

Subject: Ordinance Nos. 1507, 1508, 1509, 1510, 1511 – Update of City Business Licensing Code

Dept. Origin: Mayor’s Office
Prepared by: Jennifer Robertson, City Attorney’s Office
For Agenda of: August 21, 2018
Exhibits: Ordinance Nos. 1507, 1508, 1509, 1510 & 1511 Master Fee Resolution #690

Proposed Council Action:

No Action Requested. This is on for first Reading. Unless directed otherwise, this matter Will return on September 4th for Second Reading and Action.

	Initial & Date
Concurred by Mayor:	_____
Approved by City Planner:	_____
Approved as to form by City Atty:	JSR 8-14-18
Approved by Finance Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

State law requires all cities with business licensing to update codes by the end of the year as set forth below.

Business license and city B&O tax simplification.

In the 2017 session, EHB 2005 (RCW 35.90) passed requiring three actions by cities with business licenses and local B&O taxes. This law does the following:

1. Requires cities with business licenses to establish a workgroup to create a model business license with a licensing threshold by July 2018 for adoption by all business license cities by January 1, 2019;
2. Requires all cities with business license to administer their business license through the state’s Business Licensing System (BLS) by 2022 or FileLocal by 2020; and
3. Establishes a task force on local B&O tax service apportionment under RCW 35.102.130 to report to the Legislature by October 2018.

Final model ordinance for local business licenses – minimum threshold.

Cities were required to develop a model ordinance for business licensing by July 1, 2018. The ordinance includes a mandatory definition of “engaging in business” and a minimum threshold (or occasional sale) exemption to establish when out-of-town or transient businesses are required to be licensed. All business license cities must adopt it by the end of the year (RCW 35.90.080).

What is in the model?

The model threshold has two pieces: a model threshold and a definition of “engaging in business.”

1. The model business license threshold language would:
 - a. Apply a minimum threshold of \$2,000 per year in the city for businesses that do not have a location in the city;
 - b. Require a license for businesses with a location in the city without regard to the threshold;
 - c. Allow cities the option to require registration with no fee for businesses under the threshold; and
 - d. Only apply to general business licenses, not regulatory licenses or local taxes.
2. The definition of “engaging in business” includes examples of what constitutes business activities in cities that would subject a business to license requirements, as well as those activities that would not. The model language is adapted from the definition that the 45 cities with local B&O taxes have already adopted for the definition of “engaging in business” in the B&O tax model ordinance.

What are the deadlines for all cities with business licenses to adopt the model?

Cities with a business license must adopt the model by January 1, 2019. However, cities that currently partner with the state’s Business Licensing Service (BLS) for business licensing administration have a deadline of October 17, 2018, because they must provide BLS 75-day notice of any changes to their business licenses (including this mandatory change).

The City is already using the State to administer its business licenses. Thus the deadline is October 17, 2018.

Revisions to the Ruston code.

As the City started reviewing its business licensing code in order to comply with the state-mandated update, it became clear that the City’s code is in need of a major overhaul as it was quite out of date and lacking many procedures (such as revocation and appeal procedures) that are found in most business licensing codes. The City used the Tacoma Business Licensing Code as a model for many of the new chapters. Tacoma’s code, however, has many more additional chapters that were not included in the new ordinances either because Ruston deals with those issue already (i.e. adult entertainment, alarms permits) or because these are things the City has never specifically licensed with special licenses (i.e. food trucks, sign erectors, scrap metal dealers, gambling, septic and side sewer contractors) and thus any of these businesses would be covered under the general business license. The five ordinances addressed in this package of amendments are:

ORD #	Chapter Name/Number	Purpose
1507	Chapter 5.05 – General License Provisions	General provisions for business licensing code
1508	Chapter 5.05A – Annual Business License	Requirements for an annual business license

1509	Chapter 5.05B – Sales – Door-to-Door Soliciting	Sets forth requirements for certain door to door sales
1510	Chapter 5.05C – Temporary Business License – Sales or Shows	Sets forth requirement for occasional or special event business licensing
1511	Chapter 5.05D – Short Term Rental License	Set forth the procedures and requirements for short term rental uses (i.e. AirBnB and the like)

Ordinance No. 1511 is a new type of license to Ruston. At the time the business license code was being re-drafted, the Planning Commission was taking up zoning regulations for short term rentals in the City. Therefore the drafting of the new Chapter 5.05D dovetails nicely timing-wise with the upcoming zoning code change to regulate this use.

Master Fee Resolution – Informational Only.

Updating the licensing code also requires an update to the City’s Master Fee Resolution. The updated business license fees match what the City of Tacoma is charging and are found in Section 4 of the Master Fee Resolution. In addition, an update to the City’s overweight truck regulations in Chapter 16.07 will be forthcoming and these fees are contained in Section 7.

The Master Fee Resolution is being shared as part of the business license ordinance package, but is not yet ready for action. It will be finalized and adopted when the business license ordinances are adopted, currently scheduled for September 4, 2018.

Deadline for adopting updates to business licensing code.

The last Council meeting in which the business license code updates required by the State can be adopted is October 16th as these need to be transmitted to the State no later than October 17th for collection starting on January 1, 2019.

FISCAL CONSIDERATION

The package of amendments to the business licensing code will result in additional licenses and the related licensing fees as set forth in Section 4 of the draft Master Fee Resolution.

RECOMMENDATION / MOTION

No Action Requested. This is on for first reading. Unless directed otherwise, this matter will return on September 4th for Second Reading and Action. At that meeting, the Master Fee Resolution (RES 690) will also be on for action in conjunction with these ordinances.

ORDINANCE NO. 1507

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BUSINESS LICENSING, REPEALING AND REPLACING CHAPTER 5.05 OF THE RUSTON MUNICIPAL CODE, ESTABLISHING PROCESSES AND PROCEDURES FOR BUSINESS LICENSING IN THE CITY OF RUSTON, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City first established portions of its business licensing code in 1960; and

WHEREAS, the most recent update was in 2012; and

WHEREAS, the State is requiring all cities with business licenses to make certain updates to its business licensing codes; and

WHEREAS, the deadline for adopting these revisions for Ruston is October 17, 2018; and

WHEREAS, the City deemed it in the best interests to fully update its licensing code, including adoption of several new chapters under subtitle 5.05; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on September 4, 2018, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 5.05 of the Ruston Municipal code is hereby repealed and replaced with the following new Chapter 5.05 of the Ruston Municipal Code:

**Chapter 5.05
GENERAL LICENSE PROVISIONS**

Sections:

5.05.010	Subtitle designated as “License Code.”
5.05.020	Application of chapter.
5.05.030	Definitions.
5.05.040	License required.
5.05.050	Separate licenses – When required.
5.05.060	Application for license – Approval or denial – Appeal.
5.05.070	Term of license.
5.05.075	Clerk to make rules.
5.05.080	Due date.
5.05.090	Late payment – Renewal of license.
5.05.095	Cancelation of penalties.
5.05.100	Method of payment.
5.05.105	Advertising unlicensed premises.
5.05.110	Posting or carrying of license.
5.05.115	Hours of operation – Massage.
5.05.117	Unlicensed practice – Massage – Penalties.
5.05.120	Mailing of notices.
5.05.130	Failure to file.
5.05.140	Suspension or revocation – Appeal.
5.05.145	Summary of suspension – Appeal.
5.05.150	Statute of limitations – Unlicensed licensees.
5.05.160	Refund of license fee.
5.05.170	Grounds for disqualification of licenses.
5.05.180	Inspection.
5.05.190	Investigations and background checks.
5.05.200	Death of licensee – continuation of license.
5.05.210	Notice of right to suspend or revoke.
5.05.220	Assignment of licenses.
5.05.230	Licenses subject to specific controls.
5.05.240	Engaging in activity without license – Penalty.
5.05.245	License constitutes debt.
5.05.250	Separate offenses.
5.05.255	Charge-off of uncollectible fees.
5.05.257	Closing agreement provisions.
5.05.260	Violations – Penalties.
5.05.265	Administrative reviews by the Clerk of Notice of Penalty – Appeal.
5.05.268	Additional relief.
5.05.270	Severability.

5.05.010 Subtitle designated as “License Code.” This subtitle shall constitute the Business License Code of the City OF Ruston, and may be cited as such.

5.05.020 **Application of chapter.** The provisions of this chapter shall apply with respect to the fees imposed under this Subtitle 5.05 and all subparts thereof and under other titles, chapters, and sections in such manner and to such extent as indicated in each such subtitle, chapter, or section.

5.05.030 Definitions.

The following definitions apply to each section in this subtitle of the RMC:

(a) A Definitions:

“Alcohol” means those alcoholic substances controlled by the Liquor Control Board.

