CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2002-109

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, GRANTING THE HEARING EXAMINER AUTHORITY TO HEAR FIRE AND BUILDING CODE APPEALS, REPEALING SECTION 105 OF THE BUILDING CODE, CREATING A NEW SECTION 105 OF THE BUILDING CODE ENTITLED “APPEALS,” AND AMENDING SUBSECTION 103.1.4 OF THE FIRE CODE

WHEREAS, the Sammamish City Council enacted Ordinance No. 099-15, adopting the Uniform Building Code and the Uniform Fire Code, subject to the amendments set forth in that Ordinance, to promote the public health, safety and welfare; and

WHEREAS, Section 105 of the Building Code provides for a board of appeals to hear and decide appeals under the Building Code; and

WHEREAS, Subsection 103.1.4 of the Fire Code provides for a board of appeals to hear and decide appeals under the Fire Code; and

WHEREAS, the City Council finds that it is appropriate that Fire and Building Code appeals are heard and determined by the City’s Hearing Examiner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repealer. Section 105 of the Uniform Building Code, as adopted and amended by Ordinance 099-15, is hereby repealed in its entirety.

Section 2. New Section 105 Created. There is hereby created a new Uniform Building Code Section 105 entitled “Appeals,” to read as follows:

105.1 Appeals.
A. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Hearing Examiner following an open record hearing. Following review of the evidence, the Examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

B. The Hearing Examiner’s final decision shall be the final decision of the City Council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.
Section 3. Uniform Fire Code Subsection 103.1.4 Amended. Subsection 103.1.4 of the Uniform Fire Code is hereby amended to read as follows:

103.1.4 Appeals. A. Appeals of orders, decisions or determinations made by the fire official relative to the application and interpretation of this code shall be heard and decided by the Hearing Examiner following an open record hearing. Following review of the evidence, the Examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

B. The Hearing Examiner's final decision shall be the final decision of the City Council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

Section 4. 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 5. 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 17TH DAY OF SEPTEMBER 2002.

CITY OF SAMMAMISH

[Signature]
Mayor H. Troy Romero

ATTEST.AUTHENTICATED:

[Signature]
Melonie Anderson, City Clerk
Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: August 28, 2002
First Reading: September 3, 2002
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