



INFORMATIONAL MEMORANDUM

TO: Community Development & Neighborhoods

FROM: Nora Gierloff, Director Department of Community Development

BY: Jerry E. Hight, Building Official.

CC: Mayor Ekberg

DATE: May 16, 2022

SUBJECT: Revising 16.04.250 Procedures applicable to all construction permits,

ISSUE

There is a need for clarity of permit requirements in 16.04.250 Procedures applicable to all construction permits, in order to provide better customer service.

BACKGROUND

The time limitation of permit applications has caused concerns in the past when permit applications have exceeded the allowed 180 days and expired during plan review. Revising section 16.04.250 E. Expiration of permits and permit applications, into two separate sections; Expiration of permits and Time limitation of permit applications is required. This will clarify how expiration of permits and the timelines of permit applications are to be address.

Section 16.04.250 C. Work without a permit, has also been clarified to reflect permits required by the Washington State adopted codes are required prior to starting work or the permit fees will be doubled.

DISCUSSION

Should council approve revising the TMC 16.04.250 Procedures applicable to all construction permits section E. Expiration of permits and permit applications to reflect two separate sections: E. Expiration of permits and F. Time limitation of permit applications and revise C. Work without a permit.

FINANCIAL IMPACT

N/A

RECOMMENDATION

The Council is being asked to approve the adopting ordinance for the TMC 16.04 Revisions at the May 23, 2022, Committee of the Whole meeting and subsequent June 6, 2022 Regular meeting consent agenda.

ATTACHMENTS

Attachment A
Revised Ordinance of 16.04.250 in DRAFT Form

ATTACHMENT “A”

16.04.250 Procedures applicable to all construction permits.

[Original] C. Work without a permit. *Any person who commences work before obtaining the necessary permits shall be subject to an investigation fee. The investigation fee shall be equal to the established permit fee in accordance with the permit fee schedule adopted by resolution of the City Council. This fee, which shall constitute an investigation fee, shall be imposed and collected in all cases, whether or not a permit is subsequently issued.*

[New] C. Work without a permit. Any person who commences work before obtaining the necessary permits required by the Washington State adopted codes to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be performed, on a building, structure, before obtaining the necessary permits shall be charged double the fee established by the fee schedule adopted by resolution of the City Council.

Explanation: The new verbiage clarifies the fees and the type of work that requires a permit prior to starting construction.

[Original] E. Expiration of permits and permit applications. *All permits issued under the Washington State adopted codes shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or the work is suspended or abandoned for a period of 180 days after the time the work is commenced. Permits shall have an inspection performed in order to continue to be valid for an additional 180 days. The Building Official may grant a maximum of two permit extensions for periods not more than 180 days each. It shall be the responsibility of the applicant to request a permit application extension. The applicant shall request the extension in writing and demonstrate justifiable cause.*

[Revised] E. Expiration of permits. Permits issued under the Washington State adopted codes shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. An inspection shall be requested for work that requires approval in order for the permit to continue to be valid for an additional 180 days. The building official is authorized to grant, in writing, two extensions of time, for periods not more than 180 days each. It shall be the responsibility of the applicant to request a permit extension. The extension shall be requested in writing and justifiable cause demonstrated.

Explanation: The new verbiage clarifies when permits expire and that the applicant is responsible for requesting a permit extension. [The Permit Center does send a courtesy letter to the applicant 30 days prior to expiration. However, the letter is sent to the applicant which could be an individual that has since relocated and doesn't receive the letter.]

[New] F. Time limitation of permit application. A permit application shall be submitted for review under Washington State adopted codes for proposed work. If corrections are noted during review of the application the Permit Center will issue a consolidated list of corrections from all departments to the design professional in responsible charge identified on the application.

The applicant shall amend the documents and submit them to the Permit Center within 180 days of the issuance of the consolidated list of corrections, or the application shall be deemed to have been abandoned and shall expire. Each time the Permit Center receives amended documents within the 180-day time limit, the application will be amended for an additional 180 days before expiration.

Expired permit applications cannot be renewed. To obtain a new permit a new permit application shall be submitted along with required submittal documents and a new fee shall be paid in accordance with the current permit fee schedule adopted by resolution of the City Council.

Explanation: Under the current 16.04.250.E expiration of permits and permit applications, some permit applications expired during plan review. The new verbiage clarifies time limitations of permit applications and action required for expired applications. Typically, an application for a permit is submitted and goes through a review process within 180 days that ends with the issuance of a permit, unless the applicant abandons the application.

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REVISING TUKWILA MUNICIPAL CODE SECTION 16.04.250 TO CLARIFY REGULATIONS REGARDING EXPIRATION OF CONSTRUCTION PERMITS, TIME LIMITS ON CONSTRUCTION PERMIT APPLICATIONS, AND ADDITIONAL FEES REQUIRED WHEN WORK IS STARTED WITHOUT A PERMIT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, existing time limitations on construction permit applications have resulted in applications expiring during plan review; and

WHEREAS, Tukwila Municipal Code (TMC) Section 16.04.250 requires changes to clarify regulations regarding expiration of construction permits and the time limitations of construction permit applications; and

WHEREAS, changes to TMC Section 16.04.250 will also clarify that additional fees are required when work is started without permits;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. TMC Section 16.04.250 Amended. Ordinance Nos. 2171 §1 (part) and 2648 §4, as codified at Tukwila Municipal Code Section 16.04.250, "Procedures applicable to all construction permits," are amended to read as follows:

16.04.250 Procedures applicable to all construction permits

A. **Permit and plan review fees** applicable to all construction permits shall be in accordance with the permit fee schedule adopted by resolution of the City Council.