“Annual business license” means a license for the privilege of doing business with the City or within the City as required by the provisions of this chapter of the License Code of the City. The annual business license certificate issued by the Clerk is required to be displayed at the place of business by all persons operating a business under the provisions of Title 5.

(b) C Definitions:

“Calendar year” means January 1 through December 31 of each year.

“Certificate” means “registration certificate” as defined below.

“Charitable organization” means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 RCW and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.

“City” means the City of Ruston and all its departments.

“Clerk” means the City Clerk-Treasurer of the City or any officer, agent, or employee of the City designated to act on the Clerk’s behalf.

(c) D Definitions:

“Department” means the City Clerk-Treasurer’s Office of the City or any successor department.

“Door-to-door sales” means the carrying of merchandise for sale from place to place, and the making of sales and delivery of merchandise sold at the same time and place.

(d) E Definitions:

“Engaging in Business” means

1. Commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
2. This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not

intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

3. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.
 - a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.
 - b. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.
 - c. Soliciting sales.
 - d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
 - e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
 - f. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
 - g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
 - h. Collecting current or delinquent accounts.
 - i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
 - j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
 - k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

- l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 - m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
 - n. Investigating, resolving, or otherwise assisting in resolving customer complaints.
 - o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 - p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
4. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.
- a. Meeting with suppliers of goods and services as a customer.
 - b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 - c. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
 - d. Renting tangible or intangible property as a customer when the property is not used in the City.
 - e. Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.
 - f. Conducting advertising through the mail.
 - g. Soliciting sales by phone from a location outside the City.
5. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4) above.

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

(e) F Definitions:

“For-hire Vehicle” means any motor vehicle, whether a personal vehicle, fleet or commercial vehicle, or transportation network company-affiliated vehicle held out to the public for hire or used for the transportation of persons for compensation; subject to call by the public generally, where the route traveled or destination is controlled by the customer, the compensation is calculated on the basis of an amount recorded and indicated on a taximeter, a mobile device app or an application dispatch service, by a written contract or invoice signed by both parties, or based on an initial fee, distance traveled, waiting time, or any combination thereof as permitted under this chapter, provided that, for-hire vehicle shall not mean:

1. School buses operating exclusively under a contract to a school district;
2. Ride-sharing vehicles under Chapter 46.74 RCW;
3. Limousine carriers licensed under Chapter 46.72A RCW;
4. Vehicles used by nonprofit transportation providers solely for elderly or persons with disabilities and their attendants under Chapter 81.66 RCW;
5. Vehicles used by auto transportation companies licensed under Chapter 81.68 RCW;
6. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and
7. Vehicles licensed under, and used to provide “charter party carrier” and “excursion service carrier” services as defined in, and required by, Chapter 81.70 RCW.

(f) G Definitions:

“Gambling” means any activity included in the provisions of RCW 9.46.0237.

“Gross income” means the value proceeding or accruing by reason of the transaction of business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidence of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments, however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued without any deduction on account of losses.

“Gross receipts” has the same meaning as gross income.

(g) H Definitions:

“Home-based business” means a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. The intent of this definition is to maintain consistency with home occupations as defined in Ruston Municipal Code (“RMC”) 25.01.020 of the City’s Zoning Code.

(h) L Definitions:

“License” means a regulatory license required under the provisions of Subtitle 5.05 of the RMC.

“License certificate” means the certificate issued by the Department pursuant to Subtitle 5.05 of the RMC.

“License code” means Subtitle 5.05 of the RMC, including all subparts thereof (i.e. 5.05A, 5.05B, etc.).

“License fee” means the amount charged by the City for the issuance of a regulatory license required under the provisions of Subtitle 5.05 and any subparts thereof.

“Licensee” means any person required to be licensed under Subtitle 5.05 and any subparts thereof.

(i) M Definitions:

“Massage” or “Massage therapy” means a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

“Massage business” means the operation of a business where massages are given.

(j) P Definitions:

“Peddling” means the same as door-to-door sales.

“Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

“Public official” means any official designated by the Mayor, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or Clerk’s Office charged with the enforcement of a particular portion of this chapter.

(k) R Definitions:

“Records” means the books of accounts and other business-related records of a licensee subject to the City’s Tax Code or License Code. Such records include ledgers; subsidiary ledgers; invoices; receipts; registration and incorporation documents; federal, state and local tax returns; and any other records necessary to establish the amounts due under the provisions of the City’s Code.

“Registration” or to “register” means an identification of real properties owned by a person, for which they use, or intend to use, as rental property. “Registration certificate” means a non-transferable certificate issued by the Department required of all persons operating a business under the provisions of Title 5.

“RMC” means the Ruston Municipal Code.

(l) S Definitions:

“Subtitle 5.05” means Chapter 5.05 along with all subparts thereof (i.e. 5.05A, 5.05B, etc.).

“Successor” means any person to whom a licensee quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of business of the licensee’s business, any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the licensee. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

(m)T Definitions:

“Taxpayer” means any person subject to the provisions of Title 5 or 5A, regardless of whether they owe or have previously paid taxes to the City.

“Taxi” or “Taxi Cab” is included in the definition of “For-hire vehicle” above.

(n) V Definitions:

“Vendor” means any person who exhibits goods or services for sale for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

5.05.040 License required.

- (a) No person shall maintain or operate any device, vehicle, or thing, or engage in any business, calling, profession, trade, occupation, or activity specified in this subtitle without first procuring a license therefor from the City and paying the fees prescribed herein, unless the City requirement for a license is preempted by state or federal law.

- (b) Persons applying for a city business license shall maintain all local, state, and federal licenses required for the operation of the business and shall remain in compliance with such licenses while the business remains in operation.
- (c) One-Day Business Licenses for Special Events. When the City issues a permit under Chapter 14.04 of the Ruston Municipal Code, or when the City Council by resolution recognizes a community event as a special event for the purposes of this section, then any person, corporation, partnership or other organization seeking to conduct business in the City of Ruston as part of that special event shall, before commencing such business, obtain from the City Clerk a one-day special event business license and pay the applicable fee therefor which is established by resolution of the City Council.
- (d) For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall submit a business license registration to the Clerk or designee, however, no license fee shall be charged. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

5.05.050 Separate licenses – When required.

- (a) A separate license shall be obtained for each branch, establishment, or separate location in which the business, calling, profession, trade, occupation, or activity licensed by this subtitle is carried on.
- (b) Each different business, calling, profession, trade, occupation, or activity carried on or device situated at any one location shall be described in detail on the application for business license.
- (c) Each license shall authorize the licensee to carry on, pursue, or conduct only that business, calling, profession, trade, occupation, or activity, or operate the device, vehicle, or thing described in such license, and only at the location or in the manner indicated therein, except as may be specifically provided in this chapter.
- (d) Any person renting or making available for rent to the public any dwelling unit is only required to obtain one license for all rental business activity conducted in the City, but shall register each dwelling unit with the City of Ruston and include an agreement certifying that each dwelling unit complies with RCW 59.18.060, as adopted by the state, and does not present conditions that endanger or impair the health or safety of the tenants.

5.05.060 Application for license – Approval or denial – Appeal. No license required hereunder shall be issued except upon application therefor made on forms prescribed by the City. Each application shall be accompanied by the license fee prescribed herein as established by resolution of the City Council. Upon approval of the application, the license shall be issued by the City and delivered to the applicant. The Clerk shall approve or deny all applications for licenses required hereunder. Any applicant denied a license, or any person objecting to the issuance of any such license, shall, within 10 days after the issuance or denial of such license, appeal said ruling by

filing a written notice of appeal. Such notice shall clearly state the grounds that the appeal is based on and be timely filed with the City Clerk. Following expiration of the appeal period, the City Clerk shall then set a date for the hearing of such appeal before the Hearing Examiner of the City. The appeal shall be governed by Chapter 1.20 RMC. The Clerk shall notify the applicant in the case of a denial, and the objector and applicant in the case of issuance, by mail, of the time and place of hearing.

5.05.070 Term of license. All licenses issued pursuant to the provisions of this Title, except as to those licenses for which a shorter term is herein specified, shall be effective as of the first day of the month of issuance regardless of the actual date of issue, and shall expire one year from the effective date thereof unless sooner revoked in the manner provided in this chapter

5.05.075 Clerk to make rules. The Clerk shall have the power, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this Subtitle 5.05 or with law for the purpose of carrying out the provisions of this subtitle. It shall be unlawful to violate or fail to comply with any such rule or regulation.

5.05.080 Due date. Except as otherwise provided in this subtitle, any license fee shall be due on or before the last day of the next month following expiration of the current license. If the due date is a Saturday, Sunday, or City or federal legal holiday, then the due date shall be the next succeeding day that is neither a Saturday, Sunday, or City or federal legal holiday.

