



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Rob Jammerman, Development Engineering Manager
Katy Coleman, Development Engineering Analyst

Date: November 5, 2009

Subject: Kirkland Municipal Code Amendments - Public Works Fees

RECOMMENDATION:

Adopt the attached ordinance reflecting changes to Titles 5, 15, and 19 of the Kirkland Municipal Code.

BACKGROUND DISCUSSION:

The Public Works Department has been working on a project to simplify and clarify the fees that we charge to customers. The goal of the project is to consolidate all of the Public Works fees for administration, utility billing special charges, and permit review into one chapter in the Kirkland Municipal Code (KMC). Currently, the fees are scattered throughout Titles 15 and 19 in the KMC, and this proposed code amendment will bring all the fees into one table in Title 5.74.040. Most of the fees that are being moved to Title 5 are not being changed.

In addition to the fee consolidation, we are also adding or modifying several fees to either recover the costs of new work or reflect our current business practice. The fees that are being added or modified are as follows:

New or Modified Administration Fees:

There are several miscellaneous review and inspection processes for which we wish to recover our costs:

- Impact Fee – Independent Fee Review: Currently we charge \$200. We wish to change it to \$200 for up to 2 hours of process, and \$75 per hour thereafter.
- Right-of-way non-user relinquishment fee: Currently we do not charge for this process. We wish to change it to \$375 for up to 5 hours of process (typical), and \$75 per hour thereafter.
- Miscellaneous engineering review and inspection: When the Public Works Department provides engineering review or inspection services, and a fee for service is not published, the applicant shall pay \$75 per hour.

Annual Adjustment for CPI

All Public Works fees will be subject to review annually, and 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. This adjustment language exists within the Planning and Building Departments fee codes.

Surface Water Review and Inspection Fees:

At the October 21, 2009 Council Meeting, Public Works staff presented the proposed Surface Water Regulations that are required in conjunction with our NDPES Permit. During our presentation we discussed the need to bring back a fee ordinance with the Surface Water Ordinance that would recover the costs of the increased surface water review and inspection responsibilities. After reviewing the additional tasks required as a result of the new surface water regulations, staff estimated the additional review and inspection hours for each type of surface water review (Table 1 below) which led to the recommended fees (Table 2 below).

Table 1 - Estimated Additional Hours of Review and Inspection					
Type of Surface Water Review	Add. Review Hrs.	Add. Facility Inspection Hrs.	Add. Erosion Inspection Hrs.	Total Additional Hrs	% of PW Permit Volume
Small-Type I	2	0	3	5	61%
Small – Type II	4	2	6	12	13%
Targeted	6	3	12	21	5%
Full	10	6	26	42	21%

Table 2 - Recommended Fees			
Type of Storm Review	Full Cost Recovery	72% Adopted Target Recovery	Recommended Fee
Small-Type I	\$523	\$376	\$375
Small – Type II	\$1,254	\$903	\$905
Targeted	\$2,195	\$1,580	\$1,580
Full	\$4,389	\$3,160	\$3,160
<u>Surface Water Adjustment Process:</u> This is a fee that would recover the cost of the Surface Water Adjustment Process; the adjustment process is used when a variance from the standards is requested. The proposed fee is \$150 for up to 2 hours of process, and \$75 per hour thereafter.			

Note: The fee table in the ordinance also lists a Roof and Driveway Drainage Connection Inspection fee of \$637. This is an existing fee that has been incorporated into the new fee table for KMC Title 5.

To give a before-and-after comparison of the surface water review fees, the following table lists several sample projects that were permitted between 2008-2009, the Surface Water (SW) fees the project paid, and the new SW fee that would be added to the project if it had been permitted in 2010. We've also list the approximate total development fees paid on the project for a before-and-after comparison:

Sample Project	Project Valuation	2009 SW Fee	2010 SW Fee	Approx. 2009 Total Fees – All Depts.	Approx. 2010 Total Fees w/ new SW Fee
Single-family 1,600 sq ft. addition – Market Neighborhood	\$240,000	\$637	\$1012 ⁽¹⁾	\$10,056	\$10,431
New Single-family Home in Houghton	\$450,000	\$637	\$1,542 ⁽²⁾	\$23,241	\$24,146
LW High School	\$26 Million	\$70,944	\$74,104 ⁽³⁾	\$430,000	\$433,000
Holy Family Church Parish	\$5.1 Million	\$13,693	\$16,853 ⁽³⁾	\$131,000	\$134,000
5-lot Short Plat in Rose Hill	\$1.2 Million ⁽⁴⁾	\$9,314	\$12,474 ⁽³⁾	\$12,815 (PW only)	\$15,975

(1) Small Type I Review – additional \$375 fee added

(2) Small Type II Review – additional \$905 fee added

(3) Full Review – additional \$3160 fee added

(4) Valuation is for street and utility improvements only; no new homes were included.

