

ORDINANCE O-4491

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEPARTMENTAL ORGANIZATION; CHANGING THE NAME OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO THE PLANNING AND BUILDING DEPARTMENT; CHANGING THE NAME OF THE FIRE AND BUILDING DEPARTMENT TO THE FIRE DEPARTMENT; AMENDING KIRKLAND MUNICIPAL CODE SECTIONS 3.20.040, 15.16.047, 21.74.010, 21.74.025 AND 21.74.030 TO REFLECT NAME CHANGES; UPDATING OTHER OBSOLETE REFERENCES; AND AUTHORIZING THE CITY'S CODE REVISER TO MAKE CHANGES OVER TIME TO ALL REFERENCES IN THE KIRKLAND MUNICIPAL CODE AND KIRKLAND ZONING CODE NECESSARY TO REFLECT THESE NAME CHANGES.

1           WHEREAS, under Kirkland Municipal Code 3.16.010, the City  
2 Manager is authorized to organize and change the organization of the  
3 administrative departments of the City, subject to the concurrence of  
4 the City Council; and  
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6           WHEREAS, the City Manager has determined that the interests  
7 of the residents of the City and the efficient operation of the City will be  
8 best served by consolidating the planning and zoning functions with the  
9 building functions of plan review, permit coordination and construction  
10 inspection services; and  
11

12           WHEREAS, the City Manager has further determined that fire  
13 protection and response, emergency medical response, technical rescue  
14 response, life safety inspections, fire investigations, and emergency  
15 management functions should remain in a separate fire department;  
16 and  
17

18           WHEREAS, there are other obsolete references in the Kirkland  
19 Municipal Code and Kirkland Zoning Code which should be changed at  
20 this time.  
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22           NOW, THEREFORE, the City Council of the City of Kirkland do  
23 ordain as follows:  
24

25           Section 1. The planning and zoning functions currently  
26 performed by the Planning and Community Development Department  
27 are consolidated with the building functions of plan review, permit  
28 coordination and construction services in a newly organized department  
29 to be named the "Planning and Building Department."  
30

31           Section 2. The fire protection and response, emergency medical  
32 response, technical rescue response, life safety inspections, fire  
33 investigations and emergency management functions will remain in a  
34 separate department to be named the "Fire Department."

35           Section 3. As of the effective date of this ordinance, all  
 36 references to "Department of Planning and Community Development,"  
 37 "Planning and Community Development," "Planning Department,"  
 38 "Director of Planning and Community Development," "Planning Official,"  
 39 "Building Department," and "Building Division of Fire and Building" are  
 40 deemed to be references to the "Planning and Building Department."  
 41

42           Section 4. As of the effective date of this ordinance, except as  
 43 set forth in Sections 5, 6, 7, and 9 of this ordinance, all references to  
 44 "Fire Department," "Fire and Building Department," "Department of Fire  
 45 and Building Services," "Director of Fire and Building Department,"  
 46 "Director of Fire and Building Services," and "Fire Chief" are deemed to  
 47 be references to the "Fire Department."  
 48

49           Section 5. Section 3.20.040 of the Kirkland Municipal Code is  
 50 amended as follows:  
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52           **3.20.040 Director.**

53 The division of emergency management shall be headed by the director  
 54 of emergency services. The city manager shall appoint the ~~director of~~  
 55 ~~fire and building services~~ fire chief as the director of emergency services.  
 56 The director of emergency services shall be directly responsible to the  
 57 city manager for the organization, administration, and operation of the  
 58 emergency management division.  
 59

60           Section 6. Section 15.16.047 of the Kirkland Municipal is  
 61 amended as follows:  
 62

63           **15.16.047 Enforcement**

64 (a) Each police officer of the city and the director or any employee  
 65 of the city public works department, ~~fire department,~~ and ~~planning~~  
 66 ~~and~~ building department shall have the authority to enforce the  
 67 provision of this chapter.

68 (b) In addition to penalties otherwise provided, the director of public  
 69 works is authorized to install a water restricting device on the waterline  
 70 or lines serving any person who commits a second or subsequent  
 71 violation of any of the provisions of this chapter. Alternatively, after  
 72 such notice of a violation as may reasonably be given based on the  
 73 circumstances, the director of public works may cause water service to  
 74 be terminated for subsequent or continuing violation of water  
 75 conservation restrictions.  
 76

77           Section 7. Section 21.74.010 of the Kirkland Municipal Code is  
 78 amended as follows:  
 79

80           **21.74.010 Scope of chapter.**

81 This chapter establishes fees collected by the fire ~~department and the~~  
 82 ~~planning and building~~ department, for development services. For the  
 83 purpose of this chapter, the term "the director" means the fire chief or  
 84 the fire chief's authorized representative for development services  
 85 provided by the fire prevention office of the fire department and the  
 86 planning and building department director or the director's authorized  
 87 representative for other development services. The term "building

88 official" means the building official or the building official's authorized  
89 representative.  
90

91 Section 8. Section 21.74.025 of the Kirkland Municipal Code is  
92 amended as follows:  
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94 **21.74.025 General provisions for all permits, approvals and**  
95 **development services fees.**

96 (a) Fee Calculation. The fees for applications for development  
97 services established or referenced in the ordinance codified in this  
98 chapter will be calculated using the fee schedule in effect at the time  
99 the review, inspection, or service is performed and/or due. Each  
100 application stands alone and is considered individually for the purpose  
101 of calculating fees.

102 (b) City Projects. The fire department and planning and building  
103 department will collect all appropriate fees for utility-funded, capital  
104 investment program, and special purpose fund projects except as  
105 authorized by the director.

106 (c) Refunds. Any fee established in this chapter which was  
107 erroneously paid or collected will be refunded if requested. Table 1 is  
108 used to calculate refunds for applications or issued permits or approvals  
109 which are withdrawn, canceled, or expired. All refunds must be  
110 requested within one hundred eighty days of payment.  
111

112 Section 9. Section 21.74.030(a) of the Kirkland Municipal Code  
113 is amended as follows:  
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115 **21.74.030 General provisions for construction and permit fees.**

116 (a) Scope. These general provisions apply to all permits issued by  
117 the fire department and planning and building department.  
118

119 Section 10. As of the effective date of this ordinance, all obsolete  
120 references to "Department of Finance," "Administration and Finance,"  
121 "Department of Administration and Finance," "Department of  
122 Administrative Services," "Director of Finance," "Director of  
123 Administration and Finance," and "Director of Administrative Services"  
124 are deemed to be references to the "Finance and Administration  
125 Department."  
126

127 Section 11. As of the effective date of this Ordinance, all  
128 obsolete references to "King County Bureau of Records and Elections"  
129 or "King County Department of Records and Elections" are deemed to  
130 be references to the "King County Recorder's Office."  
131


132 Section 12. The City's code reviser is authorized to amend the  
133 Kirkland Municipal Code and Kirkland Zoning Code, as appropriate, in  
134 order to carry out the name changes authorized by this Ordinance.  
135

136 Section 13. This ordinance shall be in force and effect five days  
137 from and after its passage by the Kirkland City Council and publication  
138 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
139 form attached to the original of this ordinance and by this reference  
140 approved by the City Council.

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Passed by majority vote of the Kirkland City Council in open meeting this 1st day of September, 2015.

Signed in authentication thereof this 1st day of September, 2015.

  
MAYOR

Attest:

  
Deputy City Clerk

Publication Date: September 7, 2015

Approved as to Form:

  
City Attorney