

BEFORE THE HEARING EXAMINER

CITY OF SEATTLE

In the Matter of the Appeal of

C.F. MALM

FILE NO. H-79-002

from an Order of the Superintendent
of Buildings pursuant to the Housing
Code, Ordinance 106319

Introduction

C.F. Malm, appellant, filed an appeal from an order of the Superintendent of Buildings under the Housing Code, Ordinance 106319, relating to property at 3806-25th Avenue West.

The matter was heard before the Hearing Examiner on June 20, 1979.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The subject property is a tenant occupied, single family residence at 3806-25th Avenue West. Appellant is an owner of the property.

2. On March 16, 1979, the property was inspected by a Building Department inspector upon receipt of a complaint. Notice of Violation dated March 29, 1979, was served on appellant March 30, 1979. Appellant requested and received a hearing provided for in Section 4.22 of the Housing Code. The Notice of Violation was sustained but the date for compliance was extended to May 16, 1979. The Superintendent's order, dated April 30, 1979, was served May 7, 1979.

3. Appellant filed his notice of appeal of that order May 30, 1979, and the hearing of that appeal was held June 20, 1979.

4. The portion of the order of issue on appeal is:
"1. Inadequate Sanitation. a. Connect the plumbing fixtures to a sanitary sewer or to an approved private sewage disposal system: overflowing septic tank."

5. Appellant acknowledged that the septic tank on the property has overflowed and continues to overflow despite his attempts to have the problem corrected.

6. Three solutions to the problems theoretically exist: Establish an L.I.D. to bring the public sewer system to the subject property; run a side sewer down unimproved Emerson for a temporary connection pending the L.I.D.; or repair the existing septic tank system. There are problems with each. The hearing on the L.I.D. for which appellant filed in September, 1978, is scheduled for October, 1979, so installation is far in the future. The Engineering Department will not permit the temporary solution because of the possibility that it would be permanent. The appellant has attempted, but without success, to find a contractor willing to do the necessary repairs in the City of Seattle.

7. The Health Department representative at the hearing offered assistance to appellant in locating a contractor and explaining City requirements.

8. Section 4.05(f) of the Housing Code requires connection to a sanitary sewer or to an approved private sewage disposal system.

Conclusions

1. The condition cited in the notice exists and is a violation of the Code.

2. Problems associated with each remedy do not allow the reversal of the Superintendent's order, as appellant recognizes. The alternative to correcting the condition is to close the building, according to the Code.

Decision

The appeal is DENIED and the order of the Superintendent of Buildings is AFFIRMED.

Entered this 10th day of July 1979.

M. Margaret Klockars
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Deputy Hearing Examiner