5.05.090 Late payment – Renewal of license. Any licensee who shall fail to make payment on or prior to the expiration date of said license shall be subjected to penalty payments in the following amounts, unless an extension based upon good cause is granted by the Clerk:

- (a) If the license fee is not received on or before the due date: a penalty of 20 percent of the license fee or \$25, whichever is greater.
- (b) Any person who shall not secure a renewal within a period of over one month following the due date of the license fee shall forfeit any and all rights to the renewal thereof, but may apply for a new license, in which event he or she shall be charged a penalty equal to 50 percent of the license fee or \$50, whichever is greater. The granting of such a license by the City shall be within the discretion of the City.

All licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities. No license shall be renewed as herein provided unless the licensee has paid in full all occupational license fees and taxes due to the City pursuant to the ordinances of the City during the preceding license term. Nonpayment of occupational license fees and taxes when due by the licensee during the term of any license shall constitute a ground for revocation of said license.

5.05.095 Cancellation of penalties.

- (a) The Clerk may cancel any penalties imposed under Section 5.05.090 if the licensee shows that its failure to timely file or pay the license fee was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the licensee shows that it exercised ordinary business care and prudence in making arrangements to file the license and pay the fee but was

nevertheless, due to circumstances beyond the licensee's control, unable to file or pay by the due date. The Clerk has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection (c).

- (b) A request for cancellation of penalties must be received by the Clerk within 30 days after the date the Department mails the notice that the penalties are due. The request must be in writing and contain competent proof of all pertinent facts supporting a reasonable cause determination. In all cases, the burden of proving the facts rests upon the licensee.
- (c) The Clerk may cancel the penalties in Sections 5.05.090 one time if a person:
 - 1. Is not currently licensed;
 - 2. Was unaware of the person's responsibility to file and pay license fees; and
 - 3. Obtained business licenses and filed past due tax returns within 30 days after being notified by the Department.

5.05.100 Method of payment.

- (a) Fees and penalties shall be paid to the Clerk in United States currency by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer or electronic payment if such wire transfer or electronic payment is authorized by the Clerk. If payment so received is not paid by the bank on which it is drawn, the licensee, by whom such payment is tendered, shall remain liable for payment of the license and for all legal penalties, the same as if such payment had not been tendered. Acceptance of any sum by the Clerk shall not discharge the fee due unless the amount paid is the full amount due.
- (b) Remittance that is transmitted to the City by United States mail shall be deemed filed or received on the date shown by the cancellation mark stamped by the Post office upon the envelope containing it. The Clerk may allow electronic filing of licenses or remittances from any licensee. Remittance which is transmitted to the City electronically shall be deemed filed or received according to procedures set forth by the Clerk.

5.05.105 Advertising unlicensed premises. No person shall place on a building or property within the city limits of Ruston any advertisement about conducting a specific business activity within the building or on the property unless the person conducting the activity has a valid license pursuant to local, state, or federal law. Advertising includes, but is not limited to, any sign, placard, poster, banner, card, or other advertising matter placed, erected, displayed, or maintained on the outside or in close proximity to any building or place, or in the inside in such a manner as it may be seen from the outside thereof. Any such signs shall also comply with the requirements of the City's sign code, Chapter 25.09 RMC.

5.05.110 Posting or carrying of license. Unless otherwise provided in the specific provisions of this subtitle, all licenses issued pursuant to the provisions of this subtitle shall be posted on the device, vehicle, or thing licensed, or at the place where the licensed business, calling, profession, trade, occupation, or activity is carried on; however, that when the licensee's business requires

travel from place to place or from house to house, then such license must be carried on the person of such licensee while actually engaged in the licensed occupation, business, or trade.

5.05.115 Hours of operation – Massage. All massage business locations or offices that offer massage therapy services, as defined by state law, shall not be open between 10:00 p.m. and 6:00 a.m. daily, provided that if a licensed massage business is physically located wholly within the premises of a larger business or location, including, but not limited to, such facilities as a salon, spa, hotel, or health care provider, then only the area where the massage business is conducted shall be closed to customers between 10:00 p.m. and 6:00 a.m.

5.05.117 Unlicensed practice – Massage – Penalties. The following penalties may be imposed upon an owner of a massage business where the unlicensed practice of massage therapy has been committed:

- (a) Any person who with knowledge or criminal negligence allows or permits the unlicensed practice of massage therapy to be committed within his/her massage business by another per RCW 18.108.035 is guilty of a misdemeanor for a single violation. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a gross misdemeanor punishable according to chapter 9A.20 RCW.
- (b) Unlicensed practice of massage therapy pursuant to RCW 18.130.190(7)(a), constitutes a gross misdemeanor for a single violation. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter 9A.20 RCW.

5.05.120 Mailing of notices. Any notice required by this chapter to be mailed to any licensee shall be sent by ordinary or electronic mail, delivered to the address of the licensee as shown by the records of the Clerk, or if no such address is shown, to such address as the Clerk is able to ascertain by reasonable effort. Failure of the licensee to receive such mailed notice shall not release the licensee from any fee or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.

5.05.130 Failure to file. If any licensee fails, neglects, or refuses to file a license application as and when required under this chapter, the Clerk is authorized to determine the amount of fee payable, together with any penalty assessed under the provisions of this chapter, and by mail notify such licensee of the amount so determined, which amount shall become the fee and penalty and shall become immediately due and payable.

5.05.140 Suspension or revocation – Appeal.

- (a) The Clerk shall have the power and authority to suspend or revoke any registration or license issued under the provisions of this Title. The Clerk shall notify such licensee in writing by certified mail or hand delivery of the suspension or revocation of his or her license or registration and the grounds therefor. Any license or registration issued under this title may be suspended or revoked based on one or more of the following grounds:
 - 1. The registration was procured by fraud or false representation of fact, including, but not limited to, the existence of owners who were not identified on the application.
 - 2. The licensee has failed to comply with any provisions of this title.

3. The licensee has failed to comply with any provisions of the RMC.
4. The licensee is in default in any payment of any license fee or tax under Title 5 or 5A.
5. The licensee or employee has been convicted of a crime involving the business.
6. Licensee's continued conduct of the business for which the license or registration was issued will result in a danger to the public health, safety, or welfare by reason of any of the following:
 - i. The licensee, his/her employee or agent has committed a crime or other violation of law, which bears a direct relationship to the conduct of the business under the license or registration issued pursuant to this title. The Clerk may consider any relevant violation of law regardless of whether the same act was charged as a civil infraction or crime or resulted in a finding of committed or conviction or if it is deferred or subject to pretrial diversion. If a licensee appeals such a suspension, revocation, or denial of a license or registration under this subsection, the violation must be proved by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.
 - ii. The licensee, or his/her agents or employees, have in the conduct of the business, violated any local, state, or federal law relating to public health or safety.
 - iii. The conduct of the business for which the license or registration was issued has resulted in the creation of a public nuisance as defined in the RMC or in state law.
 - iv. The tolerance of a public nuisance or criminal activity, as defined in local, state, or federal law, for which the business owner or operator can reasonably control or prevent.
7. For any reason that would justify denial or disqualification of a license under Section 5.05.170.

(b) Any licensee may, within 10 days from the date that the suspension or revocation notice was mailed to the licensee, appeal such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the City Clerk. The hearing shall be conducted in accordance with the procedures for hearing contested cases set out in RMC 1.20. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license or registration, and may impose any terms upon the continuance of the registration.

No suspension or revocation, under this subsection, of a license or registration issued shall take effect until 10 days after the mailing or hand delivery of the notice thereof by the Clerk and, if appeal is taken as herein prescribed, the suspension or revocation shall be stayed pending final action by the Hearing Examiner. All licenses or registrations which are suspended or revoked shall be surrendered to the City on the effective date of such suspension or revocation.

The decision of the Hearing Examiner shall be final. The licensee and/or the Clerk may seek review of the decision by the Superior Court of Washington in and for Pierce County within 21 days from the date of the decision. If review is sought as herein prescribed, the suspension or revocation shall be stayed pending final action by the Superior Court. Upon revocation of any license or registration as provided in this subchapter, no portion of the license fee shall be returned to the licensee.

5.05.145 Summary suspension – Appeal.

- (a) Where conditions exist that are deemed hazardous to life or property, or where the owner or his or her employee or agent has knowingly permitted a violation of the uniform controlled substances act, a violation of any law against gambling, or a violation of any law against prostitution within the business, the public official in charge is authorized to immediately stop such hazardous conditions that are in violation of this code, up to and including closing the business operation. Such order and demand may be oral or written.
- (b) At the time the Clerk notifies the licensee of the summary suspension, either by mail or hand delivery, the Clerk shall also schedule a hearing to be held within 3 business days from the date of the notice of summary suspension. Where an oral summary suspension is ordered or demanded by a public official, the Clerk shall schedule a hearing to be held within 3 business days from the date of the summary suspension and the licensee will be notified by mail, facsimile, email, personal service or hand delivery. Such notices shall state the time and place of the hearing.

