

**CITY OF LYNNWOOD
ORDINANCE NO. 2699**

DEC 10 2007

SCANNED

AN ORDINANCE RELATING TO FEES, CHARGES, AND DEPOSITS, IMPOSED OR REQUIRED BY THE LYNNWOOD MUNICIPAL CODE AND AMENDING SECTIONS 1.35.040; 1.35.140; 1.35.220; 1.35.330; 1.35.360; 1.35.440; 2.23.100; 2.44.060; 506.090; 5.08.020; 5.16.20; 5.25.070; 5.26.070; 5.30.040; 5.48.190; 5.53.020; 5.82.020; 9.04.013; 9.12.030; 9.12.070; 12.16.030; 16.04.100; 16.09.050; 16.10.080; 16.10.090; 19.20.010; 19.20.015; 21.04.300; 21.16.310; 21.22.920; 21.25.130; THEREOF; ADDING A NEW SECTION 2.23.140; REPEALING SECTION 13.20.020; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City Council of the City of Lynnwood has found the fees, charges, and deposit sections of the code are in need of amendment; and

WHEREAS, the City Council desires to establish all fees and charges per ordinance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 1.35.040 B of the Lynnwood Municipal Code is amended as follows:

1.35.040 Notice of decision.

- B. Distribution of the Notice of Decision. The applicable department director shall distribute the notice of decision by:
1. Regular mail to any person who participated in decision;
 2. Regular mail to any person who has requested such notice and who has paid a fee as shown in Chapter 3.104 LMC per year to the finance director;
 3. Posting a copy of the notice at the site (for site-specific proposals);
 4. Publishing the notice once in a newspaper of local circulation;
 5. Regular mail to the applicant; and
 6. Delivery to the finance director for distribution to the city council

Section 2. Section 1.35.140 B of the Lynnwood Municipal Code is amended as follows:

1.35.140 Notice of hearing.

- B. Distribution. The applicable department director shall distribute the notice by:

1. Publishing the notice in the official newspaper of the city;
2. Posting the notice at official posting place(s) of the city and at the site;
3. Mailing the notice by regular mail to owners of property within at least 300 feet of the boundary of the subject property and of any property contiguous thereto in the applicant's ownership. For the purpose of this mailing, the applicable department director shall use the listing of ownership and addresses on the city of Lynnwood utility billing records. If no record for any given lot is shown on those records, then notice to the last owner of record in the office of the county treasurer shall be deemed proper notice;
4. Mailing the notice by regular mail to each person who has requested such notice in writing for the calendar year and who has paid a fee as shown in Chapter 3.104 LMC for this service to the finance director;
5. This noticing requirement shall be satisfied by substantial compliance with this section.

Section 3. Section 1.35.220 A of the Lynnwood Municipal Code is amended as follows:

1.35.220 Process on appeal.

An appeal from a notice of violation and assessment of civil penalties or an appeal from a decision under a provision of the Lynnwood Municipal Code that provides for an appeal using Process II shall be processed as follows:

- A. The appeal shall be filed with the department director within 14 days of the issuance of the notice of violation and assessment of civil penalties or from the issuance of the decision which is the basis for the appeal. The fee for filing an appeal shall be shown in Chapter 3.104 LMC. The timely filing of an appeal shall stay the effective date of the notice and assessment or the decision until such time as the notice or decision is adjudicated or is withdrawn.

Section 4. Section 1.35.330 C of the Lynnwood Municipal Code is amended as follows:

1.35.330 Public notice of impending decision.

- C. The applicable department director shall provide such notice by:
 1. Publishing it in the official newspaper of the city (see Chapter 1.08 LMC).
 2. Posting it as each official posting place of the city (see Chapter 1.12 LMC).
 3. Mailing the notice to each owner of real property within 300 feet of any boundary of the subject property and of any property contiguous thereto which is in the applicant's ownership. Notice mailed to the addressee found on the city of Lynnwood utility billing records, or if there is no such record for any given lot, then notice mailed to the last owner of record in the office of the county treasurer shall be deemed proper notice.
 4. Mailing the notice addressed to "occupant/tenant" of each address in a multiple-residential building or mobile home park within the applicant's property or contiguous to the subject

property and to each address in a multiple-residential building or mobile home park within 300 feet of any boundary of the subject property and of any property contiguous thereto which is in the applicant's ownership. "Occupant/tenant" must be addressed by unit in a multiple-unit building or mobile home park but need not be identified by name.

5. Mailing the notice to each person who has requested such notice in writing for the calendar year and who has paid the fee as shown in Chapter 3.104 LMC.

Section 5. Section 1.35.360 A and Section 1.35.360 B of the Lynnwood Municipal Code is amended as follows:

1.35.360 Process on appeal.

An appeal from a department director's decision on an application for an administrative permit shall be processed as follows:

- A. The appeal shall include a statement of why the appellant believes the applicable department director's decision is in error. The fee for appeals shall be shown in Chapter 3.104 LMC. The timely filing of an appeal shall stay the effective date of the applicable department director's decision until such time as the appeal is adjudicated by the city council or is withdrawn.
- B. Within five working days following the timely filing of an appeal, notice thereof and of the date, time and place for city council consideration shall be mailed to the proponent and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments as prescribed in LMC 2.22.110.

Section 6. Section 1.35.440 B of the Lynnwood Municipal Code is amended as follows:

1.35.440 Notice of hearing.

B. Distribution. The applicable department director shall distribute the notice by:

1. Publishing the notice in the official newspaper of the city;
2. Posting the notice at official posting place(s) of the city and at the site (if any);
3. Mailing the notice by regular mail to owners of property within at least 300 feet of the boundary of the subject property (if any) and of any property contiguous thereto in the applicant's ownership. For the purpose of this mailing, the applicable department director shall use the listing of ownership and addresses on the city of Lynnwood utility billing records. If no record for any given lot is shown on those records, then the last owner of record in the office of the county treasurer shall be deemed proper notice;
4. Mailing the notice by regular mail to each person who has requested such notice in writing for the calendar year and who has paid a fee as shown on Chapter 3.104 LMC for this service to the administrative services director;
5. This noticing requirement shall be satisfied by substantial compliance with this section.

Section 7. Section 2.23.100 of the Lynnwood Municipal Code is amended as follows:

2.23.100 Explanations of fees and charges.

Costs associated with providing service to the public for application and permit processing and other services will be partially recovered using a combination of fixed fees and hourly charges and fully recovered as costs are related to consulting fees and public notification requirements. To effect recovery, fees for land use applications and miscellaneous services and fees associated with building, mechanical, electrical, fire and grading, are established by ordinance as adopted and from time to time amended by the city council.

Section 8. A new Section 2.23.140 is added to the Lynnwood Municipal Code as follows:

2.23.140 Applications -- Deposits/Bonds. The following applications require deposits or bonds in the amounts set forth:

Application	Required Deposit or Bond
Annexation	Flat fee amount plus estimated posting and mailing costs plus any estimated expenses for consultants
Binding Site Plan	\$2,000
Comprehensive Plan Amendment Application for test or map change	\$3,000
Conditional Use Permit	\$2,000
Development Plan Approval	\$3,000
Environmental Impact Statement (EIS)	\$2,000 plus any estimated expenses for consultants.
Planned Unit Development If not by Public Agency	\$3,000
Rezone If not by Public Agency	\$3,000
Short Subdivision (Short Plat)	\$2,000
Special Use Permit	\$3,000
Subdivision (Plat)	\$3,000
Variance If not a single family use	\$2,000

Section 9. Section 2.44.060 K of the Lynnwood Municipal Code is amended as follows:

2.44.060 Interpretation of codes.

K. Appeal of Interpretation by Director. When an interpretation is made in response to a written request pursuant to these provisions, the person filing the written request may appeal the decision of the director of public works using Process II, LMC 1.35.200 et seq. The fee for such an appeal shall be shown in Chapter 3.104 LMC and must be paid by the appellant at the time of filing the appeal.

Section 10. Section 5.06.090 of the Lynnwood Municipal Code is amended as follows:

5.06.090 First-time resident and home occupation business license.

A first time resident and/or home occupation business license fee per license issued, in the amount established by Chapter 3.104 LMC, shall accompany an application for business license. This fee shall apply to all new businesses to the city of Lynnwood, whether that application is the result of sufficient change in an existing license so as to require its replacement

Section 11. Section 5.08.020 of the Lynnwood Municipal Code is amended as follows:

5.08.020 Application for license – Basis of fee.

Written application for said license on forms provided by the clerk shall be for a period of not more than five years. Licensee shall pay an annual license fee to be determined on the basis of the amounts shown in Chapter 3.104 LMC per residential account and per commercial account being served at July 15th of each year. For purposes of this section, residential accounts shall include units of multiple-family housing and units of mobile home parks. The annual fee is due and payable no later than August 15th of each year. A late payment fee equal to 50% of the annual license fee is assessed if payment of the license fee is made after the due date in any year

Section 12. Section 5.16.020 D of the Lynnwood Municipal Code is amended as follows:

5.16.020 Pawnbroker's license required.

- D. If the license application(s), as provided for herein, are approved, the city clerk shall issue a license(s) to the applicant upon his executing and delivering to the city a bond to be approved by the city attorney, in the amount of \$1,000.00, conditioned that such licensee conduct such business in compliance with all of the laws of the city, state and the United States.

