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23 January 2006

TO : Blaine City Council
Blaine City Hall
FAX 332-8330

RE : I.B.C., Section 112, provides a review remedy

Please read Section 112 of the Blaine adopted Inn building code. Please note that it proscribes a hearing/appeals board comprised of individuals who are not employed by the city.

There is a reason for you to be concerned about why this section has not been brought to the forefront and used to rectify complaints developers have been making regarding actions of the City against them. Harbor Lands Co.'s experiences in Blaine could be considered a case-in-point.

We have several actions on the part of the City we would like to appeal to a peer-review board that is independent of the City; these actions have occurred on three (3) separate projects—Clark Street, The Seascope Condo and The Palisades site along West Peace Portal Drive. The very fact that The Palisades project will not go forward as planned is owing to our inability to gain an independent hearing on stop-work restrictions the City placed on our efforts to protect the public on land we owned.

Mr. Ellingson as hearing examiner cannot render a fair judgment to any builder on code issues as he is part of a cohort that has pushed the downtown board-walk through; consequently, his appointment as hearing examiner would produce no results that are not in favor of the City, or which do not aid and abet those who are already stake-holders in the boardwalk project. Such a conflict effectively impairs his ability to rule objectively.

Sue Sturgill, who sits on the Blaine Planning Commission is another public official who should not be expected to rule fairly on a project of any applicant. She receives a stipend from the City for operation of the 'Plover' harbor taxi, so she consequently would feel obligated to vote according to the will of the City Manager and the Development Director. Mrs. Sturgill is a "placed vote" of Mr. Galvin's.

You might wish to check her voting history and see if she has ever voted contrary to Mr. Galvin's direction or expectations.

Sincerely,



Joel Douglas

ADMINISTRATION

sions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and where possible the owner and occupant of the building, structure

or service system of the location prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure 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.

113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.