

ORDINANCE NO. 4019

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to fees, specifically including fees for hearings and appeals before the hearing examiner, business license fees, various public infrastructure plan review and inspection fees, planning and land use and development application, permit and inspection fees, and inspection and permit fees required under the provisions of the International Building, Residential, Mechanical, and Fire Codes and the Uniform Plumbing code by making the following code revisions: adding a new section to Chapter 1.01 generally authorizing fees by resolution; adding a new section 2.32.155 relating to public hearings and appeals before the hearing examiner; adding a new chapter to Title 3 of the Kent City Code entitled, "Technology Infrastructure" and adding a new section relating to technology fees; amending Section 5.01.090 relating to business licenses; amending Sections 6.06.040 and -050 relating to plan review and inspection fees for public infrastructure improvements; amending Section 6.07.040 and-.170 relating to street use permits; amending Section 7.02.105 and 7.03.160—.170 relating to water system cross-connection control, installation and connection permits; amending Sections 7.04.080 and 7.04.100—.110 relating to sanitary sewer permits and inspections; adding a new section 11.06.045 relating to critical areas and environmental review; and adding a new section 12.01.055 relating to land use and planning applications and permits; and further adding other related minor revisions and clarifications to the city code.

RECITALS

A. The Kent City Council has established fees by both resolution and ordinance. Resolutions allow for adjusting fees without requiring council to amend the text of the Kent City Code. Currently, there are multiple provisions contained in the Kent City Code referencing fees. Any adjustments to those fees require amendments to the text of the Kent City Code by ordinance.

B. Many of these fees in the city code have not been reviewed or updated since 2006.

C. Adjustments to the current fees contained in the Kent City Code would be served best by amending the code to reference fee schedules contained in a resolution, thereby allowing for adjustments without amending the text of the Kent City Code.

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

ORDINANCE

SECTION 1. - *New Section.* The following new section 1.01.105 is added to chapter 1.01:

Sec. 1.01.105. Fee Resolutions. Any fees, rates or charges established by city council resolution shall be deemed lawfully established by authority of the city council regardless of whether the fee, rate or charge is established by a separate ordinance.

SECTION 2. - *New Section.* The following new section 2.32.155 is added to chapter 2.32:

Sec. 2.32.155. Hearing Examiner Code - Fees. The city council, shall, by resolution, establish the fees to be charged to conduct open or closed record public hearings as well as all appeals. In the event of any conflict or ambiguity regarding any fees established by council resolution, the planning director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

SECTION 3. - *New Chapter.* The following new chapter 3.11 is added to Title 3 of the Kent City Code:

Chapter 3.11. TECHNOLOGY INFRASTRUCTURE

Sec. 3.11.010. Technology Fee Established. In order to accommodate the high cost and need to continually replace telecommunications, data, network, hardware and software systems caused by a continuous and rapidly changing technology environment, the technology fees shall be applied to the following transactions:

A. Utility Billing. A fee of one dollar (\$1.00) per bill for every utility bill issued, whether the bill includes any combination of water, sewer, or storm drainage charges.

B. Parks and Recreation Fees. A fee of one dollar (\$1.00) per transaction for each registration for any parks and recreation program. For the purposes of this subsection, "transaction" shall mean the process of collecting and receipting fees and charges in the form of cash, check, or credit card payment for programs, services, or miscellaneous resale items

offered by the parks and recreation department. The fee shall not apply to the following:

1. The fee shall not apply to any transactions or registrations at the Riverbend Golf Course;

2. The fee shall not apply to registrations or transactions with a total cost less than ten and 00/100 dollars (\$10.00);

3. The fee shall not apply to drop-in transactions (such as, for example and without limitation, lunch at the Senior Center or one-time payment for use of the weight room at Kent Commons).

C. For all other applications, permits, inspections, registrations, transactions and approvals established under the Kent City Code, the fee shall be established by council resolution.

SECTION 4. - Amendment. Section 5.01.090 of the Kent City Code is amended as follows:

Sec. 5.01.090. Application procedure, license fee.