The hearing shall be held before the City Clerk. The decision of the Clerk shall be final. The licensee may, within 10 days from the date of the Clerk's decision, appeal such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the City Clerk. The hearing shall be held by the City Hearing Examiner and conducted in accordance with the procedures for hearing contested cases set out in RMC 1.20. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the summary suspension and reinstate the license or registration, and may impose any terms upon the continuance of the license.

The decision of the Hearing Examiner shall be final. The licensee and/or the Clerk may seek review of the decision by the Superior Court of Washington in and for Pierce County within 21 days from the date of Hearing Examiner's decision.

5.05.150 Statute of limitations – Unlicensed licensees. With regard to unlicensed licensees, no assessment or correction of an assessment for additional fees and penalties may be made due by the Clerk more than four years after the close of the calendar year, except upon showing of the licensee's failure to file a license application as and when required under this chapter, which failure

to file a license application resulted from the licensee's willful and fraudulent intent to avoid payment of the required fees.

5.05.160 Refund of license fee.

- (a) Revocation. Upon revocation of any license as provided in this chapter, no portion of the license fee shall be returned to the licensee.
- (b) License application withdrawn. Upon licensee request to withdraw the application, the fee paid shall be returned to the applicant by the City, together with notice that the application has been withdrawn; provided that no refund shall be made where the applicant has engaged in the business activity for which the license was intended, where inspection has been performed by any City department to review said license application.
- (c) Overpayment. If, upon request by a licensee for a refund or upon an examination of the records of any licensee, it is determined by the Clerk that a fee has been paid in excess of that properly due, the excess amount paid shall be credited to the licensee's account or shall be refunded to the licensee. No refund or credit shall be allowed with respect to any payment made to the Clerk more than four years before the date of such request or examination.

5.05.170 Grounds for disqualification of licensees. Pursuant to the provisions of this subtitle, no license shall be issued to the following persons:

- (a) Any minor under 18 years of age.
- (b) Any person who, if licensed, is likely to present a danger to the public health, safety, or welfare by reason of any of the following:
 - 1. The applicant or his or her employee or agent has committed a crime or other violation of law which bears a direct relationship to the conduct of the business under the license issued pursuant to this title. The Clerk may consider any relevant violation of law regardless of whether the same act was charged as a civil infraction or crime or resulted in a finding of committed or conviction or if it is deferred or subject to pretrial diversion. If a licensee appeals such a denial of a license under this subsection, the violation must be proved by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.
 - 2. The applicant has had a similar license revoked or suspended pursuant to the provisions of Section 5.05.140 above or has had a similar license revoked or suspended by any other administrative authority.
 - 3. The Clerk has reasonable grounds to believe applicant to be dishonest or to desire such license to enable applicant to practice some illegal act or some act injurious to the public health or safety.

(c) Any person who is not qualified under any specific provision of this subtitle for any particular license for which application is made.

(d) The Clerk may deny a license if:

1. The applicant or his or her employee or agent has committed a series of crimes or other violations of law that show a disregard for the law and the Clerk reasonably concludes, based on this conduct that the applicant will not comply with the provisions of this title or other applicable laws applicable to the operation of the business. The Clerk may consider any relevant violation of law, regardless of whether the same act was charged as a civil infraction or crime or resulted in a conviction or finding of committed, or if it is deferred or subject to pretrial diversion. If a licensee appeals such a denial of a license under this subsection, the violation must be proved by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.
2. For any reason that would justify denial of the license under Section 5.05.140 or Section 5.05.145;
3. When the Clerk reasonably concludes that the applicant will not comply with the provisions of this title or other applicable local, state, or federal laws applicable to the operation of the business or that the operation of the business is likely to endanger public health or safety. The Clerk may consider any relevant matter, including illegal activity associated with the applicant's operation of another business, or the conduct of the applicant's patrons or employees inside or outside a similar business operated by the applicant.

5.05.180 Inspection. All licensees shall be open to inspection, including records required to be maintained pursuant to this chapter, by the Clerk, during licensee's normal business hours and, in any event, from 8:00 a.m. to 5:00 p.m., Monday through Friday. The licensee, business owner, manager, or other responsible party shall allow entry by City of Ruston officials for the purposes of ensuring for public safety or inspecting for compliance of Title 5 at any time the facility is open. Denial of entry is cause for summary suspension of the license.

5.05.190 Investigations and background checks.

- (a) All applications for licenses shall be investigated by such departments or officers of the City as the Clerk may determine.
- (b) All applicants for a license may be subject to a state and/or federal criminal background check, and the results of such check may be sufficient grounds for denial of a license.

5.05.200 Death of licensee – Continuation of license. In case of the death of any licensee before the expiration of his or her license, his or her administrator or executor, duly appointed as such by order of court, may continue to act under said license for the unexpired term thereof upon filing with the City proof of such appointment.

5.05.210 Notice of right to suspend or revoke. Every license issued pursuant to the provisions of this subtitle shall state thereon, in substance, that such license is issued in consideration of the fee paid therefor and that the same is subject to suspension or revocation in the manner provided in this chapter.

5.05.220 Assignment of licenses. No license may be assigned or transferred, except: where a licensee shall consist of a partnership and there occurs a change in the membership thereof, where a sole proprietor incorporates, or where a corporation dissolves and former shareholders succeed to its interest, then a transfer shall be authorized if the beneficial owners originally procuring the license shall retain not less than a 50 percent interest in said successor entity and appropriate application is made for the transfer of said license. A request for transfer shall be made and shall contain all information required in the original application for license, and the prospective transferee shall pay a transfer fee of \$50. The transfer shall be subject to all terms, conditions, and requirements of the original application, except that the only fee required therefor shall be as above set forth. If a license is issued upon the request for transfer, the term of such license shall be only for the unexpired term of the original license, and thereafter a new or renewal application shall be made.

5.05.230 Licenses subject to specific controls. The issuance of a license pursuant to the terms of this subtitle and all activities of any licensee granted a license hereunder shall at all times be subjected to all ordinances and regulations of the City enacted in the exercise of its police power, and the prohibition or regulation of any specific activity or sale of commodity by specific ordinance shall prevail over the terms and conditions of this subtitle wherever they may conflict.

5.05.240 Engaging in activity without license – Penalty. Unlicensed operations and unlawful occupancy shall be subject to summary suspension. At the order and demand of the City of Ruston official occupants shall be required to immediately vacate the building and cease and desist all activity at the site. Failure to comply with the orders of the City of Ruston official may result in a criminal citation being issued to the responsible party or parties. Such order and demand may be oral or written. Any person engaging in any activity for which a license is required pursuant to the provisions of this subtitle, without making an application for a license at the time of the commencement of said activity, shall pay, in addition to the license fees set forth herein, the penalty as set forth in Section 5.05.090 and shall be subject to such further penalties as set forth herein. The mere filing of an application for a license shall not give the applicant any right to engage in the activity covered thereby.

5.05.245 License constitutes debt. Any license fee due and unpaid under this Title 5, and all interest and penalties thereon, shall constitute a debt to the City and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

5.05.250 Separate offenses. Each day that any person shall operate any device, vehicle, or thing, or engage in any business, calling, profession, trade, occupation, or activity licensed herein without having procured a valid existing license as provided for by this subtitle shall constitute a separate offense and be punished as such.

5.05.255 Charge-off of uncollectible fees. The Clerk may charge off, in accordance with the City's financial procedures, any license fee or penalty that is owed by a licensee or licensee, if the Clerk reasonably ascertains that the cost of collecting such amounts would be greater than the total amount that is owed or likely to be collected from the licensee.

5.05.257 Closing agreement provisions. The Clerk may enter into an agreement, in writing, with any person relating to the liability of such person with respect to any license fee or penalties imposed by any of the chapters within Subtitle 5.05 and administered by this chapter for any license period(s). Upon approval of such agreement, evidenced by execution thereof by the Clerk and the person so agreeing, the agreement shall be final and conclusive as to the liability or immunity covered thereby, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

1. The case shall not be reopened as to the matters agreed upon, or the agreement modified, by the Clerk or the licensee, and
2. In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

5.05.260 Violations – Penalties.

- (a) Unless another criminal penalty has been prescribed for a violation of a specific provision of this chapter, violation of any of the provisions of Subtitle 5.05 is a misdemeanor. Any person violating or failing to comply with any of the provisions of this subtitle or any lawful rule or regulation adopted by the Clerk pursuant thereto, upon conviction thereof, may be punished by a fine in any sum not to exceed \$1,000, or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment.
- (b) Any person violating or failing to comply with any of the provisions of this subtitle, or any lawful rule or regulation adopted by the Clerk pursuant thereto, may also be subject to a civil penalty as described below for each day during which the business is carried on in violation of this subtitle. The City will have discretion to impose a civil penalty. It is the responsibility of the business owner to contact appropriate city staff to request inspection for compliance with this code.
- (c) Civil Penalty. Penalties for violations of this chapter may be assessed in the amount of \$250 per violation per day. Each day a person remains in violation is a separate penalty. The penalties shall be cumulative and shall accrue automatically until such time as compliance is achieved.
- (d) Penalties: main procedural requirements:
 1. The City shall give written notice of the penalty.
 2. The notice shall state:
 - i. that the City has imposed a penalty against the person concerned;

- ii. the amount of the penalty;
- iii. the code violation for which the City considers gave it the power to impose the penalty;
- iv. any other facts which the City considers justify the imposition of a penalty and the amount or amounts of the penalty;
- v. the manner in which, and place at which, the penalty is required to be paid to the City;
- vi. that the person concerned has the right to request an Administrative Review under 5.05.265, and the main details of those rights.