B. **Work covered without inspection** or work not ready at the time of inspection may be charged a re-inspection fee at the hourly rate in accordance with the permit fee schedule adopted by resolution of the City Council.

C. **Work without a permit.** Any person who commences work before obtaining the necessary permits required by the Washington State adopted codes to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; or to cause any such work to be performed on a building or structure before obtaining the necessary permits shall be charged double the fee ~~shall be subject to an investigation fee. The investigation fee shall be equal to the established permit fee established~~ in accordance with the permit fee schedule adopted by resolution of the City Council. ~~This fee, which shall constitute an investigation fee, shall be imposed and collected in all cases, whether or not a permit is subsequently issued.~~

D. **Fee refunds.** The Building Official may refund any permit fee paid by the original permit applicant that was erroneously paid or collected. The Building Official may also authorize the refund of not more than 80% of the permit fee when no work has been done under a permit issued in accordance with the code. Where a plan review fee has been collected, no refund will be authorized once it has been determined that the application is complete, and the plan review process has commenced. Refund of any permit fee paid shall be requested by the original permit applicant in writing and not later than 180 days after the date of fee payment.

E. **Expiration of permits ~~and permit applications.~~** ~~All p~~Permits issued under the Washington State adopted codes shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. ~~Permits shall have an inspection performed. An inspection shall be requested for work that requires approval~~ in order for the permit to continue to be valid for an additional 180 days. The Building Official ~~may~~ is authorized to grant, in writing, a maximum of two permit two extensions of time, for periods not more than 180 days each. It shall be the responsibility of the applicant to request a permit ~~application~~ extension. The ~~applicant shall request the~~ extension shall be requested in writing and ~~demonstrate~~ justifiable cause shall be demonstrated.

F. Time limitation of permit application.

1. All proposed work under Washington State adopted codes shall require a complete permit application, plans, and submittal documents. All documents shall be submitted electronically. After each department completes review of the submittal documents, the Permit Center shall return the electronic plan, with corrections, to the applicant, as identified on the application, for review and amendment.

2. The applicant shall then resubmit the amended electronic plan to the Permit Center within 180 days of notification, or the application shall be deemed to have been abandoned and shall expire. Each time the Permit Center receives amended documents within the 180 day time limit, the application will be extended for an additional 180 days before expiration.

3. An expired permit application cannot be renewed and is not entitled to a refund. In order to obtain a new permit, a new permit application shall be submitted along with the required submittal documents and a new fee shall be paid in accordance with the permit fee schedule adopted by resolution of the City Council.

F.G. Reactivating expired permit for final. Expired permits that have completed the inspection process and need only final inspection approval may be reactivated. Reactivation shall require a new permit application, and the fee shall be in accordance with the permit fee schedule adopted by resolution of the City Council. The Building Official may grant one 30-day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than 90 days have passed since the permit expired. Provided no changes have been made or will be made in the plans or scope of work, the 30-day extension commences on the date of written approval. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

G.H. Owner-occupied residential remodel permits. Owner-occupied residential remodel permits for projects not exceeding \$20,000.00 in valuation are eligible for a flat fee per the following:

1. The flat fee includes all permit and other associated fees in accordance with the permit fee schedule adopted by resolution of the City Council.
2. The valuation will be cumulative during a rolling one-year period.
3. All requirements for submittal documents and inspections are as required for a new house under this section; only the fee is reduced.
4. Projects that exceed the \$20,000.00 limit will be subject to the standard permit fees in accordance with the permit fee schedule adopted by resolution of the City Council.

H.I. Appeals. All references to Board of Appeals are amended as follows: Any person, firm or corporation may register an appeal of a decision or determination of the Building Official provided that such appeal is made in writing within 14 calendar days after such person, firm or corporation shall have been notified of the Building Official's decision. Any person, firm or corporation shall be permitted to appeal a decision of the Building Official to the Tukwila Hearing Examiner when it is claimed that any one of the following conditions exists.

1. The true intent of the code or ordinance has been incorrectly interpreted.
2. The provisions of the code or ordinance do not fully apply.
3. The decision is unreasonable or arbitrary as it applies to alternatives or new materials.
4. Notice of Appeal procedures shall be in accordance with TMC Section 18.116.030.

I.J. Violations. Whenever the authority having jurisdiction determines there are violations of this code, a Notice of Violation shall be issued to confirm such findings.

Any Notice of Violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service or mail, or by delivering the same to and leaving it with some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such Notice of Violation shall be posted on the premises in a conspicuous place, at or near the entrance to such premises, and the Notice of Violation shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant or both.

↓ K. Penalties. Any person, firm or corporation who shall willfully violate or fails to comply with a Notice of Violation is liable for the monetary penalties prescribed in TMC Section 8.45.120.A.2.

Section 2. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 4. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2022.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____

Office of the City Attorney