Lacey, Longview, Marysville, Mercer Island, Olympia, Redmond, Renton, Sea Tac, Seattle and Vancouver. The committee compared the 2008 NEC to the most current State rules and to any regional concerns. Through this effort, "The Washington Cities Electrical Code" was created.</p> <p>This ordinance modifies the existing Burien Municipal Code to adopt "The Washington Cities Electrical Code" along with a couple of amendments to the administrative provisions so as to be consistent with other construction code administrative provisions currently adopted by the City.</p> <p>At the September 28, 2009 Council meeting, Council discussed the proposed ordinance and requested that it be placed on the October 5, 2009 Consent Agenda for adoption.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Adopt Ordinance No. 521 amending Chapter 15.05.032 BMC (Electrical code Adoption) and Chapter 15.30 (Electrical Code)		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to approve the consent agenda adopts Ordinance No. 521.		
Submitted by: Jan Vogee, Building Official		
Administration 	City Manager 	
Today's Date: September 30, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\100509cd-3 Amend BMC Title 15 to Adopt Electrical Code.docx	

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 521**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON
AMENDING BURIEN MUNICIPAL CODE TITLE 15 (BUILDINGS
AND CONSTRUCTION) RELATING TO THE ELECTRICAL CODE
AND RELATED ADMINISTRATIVE PROVISIONS, PROVIDING
FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Burien Municipal Code establishes the adoption of the Burien Electrical Code; and

WHEREAS, the state has adopted and amended the 2008 National Electrical Code (NEC); and

WHEREAS, RCW 19.28 requires cities that enforce the electrical code to adopt a code that is equal, higher or better than the state electrical code; and

WHEREAS, the MyBuildingPermit.com and the Washington Association of Building Officials' electrical committee has created the Washington Cities Electrical Code which adopts and amends the 2008 National Electrical Code in a manner consistent with Ch. 19.28 RCW; and

WHEREAS, it would be in the best interests of the public health, safety and welfare to amend Title 15 of the Burien Municipal Code to provide for the adoption of the Washington Cities Electrical Code, as amended herein, as the City of Burien Electrical Code, in conformance with Ch. 19.28 RCW;

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

Section 1. Amendment of Section 15.05.032 BMC (Electrical Code – Adoption).
Section 15.05.032 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

15.05.032 Electrical Code – Adoption

The city of Burien adopts the following codes, as amended, added to, or excepted herein, together with all amendments and additions provided in this title:

(1) The June 22, 2009 edition of "The Washington Cities Electrical Code" as published and printed by the Washington Association of Building Officials and amended in BMC Chapter 15.30.~~The National Electrical Code and the Uniform Administrative Code Provisions as printed by the National Fire Protection~~

~~Association (NFPA) and adopted by the state of Washington in Chapter 296 46B WAC. References to the International Electrical Code within the codes adopted or referenced by this title shall be amended to read National Electrical Code.~~

~~(2) Laws, Rules and Regulations for Installing Electric Wiring and Equipment, issued pursuant to Chapter 19.28 RCW.~~

~~(3) National Electrical Code Article 80 (Administration and Enforcement) is specifically adopted by the city of Burien.~~

~~The city of Burien shall automatically adopt by reference these codes and their respective amendments as they are implemented and as they may be subsequently amended by the state of Washington. . [Ord. 408 § 1, 2004]~~

Section 2. Chapter 15.30 BMC (Electrical Code) Amended. Chapter 15.30 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

Chapter 15.30

ELECTRICAL CODE

Sections:

- 15.30.010 Short title.
- 15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code..
- 15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Repealed
- 15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties- Article 85.25 Violations - Amended
- 15.30.050 ~~Appeals~~ Article 85.27 Means of Appeal - Amended
- 15.30.060 Fee schedule.

15.30.010 Short title.

This chapter is known as and may be referred to as the “city of Burien electrical code.” [Ord. 250 § 1, 1999]

15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code.
The terms “National Electrical Code” and “NEC” shall refer to the adoption of this code by reference in BMC 15.05.032.

The City of Burien adopts the June 22, 2009 edition of the Washington Cities Electrical Code, as published by the Washington Association of Building Official together with all amendments and additions provided in this title.

15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Article 80.15 of the National Electrical Code is not adopted. (Repealed)

15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties- Article

85.25 Violations - Amended

~~Article 80.23 of the National Electrical Code, as adopted by this chapter, is not adopted and is replaced with the following:~~

~~Article 80.23 Violations. Violations of this code shall be subject to BMC 15.05.110.~~

(1) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (A) Unlawful acts to read as follows:

Article 85.25 Violations.

(A) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or fail to comply with a lawful order issued pursuant to this code.

(2) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (C) Penalties to read as follows:

85.25(C) Penalties. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval or certificate shall be subject to the penalties as prescribed ~~by law. in BMC 15.05.110(3) through (6).~~

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

15.30.050 ~~Appeals. Article 85.27 Means of Appeal - Amended~~
~~Appeals shall be heard by the Hearing Examiner pursuant to BMC 15.05.120.~~

Article 85.27 of The Washington Cities Electrical Code is amended to read as follows:

85.27 Means of Appeal.

A person shall have the right to appeal a decision of the code official. An application for appeal shall be based on a claim that

the true intent of this code or the rules legally adopted hereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Appeals shall be heard by the hearing examiner pursuant to ~~the applicable chapters of the City's Municipal Code.~~ BMC 15.05.120.

15.30.060 Fee schedule.

Fees shall be in accordance with fee schedules adopted by resolution of the city council. [~~Ord. 335 § 4, 2001; Ord. 250 § 1, 1999~~]

Section 3. 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 4. 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, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 21, 2009
Passed by the City Council:
Ordinance No.: 521
Date of Publication:

