



CITY OF KIRKLAND
Department of Public Works
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie Elsom, Senior Operations and Finance Analyst
Ray Steiger, P.E., Interim Public Works Director

Date: December 20, 2010

Subject: Amendment to Permit and Administrative Fees charged by the Public Works Department and 2011 Surface Water Utility Tax Rate Correction.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending Kirkland Municipal Code (KMC) 5.74.040 relating to established permit and administrative fees charged by the Public Works Department and KMC 5.08 relating to the surface water utility tax.

BACKGROUND DISCUSSION

Permit and administrative fees

On November 5, 2009, the City Council adopted Ordinance 4215 to simplify and clarify the fees that Public Works charges to customers. This included consolidating all of the Public Works fees for administration, utility billing special charges, and permit review into one chapter in the KMC; previously the fees were scattered throughout Titles 5, 15, and 19. Ordinance 4215 amended the KMC and consolidated all of the fees into one table that is included in Title 5.74.040. In the process of consolidating the fees to one location, the following fee type and fee amounts were inadvertently omitted from the water billing schedule:

Type	Amount
Water Service Shutoff or Turn-on for unpaid user bill before 3 p.m. on business days	\$40.00
Water Service Shutoff or Turn-on for unpaid user bill after 3 p.m. on business days	\$90.00

The attached ordinance corrects the error by amending KMC 5.74.040 to include these fees.

Surface Water Utility Tax

In addition, on September 21, 2010, the City Council adopted Ordinance 4261 related to the surface water utility tax rate. The rate was inadvertently included in the Ordinance at 10.5%, an increase of 3% over what it should be: 7.5%; Council's intent was to keep the rate at 7.5%.

The attached ordinance amends KMC code Chapter 5.08.050 and includes the correct surface water utility tax rate of 7.5% to reflect the action taken by City Council at its September meeting.

ORDINANCE NO. 4283

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CORRECTING FEES AND AMENDING SECTIONS 5.08.050 AND 5.74.040 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Kirkland Municipal Code Section 5.08.050 is hereby amended to read as follow:

5.08.050 Utility occupations subject to tax—Amount.

There are levied upon and shall be collected from every person engaging within this city in utility occupations annual license fees or occupation taxes in the amounts to be determined by the application of the rates against gross income as follows:

(1) Upon every person engaged in or carrying on the business of providing telephone services, a fee or tax equal to six percent of the total gross income from such business in the city, including one hundred percent of the total gross revenues derived from toll service, during the tax year for which the license is required;

(2) Upon every person engaged in or carrying on the business of selling or furnishing natural or manufactured gas, a fee or tax equal to six percent of the total gross income for such business in the city during the tax year for which the license is required;

(3) Upon every person engaged in or carrying on the business of selling or furnishing electric light and power or electrical energy, a fee or tax equal to six percent of the total gross income from such business in the city for the tax year for which the license is required;

(4) Upon every person engaged in or carrying on the business of furnishing sanitary collection services, including both sewage and refuse, a fee or tax equal to ten and one-half percent of the total gross income from such business in the city during the tax year for which the license is required;

(5) Upon every person engaged in or carrying on the business of furnishing water collection services, a fee or tax equal to thirteen and thirty-eight one-hundredths percent of the total gross income from such business in the city during the tax year for which the license is required;

(6) Upon every person conducting or operating a storm water and/or surface water utility for any customer, including residential and commercial customers, a fee or tax equal to ~~ten~~ seven and one-half percent of the total gross income from such business in the city during the tax year for which the license is required;

(7) Upon every person engaged in or carrying on the business of providing cable service, a fee or tax equal to six percent of the total gross income from such business in the city during each tax year.

Section 2. Kirkland Municipal Code Section 5.74.040 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 <u>Water service shutoff or turn-on for unpaid user bill before 3 p.m. on business days</u> <u>Water service shutoff or turn-on for unpaid user bill after 3 p.m. on business days</u> 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 \$40.00 \$90.00 \$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, incomplete actions Penalty—Nonmaintenance of FOG systems	\$25.00/day for first 20 days, then \$100.00/day, for a maximum of \$1,000.00 total. \$100.00/day for 60 days max. \$500.00 + city maintenance costs. Second year: \$1,000.00 + city maintenance costs

Penalty—Inaccurate or incomplete report	\$100.00 for first offense
Sewer—Billing Sewer service call (customer problem)	\$20.00
Right-of-Way Permit to work in ROW—Standard Permit to work in ROW—Basic Street cut fee 1—50 sq. ft. Street cut fee 51—100 sq. ft. Street cut fee 101 sq. ft. or larger Street cut administration fee	\$372.00 \$106.00 \$200.00 \$400.00 \$400.00 + \$400.00 for each additional 100 sq. ft. \$25.00 per street cut
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)	\$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
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	\$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
City trees Civil penalties for violations, per day	1st violation—\$200.00 2nd violation—\$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 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 _____ day of _____, 2011.

Signed in authentication thereof this _____ day of _____, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4283

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CORRECTING FEES AND AMENDING SECTIONS 5.08.050 AND 5.74.040 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 5.08.050 by correcting the fee or tax for conducting or operating a storm water and/or surface water utility.

SECTION 2. Amends KMC Section 5.74.040 by adding water shutoff or turn-on for unpaid user bill fees to the schedule for permit and administrative fees charged by the public works department.

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 _____ day of _____, 2011.

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

City Clerk