

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. 1510

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BUSINESS LICENSING, CREATING A NEW CHAPTER 5.05C OF THE RUSTON MUNICIPAL CODE, ESTABLISHING PROCESSES AND PROCEDURES FOR BUSINESS LICENSING FOR TEMPORARY BUSINESSES, SUCH AS SALES OR SHOWS, IN THE CITY OF RUSTON, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State is requiring all cities with business licenses to make certain updates to its business licensing codes and 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, including this new Chapter 5.05C; 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. A new chapter is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 5.05C
TEMPORARY BUSINESS LICENSE – SALES OR SHOWS**

Sections:

- 5.05C.010 License required.**
- 5.05C.020 Definitions.**
- 5.05C.030 License fees.**
- 5.05C.040 Special event exclusions.**

5.05C.050 Exemptions
5.05C.060 Special event requirements.

5.05C.010 License required.

A. Show. It shall be unlawful for any person to operate, conduct, present or stage any temporary show without first obtaining a license pursuant to the provisions of this chapter.

B. Special event. It shall be unlawful for any person to act as a vendor in a temporary show without first obtaining the necessary vendor's license. Examples of temporary special events include, but are not limited to, trade shows, festivals, fairs, arts and crafts shows, farmer's markets, home shows, recreational vehicle shows, boat shows, or antique shows open to the public.

C. Transient stock. It shall be unlawful for any person to sell or offer for sale any transient stock of goods in the City without first obtaining a license pursuant to the provisions of this chapter.

5.05C.020 Definitions.

As used in this chapter, the following terms have the meanings indicated:

“Event” means any show in duration not more than ten consecutive days.

“Promoter” means any person engaged in the business of offering to any vendor, directly, or indirectly, sales areas within a special event location for the purpose of using such area during the term of the special event license.

“Sales area” means any stall, booth, stand, space, section, unit, or specified floor area within any special event location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement.

“Show” means any temporary public exhibition of entertainment, including, but not limited to, any circus, carnival, festival, motocross, motor sport, rodeo, trained animal show, dance performance, play, or other organized performances and/or exhibitions.

“Special event” means the congregation of a minimum of 15 vendors who are dealers, demonstrators, sellers or traders who rent, lease, purchase or otherwise obtain a sales area from a promoter for the purpose of selling, bartering, exchanging, trading or displaying goods or services.

“Special event location” means any area open to the public wherein vendors, dealers, sellers, traders or advertisers congregate for the purpose of participating in a special event.

“Temporary” means an event that is open to the public for a period not to exceed ten consecutive days.

“Transient stocks” means any stock of goods, wares or merchandise brought into the City temporarily for disposal, as distinguished from stocks of goods, wares and merchandise brought

into the City in connection with operation of a merchandising business permanently operated in the City or in connection with an organized public exhibition or show, convention, conference activity or trade show, all in which multiple vendors participate and the duration of which is ten consecutive days or fewer.

“Vendor” means any person who exhibits goods or services in a multiple-sales area at any multiple-sales location for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

5.05C.030 License fees. License fees shall be as established by resolution of the City Council.

5.05C.040 Special event exclusions.

Vendors excluded from the provisions of this chapter and the licensing requirements of this chapter are those who participate in a show at which attendance is restricted and which show is not open to the public. Also excluded are vendors at flea markets, swap meets, transient stock vendors licensed under this chapter, and dealers of secondhand merchandise who are licensed under Chapter 5.06 (not including vendors at antique shows).

5.05C.050 Exemptions.

Vendors licensed under a general business license in Ruston (Chapter 5.05 or 5.05A RMC) do not need a temporary license and are thus exempt from the provisions of this chapter. In addition, the following are exempt:

- (a) Amateur or other exhibitions given solely for the benefit of any charitable organizations, or literary organization, and amateur or little theater productions.
- (b) Baseball, football, and other athletic games.
- (c) Motion picture theaters.
- (d) Temporary events that are operated within a theater, permanent building, or auditorium licensed under this chapter.
- (e) Holders of entertainment and dancing licenses issued pursuant to Chapter 5.11 RMC.

5.05C.060 Special event requirements.

- (a) The promoter shall submit to the City Clerk a list of the total number of vendors participating at the event for which the license is sought, which list shall include the vendor’s name, address, and business phone number, along with a general description of the goods and/or services offered by each vendor.
- (b) The license fee shall be collected by the promoter and held in trust for the City. It shall be remitted to the Clerk three days prior to the commencement of the event. There shall be personal liability for any sums collected, or any sum which should have been collected on the part of the person ultimately responsible for collection or payment of the license fee.

- (c) If any corporation required to collect or remit a tax amount due to the City under the provisions of this chapter fails, for any reason, to make such collection or payment, any of its officers or employees having control or supervision of or charged with the responsibility of making such collection or payment shall be personally liable for such failure. The dissolution of a corporation shall not discharge an official's or employee's liability for a prior failure of the corporation to collect or pay the amount due.
- (d) Nothing in this section excuses the applicant from complying with the special event permit application and requirements contained in Chapter 14.04 RMC.

Section 2. 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 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. 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: 1510

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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