Ordinance No. 3713
(Amending or Repealing Ordinances)

CFN=131-Zoning Codes
CFN=205-Uniform Fire Codes
CFN=110-Water/Sewer/Garbage Rates & Policies
CFN=1038-Public Works
Passed 9/21/04
Permit and Inspection Fees
(Amends Sec. 6.03.010; 6.03.040; 6.06.050; 6.06.060; 6.06.070; 6.07.010; 6.07.010; 6.07.170; 7.04.100; Repeals 7.04.240)

Amends Ord. 2202; 2374; 2897; 3085; 3471; 3490; 3517; 3534

Amended by Ord. 3819 (Secs. 6.06.050; 6.07.170)
Amended by Ord. 4019 (Secs. 6.03.010; 6.06.040; 6.06.050; 6.06.060; 6.07.170; 7.04.100)
ORDINANCE NO. 3713

AN ORDINANCE of the City Council of the City of Kent, Washington, (1) amending permit and inspection fees relating to public works improvements; street and curb cut permit, inspection, and permit renewal fees; street use permit and inspection fees; sanitary sewer permit fees; (2) making other housekeeping revisions to street and curb cut requirements and street use permits; and (3) repealing the inspection fee provision for sanitary sewer permits.

RECITALS

A. It is necessary to amend various permit fees related to public works department building and development permits in order to provide enough additional revenue to fund the hiring of new permanent staff for the permit process. Because the ongoing level of permit activity has dramatically increased at a consistent level during the past six (6) months, the City is hiring these employees to assist with timely issuance of pending and new building permits.

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

ORDINANCE

SECTION 1. – Amendment Section 6.03.010 of the Kent City Code relating to public works improvement plan approval and inspection fees is amended as follows:

Permit and Inspection Fees
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 right-of-ways 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, the public works department shall be 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. 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, and shall make a charge thereto for each developer/applicant must pay a plan review and inspection fee in the amount of. The charge shall be six (6) eight (8) percent of the estimated construction cost of the said proposed public works improvements. This fee will typically cover approximately one-half two-thirds (2/3 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-time only option to pay the City’s actual costs for these services based on the current average hourly rate of eighty-five dollars ($85.00) 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.

C. However, 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 may;
by written agreement, will limit this fee to that portion of the work which affects City's interests, concerns, and improvements within and abutting the City's right-of-ways, the charge to an amount less than six (6) percent.

D. 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 item of public works improvement item. These will be checked by the public works department for accuracy. Alternatively, the developer may, at its option, hire an outside consultant to conduct plan review for the city, subject to the city’s prior written approval of the selected consultant. If the developer hires an outside consultant for plan review, the fee established herein will be reduced from six (6) percent to four (4) percent. Monies derived from the above charges shall be deposited to the general fund of the city. A nonrefundable deposit of fifty (50) percent of the total fee is due and payable prior to starting the review with 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 30 days of the date billed. Any amounts unpaid after the 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 permit and inspection fees.
works improvements to the City Council for acceptance or before issuing a Certificate of Occupancy for a development associated with these public works improvements.

BE. Two (2) re-reviews of the construction plans are included when the developer/applicant pays the eight (8) percent fee described above, above-mentioned fee. But any additional re-reviews, which are whether attributed to the developer's action or inaction, shall be charged at a rate of fifty-eight-five dollars ($585.00) per hour.

SECTION 2. - Amendment Section 6.06.040 of the Kent City Code relating to permit requirements for street and curb cuts fees is 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, a street or curb cut, the location first shall be inspected and approved by a department of public works inspection official.

B. A decision by the department of public works inspector as to which type of curb cut shall be permitted shall be made after the pre-inspection. The type of cut shall be specified on the permit form and other specific data will be furnished to the permittee.

BC. 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.

CD. Every permit issued by the department of public works 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 under KCC 6.06.050(C). In no case shall a project take longer than fifteen (15) days to complete as measured from the date of the street cut to date of completion.
E. 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.

SECTION 3. Amendment. Section 6.06.050 of the Kent City Code relating to street and curb cut permit, inspection, and permit renewal fees is amended as follows:

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

A. 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 twenty-five hundred dollars ($2500) for each cut. The fee for a permit to cut a curb shall be twenty-five dollars ($25) for each cut. The fee for a permit for a utility extension that runs parallel to the street shall be thirty dollars ($30) for each cut. This basic fee shall apply to all utility work within public right-of-way that involves cutting the public right-of-way. Utility work extensions 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.

B. An additional time charge will be made where total review and inspection time exceeds onesix (1/6) hours. Such extra charge will be invoiced to the applicant separately at the rate of twenty-five dollars ($25) per hour, which is less than the average actual hourly cost for City staff employed to process these permits.