Last, staff attempted to compare the proposed SW fees against the same fees charged by other neighboring cities. What we found is that every city calculates their Public Works Review and Inspection fees differently; some collect flat fees in multiple areas (grading, roads, building, etc), some charge by the hour with no set fee for any permit. No neighboring City matched our SW fee methodology. Given the different fee calculation method that each jurisdiction uses, attempting to compare the fees, especially for large projects, is not possible. For smaller projects such as a new single-family home, we were able to estimate the following SW Review and Inspection fees:

SW Fee for New In-fill Single-Family Home	Kirkland (existing + new)	Redmond	Bellevue	Bothell
	\$1,542	\$2,264	\$177-\$655 +\$118/Hr	\$686 + \$129/Hr

ORDINANCE NO. 4215

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES CHARGED BY THE DEPARTMENT OF PUBLIC WORKS, ESTABLISHING A CENTRALIZED FEE PROVISION FOR PUBLIC WORKS FEES, AND MODIFYING THE AMOUNTS OF CERTAIN EXISTING FEES AND CREATING CERTAIN NEW FEES.

WHEREAS, the provisions relating to fees charged by the Department of Public Works are in numerous locations throughout Titles 15 and 19 of the Kirkland Municipal Code ("KMC"); and

WHEREAS, the City would like to create a central provision which contains all Public Works Department Fees; and

WHEREAS, in addition, the City would like to modify the amounts of certain fees and establish certain new fees;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Section 5.74.040 of the KMC is hereby amended to read as follows:

5.74.040 Fees charged by the public works department
~~Inspection fees for public improvements to be paid prior to acceptance~~
~~Amount of fee established~~
Exceptions.

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

<u>Fee Type</u>	<u>Fee Amount</u>
<u>Water – meter installation</u> (Each fee includes a \$50 administration charge)	
<u>3/4" meter</u>	<u>\$129</u>
<u>1" meter</u>	<u>\$159</u>
<u>1-1/2" meter</u>	<u>\$225</u>
<u>2" meter</u>	<u>\$294</u>
<u>Greater than 2"</u>	<u>Time and materials</u>
<u>Water – billing</u>	
<u>Customer-requested service shutoff during business hours</u>	<u>\$30</u>
<u>Customer-requested service shutoff during non-business hours</u>	<u>\$80</u>
<u>Service calls if broken water line was caused by owner/occupant</u>	<u>\$20</u>
<u>Special water meter reading</u>	<u>\$40</u>
<u>Alternate billing</u>	<u>\$10</u>
<u>Cut lock fee</u>	<u>\$60</u>
<u>Shut-off tag</u>	<u>\$20</u>
<u>Water restrictions penalty</u>	<u>Up to \$50/day</u>