3. A notice under this section shall be given by:

- i. first class mail to the person on whom the penalty was imposed; or
- ii. served directly to the person on whom the penalty is imposed; or
- iii. posted on the property.

4. Civil penalties will continue to accumulate until the person comes into compliance with the provisions in this subtitle. A Certificate of Complaint may be filed where the person owns the property. Where the person is leasing or renting a judgment may be filed against the person.

- (e) Once a Certificate of Complaint has been filed, the City of Ruston may place a utility restraint on the property.
- (f) A license may be suspended or revoked in accord with Section 5.05.140 or 5.05.145 above.
- (g) Any person convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor and may be punished by a fine not to exceed \$5,000 or imprisonment not to exceed one year, or both such fine and imprisonment.
- (h) Penalties or punishments provided in this subtitle may be in addition to all other penalties provided by law.

5.05.262 Cancellation of civil penalties. The Clerk may cancel any civil penalties imposed under Section 5.05.260 if the person comes into compliance within 5 calendar days of the notice or shows that its failure to comply was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the person shows that it exercised ordinary business care and prudence in making arrangements to comply but was nevertheless, due to circumstances beyond the person's control, unable to comply. The Clerk has no authority to cancel any other penalties or to cancel penalties for any other reason.

5.05.265 Administrative reviews by the Clerk of Notice of Penalty – Appeal.

- (a) General. A person, to whom a Notice of Penalty for a civil penalty is assessed, may request an administrative review of the Notice of the civil penalty.
- (b) How to request administrative review. A person may request an administrative review of the Notice of the civil penalty by filing a written request with the Clerk within ten calendar days from the date of the Notice of the civil penalty. The request shall state, in writing, the reasons the Clerk should review the Notice for the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Clerk shall review the information provided.
- (c) Decision of Clerk. After considering all of the information provided, the Clerk shall determine whether a violation has occurred and shall affirm, vacate, suspend, or modify the Notice of penalty or the amount of any monetary penalty assessed. The Clerk’s decision shall be delivered in writing to the appellant by first-class mail.
- (d) Appeals to the Hearing Examiner of Clerks Decision. Appeal of the Clerk’s decision shall be made within 10 calendar days after the date of mailing of the Clerk’s decision by filing a written notice of appeal, clearly stating the grounds that the appeal is based on, with the City Clerk, and the City Clerk shall set a date for the hearing of such appeal before the Hearing Examiner of the City, which appeal shall be governed by RMC 1.20, and shall notify the appellant by mail, of the time and place of hearing.

5.05.268 Additional relief. The Clerk may seek any legal or equitable relief available at any time to mitigate any acts or practices that violate the provisions in subtitle 5.05 or abate any condition that constitutes a violation of subtitle 5.05.

5.05.270 Severability. If any provision of this Subtitle 5.05 or its application to any person or circumstance is held invalid, the remainder of the subtitle or the application of the provision to other persons or circumstances shall not be affected.

Section 2. Direction to Clerk. The Clerk is directed to send a copy of this Ordinance to the State Business Licensing Service at the Department of Revenue.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of September, 2018.

APPROVED by the Mayor this 4th day of September, 2018.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1507

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RESOLUTION NO. 690

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, ESTABLISHING FEES FOR CITY SERVICES INCLUDING CERTAIN BUSINESS LICENSE FEES, PERMIT FEES, ELECTRICAL INSTALLATION FEES, ENGINEERING AND PLAN REVIEW FEES, AND MISCELLANEOUS FEES, AND REPEALING RESOLUTION #664.

WHEREAS, on December 19, 2017, the City Council adopted Resolution #664 which updated the City’s “Master Fee Resolution”; and

WHEREAS, in accordance with RCW 82.20.020 the City is permitted to recover the cost to the City of processing permit applications, inspecting and reviewing plans or preparing detailed statements as required by Chapter 43.21C RCW; and

WHEREAS, the City’s Planning Fees hourly rates have not been increased in many years and a 3 percent increase is appropriate and will aid in cost recovery; and

WHEREAS, the City’s hourly rates are well within the rates charged by other cities in the region; and

WHEREAS, the City has adopted a new update to its business license code and these fees should be amended to be consistent with the licenses described in the new code; and

WHEREAS, this Master Fee Resolution is amended from time-to-time; and

WHEREAS, the City is updating its business licensing code and therefore these fees need to be updated in the Master Fee Resolution; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council establishes construction code permit and plan review fees as follows:

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A. Valuation Determination

The determination of value or valuation under any of the provisions of this section shall be made by the code official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. At a minimum, a project’s valuation shall be as determined from the most current “*Square Foot Construction Costs*” table compiled by the International Code Council and published twice a year in the Building Safety Journal magazine.

B. Valuation based fees shall be as set forth below:

1. Permit Fee: All projects requiring a permit in accordance with any of the codes adopted in RMC Chapter 12.20, other than those with fees specifically described in subsections C through I below, shall have a permit fee based on the project’s valuation as established by subsection A, and then calculated in accordance with Table 1-A below. Permits and fees specifically described in subsections C through I below shall have permit fees as described therein.

2. Plan Review Fee: When submittal documents are required in accordance with IBC Section 106, IRC Section R106, IMC Section 106.3.1, or UPC Section 103.2.2, a plan review fee shall be paid at the time of submitting the documents for plan review. The plan review fee is separate from, and in addition to, the permit fee as set forth above. The plan review fee shall be equal to 65% of the permit fee.

TABLE A-1

TOTAL VALUATION*	FEE
\$1.00 - \$500.00	\$26.45
\$501.00 up to \$2000.00	\$26.45 for the first \$500.00 plus \$4.00 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,000.01 up to \$25,000.00	\$86.45 for the first \$2,000.00 plus \$16.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,000.01 up to \$50,000.00	\$454.45 for the first \$25,000.00 plus \$11.90 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,000.01 up to \$100,000.00	\$751.95 for the first \$50,000.00 plus \$7.65 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,000.01 up to \$500,000.00	\$1,134.45 for the first \$100,000.00 plus \$6.70 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 and up	\$7,164.45 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00, or fraction thereof
*Minimum valuation is based on a standard cost per square foot. (See Subsection A above.)	

C. Residential flat fee permit fees shall be as set forth below:

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Manufactured home installed on a land parcel	\$450.00 each building
MH Title Elimination (permit research & inspection)	\$100.00 each
Pre-Move Inspections – Within 30 miles of Ruston	\$200.00
Pre-Move Inspections – Over 30 miles from Ruston	\$350.00
Adult Family Homes (per IRC R325)	\$100.00 each
Family Child Day Care Homes (per IRC R326)	\$100.00 each
Single-Stop Permit Fees:	
Demolition	\$ 90.00 each building
Fence (over 6 feet in height)	\$ 90.00 each parcel
Fireplace (freestanding, pre-fab, wood stove)	\$ 90.00 each
Furnace	\$ 90.00 each
Lawn Sprinkler System (backflow prevention)	\$ 90.00 each
Plumbing (Sewer or water pipe replacement)	\$ 90.00 each
Re-roofing (roof covering replacement)	\$ 90.00 each building
Siding	\$ 90.00 each building
Spa or hot tub	\$ 90.00 each
Water Heater	\$ 90.00 each
Window (and/or Door) replacement	\$ 90.00 each building

D. Commercial flat fee permit fees shall be as set forth below:

Revised Certificate of Occupancy (no work)	\$ 90.00 each cert.
Temporary building installation and removal	\$250.00 each building
Demolition	\$ 90.00 each building
Fence (over 6 feet in height)	\$ 90.00 each parcel

E. Energy Code Fees shall be as set forth below:

In addition to the building code fees set forth above, the following energy code plan review and inspection fees are hereby established for plan review and inspections to verify compliance with the requirements of the Washington State Energy Code:

Single Family	\$ 126.95
Residential Remodel/Addition	\$ 63.45
New Commercial or Multi-Family Building	
0 to 2,000 square feet	\$ 317.40
2,001 to 5,000 square feet	\$ 634.80
5,001 to 10,000 square feet	\$ 952.20
10,001 square feet and over	\$1,216.70
Commercial Remodels and Tenant Improvements	50% of the new building fee above
Warehouses	70% of the new building fee above

F. Miscellaneous Fees shall be as set forth below:

<u>Washington State Building Code Council surcharge:</u>	As required by RCW 19.27.085
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Additional Review: Additional plan review required by changes, revisions, or addition to plans shall have a fee equal to \$90.00 per hour or the total cost of the permit, whichever is less.

