

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5708

AN ORDINANCE regarding development services under the Bellevue City Code; fees for applications requiring construction, land use, fire, survey, sign, transportation, utility, and clearing & grading review and inspection services; repealing Ordinance No. 5502.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Scope of Ordinance

This ordinance establishes fees collected by the Department of Planning and Community Development for development services. Additional fees collected by the Department of Planning and Community Development for other review authorities are established under separate ordinances or administrative rules as noted in this ordinance. For the purpose of this ordinance, the term "the Director" means the Director of the Department of Planning and Community Development or the Director's authorized representative. The term "appropriate Director" means the Director of the appropriate reviewing authority or the appropriate Director's authorized representative. The term "each Director" means the Director of Planning and Community Development, the Fire Chief, the Director of the Transportation Department, and/or the Director of the Utility Department or authorized representatives. The term "Building Official" means the Building Official or the Building Official's authorized representative.

Section 2. Administration

Each Director is authorized to interpret the provisions of the appropriate section of this ordinance 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 1 of each year, may be administratively increased or decreased by an adjustment 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 3. Responsibility for Payment of Fees

For the purposes of this ordinance, the term "applicant" means the person or organization who paid the fee and/or is responsible for the ongoing payment of the fees. Both the applicant and the owner of the property, for which the permit or approval is required, are individually responsible for the payment of the fees administered under this ordinance.

1. Fee Requirements: The following applies to the payment of fees and charges:

a. No application for a permit, approval, or service under the Bellevue City Code will be accepted by the City unless all fees required at submittal by any City Code or regulation have been paid.

b. No plans or specifications relating to any application filed with the City under the Bellevue City Code will be reviewed by the City until all fees required for review by any City code or regulation have been paid.

c. No final decision on an application for a permit or approval will be made until all fees required by any City code or regulation have been paid, except as authorized by the appropriate Director.

d. No final inspection will be done nor temporary, or final certificate of occupancy issued, nor Utility project acceptance granted until all fees required by any City code or regulation to be paid prior to such final inspection, issuance of certificate of occupancy, or acceptance have been paid.

e. All fees due on any application that has expired by code are due 30 days from the date of expiration.

2. Billings: Periodic billings for development services for the previous calendar month will be sent on or about the 10th of the current month and are due and payable by the 1st of the following month. The final payment is due at the time of issuance, as established in the conditions for the approval, prior to the issuance of the temporary or final certificate of occupancy, or as authorized by the appropriate Director.

3. Outstanding Fees and Charges: Any account receivable greater than 30 days past the due date is considered delinquent. The following provisions apply to delinquent payments:

a. Review of the application may be stopped. Review on any active application dependent on the suspended application may be stopped. Review will resume when all delinquent fees are paid in full.

b. If any required fee is not paid within ninety (90) of the date due, the appropriate Director may cancel the application. Any active application dependent on the canceled application may also be canceled.

c. An issued permit or approval may be revoked. Review on any active application dependent on the revoked permit or approval may be stopped by the appropriate Director until all delinquent fees are paid in full.

d. If the work is underway, the appropriate Director may issue a stop work order.

e. Any account receivable balance sixty (60) days past the due date will be levied a late fee of \$15.00, or 1.0% of the outstanding balance, whichever is greater.

f. The City has no responsibility for any damages resulting to an applicant from a stop-work order or cessation of review.

g. The appropriate Director may take other appropriate actions to collect amounts due, including but not limited to, assignment of delinquent fees to a collection agency.

4. Collection Agency: If the City assigns a delinquent amount to a collection agency, the appropriate Director can add a reasonable fee in accordance with RCW 19.16.500.

5. Insufficient Funds: Any applicant whose payment of fees is returned to the City for Non-Sufficient Funds, or whose credit card payment is denied, will be charged the City standard insufficient funds fee. The original fees and the returned check fee are due and payable within five (5) working days of notification. Review of the project will be stopped or a stop-work order posted on the site. The appropriate Director may take other appropriate actions to collect amounts due.