<p><u>Sewer - permits</u> <u>New or replacement side sewer inspection</u> <u>Side sewer repair (< 10 feet) inspection</u> <u>Side sewer cap inspection</u> <u>Septic system abandonment inspection</u> <u>Side Sewer Stub fee (for City-installed stub)</u></p>	<p><u>\$425</u> <u>\$58</u> <u>\$58</u> <u>\$58</u> <u>\$1062 min. or as documented</u></p>
<p><u>Sewer – discharge regulation</u> <u>Penalty for late discharge report (late after 30 days)</u> <u>Penalty – discharge compliance, incomplete actions</u> <u>Penalty – non-maintenance of FOG systems</u> <u>Penalty – inaccurate or incomplete report</u></p>	<p><u>\$25/day for first 20 days, then \$100/day, for a maximum of \$1000 total.</u> <u>\$100/day for 60 days max.</u> <u>\$500 + city maintenance costs. Second year: \$1000 + city maintenance costs</u> <u>\$100 for first offense</u></p>
<p><u>Sewer – billing</u> <u>Sewer Service call (customer problem)</u></p>	<p><u>\$20</u></p>
<p><u>Right-of-Way</u> <u>Permit to work in ROW – Standard</u> <u>Permit to work in ROW – Basic</u></p>	<p><u>\$372</u> <u>\$106</u></p>
<p><u>Storm Drainage (Surface Water)</u> <u>Surface Water Drainage Plan check fees (see PW Pre-Approved Plans and Policies for description of review types):</u> A) <u>Small – Type I Review</u> B) <u>Small – Type II Review</u> C) <u>Targeted Review</u> D) <u>Full Review</u> E) <u>Roof/ Driveway Drain Connection Inspection</u> F) <u>Surface Water Adjustment Process (see PW Pre-approved Plans and Policies for full description)</u></p>	<p><u>\$375</u> <u>\$905</u> <u>\$1580</u> <u>\$3160</u> <u>\$637</u> <u>\$150 for up to 2 hours of process, and then \$75/hour thereafter</u></p>
<p><u>Miscellaneous Review and Inspection Fees</u> <u>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:</u> <u>Impact fee – Independent Fee Review</u></p>	<p><u>\$75 per hour</u> <u>\$200, plus \$75 per hour of review</u></p>

<u>Right-of-way non-user relinquishment review fee</u>	<u>\$375 for up to 5 hours process, and \$75/hour thereafter</u>
City trees <u>Civil penalties for violations, per day</u>	<u>1st violation - \$200</u> <u>2nd violation - \$400</u> <u>3rd violation - \$600</u>

(ab) 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 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 inspection of such work, improvement, facility or activity. Estimated cost of construction shall be determined by the director of the department of public works.

~~(b) Whenever a building permit is issued for a new single family home or for a single family addition greater than one thousand square feet, a storm drainage system and erosion control review and inspection fee shall be paid. The fee for each building permit shall be three hundred dollars beginning on May 1, 2005, and six hundred dollars beginning on March 1, 2006.~~

(c) ~~Provided, however, that this~~ 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 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 15.08.010 of the KMC is hereby amended to read as follows:

15.08.010 Required—Contents.

The city will require prospective customers to sign an application for water service or sewer service. The application must be made in writing or on a standard form at the office of the public works department. The application shall set forth:

- (1) Signature of applicant;
- (2) Owner of premises to be served;
- (3) Location of premises;
- (4) Address of party paying bills;
- (5) The size of service pipe required;
- (6) Purpose for which service is to be used;
- (7) Payment of all required fees as established in this Title and in Section 5.74.040 of this Code.

Section 3. Section 15.12.060 of the KMC is hereby amended to read as follows:

15.12.060 Side sewer fees.

Whenever any connection is made for the benefit of property lying within the city limits to the city sewer system, installation and inspection fees shall be paid as outlined in Section 5.74.040 of this Code. ~~the following installation fees shall be paid:~~

- ~~(1) Inspection and Stub-In Fees. Sewer inspection permit fee, two hundred fifty dollars. Stub-in fee, one thousand dollars minimum or as otherwise documented by city construction costs. (Where applicable a stub-in fee will be assessed.)~~
- ~~(2) Sewer System Inspection Fee. The two hundred fifty dollar permit shall be paid in all cases, and a permit shall be required for each new account or customer added to the sewer system.~~
- ~~(3) Side Sewer Capping Inspection Fee. All side sewers which are disconnected from the building must be capped and inspected by a public works inspector. The fees for said inspection shall be fifty five dollars. A side sewer permit shall be required whenever capping of the side sewer is necessary.~~

Section 4. Section 15.12.070 of the KMC is hereby amended to read as follows:

15.12.070 Fees for special services rendered.

In addition to all other user rates and service connection fees required to be paid to the city, the following special service fees are established and shall be paid by the owner of the property served:

Service Calls. When a service call is made at the request of the owner or occupant of the premises for assistance in locating and/or repairing a plugged sanitary sewer drain, no charge will be assessed if plugged sewer lines were not caused by the owner or occupant of the premises. However, a charge as set forth in Section 5.74.040 of this Code ~~of twenty dollars~~ shall be made only when it is determined that the location or cause of the sanitary sewer drain plug is not within the city-owned main or trunk line and it was caused by the owner or occupant of the premises. The foregoing fees when incurred shall be added to the next customer billing as provided in Section 15.20.050.

Section 5. Section 15.14.030 of the KMC is hereby amended to read as follows:

15.14.030 Water meter installation charge.

(a) The meter installation charge shall be based upon the size of the meter required. Each meter fee shall include a ~~service line inspection fee of fifty dollars and is included in the following schedule: an administrative fee and is set forth in Section 5.74.040 of this Code.~~

3/4 inch meter	\$108.00
1 inch meter	143.00
1-1/2 inch meter	220.00
2 inch meter	286.00

~~Any meter in excess of two inches in diameter: the actual cost of the meter plus installation cost plus a fifty dollar service line inspection fee.~~

(b) ~~The fee for installing the meter and the service line including a fifty dollar administrative fee is as follows:~~

3/4 inch meter	\$444.00
1 inch meter	592.00
1-1/2 inch meter	863.00
2 inch meter	1,034.00

~~Any meter in excess of two inches in diameter: the actual cost of the meter and service line, plus installation costs, plus street patching costs, plus a fifty dollar administrative fee. It is generally the responsibility of the owner/contractor to perform the installation, abandonment, or upgrade of water services. In certain instances, the City Water Division may elect to perform this work. The fee for this is on a time and material basis, plus City overhead costs.~~

(c) Annual Adjustment in Meter Charge. Annually the director of public works shall adjust the meter charges in accordance with the following adjustment formula: the director shall determine for each meter size the average cost to the city for meter plus installation, using the actual cost of meter installation, using the actual cost of meter and installation for the immediate past thirty meter installations; provided, that he shall exclude from the calculation, any meter installation occurring more than three years prior to the date of calculation, and any meter installation where the cost thereof was either fifty percent more than or fifty percent less than the calculated average cost. To the average cost shall be added an administration fee and the sum thereof shall be the adjusted water meter charge to be paid.

Section 6. Section 15.14.050 of the KMC is hereby amended to read as follows:

15.14.050 Fees for special services rendered.

In addition to all other user rates and service connection fees required to be paid to the city, the following special service fees are established

in Section 5.74.040 of this Code and shall be paid by the owner of the property served:

(1) Customer-Requested Service Shutoff. A water service shutoff or disconnect made at the request of the owner or occupant of the premises served:

~~(A) When shutoff may be made by the city during regular business hours, thirty dollars;~~

~~(B) When shutoff can only be made by the city during nonbusiness hours, eighty dollars.~~

(2) Water Service Shutoff or Turn-On for Unpaid User Bill. A water service shutoff or disconnect for nonpayment of delinquent water, sewer or refuse bill as authorized by Section 15.20.020, or for turning it on after payment of such delinquencies, ~~forty dollars within normal business hours, ninety dollars if during nonbusiness hours.~~

(3) Service Calls. When a service call is made at the request of the owner or occupant of the premises for assistance in shutting off the water line to help locate and/or repair a water line leak, no charge will be assessed if the broken water line was not caused by the owner or occupant of the premises. However, a charge of ~~twenty dollars~~ shall be made if it is determined the water line leak was caused by the owner or occupant of the premises.

(4) Special Water Meter Reading. A reading of a customer's water meter, at the request of the owner, title or escrow company, occurring on any day other than the day the city has established as the property's regular scheduled water meter reading, forty dollars.

(5) Alternate Billing. When alternate billing is requested as authorized by Section 15.20.010, ~~ten dollars.~~

(6) Cut Lock Fee. When the water meter is discovered unlocked after the meter has been turned off and locked for non-payment of delinquent water, sewer or refuse bill as authorized by Section 15.20.020, ~~sixty dollars.~~

(7) Shutoff Tag. A customer receiving a shut-off tag notice as final notice before water is shut off for nonpayment, ~~twenty dollars.~~

(8) The foregoing fees when incurred shall be added to the next customer billing as provided in Section 15.20.050.