~~A. The director is authorized to prepare a schedule of fees for the issuance of a license and, when approved by the city council, that schedule shall govern the amount of the license fee.~~
The city council shall, by resolution, establish the fees to be assessed to implement and operate the codes/regulations adopted in this chapter. In the event of any conflict or ambiguity regarding any fees established by council resolution, the finance director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

B. All businesses operated not for profit shall be required to be licensed but shall be exempt from paying a business license fee upon satisfactory proof to the director of their not-for-profit status.

C. The licensee shall make application for any business license required under this chapter to the director on a form prepared by the department, which application shall be accompanied by a receipt from the department showing payment of the required fee. A new business license shall be required annually. If the application for a new license is made within six (6) months of the date fixed for expiration, the fee shall be one-half the annual fee; provided, there shall be no reduction in the fee for a license renewal.

SECTION 35. - Amendment. Section 6.03.010 of the Kent City Code is amended as follows:

Sec. 6.03.010. Fees designated.

A. The city's public works department is responsible for the planning, design, construction, maintenance, and operation of a complex network of rights-of-way and public easements, including the placement of private utility facilities such as gas, electrical, telephone, fiber optic, and other lines and conduits. As a result of Kent City Code 2.30.010, the public works and economic and community development departments are responsible for the plan review, plan approval, inspection, and acceptance of all construction within any public easement or right-of-way and all public works improvements, such as streets, sidewalks, and walkways, street lighting systems, storm drainage systems (public and private), and public and private utilities. Accordingly, the city incurs substantial costs in both time and materials to provide these services, and it is necessary and appropriate to charge fees for those services. As a result, the city council

shall, by resolution, establish the fees to be assessed to implement and operate the codes adopted by this chapter. The resolution may require that certain fees be pre-paid and/or designated to be non-refundable because staff time and materials will be expended whether or not the permit applied for is approved by the city or pulled by the applicant. In the event of any conflict or ambiguity regarding any fees established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

~~The public works department employs twenty-three (23) full-time equivalent employees to accomplish plan review, plan consultation, plan inspection, and onsite inspection of these third-party public works improvements. Accordingly, each developer/applicant must pay a plan review and inspection fee in the amount of eight (8) percent of the estimated construction cost of the proposed public works improvements. This fee will typically cover approximately one-half (1/2) the total cost for this city staff time to review and inspect each individual application.~~

~~B. In lieu of paying this eight (8) percent fee, the developer/applicant will have a one (1) time only option to pay the city's actual costs for these services based on the current average hourly rate of eighty five dollars (\$85) per hour. This option can only be exercised at the time the fee is first imposed. If this option is selected, the developer/applicant must pay for all time incurred by city staff for plan review, plan consultation, plan inspection, and onsite inspection of the public works improvements to be constructed at the hourly rate established above, even if the final total amount exceeds the eight (8) percent fee.~~

~~CB. In consideration of the mutual benefits received when another agency of the state (including, without limitation, counties, other cities, or special purpose districts) seeks to construct public improvements not intended for conveyance to the city but that will provide a regional benefit,~~

~~the public works department~~city will limit this fee to that portion of the work which affects the city's interests, concerns, and improvements within and abutting the city's rights-of-way.

~~DC. In all cases, the minimum fee shall be no less than five hundred dollars (\$500). The developer/applicant will be required to submit separate cost estimates for each public works improvement item. These will be checked by the public works department for accuracy. A nonrefundable review fee as established by resolution~~deposit of fifty (50) percent of the total fee is due and payable prior to starting the review with an inspection fee, as established by resolution, balance due and payable prior to the approval of the construction plans.

