

# TOWN OF WOODWAY

## ORDINANCE 18-591

AN ORDINANCE OF THE TOWN OF WOODWAY AMENDING WOODWAY MUNICIPAL CODE (“WMC”) SECTIONS 3.32.010 AND 3.32.020 RELATING TO FEES FOR PERMITS, LICENCES, APPLICATIONS, SERVICES AND REGULATORY INSPECTIONS AND APPROVALS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town Council of the Town of Woodway desires to simplify the Woodway Municipal Code (WMC) and provide for a comprehensive Fee Schedule updated and approved by the Town Council; and

WHEREAS, the Council desires to clarify that interest accrues on all unpaid fee balances, but provide a means waiver of interest for inadvertent delay in payment of fees due the Town; and

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. WMC Section 3.32.010 is hereby amended to read as follows (additions shown by underline, deletions shown by strikeout):

- A. ~~Subject to the provisions of this section, the Mayor is authorized to set, add, delete and/or revise all fees for all services in the Town including but not limited to building/permit fees, land use fees, licenses and other fees and pavement mitigation fees for a road cut permit. The Town shall maintain a fee schedule listing the fees for all permits, licenses, applications, services, regulatory inspections, and approvals that are issued, performed, reviewed, and acted upon by the Town, its officials, and employees. The fee schedule and all amendments/revisions thereto, shall be approved by the Town Council.~~
- B. Fee Schedule to Be Submitted to Town Council. The fee schedule and all proposed revisions, additions, and deletions shall be submitted to the Town Council for approval at a Council meeting by resolution of the Council. ~~Unless and until the Town Council takes action by resolution to amend the fee schedule, the fee schedule as submitted and any revisions, additions, and deletions shall be effective without further action of the Town Council.~~
- C. Fee Schedule to Be Maintained by Town Clerk. The Town Clerk shall be responsible for maintaining a the most currently approved fee schedule ~~with any changes made by the Town Council~~ for public inspection and copying.

Section 2. WMC Section 3.32.020 is hereby amended as follows (additions shown by underline, deletions shown by strikeout):

- A. All required fees ~~set forth in this chapter for construction permits governed by Title 12 issued by the Town~~ are due and payable to the Town Clerk ~~in accordance with Title 12~~ prior to issuance of the permit unless otherwise authorized by the Mayor or Mayor's designee.
- B. The Town will not accept, process, review or examine any construction permit application, any land use or development application, conduct building permit final inspection approval or issue certificates of occupancy unless the corresponding fees set forth in ~~this chapter~~ the fee schedule have been paid in full to the Town. Following initial acceptance of the application, permit, or approval and fee for processing, failure to pay required fees within thirty days of the date of the Town invoice for such fees shall be grounds for cancellation of the application, permit or approval by the Town. The Town may issue a stop work order without advance notice when payment of required fees has not been received within thirty days of the date of the Town invoices for such fees.
- C. Each application, review, permit or approval shall be charged as a separate fee.
- D. Applicants for land use or development applications, permits or approvals, and the owners of the property for which an application, permit or approval is requested, are jointly and severally responsible for the payment of required fees, regardless of whether the application is approved, or the permit or approval is issued or has been canceled.
- E. Payment of fees shall be in U.S. currency, in the form of cash, cashier's check, ~~or corporate or personal checks issued by instate banks, or electronic payment.~~ Further, the Town Clerk shall have full authority to refuse any form of payment where the Town Clerk believes sufficient cause exists to question the Town's ability to collect full payment.
- F. The total fee assessed for any application, permit or approval shall be paid in full.
- G. Any unpaid fees, due and owing to the Town, but unpaid, shall be subject to such collection procedures as authorized by law. The applicant shall be responsible for both the unpaid fees plus interest accruing at the rate of 12% per annum (unless otherwise another rate is specifically stated in this code) and for the reasonable attorneys' fees and costs incurred for collection of the unpaid fees. The Mayor or Mayor's designee may waive one late fee or interest charge per calendar year if the waiver is requested in writing by the account holder, provided the account holder has not had a fee waived during the previous 12 months.
- H. In the event an applicant has not fully paid required fees, and the Town has suspended processing of the application, canceled the application, posted a

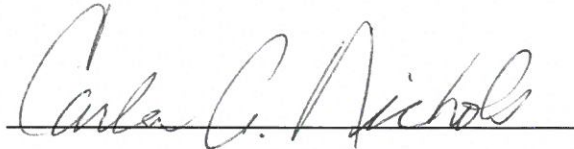
stop-work order due to nonpayment of fees, or taken collection action, then any subsequent application, permit or approval filed by the same applicant may be accepted on a "cash only" basis at the discretion of the Mayor, who shall have full authority to make such determination.

- I. When a stated fee amount in the fee schedule does not cover the actual costs of the Town for legal, engineering, environmental, or other consultant services received by the Town in processing an application, review or other service or approval covered by the fee schedule, such costs shall be due and payable to the Town from the applicant or other recipient of the services. In such circumstances and wherever the payment of "costs" is indicated in the fee schedule, the following provisions shall apply:
  - i. The costs of legal, engineering, or other consultants are generally determined by the Town's contracts with the service providers and such information will be available to the public upon request.
  - ii. An applicant shall be billed for and shall be required to pay the costs associated with:
    1. Reviewing an application, including all time spent through the completion of the Town's review process by the Town's final decision maker;
    2. Administrative appeals of an appealable decision by a Town official or employee; and
    3. A project or proposal that is revised following issuance of a decision on a land use or development application.
  - iii. The costs incurred by the Town may be required to be paid in full prior to the Town issuing any staff report, recommendation, or decision on an application.

Section 3. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

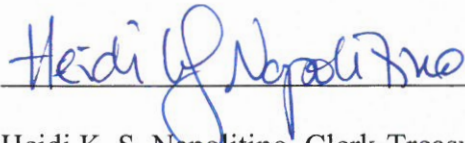
PASSED this 17<sup>th</sup> day of September 2018 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

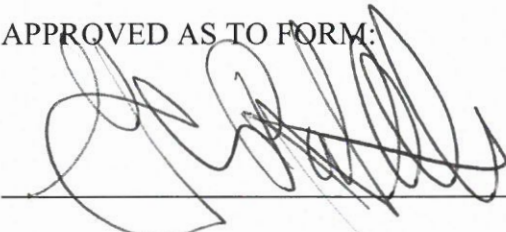
A handwritten signature in black ink, reading "Carla A. Nichols", written over a horizontal line.

Carla A. Nichols, Mayor

ATTEST:

  
Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

  
Greg Rubstello, Town Attorney

Date Passed by the Town Council: 17 September 2018

Date Published: 20 SEPTEMBER 2018

Effective Date: 25 SEPTEMBER 2018