Section 7. Section 15.16.045 of the KMC is hereby amended to read as follows:

15.16.045 Water restrictions—Penalty.

It is unlawful for any person to violate water use restrictions. In addition to other lawful remedies, the director of public works is authorized to impose a surcharge ~~of up to fifty dollars~~ for each day a customer's water usage practices exceeds water conservation restrictions as provided for in this chapter. Said surcharge The applicable per-day surcharge amount is set forth in Section 5.74.040 of this Code and will be added to and become a part of the water bill for the customer in addition to any service rate amounts as set forth in Chapter 15.20 of this code. Prior to the imposition of a surcharge, the public works department shall send a notice at the service address advising of the customer's water usage practices in excess of mandatory water shortage restrictions and advising that a surcharge may be imposed for any further violations.

Section 8. Section 15.24.080 of the KMC is hereby amended to read as follows:

15.24.080 Exempt meters—Nonresidential customers only.

(a) Where the use of water by a nonresidential customer is such that a portion of all of the water used does not flow into the sewer system, but is lost by evaporation, irrigation, sprinkling or other causes, or is used in manufacturing or in a manufacturer's product, and the person in control provides proof of this fact to the satisfaction of the director of public works and installs other measuring devices approved by the city manager acting through the public works

director to measure the amount of water so used and so lost, no charge shall be made for sewer service because of water so used or lost.

(b) In addition to the above, the measuring devices (exempt or deduct meters) are subject to the following:

(1) Deduct meter readings are to be turned in bimonthly, in writing, to the city utility billing department on the fifteenth of each month. Written deduct meter readings shall be sent to:

The City of Kirkland
123 5th Ave.
Kirkland, WA 98033
Att: Utility Billing

(2) Deduct meters will be inspected twice annually on or about the first day of January and on or about the first day of July by the department of public works. The fee for each inspection is set forth in Section 5.74.040 of this Code~~shall be twenty-five dollars paid by the customer.~~

(3) The customer is responsible for reporting when a deduct meter has been damaged (the date) and when the meter is to be replaced or repaired. All repairs or replacement of the deduct meters shall be performed by a licensed contractor and the customer shall be responsible for all associated costs.

(4) Deduct meters shall be tested at least every five years or more frequently as determined by the director of public works. The customer is responsible for the testing cost. If the meter is not tested within one month of notice by the department of public works, the deduct meter will no longer be recognized by the utility billing department.

(5) Only meters certified by the department of public works shall be used as deduct meters. The water department shall keep a current list of acceptable meters.

(6) When it is necessary for city staff to read or inspect a deduct meter, the customer or a building representative shall be available to accompany city staff when entering the building.

Section 9. Section 15.28.110 of the KMC is hereby repealed.

Section 10. Section 15.36.120 of the KMC is hereby amended to read as follows:

15.36.120 Standards for discharges and reporting—Enforcement—Penalties.

(a) Those dischargers subject to national pretreatment standards will be subject to enforcement action in accordance with this chapter

for any violations of the criteria and limitations specified in the categorical standard or the general pretreatment standards set forth in 40 CFR 403, as currently written or hereafter amended, which standards are hereby adopted by reference.

(b) Maximum Daily Concentration Allowed. The maximum daily allowable concentration for dischargers not regulated under national pretreatment standards is violated under the following circumstances:

(1) The arithmetic mean of concentrations for eight consecutive samples collected within a twenty-four-hour time period over intervals of fifteen minutes or greater is in excess of the limitation.

(2) The concentration value obtained from a composite sample that is representative of the twenty-four-hour discharge is in excess of the limitation.

(3) The concentration of any single sample (whether as single grab sample or a sample within a series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and one-half times.

(4) The arithmetic mean of the concentration of fats, oils, or greases for three grab samples, taken no more frequent than five-minute intervals, exceeds the limitation.

(c) Maximum Allowable Poundage Limitations. A violation shall occur if the maximum allowable effluent poundage limitation as established in the private wastewater discharge permit is exceeded. The daily poundage discharged shall be calculated using the volume of effluent discharged that day times the concentration for that day either reported by the discharger or obtained through sampling by the city. The poundage shall be determined utilizing the formula:

$$\text{Lb./day} = \frac{\text{conc. in mg/L} \times \text{gal/day}}{\text{disch./1,000,000} \times 8.34}$$

(d) Reporting Requirements. A violation shall occur if any reporting requirements established by permit, accidental discharges, upset conditions, written request of the city or authorized representative, or as specified by general pretreatment standards (40 CFR 403.12) are not complied with. A violation shall occur when any person knowingly makes any false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