~~E. Where the developer/applicant has opted to pay the city's actual costs based on the above-stated hourly rate, a nonrefundable deposit of fifty (50) percent of the estimated total cost as prepared by the public works department is due and payable before beginning review; the balance of this estimate is due and payable before the city approves construction plans. If the actual costs incurred are less than the monies deposited, the city shall reimburse the difference upon the developer/applicant's completion of the construction of the approved public works improvements. Any incidental interest earned on monies deposited with the city shall become the city's sole property. If the city's actual cost exceeds the amount deposited by the developer/applicant, the city shall bill the developer/applicant for the amount due, and the developer/applicant shall pay that amount within thirty (30) days of the date billed. Any amounts unpaid after the thirty (30) day due date shall be charged interest at a rate of twelve (12) percent per annum, and the city may use any rights or remedies available under the law to collect or seek reimbursement of the amounts due. In any event, the developer/applicant must pay all amounts due before staff will present the public works improvements to the city council for acceptance or before issuing a~~

~~certificate of occupancy for a development associated with these public works improvements.~~

~~FDC. Two (2) re-reviews of the construction plans are included with the plan review fee when the developer/applicant pays the eight (8) percent fee described above, but a~~Additional re-reviews, whether attributed to the developer's action or inaction, shall be charged at a rate of eighty five dollars ~~(\$85) per hour~~ an hourly rate established by resolution. A certain number of inspection hours may be designated for each inspection fee, included with the inspection fee described above. Iand inspection time over and above the ~~prescribed~~designated number of hours, whether attributed to the developer's action or inaction, shall be charged at an hourly rate established by resolution.

SECTION 6. - *Amendment.* Sections 6.06.040—.060 of the Kent City Code are amended as follows:

Sec. 6.06.040. Permit requirements.

A. Prior to issuance of any right-of-way permit for cutting any portion of city right-of-way, whether improved or not, the location first shall be inspected and approved by a ~~department of public works~~city official.

B. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or approval of any violation of the provisions of this chapter or any other ordinance or appropriate rule or regulation of the city.

C. Every permit issued by the ~~department of public works~~city under the provisions of this chapter shall expire ninety (90) days after issuance of

the permit unless work has commenced or unless the permit has been extended.

D. -The director of public works, or designate, may in writing suspend or revoke a permit issued under the provisions of this chapter whenever the permit was issued in error or on the basis of incorrect information supplied or in violation of any other ordinance or regulation of the city.

Sec. 6.06.050. Permit and inspection fees and permit renewal.

A. The city council shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. The basic fee for a permit to cut a street, curb, sidewalk, or any portion of city right of way, whether or not improved, shall be three hundred dollars (\$300), and beginning January 1, 2007, this basic fee shall increase to four hundred fifty dollars (\$450). This basic fee, by way of example, and without limitation, these fees shall apply to street cuts, curb cuts, sidewalk cuts, or any portion of city right-of-way, whether or not improved, and all utility work within the public right-of-way that involves cutting the public right-of-way. Utility work shall include, but not be limited to, work performed in association with gas, telephone, electric power, cable TV, water, stormwater, and sewer, and underground facilities. The resolution may require that certain fees be pre-paid and/or designated to be non-refundable because staff time and materials will be expended whether or not the permit applied for is approved by the city or pulled by the applicant. In the event of any conflict or ambiguity regarding any fees established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

B. ~~Review and inspection fees may be limited to a set number of hours of staff time work. Any staff time incurred exceeding those hours of work may be subject to An additional hourly time charge will be made where total review and inspection time exceeds six (6) hours. Such~~ This extra charge will be invoiced to the applicant separately at the hourly rate as established by resolution, ~~of fifty dollars (\$50) per hour, which is less than the average actual hourly cost for city staff employed to process these permits. Beginning January 1, 2007, this extra charge shall increase to a rate of seventy five dollars (\$75) per hour.~~

C. ~~Wherever~~ When work for which a permit ~~is~~ would be required by this chapter is commenced or performed ~~prior to~~ without first obtaining ~~such~~ that permit, the basic permit fee shall be doubled, but the payment for ~~such~~ that double fee shall not relieve ~~any~~ that person or entity from full compliance with all of the requirements of this chapter in the execution of the work, nor from any other penalties which may be provided for by local, state or federal law ~~in this chapter~~, including criminal penalties.

Sec. 6.06.060. Specifications and special requirements.

A. Specifications. All curb and street cuts shall be repaired to conform to the requirements of the latest version of the City of Kent Design and Construction Standards, as adopted by Kent City Code 6.02.010 ~~Standard Specifications for Road, Bridge and Municipal Construction, latest edition, prepared by the Washington State Department of Transportation and the American Public Works Association.~~ Copies of ~~such~~ this publication ~~and~~ any additions or amendments ~~thereto~~ are on file with the city clerk and available to the general public.