6. Disputes: If a dispute arises as to the validity, or correct amount, of a fee, the fee determined by the City must be paid before the City will conduct any further review, inspection, or service. The fee may be paid under protest, in which case the applicant must specify, in writing within thirty (30) days of the date paid, the reason why such fee is not due or is due in a different amount than requested by the City. The written request must be submitted to the appropriate Director. Within thirty (30) days of the written request the appropriate Director will make a final determination of whether the fee is due, or if the dispute is as to the amount of the fee, a final determination as to the amount due. There is no administrative appeal of that decision.

7. Fee Responsibility Changes: If the original applicant or owner sells or otherwise transfers their interest in a project, they are required to notify the City. They remain liable for fees and charges associated with development services which were incurred prior to the date the City is notified in writing that the fee responsibility has changed. The new applicant or owner is also responsible for such fees and if the same are not paid the appropriate Director may stop review of the project or revoke any permit or approval.

8. Cancellation/Withdrawal/Denial/Expiration: When no permit or approval is issued, or when an applicant withdraws an application prior to approval, or when an application or permit expires by code, the applicant and owner remain individually responsible for payment of all appropriate fees.

9. Low-income Tenant Relocation Assistance: If a fee is owed pursuant to the City's low-income tenant relocation assistance ordinance, Bellevue City Code Chapter 9.21, and permits are submitted to demolish, rehabilitate, or change the use of structures at the site, the Director may withhold review or issuance of the permits until the required relocation assistance fee is paid.

Section 4. General Provisions for all Permits, Approvals and Development Services Fees

1. Fee Calculation: The fees for applications for development services established or referenced in this ordinance will be calculated using the fee schedule in effect at the time the review, inspection, or service is performed and/or due. Each application stands alone and is considered individually for the purpose of calculating fees.

2. City Projects: The Departments of Planning and Community Development, Fire, Transportation, and Utility will collect all appropriate fees for utility-funded, Capital Investment Program, and Special Purpose Fund projects except as authorized by the appropriate Director.

3. Refunds: Any fee established in this ordinance which was erroneously paid or collected will be refunded. Table 1 is used to calculate refunds for applications or issued permits or approvals which are withdrawn, canceled, denied or expired.

Table 1 – Calculating Refunds				
<u>Stage in Review Process</u>				
<u>Type of Fee</u>	<u>No time in Review</u>	<u>Review Started</u>	<u>Review Completed</u>	<u>Expired by Code</u>
Operations fee	No refund	No refund	No refund	No refund
Flat review fee or review fee based on valuation, fixtures, devices, size, lots	20% non refundable, 80% refundable	20% non refundable, % of review not completed refundable	No refund	No refund
Review fee based on hourly billing	Balance of deposit	Balance of deposit	Balance of deposit	No refund
<u>Stage in Construction Process</u>				
<u>Type of Fee</u>	<u>No Work Started</u>	<u>Work Started</u>	<u>Construction Completed</u>	<u>Expired By Code</u>
State Building Code	No refund	No refund	No refund	No refund
Flat inspection fee or inspection fee based on valuation, fixtures, devices, size	20% non refundable, 80% refundable	20% non refundable, % of inspections not completed refundable	No refund	No refund
Inspection fee based on hourly billing	Balance of deposit	Balance of deposit	Balance of deposit	No refund

a. Refunds for fees collected by the Department of Planning and Community Development and not specifically mentioned herein will be refunded at the direction of the appropriate Director or specific ordinance.

b. No refund less than \$5.00 (combined from all departments) will be processed, except as authorized by the appropriate Director. No balance due on a canceled application or permit less than \$5.00 (combined from all departments) will be collected.

