

Ordinance No. 123585

Council Bill No. 117141

AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include current Street Use permit rates established by Ordinance 123477; and ratifying and confirming prior acts consistent with Ordinance 123477.

Related Legislation File:

Date Introduced and Referred: 4.4.11	To: (committee): Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: April 18, 2011	Date Presented to Mayor: April 19, 2011
Date Signed by Mayor: 4.21.11	Date Returned to City Clerk: 4.25.11
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

Date	Recommendation	Vote
4-12-11	PASS	TR JG TB 3 - 0

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
April 18, 2011	PASSED	9-0

Law Department

ORDINANCE 123585

1
2 AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include
3 current Street Use permit rates established by Ordinance 123477; and ratifying and
confirming prior acts consistent with Ordinance 123477.

4 WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Director
5 of Transportation to prepare and recommend to the City Council for passage by
6 ordinance a schedule of street and sidewalk use fees (the Street Use Permit Fee Schedule)
7 that is commensurate with the cost of administering, reviewing, inspecting, and policing
the permits and the permitted uses; and

8 WHEREAS, on November 22, 2010, the Council passed Ordinance 123477 that: replaced the
9 prior Street Use Permit Fee Schedule established by Ordinance 122295; established a
10 new Street Use Permit Fee Schedule setting an Hourly Rate of \$172 and a Premium Rate
of \$344 per hour; and eliminated the Pre-Submittal Consultation Fee; and

11 WHEREAS, on November 29, 2010, the Council passed Ordinance 123485 that: established a
12 fee methodology for skybridges and other term permits; amended the skybridge and other
13 term permit fees in Ordinance 122295; and included, unchanged, the fees in Ordinance
122295 that Ordinance 123477 previously modified; and

14 WHEREAS, Ordinance 123485 was intended to be passed prior to Ordinance 123477, and did
15 not include the Hourly Rate of \$172, the Premium Rate of \$344 per hour, or the
elimination of the Pre-Submittal Consultation Fee; and

16 WHEREAS, Ordinance 123485 must be changed to reflect the new fees passed in Ordinance
17 123477; NOW, THEREFORE,

18 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

19 Section 1. Section 1 of Ordinance 123485 is amended as follows:

20 Street Use Permit Fee Schedule, ((Exhibit)) Attachment A to Ordinance No. ((122295)) 123477,
21 is amended as follows:
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2 **Other Fees and Charges**

3 Hourly Charge for Street Use service (((\$150)) \$172
4 including but not limited to: Review,
5 investigation, inspection, drafting,
6 design guidance, document preparation
and other activities related to the
administration of the permit

7 Premium hourly rate (e.g. Overtime \$344
8 Inspections)

9 Penalty Fee (No Job Start Call, ((No
10 Permit))) \$300

11 ~~((Pre-Submittal Consultation Fee))~~ (((\$375))

13 A Deposit may be required Amount determined based on services
14 requested

15 * * *



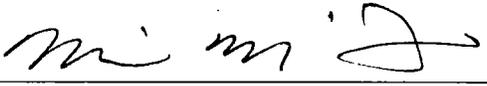
1 Section 2. Any acts made consistent with the authority of Ordinance 123477 and prior to
2 the effective date of this ordinance are hereby ratified and confirmed.

3 Section 3. This ordinance shall take effect and be in force 30 days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
5 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 18th day of April,
7
8 2011, and signed by me in open session in authentication of its passage this
9 18th day of April, 2011.

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11 
12 President _____ of the City Council

13 Approved by me this 25th day of April, 2011.

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15 
16 Michael McGinn, Mayor

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18 Filed by me this 25th day of April, 2011.

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20 
21 City Clerk

22 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Brian de Place/233-3855	Rebecca Guerra/684-5339

Legislation Title:

AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include current Street Use permit rates established by Ordinance 123477; and ratifying and confirming prior acts consistent with Ordinance 123477.

Summary of the Legislation:

This legislation reestablishes the correct Street Use Hourly Rate and Premium Rate, and eliminates the Pre-Submittal Consultation fee as was previously provided for in Ordinance 123477. Ordinance 123485, which passed after Ordinance 123477, included old review rates and therefore, modified the new review rates adopted by Ordinance 123477.

Background:

(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

A new Street Use Permit Fee Schedule was established by Ordinance 122295. The Fee Schedule established by Ordinance 122295 was then replaced by the Fee Schedule in Ordinance 123477. Ordinance 123485 then established a fee methodology for skybridges and other term permits, and included old review rates.

The reason Ordinance 123485 included and reestablished old review rates is because it was intended for passage prior to Ordinance 123477 established the new rates. Instead, Ordinance 123477 with the new rates was passed first and then Ordinance 123485 with the old rates was passed. Accordingly, Ordinance 123485 did not include the appropriate Hourly Rate of \$172, the Premium Rate of \$344 per hour, and did not eliminate the Pre-Submittal Consultation Fee as established by Ordinance 123477.

Please check one of the following:

X This legislation does not have any financial implications.