B. Permittee's performance responsibility. In addition to all other requirements specified by this chapter or the latest version of the City of

~~Kent Design and Construction Standards~~~~Standard Specifications for Road, Bridge and Municipal Construction~~, adopted in subsection (A) of this section, the permittee shall be responsible for restoration of the street, or curb, and all disturbed public right-of-way area to its original or better condition, including any required overlays as approved by the director of public works. The permittee shall ~~finish-patch~~complete the street or curb cut in accordance with the permit requirements immediately upon completion of the project. The permittee shall be responsible for defects or failure of the street or curb cut area for a period of ~~one~~two (± 2) years following ~~final~~finish inspection.

C. Curb cut locations. The location of each curb cut must be approved by the ~~city~~department of public works. The city reserves the right to deny any request to cut any curb.

D. Special conditions. At the discretion of the director of public works or designate, one (1) or more of the following requirements may be specified when conditions require their use. Wherever such special conditions are required, they shall be set forth on the permit at the time of issuance or as an amendment to the permit in those instances where conditions requiring their use become known after the permit has been issued:

1. Curb cuts within the right-of-way shall be made only in areas and by methods approved by the public works director, or his or her designee. All improved or unimproved areas within the right-of-way shall be restored to an equal or better condition;

2. Excavated material shall be completely removed from the street surface;

3. Signs, cones, barricades, and all other traffic control devices to protect and control pedestrian and vehicular traffic in the construction area shall be used as prescribed by the traffic engineer, and in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways as amended, and shall be at the expense of the permittee;

4. One (1) or more traffic lanes shall be kept open at all times. Moving traffic shall be properly controlled by uniformed flagmen, if specified. Hours of operation during construction and restoration shall be as specified on the permit;

5. Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times;

6. Backfill and replacement of pavement or oiling of surface shall be done to the satisfaction of the public works director. Unless otherwise specified by the ~~city public works director~~, backfill material shall conform to the latest version of the City of Kent Design and Construction Standards ~~Standard Specifications for Road, Bridge and Municipal Construction~~, adopted in subsection (A) of this section;

7. ~~The permittee must file~~ Filing of a surety indemnity bond approved by the ~~city department of public works~~ to protect the city to cover completion of the permit work during construction and throughout the two (2) year warranty period, and the Permittee must provide approved public liability insurance naming the city as an additional insured in the amount specified on the face of the permit;

~~8. A cash deposit in the amount as specified on the face of the permit not to exceed one thousand dollars (\$1,000) to be made to the city;~~

98. Open cuts within the paved area will not be permitted;

109. The construction inspector shall require that a temporary patch be made for thirty (30) days, and thereafter, a permanent patch will be placed by the permittee within five (5) days.

SECTION 7. - Amendment. Sections 6.07.040 and 6.07.170 of the Kent City Code are amended as follows:

Sec. 6.07.040. Construction and property development.

A. Generally. No person shall be issued a project, building, grading, or fill permit without first obtaining a separate street use permit from the city department of public works except as follows:

1. An application is made for a permit to make an addition, alteration, or repairs to a single-family residence; or

~~2. An application is made for a permit to make an alteration, repair, or minor addition (less than twenty thousand dollars (\$20,000) in value) to any structure other than a single-family residence;~~

32. The director determines, in his or her discretion, that the issuance of a separate street use permit for each project, building, grading, or fill permit is not necessary to regulate the use on the public place.

B. Moving of structures. Prior to application and issuance of a street use permit for any building or structure to be moved across, along, or upon any public place within the city and sited within the city, the

applicant shall first obtain a building permit for the siting of such building or structure.

Sec. 6.07.170. Permit and inspection fees.