(e) "FOG" Pretreatment Facility—Maintenance. A violation shall occur if there is any failure to maintain grease or grit interceptors or oil/water separators which causes maintenance on any sewer line to be greater than once every two years caused by excessive oil, grease, or fat buildup in the sewer lines; or excess buildup of sand, gravel or other materials clogging the sewer lines. The lack of any device to prevent discharge of grease, oil, fats, sand, gravel or any other materials which will cause excessive maintenance of the sewer lines shall not relieve the discharger of the responsibility of liability for any costs to city for excessive maintenance and/or other costs incurred by the city.

(f) Discharge of Dangerous Waste. A violation shall occur if any material listed on the discharge chemical products list of the state of Washington (WAC 173-303-9903) is discharged into any public sewer or building sewer tributary thereto.

(g) Explosion Meter Readings. A violation shall occur if the readings on an explosion meter at any point in the collection system or

wastewater treatment plant is greater than ten percent for a single reading or greater than five percent for two successive readings.

(h) Termination of Treatment Services—Permit Revocation. The city shall have the authority to terminate wastewater treatment services of the discharger and revoke any permit issued if it determines that the discharger has:

(1) Failed to accurately report wastewater constituents and characteristics more than once; or

(2) Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the wastewater treatment plant; or

(3) Refused reasonable access to the discharger's premises for purposes of inspection or monitoring; or

(4) Violated conditions of the wastewater discharge permit; or

(5) Violated any of the provisions of this chapter, regulations promulgated hereunder, state law or federal law; or

(6) Violated any lawful order of the city issued with respect to the discharger's permit or this chapter; or

(7) Tampers with, disrupts, damages or renders inaccurate any wastewater monitoring device required by this chapter.

(i) Other Violations.

(1) If reports required by permit, this chapter or state or federal pretreatment regulations are submitted later than thirty days after they are due, the discharger shall be subject to civil penalties as set forth in Section 5.74.040 of this Code. ~~of twenty five dollars per day for a maximum of twenty working days. The penalty shall then be increased to one hundred dollars per day with a maximum fine of one thousand dollars.~~ In the event the reports have not been submitted at the time the maximum penalty is imposed, the city shall seek remedies under subsection (h) of this section.

(2) If any of the actions prescribed in any compliance schedule established by permit or by order of the city are not complete within thirty days of the time they are required to be complete, the discharger shall be subject to civil penalties as set forth in Section 5.74.040 of this Code. ~~of one hundred dollars per day for a maximum of sixty days for each day the action(s) have not been completed.~~ In the event the actions have not been completed ninety days after the date scheduled in the permit or order, the city shall seek remedies under subsection (h) of this section.

(3) If a discharger fails to maintain grease, oil and/or sand removal systems which results in the city having to perform the maintenance of the collection system or treatment plant, the discharger shall be subject to a the applicable civil penalty set forth in Section 5.74.040 of this Code, ~~of five hundred dollars~~ which shall be added to the costs incurred by the city to perform the maintenance. If the city must perform any maintenance for that discharger a second time within a three-year period, the penalty shall be the applicable civil penalty set forth in Section 5.74.040 of this Code ~~one thousand dollars~~, which shall be added to the costs of maintenance by the city. In the event the city having to perform any maintenance for that discharger continues, the city shall seek remedies under subsection (h) of this section.

(4) Failure to provide accurate or complete information on any wastewater discharge reports or the requirements of a discharge permit shall result in a civil penalty as set forth in Section 5.74.040 of this Code ~~of one hundred dollars for the first offense.~~ Thereafter, the

discharger shall be subject to remedies under subsection (h) of this section.

(5) In addition to the assessments described in this section, any costs incurred by the city, including but not limited to, attorney's fees, shall be added to the total amount of the civil penalty assessment.

