ORDINANCE NO. 16-0474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGECWOOD, WASHINGTON, AMENDING CHAPTER 3.35 OF THE EDGECOOD MUNICIPAL CODE FEES AND CHARGES FOR CITY SERVICES; PROVIDING FOR THE SCHEDULE OF FEES AND CHARGES IMPOSED FOR CITY SERVICES AND OTHER REIMBURSABLE EXPENSES TO BE SET AND PERIODICALLY REVISED BY COUNCIL RESOLUTION; UPDATING AND CLARIFYING THE STANDARDS AND PROCEDURES FOR RECOUPMENT OF CITY EXPENSES INCURRED IN THE REVIEW AND PROCESSING OF DEVELOPMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has adopted and codified at Chapter 3.35 EMC a schedule establishing reasonable administrative fees and charges for various permits, approvals and other City services; and

WHEREAS, the City Council desires to amend Chapter 3.35 EMC by providing for the City’s fees and charges to be established and periodically revised by Council resolution; and

WHEREAS, the City Council further desires to update and clarify the standards and procedures for the recoupment of City expenses incurred in the review and processing of development applications; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGECOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 3.35 EMC. Chapter 3.35 of the Edgewood Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein as if set forth in full.

Section 2. Severability/Savings. If any section, sentence, clause, or phrase of this ordinance or should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after publication in the City's official newspaper.

Presented to Council for First Reading: June 28, 2016
Presented to Council for Second Reading: July 12, 2016


Daryl Eidinger, Mayor
ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Zach Lell, City Attorney

Date of Publication: August 11, 2016
Effective Date: August 16, 2016
LEGAL NOTICE

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on August 9, 2016, and shall take effect and be in full force on August 16, 2016.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGECOWOOD, WASHINGTON, AMENDING CHAPTER 3.35 OF THE EDGECOWOOD MUNICIPAL CODE FEES AND CHARGES FOR CITY SERVICES; PROVIDING FOR THE SCHEDULE OF FEES AND CHARGES IMPOSED FOR CITY SERVICES AND OTHER REIMBURSABLE EXPENSES TO BE SET AND PERIODICALLY REVISED BY COUNCIL RESOLUTION; UPDATING AND CLARIFYING THE STANDARDS AND PROCEDURES FOR RECOUPMENT OF CITY EXPENSES INCURRED IN THE REVIEW AND PROCESSING OF DEVELOPMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2224 104th Avenue East, Edgewood, Washington, 98372-1513, (253) 952-3299.

Rachel Pitzel, City Clerk
Exhibit A
Chapter 3.35
FEES AND CHARGES FOR CITY SERVICES

Sections:
3.35.010 Adoption of fee schedule.
3.35.020 Schedule of Revisions.
3.35.030 Reimbursement of Costs.
3.35.040 Copies.
3.35.050 Previously adopted or enacted fees.

3.35.010 Adoption of fee schedule.
The schedule of fees entitled “City of Edgewood Fee Schedule,” which is on file in the office of the city clerk, is hereby designated as the official schedule of city fees and charges pursuant to the authority of this chapter. The fees adopted by this chapter shall supersede any inconsistent fees or charges required in the Edgewood Municipal Code.

3.35.020 Schedule of Revisions.
The schedule of fees and charges adopted pursuant to this chapter may be revised from time to time by the city council for any reason deemed necessary or appropriate, including without limitation in order to respond to changes in relevant costs incurred by the city. Approvals of schedule revisions shall be by resolution.

3.35.030 Reimbursement of Costs.
A. Costs incurred by the city for planning, engineering, legal or other professional services, which services are performed by an independent contractor or consultant for the city for the processing and/or review of permit applications, shall be reimbursed by the applicant in addition to the basic permit fee, if any. In addition, all costs directly attributable to the processing and/or review of a permit application charged by third party service providers and incurred by the city shall also be reimbursed by the applicant.

B. At the time of application for a development use permit, the applicant shall pay all applicable fees including a deposit, in an amount of 50% of the anticipated charges, as determined by the director, for reimbursable expenses. The director of community development may require a higher deposit within the first month after notice of complete application if the director reasonably estimates by a calculation done in writing that the deposit in the fee schedule will be inadequate to cover the reimbursable expenses of the application. Payment shall be due within 10 days of request. All reimbursable costs incurred by the city during processing and/or review of applicant’s permit shall be deducted from the deposit made by the applicant.
C. In the event the remaining amount of an applicant's deposit for independent contractor or consultant expenses falls below 10 percent of the original amount of the deposit prior to the conclusion of processing of the application, the director of community development shall require the deposit to be replenished in an amount necessary to cover any estimated further independent contractor expenses. Payment shall be due within 10 days of request.

D. If any amount is past due under this section, it shall bear interest at 12 percent per annum after 30 days of delinquency. Permit processing shall be suspended during any delinquency period and no permit shall be issued until all sums due under this section are fully paid.

E. The director of finance or designee is authorized and directed to assign delinquent accounts not paid within six months of first invoice after project completion to a collection agency, in accordance with RCW 19.16.500; provided, that the director shall maintain a list of those accounts so assigned.

F. Any deposited funds not expended upon independent contractors and third party service providers upon completion of permit processing shall be refunded to the applicant.

3.35.040 Copies.
Copies of reports, regulations, studies and miscellaneous documents not produced in response to a public records request pursuant to Chapter EMC 2.50 shall be equal to the per page rate provided for in this fee schedule. However, any copying time in excess of one-half hour shall be charged at the per-page rate, plus the normal hourly administrative rate. In the event copying is performed by an outside copy service, the cost shall be the actual cost.

3.35.050 Previously adopted or enacted fees.
The mandates of this chapter shall not preclude the collection of fees previously adopted or enacted by the city which may have been inadvertently omitted from the schedule adopted hereunder. Previously enacted or adopted fees may be collected at the rate indicated in the adopting document.