

ORDINANCE NO. 4244

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET CUT FEES AND AMENDING SECTIONS 5.74.040 AND 19.12.090 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 5.74.040 of the Kirkland Municipal Code is hereby amended to read as follows:

5.74.040 Fees charged by the public works department.

(a) The schedule below establishes permit and administrative fees charged by the public works department.

Fee Type	Fee Amount
Water—Meter installation (Each fee includes a \$50.00 administration charge) 3/4" meter 1" meter 1-1/2" meter 2" meter Greater than 2"	\$129.00 \$159.00 \$225.00 \$294.00 Time and materials
Water—Billing Customer-requested service shutoff during business hours Customer-requested service shutoff during nonbusiness hours Service calls if broken water line was caused by owner/occupant Special water meter reading Alternate billing Cut lock fee Shut-off tag Water restrictions penalty	\$30.00 \$80.00 \$20.00 \$40.00 \$10.00 \$60.00 \$20.00 Up to \$50.00/day
Sewer—Permits New or replacement side sewer inspection Side sewer repair (< 10 feet) inspection Side sewer cap inspection Septic system abandonment inspection Side sewer stub fee (for city-installed stub)	\$425.00 \$58.00 \$58.00 \$58.00 \$1,062.00 min. or as documented
Sewer—Discharge regulation Penalty for late discharge report (late after 30 days) Penalty—Discharge compliance,	\$25.00/day for first 20 days, then \$100.00/day, for a maximum of

<p>incomplete actions Penalty—Nonmaintenance of FOG systems Penalty—Inaccurate or incomplete report</p>	<p>\$1,000.00 total. \$100.00/day for 60 days max. \$500.00 + city maintenance costs. Second year: \$1,000.00 + city maintenance costs \$100.00 for first offense</p>
<p>Sewer—Billing Sewer service <u>call</u> (customer problem)</p>	<p>\$20.00</p>
<p>Right-of-Way Permit to work in ROW—Standard Permit to work in ROW—Basic <u>Street Cut Fee 1-50 sq. ft.</u> <u>Street Cut Fee 51-100 sq. ft.</u> <u>Street Cut fee 101 sq. ft. or larger</u> <u>Street Cut Administration Fee</u></p>	<p>\$372.00 \$106.00 <u>\$200.00</u> <u>\$400.00</u> <u>\$400 + 400 for each additional 100 sq. ft.</u> <u>\$25 per street cut</u></p>
<p>Storm Drainage (Surface Water) Surface water drainage plan check fees (see PW pre-approved plans and policies for description of review types): (a) Small—Type I review (b) Small—Type II review (c) Targeted review (d) Full review (e) Roof/driveway drain connection inspection (f) Surface water adjustment process (see PW pre-approved plans and policies for full description)</p>	<p>\$375.00 \$905.00 \$1,580.00 \$3,160.00 \$637.00 \$150.00 for up to 2 hours of process, and then \$75/hour thereafter</p>
<p>Miscellaneous Review and Inspection Fees When the public works department provides engineering review or inspections services, and a fee for such service is not published, the applicant shall pay the following rate for such services Impact fee—Independent fee review Right-of-way nonuser relinquishment review fee</p>	<p>\$75.00 per hour \$200.00, plus \$75.00 per hour of review \$375.00 for up to 5 hours' process, and \$75.00/hour thereafter</p>
<p>City trees Civil penalties for violations, per day</p>	<p>1st violation—\$200.00 2nd violation—</p>

	\$400.00
	3rd violation—\$600.00

(b) Whenever any construction work, public improvement or other activity is required or permitted to be performed upon any public right-of-way, or within or upon any property which, upon completion of said work or activity, is to be conveyed or dedicated as public right-of-way or public easement, the city shall not accept for maintenance or otherwise such work, improvement, facility or activity until there has been paid to the city by the person required or permitted to perform such work or activity an amount equal to ten percent of the estimated cost of construction of such work, improvement, facility or activity as and for reimbursement to the city for its cost of review and inspection of such work, improvement, facility or activity. In addition, prior to the release of any permit for construction of storm drainage collection and conveyance on private property the permit applicant shall pay a fee equal to ten percent of the estimated cost of construction of such work, improvement, facility or activity as and for reimbursement to the city for its cost of review and inspection of such work, improvement, facility or activity. Estimated cost of construction shall be determined by the director of the department of public works. Whenever such a review and inspection fee is required, the Public Works Department is authorized to collect up to one half of the fee at permit application with the remainder being due at permit issuance.

- (c) This section shall not apply to:
- (1) Work performed under public works construction contracts let by the city pursuant to Chapter 3.85 of this code; or
 - (2) So much of such work performed under a developer's extension agreement (Chapter 35.91 RCW facilities agreement) as is determined by the director of public works to be for the benefit of the Kirkland water or Kirkland sewer system rather than for the benefit of the property being concurrently subdivided, developed or improved by the signors to the developer extension agreement.

(d) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment, rounded to the nearest dollar, to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

Section 2. Section 19.12.090 of the Kirkland Municipal Code is hereby amended to read as follows:

19.12.090 Permit fee required.

(a) The fee for a permit to disrupt a street surface, curb or sidewalk or place a utility in the right-of-way and the fee for a street cut that will not be overlaid by the applicant causing the street cut is set forth in Section 5.74.040.

(b) Also, a street security deposit shall be paid. The street security deposit shall be in an amount determined by the director of public works to be sufficient to pay for the cost to the city to restore the street surface, curb or sidewalk in event of failure. At least annually, the director shall prepare and maintain schedules for street security deposits, which reflect the current actual cost to the city as determined by the most recent Engineering News Record Construction Cost Index. Such schedules shall at all times be available to the general public.

(c) If the work is performed by jacking or boring under the street, the entire street security deposit shall be refunded.

(d) If the street surface is disturbed and properly repaired and restored, the portion of the street security deposit as is established for refund in the schedule provided for in subsection (b) of this section shall be refunded after ninety days from the date of repair.

(e) Inspections shall be requested by the contractor at least two hours prior to backfill, in order to receive a refund.

(f) No refund of a street security deposit shall be made until sufficient time has elapsed following the completion of the disruption work to assure the fact of "nonfailure" of the restoration.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of July, 2010.

Signed in authentication thereof this 6th day of July, 2010.



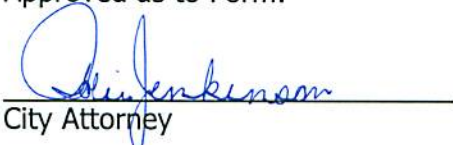
MAYOR

Attest:



City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4244

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET CUT FEES AND AMENDING SECTIONS 5.74.040 AND 19.12.090 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 5.74.040 by adding a street cut fee to the fee schedule for permit and administrative fees charged by the public works department.

SECTION 2. Amends KMC Section 19.12.090 by adding a reference as to where the fee schedule for street cuts is located in the KMC.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 6th day of July, 2010.

I certify that the foregoing is a summary of Ordinance 4244 approved by the Kirkland City Council for summary publication.



City Clerk