A. The city council shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. This resolution may require that certain fees be pre-paid and/or non-refundable because staff time and materials will be expended whether or not the permit applied for is approved by the city or pulled by the applicant. In the event of any conflict or ambiguity regarding any fees established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity. The basic fee for a street use permit shall be as follows:

1. ~~KCC 6.07.040. Construction and property development, including utility work not requiring cuts: two hundred dollars (\$200).~~
2. ~~KCC 6.07.060. Street vendors: one hundred dollars (\$100) per year; beginning January 1, 2007, two hundred dollars (\$200) per year. Permits are issued annually.~~
3. ~~KCC 6.07.070. Sidewalk cafes: one hundred dollars (\$100) per year; beginning January 1, 2007, two hundred dollars (\$200) per year. Permits are issued annually.~~
4. ~~KCC 6.07.090. Street closures: fifty dollars (\$50); beginning January 1, 2007, two hundred dollars (\$200).~~
5. ~~KCC 6.07.100. Master use permit: one hundred dollars (\$100); beginning January 1, 2007, two hundred dollars (\$200).~~

B. Where total inspection time exceeds two (2) hours, an extra charge shall be invoiced to the applicant at an hourly rate ~~to be as established by council resolution annually by the director.~~ Beginning January 1, 2007, this extra charge shall increase to an hourly rate of seventy five dollars (\$75) per hour.

C. ~~Wherever~~When work for which a permit ~~is~~would be required by this chapter is commenced or performed ~~prior to~~without first obtaining ~~such~~that permit, the basic permit fee shall be doubled, but the payment for such ~~doubled~~that fee shall not relieve any~~that~~ person or entity from full compliance with all of the requirements of this chapter in the execution of the work, nor from any other penalties which may be provided for by local, state or federal law ~~in this chapter~~, including criminal penalties.

SECTION 8. - *Amendment.* Sections 7.02.105, 7.02.160 and 7.02.170 of the Kent City Code are amended as follows:

Sec. 7.02.105. Cross-connection - Annual inspection of system with backflow prevention device. The city's cross-connection control program provides that any cross-connection utilizing a backflow prevention device is to be inspected by the city annually. The purpose for this inspection requirement is to protect the city's public water supply from possible contamination. The annual administrative and inspection fee assessed, per backflow prevention device, ~~is eighty dollars (\$80)~~shall be as established by council resolution. This fee iswill be based on the actual cost incurred by the city to conduct those inspections ~~in order to protect the city's public water supply from possible contamination.~~ The inspection fee shall be collected at the time of the annual testing of ~~said~~the backflow prevention device(s) as described in the city's cross-connection program document on file either in the city clerk's office or ~~with~~the public works

department. In the event of any conflict or ambiguity regarding any fees authorized under this Chapter and established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

Sec. 7.02.160. Installation and connection charges inside city limits, permits and inspection fees.

A. *Tap charge - Connection by water utility.* Any property owner within the city limits applying for water service shall pay in full a tap charge, and a permit review and inspection fee, plus a system development charge prior to issuance of the water service permit. The tap charge will include the cost of connection and laying the pipe from the city water main to the property line of the property to which service is desired, or at a distance of sixty (60) feet from the main toward such property line, whichever is shorter. The minimum tap charge so established for service installed by the water utility is as follows:

1. Two hundred seventy-five dollars (\$275) for each five-eighth (5/8) inch by three-quarter (3/4) inch connection.
2. Three hundred twenty-five dollars (\$325) for each three-quarter (3/4) inch connection.
3. Three hundred fifty dollars (\$350) for each one (1) inch connection.
4. Six hundred dollars (\$600) for each one and one-half (1-1/2) inch connection.
5. Eight hundred dollars (\$800) for each two (2) inch connection

On any connection over two (2) inches, the minimum tap charge shall be the actual cost of the meter and installation, plus twenty-five (25) percent.