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c. Before any refund is released to the applicant the following will be deducted from the refund amount: all fees or charges owed on the subject application or permit; all fees or charges owed on any associated application or permit; all monthly billed fees owed more than 60 days; any fees or charges that have been assigned to a collection agency.

4. Exempt Activities: No fee established by this Ordinance will apply to a private project which is a part of a stream enhancement program approved by the Director or as authorized by the City Manager.

5. Over-the-Counter Issuance: If a permit that usually requires plan review is issued over-the-counter, the review fee is not charged.

6. Reinspection Fee: In instances where reinspection fees have been assessed, no additional inspection of the work is performed until the required fees are paid.

7. Expedited Review: The fee to expedite the review of an application, as approved by the appropriate Director, is determined by each Director in order to recover City costs.

8. Add-on Fees: Fees due after issuance as a result of a field inspection that identified a scope of work different from the work permitted are due and payable within five (5) working days of notification.

9. Multi-building Projects: Separate building, mechanical, electrical, plumbing, fire protection, and side sewer permits are required for each building in a multi-building complex.

10. Work Without a Permit or Approval: It is unlawful to proceed with any work or any portion of any construction, installation, alteration, repair, or use when the required fee has not been paid and the permit or approval issued. When work for which a permit or approval is required by the Bellevue City Code, regulation, or standard is started or proceeded with prior to obtaining that permit or approval, a penalty may be levied in an amount up to double the fee required for the work unlawfully conducted, as determined by the appropriate Director. This provision does not apply to emergency work when it is proved to the satisfaction of the appropriate Director that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so; and if there is an unreasonable delay in obtaining the permit, a double fee (as provided in this ordinance) will be charged. The payment of this double fee does not relieve any person from fully complying with the requirements of the Bellevue City Code in the execution of the work or from any other penalties prescribed by law. Such person may also be required to reimburse the City for all expenses related to any enforcement proceedings as determined by the appropriate Director.

11. Consultants: The applicant bears the cost of retaining consultants when the City determines it is necessary to obtain required technical expertise.

12. Recording Fees: The applicant bears the cost of fees associated with the recording of documents with King County.

13. Environmental Impact Statements: The applicant bears the cost of all City expenses related to the Environmental Impact Statement and the cost of retaining consultants.

14. Plat Engineering: The applicant bears the cost of all City expenses related to the engineering of the plat, including but not limited to, the cost of retaining consultants or special inspectors.

15. Definition of Development Service Fee-Based Activity: The fees established herein apply to any activity performed by development services staff required to reach a final decision on an application and to reach the final approval of the work authorized by an issued permit, commonly called "review" and "inspection". This includes, but is not limited to, review of plans and specifications, site visits, public involvement and public hearings, preconstruction meetings, inspections, reinspections, and occupancy requirements. Fees for staff activity related to appeals of decisions will be allocated in accordance with Subsection 16 below.

16. Fees for Activities Related to Appeals: Fees for staff time related to appeal hearings and resolution of appeals will be charged to the applicant. Provided, that if an applicant appeals the City decision or recommendation and is the substantially prevailing party on appeal, fees related to the appeal hearings and resolution of appeals will be charged to the City's General Fund. Whether an applicant is the substantially prevailing party will be determined by the Hearing Examiner.

Section 5. General Provisions for Construction Permit Fees

1. Scope: These general provisions apply to all permits issued by the Building Section of the Department of Planning and Community Development.

2. Operations Fee: Table 2 is used to calculate the operations fee on permits issued by the Building Section of the Department of Planning and Community Development. The fee is due at submittal.

Table 2 - Operations Fee	
<u>Type</u>	<u>Fee</u>
Accessory Dwelling Unit Registration	\$28
Commercial Construction Permits – major	\$402
Commercial Construction Permits – medium and minor	\$28
Demolition and Foundation Permits	\$28
Mechanical, Electrical, Plumbing Permits - plan review	\$28
Mechanical, Electrical, Plumbing Permits - over-the-counter	\$5