This legislation makes a technical correction to align with the assumptions included in the 2011 Adopted Budget; therefore, enacting the legislation will have no financial implications. However, if the legislation is not passed, the Hourly Rate of \$172, the Premium Rate of \$344 per hour, and the elimination of the Pre-Submittal Consultation Fee will not be implemented, which will create a revenue gap in 2011.

The revenue gap for January and February 2011 would be \$91,430 for 4,023 hours of



inspection and review. An additional revenue gap for March 2011 would also be created, but the billing assessment will not be finalized until April 7, 2011.

_____ **This legislation has financial implications.** (Please complete all relevant sections that follow.)



City of Seattle
Office of the Mayor

March 29, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

At the request and recommendation of the Director of Transportation, I am transmitting the attached proposed Council Bill that amends the Seattle Department of Transportation's (SDOT) Street Use Fee Schedule. This legislation reestablishes the correct Street Use Hourly Rate and Premium Rate, and eliminates the Pre-Submittal Consultation fee as was previously provided for in Ordinance 123477.

A new Street Use Permit Fee Schedule was established by Ordinance 122295. The Fee Schedule established by Ordinance 122295 was then replaced by the Fee Schedule in Ordinance 123477. The fee changes made by Ordinance 123477 included establishing an Hourly Rate of \$172 for Street Use service and a Premium Rate of \$344 per hour, and eliminating the Pre-Submittal Consultation Fee.

Ordinance 123485, which established a fee methodology for skybridges and other term permits and included old review rates, was intended for passage prior to Ordinance 123477. Instead, Ordinance 123477 with the new review rates was passed first and then Ordinance 123485 with the old review rates was passed, which resulted in inadvertently reestablishing the old review rates.

This legislation amends Ordinance 123485 to reestablish the review fees passed in Ordinance 123477, i.e. the Hourly Rate of \$172 for Street Use service, the Premium Rate of \$344 per hour, and the elimination of the Pre-Submittal Consultation Fee. The legislation also makes a technical correction to Ordinance 123485 to make the fee changes it ordains apply to the Fee Schedule adopted by Ordinance 123477 rather than to the schedule adopted by Ordinance 122295, for clarifying purposes.

Thank you for considering this legislation. Should you have questions, please contact Brian de Place at (206) 233-3855.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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Ordinance Published

123583
123584
123585
123586

STATE OF WASHINGTON – KING COUNTY

--SS.

270483
CITY OF SEATTLE, CLERKS OFFICE

No. 123583, 85, 86

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

04/29/11

The amount of the fee charged for the foregoing publication is the sum of \$ 95.55, which amount has been paid in full.



[Handwritten Signature]

Subscribed and sworn to before me on

04/29/11

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following legislation, passed by the City Council on April 18, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123583

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123584

AN ORDINANCE accepting deeds and easements for street, alley, or sidewalk purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: the alley in Block 4, Pettit's University Addition to the City of Seattle; the alley in Block 122, A.A. Denny's Broadway Addition to the City of Seattle; the sidewalk adjoining Block 122, A.A. Denny's Broadway Addition to the City of Seattle; the alley in Block 19, Denny-Fuhrman Addition to the City of Seattle; the alley in Block 4, South Park; the alley in Block 5, South Park; the alley in Block 26, Gilman's Addition to the City of Seattle; the alley in Block 107, David T. Denny's First Addition to North Seattle; the alley turn-around in Block 107, David T. Denny's First Addition to North Seattle; the sidewalk adjoining Block 36, Pontiac Addition to the City of Seattle; 48th Avenue South abutting Lot 26, Dunlap's Plat of Land on Lake Washington; the sidewalk adjoining Block 73 and Tract 88, Maple Leaf Addition to Green Lake Circle; the sidewalk adjoining Block 20, Hill Tract Addition to the City of Seattle; the sidewalk adjoining Blocks 31 and 32, Supplemental Plat G. Kinnear's Addition to the City of Seattle; the alley in Block 11, Green Lake Reservoir Addition to the City of Seattle; the sidewalk adjoining Tract 6, Excelsior Acre Tracts; the sidewalk adjoining Block 61, Woodlawn Addition to Green Lake; the alley in Block 60, Boston's Co's Plat of West Seattle; the alley in Block 9, Latona First Addition to the City of Seattle; the alley in Block 18, H.E. Nelson Addition to the City of Seattle; the alley in Block 2, Munson & Custer's Addition to Green Lake Circle; placing the real property conveyed by said deeds and easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123585

AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include current Street Use permit rates established by Ordinance 123477; and ratifying and confirming prior acts consistent with Ordinance 123477.

ORDINANCE NO. 123586

AN ORDINANCE relating to the Seattle Transportation Benefit District; authorizing execution of an Interlocal Agreement between the City of Seattle and the Transportation Benefit District regarding mutual roles and responsibilities related to the collection and expenditure of revenues for transportation purposes.

Date of publication in the Seattle Daily Journal of Commerce, April 29, 2011.

4/29(270483)