

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REGARDING RECOVERY OF CERTAIN PROFESSIONAL SERVICES COSTS INCURRED BY THE CITY IN PROCESSING AND REVIEWING PROJECT PERMIT AND UTILITY EXTENSION APPLICATIONS, AND PROJECT INSPECTION AND PERMIT COMPLIANCE REVIEW, AND AMENDING SECTIONS 3.80.010, 13.04.100, 13.08.530, AND 13.12.030.

WHEREAS, it is often necessary for the City to incur costs for legal and other professional services, for reviewing, and processing land use and utility extension applications, and inspection and compliance review after a permit has issued, and work is progressing; and

WHEREAS, such costs should be borne by the permit applicant rather than the taxpayers of the city; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 3.80.010 of the Fife Municipal Code is hereby amended to read as follows:

3.80.010 General.

A. The fees stated in this chapter are for costs incurred by the planning, building, and public works divisions for processing and/or review of project permit applications. References to the director refer to the director of the community development department or his/her designee. The stated or estimated fee must be paid prior to the city issuing a notice of decision on a project permit application.

B. In addition to other applicable permit fees, all applicants will be required to pay for all actual costs of engineering, legal and other professional services performed by city staff or an independent contractor for the city for the processing and/or review of a project permit application, and for project inspection and compliance review after permit issuance. The hourly fee shall be the base salary or contract fee of the

engineer or other professional plus benefits and administrative costs and overhead. An estimate of the cost will be made by the city at the time of application. If the actual cost of processing the application exceeds the estimate, the balance shall be paid prior to issuance of a notice of decision or the project permit. If the actual cost of processing the permit is less than the estimate, a refund shall be provided. Fees for project inspection and compliance review shall be paid prior to issuance of a certificate of occupancy if applicable, or thirty days from date of invoice if the project is not one for which a certificate of occupancy is issued.

C. All project permit applications that require charging the applicant for the actual costs of processing the application shall include:

1. The hourly wage of the reviewer plus benefits and administrative overhead;
2. The cost of publishing legal notices in a newspaper as required by Chapter 14.06 FMC, Public Notice;
3. The cost of notifying any person the city is legally required to notice of the application;
4. The cost of notifying any person or organization that has expressed an interest in the application;
5. Staff costs for preparing reports and attending meetings on the application;
6. Other costs directly related to the project permit application as determined by the director.

D. In the event that a project permit application with a stated fee requires processing that is considered to be extraordinary by the director, the applicant shall be responsible for those costs. The applicant shall be notified in writing of the necessity for extraordinary review and provided the estimated cost of that review prior to further action being taken on the project permit application.

E. The director shall require staff to maintain records of all time and charges on project permit processing for applications that require the payment of estimated fees. In the event that the fee paid was greater than the cost of the review, the applicant shall receive a refund of the overestimated fee. If the estimated fee was not sufficient to cover the costs of the application, the applicant must pay the balance owing on the application prior to a permit being issued or maps approved.

F. Project permit applications that require publication of a legal notice include the cost of one such publication in the stated fee, if a fee is stated. In the event that the city must republish the legal notice, the applicant is responsible for the additional fee. All applications requiring publication will be published in The News Tribune newspaper.

H. If an applicant requests a review of a study, plans, or other documents prior to project permit application, the applicant must pay a fee that covers the review of the document or plans. The director has the option of estimating a review fee and requiring that fee to be paid prior to the review or charging the fee upon completion of the review prior to information on the review provided to the applicant.

Section 2. Section 13.04.100 of the Fife Municipal Code is hereby amended to read as follows:

13.04.100 Water main extensions – Fees.

Whenever any developer desires to extend a water main at its expense, such developer shall, before securing a building permit, enter into a developer's agreement in accordance with FMC Chapter 13.12. Fees for permit review, processing, inspection and compliance review shall be as set forth in FMC 3.80.010. Plan review and processing fees shall be paid prior to issuing the associated water permit. Inspection and compliance review fees shall be paid prior to acceptance of the improvements by the city.

Section 3. Section 13.08.530 of the Fife Municipal Code is hereby amended to read as follows:

13.08.530 Sewer main extensions – Plans and fees required when.

Whenever any developer desires to extend a sewer main at its expense, such developer shall, before securing a building permit, enter into a developer's agreement in accordance with FMC Chapter 13.12. Fees for permit review, processing, inspection and compliance review shall be as set forth in FMC 3.80.010., Plan review and processing fees shall be paid prior to issuing the associated sewer permit. Inspection and compliance review fees shall be paid prior to acceptance of the facilities by the city.

Section 4. Section 13.12.030 of the Fife Municipal Code is hereby amended to read as follows:

13.12.030 Fees.

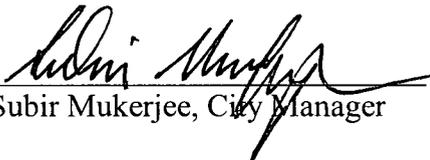
Fees for permit review, processing, inspection and compliance review shall be as provided in FMC 3.80.010.

Section 5. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 6. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 9th day of February, 2016.

Passed by the City Council on the 9th day of February, 2016.


Subir Mukerjee, City Manager

ATTEST:


Carol Egen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney
Assistant City Attorney

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