

TOWN OF WOODWAY

ORDINANCE 2023-648

AN ORDINANCE OF THE TOWN OF WOODWAY AMENDING WOODWAY MUNICIPAL CODE (“WMC”) CHAPTER 3.32 – FEE SCHEDULE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town currently charges fees for various land use applications; and

WHEREAS, generally, the fees listed in the fee schedule would cover the amount of staff time spent processing and reviewing those land use applications; and

WHEREAS, in the event that a land use application would require extensive staff time in excess of the amount listed in the fee schedule, the Town would like to ensure that applicants are paying for the services they receive; and

WHEREAS, the Town Council of the Town of Woodway desires to clarify under what circumstances the responsible parties would be required to pay for staff costs;

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

Section 1. WMC Chapter 3.32 is hereby amended as stated in Exhibit A.

Section 2. 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.

Section 3. This Ordinance shall take effect 5 days after date of publication by ordinance title only.


PASSED this 17th day of April 2023 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY



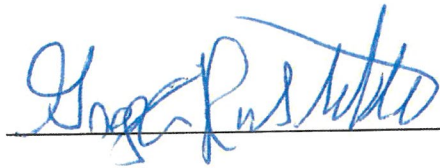
Michael S. Quinn, Mayor

ATTEST:



Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:



Greg Rubstello, Town Attorney

Date Passed by the Town Council: 17 APRIL 2023

Date Published: 20 APRIL 2023

Effective Date: 25 APRIL 2023

TOWN OF WOODWAY

ORDINANCE 2023-648 | EXHIBIT A

3.32.020 PAYMENT AND RESPONSIBILITY FOR FEES.

- A. All required fees for permits issued by the Town are due and payable to the Town Clerk 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 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, corporate or personal check, 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 twelve percent 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 twelve months. The Mayor or Mayor's designee may waive late fees and interest charges for unpaid fee balances of one dollar or less.
- 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. Wherever the payment of "costs" is indicated in the fee schedule, the following provisions shall apply:

~~a. 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:~~

~~2. 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.~~

~~3.1.~~ An applicant shall be billed for and shall be required to pay the costs associated with:

- a. Reviewing an application, including all time spent through the completion of the Town's review process by the Town's final decision maker;
- b. Administrative appeals of an appealable decision by a Town official or employee; and
- c. A project or proposal that is revised following issuance of a decision on a land use or development application.

~~2.~~ 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.

3. Consultant Costs.

a. When a consultant performs 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 to assist the Town in processing an application, review, inspection, or other service or approval covered by the fee schedule, such costs shall be due and payable to the Town from the applicant or property owner, 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:

b. 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.

4. Staff Costs.

a. For development agreements and for comprehensive plan amendment and rezone requests of an area greater than five acres, the applicant or property owner will also be charged for all staff time spent performing the tasks listed in subsection I(1) above that is not covered by the stated fee amount.

d.b. The cost of staff time will be listed in the fee schedule. Staff include any employees of the Town listed in WMC sections 2.16.010 & 2.16.016.