Ordinance No. 2286

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3471
Readopting, re-enacting, ratifying & confirming rates and fees by Ord. 3534
ORDINANCE NO. 2286

AN ORDINANCE OF THE CITY OF KENT RELATING TO STREET USE ASSOCIATED WITH PROPERTY DEVELOPMENT, REGULATING SAME, REQUIRING PERMITS THEREFORE, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED by the City Council of the City of Kent as follows:

SECTION I. GENERAL

A. Scope. The purpose of this Ordinance is to establish minimum rules and regulations relating to street use associated with property development and to provide for enforcement of same.

B. Permit Required. No person, firm, or corporation shall be issued a building, grading, or fill permit except as follows without first obtaining a separate street use permit from the Public Works Department.

1. An applicant for a permit to make an addition, alteration or repairs to a single family residence.

2. An applicant for a permit to make an alteration, repair, or minor (less than $20,000 in value) additions to any structure other than a single family residence.

C. Application. To obtain a permit, the applicant shall file an application on a form furnished by the City for that purpose.

Every application shall:

1. Identify the property by legal description and address for which a building, grading, and/or fill permit(s) is(are) being sought.

2. Identify routes to be utilized to and from the property.

3. Identify the owner of the property being developed.

4. Identify the contractor and subcontractor responsible for the development work.

5. Include the Washington State Contractor's Number of such contractor or subcontractor.

6. Include the City of Kent Business License Number of such contractor or subcontractor.

7. Be signed by the owner or the agent of the firm who will be actually responsible for the development work.
SECTION 2. PERMIT.

A. Pre-Inspection. Prior to issuance of any street use permit, the location shall be inspected by a Public Works Department inspection official.

B. Indemnity Fund. If the Public Works Director or Designate determines that there is a probability of injury, damage or expense to the City arising from an applicant's proposed use of any public street, the applicant shall make a cash indemnity deposit with the City of Kent. The amount of the cash deposit shall be determined by the Public Works Director or Designate at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the City as determined by the Public Works Director or Designate. Such indemnity fund shall be used to pay the cost plus 15% thereof of inspections, surveys, plans and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, and any other expense the City may sustain in conjunction with the permitted work. The balance of the cash indemnity fund, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit were to be insufficient, the applicant will be liable for the deficiency.

C. Expiration. Every permit issued by the Public Works Department under provisions of this Ordinance shall expire in accordance with the expiration date of the respective building, grading, and/or fill permit and in no such case shall the life of this permit extend beyond six months from date of issuance.
D. Special Conditions. The applicant shall continuously keep the streets and storm drain system free from all debris attributed to the work performed under the respective building, grading, and/or fill permit.

E. Suspension or Revocation for Non-Compliance with Section 2(D) of this Ordinance. The Director of Public Works or Designate may without advance notice and by posting the work site suspend or revoke a permit issued hereunder. No new permit will be issued or the suspension lifted until the conditions of Section 2(D) have been met. Where the Director of Public Works or Designate determines that no immediate action per compliance with the conditions of Section 2(D) is about to occur and in his/her sole judgment determine that in the best interest of the City immediate action should be taken, he/she can order the work done by City forces or other forces. The cost thereof shall be deducted from the indemnity fund at the actual cost plus 15%. The Director of Public Works or Designate may in writing suspend or revoke a permit issued hereunder 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.

SECTION 3. FEES.
A. Basic Fee Required. The fee for a street use permit shall be $50.00. A separate permit is required for each respective building, grading, and/or fill permit independent if several building, grading, and/or fill permits are issued on one legally defined parcel of property.

B. Inspection Time - Additional Charge. Where total inspection time exceeds two hours an extra charge shall be invoiced to the applicant at a rate of $20.00 per hour.
C. Permit Renewals. Permits which have expired may be renewed for 90 additional days for one-half the original permit fee, provided the renewal permit is applied for prior to the expiration date of the original permit.

D. Double Fee for Work Without Permit. Whenever work for which a permit is required by this Ordinance is commenced or performed prior to obtaining such permit, the basic permit fee shall be doubled, but the payment for such double fee shall not relieve any person from full compliance with all of the requirements of this Ordinance in the execution of the work nor from any other penalties which may herein be provided for, including criminal penalties.

Any work for which a permit is required by this Ordinance is commenced or performed prior to obtaining such permit shall be immediately suspended and shall not recommence until the requirements of this Ordinance have been fully satisfied.

SECTION 4. ENFORCEMENT AND PENALTIES

A. Enforcement Authority. The City Engineer or Construction Engineer are hereby authorized and directed to act as the delegate of the Public Works Director, and to enforce all provisions of this Ordinance.

B. Penalties. It shall be unlawful for any person, firm or corporation to use a City street in association with a building, grading, and/or fill permit, or cause the same to be done, in violation of any of the provisions of this Ordinance. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.
SECTION 5.
If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6.
This Ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

ISABEL HOGAN, MAYOR

ATTEST:

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the  6  day of April, 1981.
APPROVED the  7  day of April, 1981.
PUBLISHED the  12  day of April, 1981.

I hereby certify that this is a true copy of Ordinance No. 2286, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)