Reactivation Fee (<1yr.): To reactivate a permit after permit expiration, if within 1 year of expiration, the permit fee shall be one half of the amount required for a new permit, or \$400.00, whichever is less, provided no changes have been made, or will be made in the original plans and specifications for such work.

Reactivation Fee (>1yr.): To reactivate a permit any time after the permit has been expired for more than one year, a full permit fee shall be paid in the amount required for a new permit.

Reactivation Fee, Final Only: To reactivate a permit after permit expiration, to perform a final inspection only for a permit that previously had all required inspections approved other than the final inspection, a fee shall be paid of \$90.00.

Re-inspection Fee: Whenever an inspection is requested but the project is not yet ready for inspection, or if access to the site is prevented, or if temporary silt and erosion control measures are not in place, a fee shall be paid of \$90.00.

Investigation Fee: Whenever any work for which a permit is required by this code has been commenced without first obtaining such permit, an investigation fee shall be paid in an amount equal to the permit fee for such project, in addition to the required plan review and permit fees.

Stop Work Fee: (in addition to the investigation fee) \$50.00 each

Inspections Outside of Normal Business Hours Fee: (2-hour min.) \$125.00 per hour

Inspections for which no fee is specifically indicated: \$90.00 per hour

G. Mechanical Permit Fees shall be as set forth below:

Residential:

“One-Stop” type mechanical installation \$ 90.00
Includes installation of equipment such as a furnace, heat pump, exhaust fan, fireplace or woodstove. “One-stop” permits may include multiple installations if performed at the same time.

“Two-Stop” type mechanical installations \$145.50
Includes installation of “One-Stop” type equipment along with a new natural or LP gas piping system and/or storage tank.

Residential mechanical permits, when part of a construction project for which a building permit is issued, are exempt from additional mechanical permit fees, provided mechanical equipment is identified and specified in the building plans, and inspections are coordinated with building inspection requirements.

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Commercial:

Commercial mechanical plan review and permit fees are based on the project’s valuation as determined by Sections A and B above.

Commercial mechanical permits, when part of a construction project for which a building permit is issued, are exempt from additional mechanical permit fees, provided mechanical equipment is identified and specified in the building plans, and inspections are coordinated with building inspection requirements.

H. Plumbing Permit Fees shall be as set forth below:

Residential:

“One-Stop” type plumbing installation	\$ 90.00
Includes installation or repair of plumbing systems such as the addition of supply, vent and drainage piping for a fixture such as a toilet, sink or dishwasher; replacement of a fixture or appliance such as a water heater; or replacement of an exterior building sewer lateral.	
“One-stop” permits may include multiple fixtures if performed at the same time.	

Residential plumbing permits, when part of a construction project for which a building permit is issued, are exempt from additional plumbing permit fees, provided the plumbing system components are identified and specified in the building plans, and inspections are coordinated with building inspection requirements.

Commercial:

Commercial plumbing plan review and permit fees are based on the project’s valuation as determined by Sections A and B above.

Commercial plumbing permits, when part of a construction project for which a building permit is issued, are exempt from additional plumbing permit fees, provided the plumbing system components are identified and specified in the building plans, and inspections are coordinated with building inspection requirements.

I. Fire Code Permit (FCP) fees shall be as set forth below:

Fire Code Construction plan review and permit fees are based on the project’s valuation as determined by Sections A and B above.

In addition, if specialized third party review or inspection is required, the amount of consultant fees accrued by the City of Ruston shall be paid by the permit applicant.

J. Fee Refunds

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The code official may authorize the refunding of any fee paid which was erroneously paid or collected.

The code official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code, provided the permit is not expired.

The code official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any review is performed.

K. Code Enforcement.

Mitigation Hearing Fee: \$200.00
Contested Hearing Fee: \$350.00

Section 2. The City Council establishes other fees for Planning and Engineering Service as follows:

PLANNING AND ENGINEERING SERVICE DEPARTMENT FEES

Section 2.1 - Base fee and hourly rate

- A. The base fee for Planning and Development Services (hereinafter DPD or the “Department”) shall be charged as specified in this Section and shall be \$257.50.
- B. Any services provided by the Department for which an hourly charge is assessed shall be charged at a rate specified in this Section.

The hourly rate for land use review is \$177.68. The rate for all other hourly fees is \$195.70 an hour except where a different hourly rate is specified in this Section. Where "DPD hourly rate" is specified in this Section, the rate is \$177.68 an hour. Minimum increments shall be in one-quarter of an hour increments, in addition to other permit fees established by this Section.

Section 2.2 - Miscellaneous and special fees.

- A. General. Miscellaneous and special fees shall be assessed to recover City costs for services and materials which are not otherwise specified in this Fee Resolution or where the valuation or other methodology normally used does not reflect actual conditions which may include but are not limited to the following:
 1. Notification, examination, consultation, testing, or inspection of proposals, sites (or locations), particular plans, construction, equipment, personnel or material which may be related to, but not directly covered by, a specific permit or approval process;
 2. Furnishing or certification of affidavits, reports, data, or similar documentation;
 3. Recording or filing documents with other agencies;

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- 4. Delivery and mailing costs.
- 5. Rental of venues for public meetings.
- B. Failure to Cancel Missed Appointments. A fee of ½ the DPD base fee per appointment shall be charged for failure by applicant to notify the Department at least twenty-four (24) hours prior to a scheduled application intake appointment or a pre-application conference appointment that the appointment will not be kept.
- C. Expert Witness Testimony. The fee for expert witness testimony shall be the DPD hourly rate.
- D. Address Change. The fee to correct the address on an application or, if applicable, on an issued permit is \$52. If an address change is requested that is unrelated to an application for a permit or for an issued permit, a fee one times the base fee shall be assessed.
- E. Copies of electronic records. Charges for plans reproduced from electronic records are shown in Table B-1

Table B-1—FEES FOR
REPRODUCTIONS FROM ELECTRONIC RECORDS

Page Size	Price
Electronic Records	No cost, except if scanning is required, then pay staff time for scanning. If placed onto a CD, \$5.00 per CD.
8½" × 11"	\$0.15 per printed page or actual cost if sent out
8½" × 14"	\$0.55 per printed page or actual cost if sent out
11" × 17"	\$0.55 per printed page or actual cost if sent out

- F. Reinspection. To obtain a reinspection, a permit holder shall be charged at the rate of ½ times the base fee per reinspection. No reinspection of the work shall be performed until the required fees have been paid; provided, that in the case of boilers and refrigeration systems, the permit holder may be billed for the reinspection fee. Reinspections of fuel-gas piping shall be charged according to this Fee Resolution.

Section 2.3 - Time of collection of fees.

- A. Fees shall be collected at the times specified in the City Code or this Fee Resolution. If not specified, the minimum fee shall be collected at the time of application. The City may bill an applicant and require payment for accrued fees at any time in the permit review process.
- B. The fee collected at the time of application will be based on Department estimates of the total fees due at the time of permit issuance. The final fees will be recalculated during review, and any additional amount due shall be collected prior to the issuance of the permit, approval, denial, decision or recommendation. Any fee in excess of the final calculated fee shall be refunded pursuant to the Refund Section below.

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- C. At the time an application or permit is denied or canceled, the final fee shall be determined and collected. If a balance is due to the Department, the Mayor shall have the authority to waive fees when strict application of the fees is inconsistent with the purpose of collecting the fee.

Section 2.4 - Refunds.

Applicants may apply for refunds of fees collected pursuant to the Fee Schedule when an application or permit is withdrawn or canceled prior to the completion of the review and inspection process. To request a refund, the applicant shall submit a request to the City Clerk on a refund request form. Such request must be made within 90 days of the withdrawal or cancellation of the application and may be issued only to the extent that the City's costs are less than the fee deposit. If the applicant has any outstanding balance due to the City for any other development or application procedures, any refund shall be applied to the outstanding balance(s).

Section 2.5 - Revisions and additions to applications.