B. *Tap charge – Connection by licensed contractor.* If the workload of the water utility as determined by the director of public works is such that the installation of the water connection would interfere with the proper operation and maintenance of the water system, the director of public works may require that the property owner employ a licensed contractor to make the connection and install the necessary line and materials except the water meter. All such water services shall meet or exceed the standards and specifications approved by the director of public works. The minimum tap charge is as follows:

1. One hundred dollars (\$100) for each five-eighth (5/8) inch by three-quarter (3/4) inch connection.

2. One hundred twenty-five dollars (\$125) for each three-quarter (3/4) inch connection.

3. One hundred seventy-five dollars (\$175) for each one (1) inch connection.

4. Three hundred sixty dollars (\$360) for each one and one-half (1-1/2) inch connection.

5. Five hundred dollars (\$500) for each two (2) inch connection

All such contractor-installed connections shall be guaranteed by the contractor for a period of one (1) year.

C. *System development charge.* The system development charge is as follows:

Meter Size (inches)	Charge Effective Through March 31, 2009	Charge Effective April 1, 2009
Less than 1	\$2,600	\$5,949
1	\$4,627	\$14,872
1-1/2	\$10,400	\$29,743
2	\$18,486	\$47,589
3	\$41,594	\$95,179
4	\$73,933	\$148,717
5	\$115,528	\$222,932
6	\$166,376	\$297,434
8	\$295,786	\$475,894
10	\$462,162	\$654,354

After April 1, 2009, this system development charge will increase annually, on the first day of each calendar year, by an amount equal to the percentage increase in the Construction Price Index for Seattle-Tacoma-Bremerton for the twelve (12) months, October 31st through September 30th, of the previous calendar year.

However, if (1) the city's fire marshal has required that, in conjunction with the city's issuance of a single-family residential building permit, the applicant must install a fire sprinkler system, and (2) the need for a meter size greater than three-quarters (3/4) of an inch is based solely on the fire marshal's requirement that the sprinkler system be installed, the single-

family residential permit applicant shall pay only the system development charge listed above for a meter less than one (1) inch in diameter. It is not the city's intent to require an applicant to pay a higher system development charge when the larger meter size is needed only in the unusual event of a fire demand rather than for normal daily user demand.

D. Permit and Inspection Fee. The city council shall, by resolution, establish the permit, inspection and other related fees to be assessed to implement and operate the regulations adopted in this chapter. In the event of any conflict or ambiguity regarding any fees established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

DE. Installation of undersized meter. If an undersized meter is installed, a deduction will be allowed from the above charges, including system development charges, which will reflect the difference in cost between the undersized meter and the regular size meter. All service material (including water meter) will remain the property of the city.

EE. Tap change. If the tap is changed to one of a larger size, the cost and expense of such charge must be paid before the larger size tap is installed.

FG. Paving replacement - Charge. If it becomes necessary during the installation of such connection on a time and material basis to break and replace either concrete or blacktop paving, then in each instance an additional charge shall be made to cover the cost of such repair.

GH. *Fee deferral.* Until December 31, 2013, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for initial sale, the owner of the subject real property may defer payment of the water system development charge in subsection (A) of this section, executing a first position lien in favor of the city in the amount of the water system development charge. The city shall record the lien against the real property and the lien amount shall be paid by the seller to the city at the time of closing of the sale of the real property and single-family residence. An owner who chooses to defer the water system development charge must combine the lien with a lien deferring the transportation improvement fee in KCC 12.11.090 or Chapter 43.21C RCW, and drainage system development charge in KCC 7.05.165.

Sec. 7.02.170. Installation and connection charges outside city. Any property owner outside the city limits applying for water service shall pay in full the tap charge, and a permit review and inspection fee, plus a system development charge prior to the issuance of a water service permit. The minimum charge established shall be the cost as established for inside the city limits plus fifty (50) percent, except the system development charge. The system development charge shall be the same as for inside city limits.

SECTION 9. - Amendment. Sections 7.04.080, 7.04.100, and 7.04.110 of the Kent City Code are amended as follows:

Sec. 7.04.080. Permit to owner, agent, or occupant to construct, extend, or repair sewer on private property.

A. It shall be unlawful for any person to construct, extend, relay, repair, or make connections to private or lateral sewer on private property

without obtaining a permit therefor as provided in this section and filing a scale drawing showing the location thereof.