Section 11. Section 19.12.090 of the KMC is hereby amended to read as follows:

19.12.090 Permit—Basic fee required.

(a) The basic fee for a permit to disrupt a street surface, curb or sidewalk or place a utility in the right-of-way is set forth in Section 5.74.040 of this Code~~shall be two hundred eighty five dollars effective May 1, 2005, and three hundred fifty dollars effective March 1, 2006. For street cuts measuring less than seventy five square feet of street cut area and requiring no utility inspection the fee shall be eighty dollars effective May 1, 2005, and one hundred dollars effective March 1, 2006.~~

(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 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 12. Section 19.12.100 of the KMC is hereby amended to read as follows:

19.12.100 Inspection time—Additional charge.

An additional time charge will be made where pre-inspection and post-inspection times exceed one hour. Such extra charge will be invoiced to the contractor separately at the rate provided for in Section 5.74.040 of this Code~~of fifteen dollars per hour.~~

Section 13. Section 19.36.050 of the KMC is hereby amended to read as follows:

19.36.050 Civil penalties for violations.

(a) The director of public works or his or her designee shall be responsible for enforcing the provisions of this chapter with respect to street trees. The director of parks and community services or his or

her designee shall be responsible for enforcing the provisions of this chapter with respect to city parks and other city property.

(b) When taking enforcement action under this chapter, the city's primary goal, if feasible, shall be full restoration of the area where the violation occurred. Each tree removed, pruned, trimmed, modified, altered or damaged in violation of this chapter shall constitute a separate violation for the purpose of assessing penalties under this chapter. Violations shall be deemed to be continuing in nature until the area where the violations occurred is fully restored to the condition it was in prior to the violations; provided, that the city, in its discretion, may suspend the accrual of daily penalties if the property owner is actively and diligently implementing a city-approved restoration plan. The costs of restoration shall not be more than the appraised value of the significant trees removed, according to the most recent edition of the Guide for Plant Appraisal.

(c) In addition to the costs of restoration, the amount of the monetary penalty per day for a violation of this Chapter is set forth in Section 5.74.040 of this Code as follows:

~~(1) First violation: two hundred dollars.~~

~~(2) Second violation: four hundred dollars.~~

~~(3) Third violation: six hundred dollars.~~

(d) Payment of a monetary penalty under this chapter does not relieve a person of the duty to correct the violation as ordered by the applicable department director.

Section 14. 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 15. 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 _____, 2009.

Signed in authentication thereof this _____ day of _____, 2009.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4215

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES CHARGED BY THE DEPARTMENT OF PUBLIC WORKS, ESTABLISHING A CENTRALIZED FEE PROVISION FOR PUBLIC WORKS FEES, AND MODIFYING THE AMOUNTS OF CERTAIN EXISTING FEES AND CREATING CERTAIN NEW FEES.

SECTION 1. Amends Section 5.74.040 of the Kirkland Municipal Code by establishing permit and administrative fees charged by the public works department and authorizes the public works director to interpret the provisions of this chapter.

SECTION 2. Amends Section 15.08.010 of the Kirkland Municipal Code requiring payment of all fees as established in this Title and in Section 5.74.040 of this Code.

SECTION 3. Amends Section 15.12.060 of the KMC related to side sewer fees.

SECTION 4. Amends Section 15.12.070 of the KMC related to service call fees.

SECTION 5. Amends Section 15.14.030 of the KMC related to water meter installation charges.

SECTION 6. Amends Section 15.14.050 of the KMC related to special services rendered fees for customer-requested service shutoff; water service shutoff or turn-on for unpaid bill; service calls; special water meter reading; alternate billing; cut lock fee and shutoff tag notice.

SECTION 7. Amends Section 15.16.045 of the KMC related to water restrictions penalty surcharge.

SECTION 8. Amends Section 15.24.080 of the KMC related to the inspection fee for exempt meters for non-residential customers for deduct meters.

SECTION 9. Repeals Section 15.28.110 of the Kirkland Municipal Code.

SECTION 10. Amends Section 15.36.120 of the KMC related to standards for discharges and reporting, enforcement and penalties.

SECTION 11. Amends Section 19.12.090 of the KMC related to the fee for a permit to disrupt a street surface, curb or sidewalk or place a utility in the right-of-way.

SECTION 12. Amends Section 19.12.100 of the KMC related to additional time charge for pre-inspection and post-inspection times exceeding one hour.

SECTION 13. Amends Section 19.36.050 of the KMC related to civil penalties for violations.

SECTION 14. Provides a severability clause for the ordinance.

SECTION 15. 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 _____, 2009.

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

City Clerk