- A. The City may assess an additional fee for the plan examination of previous designs if a subsequent redesign of a project is submitted prior to permit issuance if the costs of review exceed or are projected to exceed the deposit. The revision fee shall be assessed at the DPD hourly rate not to exceed the fee that would have been charged for the original design, provided that if the application is a Land Use application that requires additional Land Use review, the Land Use hourly rate in effect at the time the revision is filed shall be charged for that portion of the work. The total fee is the fee for the final design plus the revision fee.
- B. The City may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including review by the other departments, including engineering, environmental, building, electrical, etc. associated with the submitted amendment.

Section 2.6 - Fees for Land Use Review.

- A. Land Use Review Fees. The land use review fee for Master Use Permits, Council and Hearing Examiner approvals, environmentally critical area reviews and other miscellaneous reviews, research and services shall be charged according to Table C-1 unless otherwise specified. For any review, research or service that is not listed in Table C-1, the minimum fees will be determined by the Director based on the estimated complexity of work, but in no case shall be less than 0.5 hours' time the current Land Use hourly rate and in no case more than 10 hours times the current Land Use hourly rate. Additional hours worked that exceed the number covered by the minimum fee shall be charged at the current Land Use hourly rate and are required to be paid at the time of invoicing and/or prior to approval of permits. Land use review that is subject to the Land Use hourly rate may include, but is not limited to: review time for more than one technical reviewer, pre-application services, project review, permit issuance, inspection, and continued review during the building permit and construction approval phases of the project. Land Use hourly rate also includes time spent preparing for and defending the City's decision or recommendation if appealed to the Hearing Examiner.
- B. Fee Components of Land Use Review Fees. Land use review fees include a minimum land use review fee and may include an hourly fee as specified in Table C-1. The minimum land

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use review fee covers the number of review hours specified in Table C-1. Only one minimum fee shall be charged. Additional hours shall be charged at the rate specified in the table.

C. Time of Payment.

1. Pre-application Conference Fee. The fee for land use pre-application conference specified in Table C-1 shall be paid prior to the conference.
2. Minimum Land Use Review Fee. The minimum land use review fee specified in Table C-1 shall be paid at the time of application submittal. For projects entailing hourly fees in addition to the minimum land use review fee, the City will require periodic progress payments to be made during the application review process.
3. The following fees and amounts are due at the times specified below:
 - a. Monthly billing for hourly fees accrued above the minimum fee will be payable upon receipt of invoice.
 - b. All outstanding DPD fees shall be paid prior to the publication of a decision or recommendation on the application and prior to issuance of the permit. The actual charges and fees paid shall be reconciled and all outstanding balances are due and payable on demand. In cases where no published decision or recommendation is required, fees owed shall be paid prior to issuance of the permit, or issuance of a letter.
 - c. For Council and Hearing Examiner approvals, the fee due for work up to and through final Council or Hearing Examiner action shall be paid at the time the recommendation of the Director is available for public review and before it is forwarded for final action. In addition to periodic monthly billings for actual charges during the Council or Hearing Examiner proceedings, after final Council or Hearing Examiner action, the actual charges and all outstanding fee balances shall be due and payable upon demand, and prior to issuance of the permit.
 - d. For early design guidance projects entailing hourly fees in addition to the minimum land use review fee, all outstanding fees shall be paid upon application for the master use permit. Any hours paid by the minimum land use review fee but not spent at the time of application for the master use permit shall be credited toward land use review of the master use permit application.

D. Additional Review. In addition to the fees set in Table C-1, review time required on a project prior to, or in lieu of, an application will be charged hourly as determined by the Director.

E. Correction Fee. After written notice to the applicant, a Correction Fee of \$345 may be charged for each additional correction cycle required due to lack of response from the applicant.

F. Fees for all environmentally critical areas reviews apply to environmentally critical areas inside or outside the Shoreline District.

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TABLE C-1.

REVIEW PROCESS TYPE	DESCRIPTION	BASE FEE **All Fees are Estimates and could vary based upon actual consultant time used** The Base Fee is due at the time of application.
Administrative Review	Administrative review is completed by Planning Services Department staff without a public hearing. Final decisions are issued by the Mayor or Land Use Administrator and are appealable to the City Council	Included in Applicable Fee
Legislative Review	This type of review is done through a process by which the Planning Services Department staff will review a project and then make a recommendation to the City Planning Commission, who in turn makes a recommendation to the City Council. The first meeting, called a work study session is held before the Planning Commission. The second meeting is a public hearing, which is also held before the Planning Commission. Once completed, an ordinance is presented to City Council at their regularly scheduled meetings for 1st reading, followed by a 2nd reading at the following Council meeting. SEPA is usually required for this process.	\$4,500 **
Quasi-Judicial Review	This type of review is done through a process by which the Planning Services Department staff will review a project and then make a recommendation to the City Planning Commission, who in turn makes a recommendation to the City Council. A public hearing, immediately followed by closed record deliberations, is held before the Planning Commission. Once completed, an ordinance is presented to City Council at their regularly scheduled meetings for 1st reading, followed by a 2nd reading at the following Council meeting. SEPA is usually required for this process.	\$3,900 **
Pre-Application (Administrative)	Pre-Application Meeting (Applicant presents project to staff and Mayor)	\$575 **

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Administrative Interpretation	Interpretation of City’s Development Regulations, Zoning Map or Comprehensive Plan – Chapter 19.09 RMC	\$500 **
Amendment to Comprehensive Plan	Map Amendment (Legislative Review Required)	\$2,875 **
Amendment to Comprehensive Plan	Text Amendment (Legislative Review Required)	\$2,625 **
Amendment to Zoning Code	Zoning Map Amendment/Rezone, Area-wide (Legislative Review Required)	\$3,000 **
Amendment to Zoning Code	Zoning Map Amendment/Rezone, Site-specific (Quasi-Judicial Review Required)	\$3,000 **
Amendment to Zoning Code	Text Amendment (Legislative Review Required)	\$2,750 **
Conditional Use Permit	Accessory Dwelling Unit (Quasi-Judicial Review Required)	\$1,625 **
Conditional Use Permit	All Other Conditional Uses (Quasi-Judicial Review Required)	\$2,500 **
Variance	(Quasi-Judicial Review Required)	\$2,500 **
Special Use Permit	(Quasi-Judicial Review Required)	\$2,650 **
Master Development Plan	Initial Development Plan Review (Quasi-Judicial Review Required)	\$5,375 **
Master Development Plan	Amendments (Quasi-Judicial Review Required)	\$2,875 **
Master Development Plan	Amendment (Administrative)	\$2,500**
Long Subdivisions	Preliminary Plat (Quasi-Judicial Review Required)	\$4,625 **

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Long Subdivisions	Final Plat (Administrative)	\$3,625 **
Short Subdivision	Short Plat (Administrative)	\$4,625 **
Short Subdivision	Short Plat Amendments (Administrative)	\$3,625 **
Short Subdivision	Boundary Line Adjustments (Administrative)	\$3,000 **
Shoreline Management Permits	Substantial Development Permit (Quasi-Judicial Review Required)	\$4,125 **
Shoreline Management Permits	Shoreline Variance (Quasi-Judicial Review Required)	\$4,125 **
Shoreline Management Permits	Shoreline Conditional Use Permit (Quasi-Judicial Review Required)	\$4,125 **
Shoreline Management Permits	Request for Exemption (Administrative)	\$375 **
Shoreline Management Permits	Text/Map Amendments to Shoreline Master Program (Legislative Review Required)	\$3,875 **
Personal Wireless Telecommunication Facilities	(Quasi-Judicial Review Required)	\$2,875 **
Wetlands/Critical Areas Analysis (Administrative)	Steep Slopes/Erosion Hazard/Landslide Hazard	\$1,875 **
Wetlands/Critical Areas Analysis (Administrative)	Critical Habitat/Streams	\$1,625 **
Wetlands/Critical Areas Analysis (Administrative)	Aquifer Recharge Hydro-geologic Report	\$1,625 **
Wetlands/Critical A Wetlands/Critical Areas Analysis (Administrative)	Wetlands Preliminary Site Investigation	\$375 **

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Wetlands/Critical Areas Analysis (Administrative)	Wetlands Report Review	\$1,500 **
Wetlands/Critical Areas Analysis (Administrative)	Wetland/Buffer Modification	\$1,500 **
Wetlands/Critical Areas Analysis (Administrative)	Reasonable Use Permit	\$1,500 **
Wetlands/Critical Areas Analysis (Administrative)	Flood Plain Development	\$1,875 **
Zoning Review/Design Review/Site Plan Review	Single Family Residence/Remodel Zoning Review (Administrative)	\$875**
Zoning Review/Design Review/Site Plan Review	Multifamily (3 or more attached dwelling units) (Administrative, Quasi-Judicial at Mayor’s Option)	\$750/dwelling unit**
Zoning Review/Design Review/Site Plan Review	Non-Residential Site Plan Review (Administrative, Quasi-Judicial at Mayor’s option)	\$5,375**
Zoning Review/Design Review/Site Plan Review	Non-Residential Tenant Improvement (Interior)	\$250**
Zoning Review/Design Review/Site Plan Review	Non-Residential Remodel/Tenant Improvement (Exterior)	\$1,375**
Zoning Review/Design Review/Site Plan Review	Site Plan Amendment (Administrative, Quasi-Judicial at Mayor’s option)	\$1,750**
Zoning Review/Design Review/Site Plan Review	Unclassified Use Permit (Quasi-Judicial Review Required)	\$2,625**
Zoning Review/Design Review/Site Plan Review	Zoning and Use Verification Letter (Administrative)	\$125**
Zoning Review/Design Review/Site Plan Review	Other Minor Building Permits (Administrative)	Varies
Related Measures	(RMC 25.01.140(d))	Varies

