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CB117191

Brian de Place/ Michael Jenkins  
SDOT Street Use Fee Schedule ORD  
March 30, 2011  
Version #6

**ORDINANCE**

1 AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include  
2 current Street Use permit rates established by Ordinance 123477; and ratifying and  
3 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  
8 the permits and the permitted uses; and

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

13 WHEREAS, on November 29, 2010, the Council passed Ordinance 123485 that: established a  
14 fee methodology for skybridges and other term permits; amended the skybridge and other  
15 term permit fees in Ordinance 122295; and included, unchanged, the fees in Ordinance  
16 122295 that Ordinance 123477 previously modified; and

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

20 WHEREAS, Ordinance 123485 must be changed to reflect the new fees passed in Ordinance  
21 123477; NOW, THEREFORE,

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

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

Street Use Permit Fee Schedule, ((Exhibit)) Attachment A to Ordinance No. ((122295)) 123477,

is amended as follows:

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1  
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 \_\_\_\_ day of \_\_\_\_\_,  
7  
8 2011, and signed by me in open session in authentication of its passage this  
9 \_\_\_\_ day of \_\_\_\_\_, 2011.

10  
11  
12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

14 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

15  
16 \_\_\_\_\_  
17 Michael McGinn, Mayor

18 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

19  
20 \_\_\_\_\_  
21 City Clerk

22 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
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, 2<sup>nd</sup> 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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