Section 13. Section 5.25.070 A of the Lynnwood Municipal Code is amended as follows:

5.25.070 Litter control – Security for cleanup.

- A. Prior to issuance of any public dance license, a cash security deposit in the amount of \$200.00 shall be submitted to the finance director as security for the cleanup of all litter resulting from any public dance authorized by the license. In the event the licensee fails to clean up all litter on any public or private property which results from any public dance conducted by the licensee within 24 hours of the end of the dance, the city may cause such litter to be cleaned up and pay the costs of the cleanup out of the security funds. Litter resulting from the public dance shall be limited to that occurring within a one-block radius of the location of the dance unless clearly identified to the dance. In the event the cost of the cleanup exceeds the amount of funds on deposit, the licensee shall pay such excess costs.

Section 14. Section 5.26.070 A of the Lynnwood Municipal Code is amended as follows:

5.26.070 Litter control – Security for cleanup.

- A. Prior to issuance of any teen public dance license, other than for an annual license for a fixed business premise, a cash security deposit in the amount of \$200.00 shall be submitted to the

finance director as security for the cleanup of all litter resulting from any teen public dance authorized by the license. In the event the licensee fails to clean up all litter on any public or private property which results from any teen public dance conducted by the licensee within 24 hours of the end of the dance, the city may cause such litter to be cleaned up and pay the costs of the cleanup out of the security funds. Litter resulting from the public dance shall be limited to that occurring within a one block radius of the location of the dance unless clearly identified to the dance. In the event the cost of the cleanup exceeds the amount of funds on deposit, the licensee shall pay such excess costs.

Section 15. Section 5.30.040 A and Section 5.30.040 C of the Lynnwood Municipal Code are amended as follows:

5.30.040 Permit fees.

A. Permit Fee.

1. The proprietor or authorized agent of every special event shall pay at the time of permit application a permit fee as shown in Chapter 3.104 LMC.
2. The permit fee for repeating special events requested under a single application shall be as shown in Chapter 3.104 LMC.
3. The city shall assess a surcharge of 50% of the fee if the completed application is submitted less than 21 business days but at least 10 business days before the event date.
4. Fees for use of the city's parks or recreation facilities shall be set and collected by the city parks department.

C. Security and Litter Deposit.

1. Prior to issuance of any special event permit for an outdoor event, a security deposit in the amount of \$250.00 shall be submitted to the city finance director as security for the cleanup of all litter resulting from any activity connected with the event.
2. In the event the permittee fails to clean up all litter on any public or private property which results from any event conducted by the permittee within 24 hours after the end of the event, the city may cause such litter to be cleaned up and pay the costs of the cleanup out of the security deposit. The cleanup of litter resulting from the event pursuant to this provision shall be limited to litter occurring within a one-block radius of the location of the event unless the litter is clearly identified with the event. If the cost of the cleanup exceeds the amount of funds on deposit, the permittee shall pay such excess costs.
3. A security deposit in the amount of \$250.00 shall be submitted prior to issuance of a permit for repeating special events covered by a single application. In the event that cleanup costs are assessed for any instance of a repeating special event, additional funds must be deposited with the city finance director, such that the deposit in the amount of \$250.00 is available to cover subsequent instances of the permitted repeating special events. Such

deposit will be retained in full until the final event has concluded and any applicable cleanup costs have been assessed.

4. Upon termination of all activities authorized by a special event permit for an outdoor event and cleanup of all litter resulting from such an activity, the remainder of all funds deposited as security for litter cleanup shall be refunded to the permittee without interest.