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Street Excavation Permit	Planning/Engineering Services Department Review (Administrative)	\$2,500**
Right of Way Encroachment Permit	Encroachment; Commercial	\$875**
Right of Way Encroachment Permit	Short Term; Temporary	\$875**
Right of Way Master Use Permit	Right of Way Master Use Permit	\$3,750**
Sign Permits	RES Zone Signs (Administrative)	\$250**
Sign Permits	COM/COM-P Zone Signs (Administrative)	\$250**
Street Vacation	Filing Petition (Chapter 14.07 RMC)	\$500**, plus an additional \$100 for each owner over 5 owners
Street Vacation	Post Hearing Fee	\$500** deposit for actual expenses incurred
Street Vacation	Appraisal	\$1,000** (deposit towards actual cost of appraisal)
Nonconforming Use and Structure Review	Nonconforming Use Review (Administrative)	\$875**
Nonconforming Use and Structure Review	Change from one nonconforming use to another (Administrative)	\$750**
Nonconforming Use and Structure Review	Nonconforming structure review (Administrative)	\$875**
Appeals	To City Council or Hearing Examiner on project permit application or comprehensive plan amendment	\$300.00
	To City Council or Hearing Examiner on Mitigation Hearing (code enforcement)	\$200.00
	To Hearing Examiner on Contested Appeal Hearing (code enforcement)	\$350.00

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	Any other appeals to the Hearing Examiner unspecified	\$350.00
Appeals	For preparation of a record for any judicial appeal, the appellant shall pay all actual costs of preparing the record as provided in RCW 36.70C.100.	Varies
SEPA	Checklist Review/Issue Determination (Administrative)	\$2,125**
SEPA	Adoption/Review of Existing Determination (Administrative)	\$375**
SEPA	Environmental Impact Statement (Administrative)	Varies
Miscellaneous Document Review	Review of environmental, engineering, or construction plan documents related to EPA/superfund cleanup process	Varies but will be charged based on actual consultant costs plus administrative fee
Requests for Time Extensions	(Review process determined by original permit type)	Varies
Advertising Fees	For those applications which require public notification, the applicant shall bear the costs of all advertising, publishing/copying, and postage	Varies

Section 3. The City Council establishes fees for other miscellaneous items as follows:

OTHER MISCELLANEOUS FEES.

FEE TYPE	DESCRIPTION	FEE
Recovery of Charges for Emergency Calls	Any person who requests emergency medical aid for himself, or on whose behalf such request for service is reasonably made, for which aid the responding agency charges the City, shall within 30 days after demand thereof reimburse the City for the amount of such charge	Varies – Actual Cost
Fire Inspection	Fire inspection of commercial properties where such inspection is conducted by or under the direction of the Pierce County Fire Prevention Bureau.	Varies – Actual cost charged by Bureau
Returned Check Charge	For any check paid to City of Ruston that is returned for insufficient funds	\$25.00

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Photocopy	Per page fee for copy requests (black & white, standard paper size)*	\$0.15/page*
Photocopy	Per page fee for copy requests in color or sent out to outside copy center which are not standard paper size*	Actual cost incurred by the City*
Scanning or Electronic Copies	Scanned pages, files sent by email, e-records transmission, storage media containing files	As set forth in the City’s Public Records Rules
CD	Electronic documents onto CD	\$5.00/CD
Audio	Copies of audio recordings*	\$5.00/recording*
*NOTE: for copying charges for public records requests, see Chapter 1.17 RMC and Ruston Public Records Act Rules.		

Section 4. The City Council establishes the following fees for business licensing, as described in Subtitle 5.05 RMC:

Description	Fee	RMC
Annual Business License		
Any charitable organization that has been exempted from payment of taxes to the federal government under Section 501(c)(3) of the Internal Revenue Code	\$25.00	RMC 5.05A.020
Businesses grossing under \$12,000 per year	\$25.00	RMC 5.05A.020
Businesses grossing between \$12,000 and \$250,000 per year	\$110.00	RMC 5.05A.020
Businesses grossing over \$250,000 per year	\$250.00	RMC 5.05A.020
Each additional location where business is transacted	\$25.00 per each additional location	RMC 5.05A.020

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at two or more locations by one licensee		
Businesses whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city	\$0.00	RMC 5.05.040(d)
Other Licenses		
Soliciting/Door to Door Sales	\$90.00 per six month period	RMC 5.05B.030
Special event, per vendor per day	\$5.00	RMC 5.05C.030
Transient stock, per day	\$200.00	RMC 5.05C.030
Show, per event	\$50.00	RMC 5.05C.030
Show, per year	\$260.00	RMC 5.05C.030
Short term rentals, per year	\$75.00 per unit	RNC 5.05D.030

Section 5. The City Council establishes the following fees for adult entertainment businesses business licensing, as described in Chapter 5.11 RMC:

Adult entertainment establishment license	\$750.00 per year
Adult entertainer's license	\$150.00 per year
Adult entertainment manager's license	\$150.00 per year

Section 6. The City Council establishes the following fees for the “Exception Procedure” in Section 12.09.130 of the Ruston Municipal Code as follows:

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Application for an exception under 12.09.130(B).	\$1,500.00
Appeal to the City Council under RMC 12.09.130(F).	\$1,000.00

Section 7. The City Council establishes the following fees for overweight vehicle permits under Chapter 16.07 RMC:

Amount of excess weight	Fee
1-11,999 excess pounds	\$360
12,000-23,999 excess pounds	\$420
24,000-35,999 excess pounds	\$480
36,000-47,999 excess pounds	\$540
48,000-59,999 excess pounds	\$600
60,000-71,999 excess pounds	\$660
Over 72,000 excess pounds	\$720

Note: Overweight vehicle permits will also require a Street Excavation Permit to repair any damage to the City Rights of Way.

Section 8. The City Council establishes the following fees for installation or upgrading of electrical service meters as described in Chapter 18.05 RMC as follows:

Permanent meter installation, exclusive of permit, engineering, testing or inspection fees (which must be paid prior to connection of new service).	\$1,000.00 per meter ¹
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Note 1: This pricing is for Standard 120/240V – 200A 1Ph Residential and Commercial Meters. Deviation from these standard meters will require custom pricing to account for the differential in meter prices for the upgraded system.

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Upgrade meter installation, exclusive of permit, engineering, testing or inspection fees (which must be paid prior to connection of an upgraded service).	\$400.00 per meter ^{See Note 1}
Temporary Service (120/20v – 200A) ^{See Note 1}	\$275.00 per meter ^{See Note 1}
Meter installation, for structures with multiple meters (which must be paid prior to connection of new service). Fee is exclusive of permit, engineering, testing or inspection fees.	\$1,000.00 for first meter, plus \$400.00 for each additional meter thereafter. ^{See Note 1}
Service Charge for re-visit for issues of power or temporary power installation (i.e. missed appointment, work not ready, re-inspection required, etc.)	\$90.00 per visit

Section 9. The City Council establishes the following fees for extension or expansion of electrical lines and new connections which require such extension or expansion in accordance with RMC 18.01.100:

<p>The applicant/property owner shall pay for the City’s actual costs for designing the extension/expansion and coordination with the applicant’s development team to extend or expand electrical service to the property. The purpose of this is to cover the actual costs incurred by the City for the extension/expansion of electrical service.</p> <p><u>Note 2:</u> The City may require a deposit in advance for the estimated cost of the design and coordination work. If this deposit is exhausted, the applicant may be required to replenish the deposit for continuation of work. If there are funds remaining after the work is completed, such funds will be refunded to the applicant/property owner.</p> <p><u>Note 3:</u> If the City’s electrical engineer has a different hourly rate, then the applicant shall pay the actual hourly rate as paid by the City.</p>	\$124/hour ^{See Note 2 & 3}
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Section 10. Resolution 664 is hereby repealed.

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PASSED by the City Council of the City of Ruston, signed by the Mayor and attested by the City Clerk in authentication of such passage on this ____ September, 2018.

Bruce Hopkins, Mayor

ATTEST:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO: 690