C. Permits may be renewed for fifteen (15) additional days for one-half (1/2) of the original permit fee, provided the renewal permit is applied for prior to the expiration of the original permitted time.

DC. Wherever work for which a permit is required by this chapter 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

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of the requirements of this chapter in the execution of the work, nor from any other penalties which may be provided for in this chapter, including criminal penalties.

**SECTION 4. – Amendment.** Section 6.06.060 of the Kent City Code relating to specifications and special requirements for street and curb cuts is amended as follows:

**Sec. 6.06.060. Specifications and special requirements.**

A. *Specifications* All curb and street cuts shall be repaired to conform to the requirements of Standard Specifications for Road, Bridge and Municipal Construction, 1988 Edition, prepared by the Washington State Department of Transportation and the American Public Works Association. Copies of such publication or 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 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 the street or curb cut 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 (1) year following finish inspection.

C. *Curb cut locations.* The location of each curb cut must be approved by the 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. Installation of 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, city engineer. Cuts shall be made only in areas approved by the City engineer. 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, city engineer. Unless otherwise specified by the public works director, backfill material shall conform to Standard Specifications for Road, Bridge and Municipal Construction, adopted in subsection (A) of this section;

7. Filing of a surety indemnity bond approved by the department of public works to protect the City and 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;

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

10. 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 5. - Amendment Section 6.06.070 of the Kent City Code relating to enforcement and penalties for street and curb cuts is amended as follows:

Sec. 6.06.070. Enforcement and penalties.

A. Enforcement authority The public works director, or his or her designee, construction inspector is authorized and directed to act as the delegate of the director of public works to enforce all provisions of this chapter.

B. Penalties It is unlawful for any person, firm, or corporation to cut a street or curb, or cause the same to be done, in violation of any of the provisions of this chapter. Any person, firm, or corporation violating any of the provisions of this chapter, upon conviction, shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

SECTION 6. - Amendment Section 6.07.010 of the Kent City Code relating to street use permits is amended as follows:

Sec. 6.07.010. Purpose. The purpose of this chapter is to establish minimum rules and regulations relating to street use associated with property development, utility work not requiring cuts, and other uses of streets, sidewalks, public property, public rights-of-way and other public places for private purposes, and to provide for enforcement.

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SECTION 7. – Amendment. Section 6.07.170 of the Kent City Code relating to street use permit and inspection fees is amended as follows:

Sec. 6.07.170. Permit and inspection fees.

A. 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; fifty-two hundred dollars ($52,000).

2. KCC 6.07.060. Street vendors; one hundred dollars ($100) per year. Permits are issued annually.

3. KCC 6.07.070 Sidewalk cafes; one hundred dollars ($100) per year. Permits are issued annually.

4. KCC 6.07.090. Street closures; fifty dollars ($50).

5. KCC 6.07.100. Master use permit; one hundred dollars ($100).

B. Where total inspection time exceeds two (2) hours, an extra charge shall be invoiced to the applicant at an hourly rate to be established annually by the director.

SECTION 8. – Amendment. Section 7.04.100 of the Kent City Code relating to sanitary sewer permit fees is amended as follows:

Sec. 7.04.100. Permit fees.

A. 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 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 finance department who shall issue a receipt. Such receipt must be filed with the department of public works before the permit is issued.

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.

**SECTION 9. – Amendment.** Section 7.04.240 of the Kent City Code relating to sanitary sewer inspection fees is repealed in its entirety:

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**See. 7.04.240. Fees for inspection.**

A. There shall be no charge for required inspections unless an inspection is necessary because of failure to comply with the terms of this chapter or any instruction, standards or specifications of codes of the city. If the Seattle-King County department of public health requires inspection fees for the construction, installation or repairs of septic-tank systems, such fees shall be paid to that department. For all inspections for which a charge is made by the city, the charge shall consist of the actual cost per hour, including overhead, of sending public works department personnel to make the inspections, plus equipment rental charges, if any. In no event shall the charge be less than twenty-five dollars ($25).

B. All inspection fees shall be paid to the finance director who shall issue receipts. No permit shall be issued to any person who is delinquent in the payment of inspection charges.

**SECTION 10. – Savings** The existing fee sections of the Kent City Code, which will be amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.
SECTION 11. – Severability  If any one or more section, subsections, or sentences 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 12. – Effective Date  This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

JIM WHITE, MAYOR
JULIE PETERSON, Mayor Pro Tem

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 21 day of September, 2004.

APPROVED: 21 day of September, 2004.


I hereby certify that this is a true copy of Ordinance No. 3713 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK
Mary Simmons, Deputy City Clerk

Permit and Inspection Fees