B. ~~The department of public works~~city may issue a permit to the owner of any property to construct, extend, relay, repair, or make connections to a lateral or private sewer inside of the owner's property line and outside of the owner's property line lying within the city's right-of-way. Such owner shall comply with the applicable provisions of this chapter. ~~The permit shall not become effective until the installation is completed to the satisfaction of the director.~~ The director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection, and before any underground portions are covered. ~~The inspection shall be made within seventy-two (72) hours after the receipt of written notice directed to the director.~~ Work shall be done by the owner or a licensed contractor.

Sec. 7.04.100. Permit and inspection fees.

A. The city council shall, by resolution, establish the fees to be assessed to implement and operate the codes regulations adopted in this chapter. ~~The basic fee for each permit to connect with any public sewer or to construct, extend, relay, repair, or make connections with a lateral or private sewer inside of a property line is hereby fixed at two hundred twenty-five dollars (\$225).~~ An additional charge will be made if review and inspection time exceeds three and one-half (3.5) hours. The hourly rate for this additional staff time shall be paid at the rate as established by council resolution of fifty dollars (\$50) per hour, which is less than the average actual hourly cost for city staff employed to process these permits. The fee shall be paid to the city finance department who shall issue a receipt. Such receipt must be filed with the department of public works before the permit is issued. In the event of any conflict or

ambiguity regarding any fees authorized under this chapter and established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

B. The fees for permits to construct, install, or repair septic tanks shall be those established by the Seattle-King County department of public health. These fees shall be paid directly to that department.

C. ~~Wherever~~When work for which a permit is/would be required by this chapter is commenced or performed prior ~~to~~without first obtaining such that permit, the basic permit fee shall be doubled, but the payment for such that double fee shall not relieve any that person or entity from full compliance with all of the requirements of this chapter in the execution of the work, nor from any other penalties which may be provided for by local, state, or federal law in this chapter, including criminal penalties.

Sec. 7.04.110. Permit renewal fees. In case work shall not be done or completed within the time specified in any permit and no extension thereof has been granted, a renewal of the permit shall be required for which a fee equal to of five dollars (\$5) shall be charged half of the review fee. A maximum of two renewals are allowed.

SECTION 10. - New Section. Section 11.06.045 is added to chapter 11.06, to read as follows:

Sec. 11.06.045. Review and inspection fees. The city council shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. The resolution may require that certain fees be pre-paid and/or designated to be non-refundable because staff time and materials will be expended whether or

not the permit applied for is approved by the city or pulled by the applicant. In the event of any conflict or ambiguity regarding any fees authorized under this chapter and established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

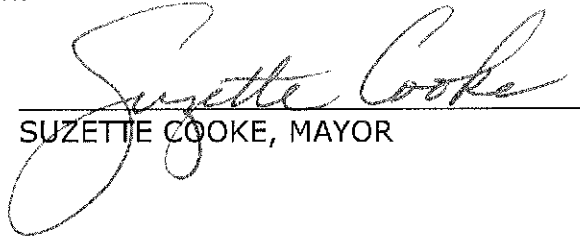
SECTION 11. - *New Section.* Section 12.01.055 is added to chapter 12.01, to read as follows:

Sec. 12.01.055. Fees. The city council, shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. The resolution may require that certain fees be pre-paid and/or designated to be non-refundable because staff time and materials will be expended whether or not the permit applied for is approved by the city or pulled by the applicant. In the event of any conflict or ambiguity regarding any fees authorized under this chapter and established by council resolution, the planning director is authorized to Interpret the fee schedule(s) to resolve that conflict or ambiguity.

SECTION 12. - *Severability.* If any one or more section, subsection, or sentence of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 13. - *Corrections by City Clerk or Code Reviser.* Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 14. - *Effective Date.* This ordinance shall take effect and be in force on January 1, 2012, which is more than five (5) days from and after its passage and publication.


SUZETTE COOKE, MAYOR

ATTEST:


BRENDA JACOBES, CITY CLERK

APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

PASSED: 13 day of December, 2011.

APPROVED: 14 day of December, 2011.

PUBLISHED: 16 day of December, 2011.

I hereby certify that this is a true copy of Ordinance No. 4019 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

 (SEAL)
BRENDA JACOBES, CITY CLERK