Section 16. Section 5.48.190 of the Lynnwood Municipal Code is amended as follows:

5.48.190 Surety bond required.

A franchise holder shall post a surety bond in the face amount of \$100,000 with one or more sufficient sureties satisfactory to the city attorney, which bond may be reduced to the amount of \$15,000 after completion of the initial construction phase, to wit, when service is available to substantially all residents of the city which request such services. The bond shall remain in effect at all times during the construction period of any franchise issued pursuant to this chapter. This bond shall insure and guarantee the faithful performance by the franchise holder of all the terms, conditions and requirements of this chapter and franchise thereunder, including, but not limited to, any and all construction of franchise holder, its agents or subcontractors, specifically including but not limited in the conditions that the applicant will indemnify and save the city harmless from all claims, actions, or damages of every kind and description which may accrue to, or be suffered by, any person by reason of any construction or any opening in any street, alley, avenue or other public place made by franchise holder and that franchise holder will replace and restore such street, alley, avenue, planting, or other public or private property to as good a state or condition as at the time of the commencement of the work, and providing a recovery on the bond in case of failure to perform any of the terms and conditions of this chapter or franchise granted hereunder.

Section 17. Section 5.82.020 D of the Lynnwood Municipal Code is amended as follows

5.82.020 License requirements – Fees.

- D. If the license application(s), as provided for herein, are approved, the city clerk shall issue a license(s) to the applicant upon his executing and delivering to the city a bond to be approved by the city attorney, in the amount of \$1,000.00, conditioned that such licensee conduct such business in compliance with all the laws of the city, state and the United States.

Section 18. Section 9.04.013 of the Lynnwood Municipal Code is amended as follows:

9.04.013 Section 105 IFC – Fees.

All fees authorized under Section 105 IFC shall be set forth in a fee ordinance adopted, and from time to time amended, by the city council. Fees required for fire permits can be found in Chapter 3.104 LMC.

Section 19. Section 9.12.030 A of the Lynnwood Municipal Code is amended as follows:

9.12.030 Application for annual retail fireworks sales permit.

A. Application for an annual retail fireworks sales permit shall be made on forms prescribed by the city and shall:

7. Be accompanied by a cash debris bond in the amount of \$150.00 per stand, conditioned upon the removal of the temporary stand and the cleaning up of all debris and litter from the site and adjoining area of the temporary stand by 11:59 p.m., July 15th, for the Fourth of July selling period; and otherwise as prescribed by the city; and

Section 20. Section 9.12.070 of the Lynnwood Municipal Code is amended as follows:

9.12.070 Cleanup – Cash debris bond.

The cash debris bond in the amount of \$150.00 per stand shall be returned to the permittee only in the event the permittee removes said temporary stand and cleans up all debris to the satisfaction of the proper officials of the city of Lynnwood; in the event of the permittee's failure to do so, or failure to remove the temporary stand and clean up debris by the time required in LMC 9.12.030, the bond shall be forfeited to the city. The permittee shall also be liable to the city for any cleanup costs plus a 15 percent administrative fee incurred by the city which exceed the amount of the bond.

Section 21. Section 12.16.030 B of the Lynnwood Municipal Code is amended as follows:

12.16.030 Petition fees.

- B. Appraisal and Other Fees to be Paid. In addition, at the time of filing the vacation petition, the petitioner shall deposit One Thousand Dollars (\$1,000) with the public works director to cover the appraisal and other costs for a street or alley abutting property which is zoned single-family residential, provided, however, the deposit shall be Two Thousand Dollars (\$2,000) to cover the appraisal and other costs for a street or alley abutting on property zoned for nonresidential uses and multiple-residence, or high-density. In the event that the appraisal or other cost is less than the amount deposited, the vacation compensation payable to the city shall be reduced by the difference between the deposit and the actual cost, or in the alternative, such difference shall be refunded. In the event the costs are more than the amount deposited, the vacation compensation payable to the city shall be increased by the difference between the deposit and the actual cost, or in the alternative, such difference shall be separately billed and paid by the petitioners prior the approval of the vacation. Costs include any professional consultant studies (for example, wetland, traffic) determined by the public works director to be reasonably necessary to evaluate the vacation. Any such consultants shall be retained by the city. Petitioner may request that the public works department not retain appraisers or consultants until the department makes a preliminary decision of whether it supports or opposes the petition, provided, such request shall not be determinative on department action. For good cause documented in the public works department file, the public works department may utilize an alternative valuation method, subject to final city council approval.

Section 22. Section 13.20.020 of the Lynnwood Municipal Code is repealed.

Section 23. Section 16.04.100 of the Lynnwood Municipal Code is amended as follows:

16.04.100 Fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council.

Section 24. Section 16.09.050 A of the Lynnwood Municipal Code is amended as follows:

16.09.050 Section R108– Fees and values.

- A. Section R108.2 of the IRC as adopted by this chapter is deleted and replaced with a new Section R108.2 to read as follows:

R108.2 Fees shall be set forth in a fee ordinance adopted, and from time to time amended, by the city council. Value of work shall include all costs related to construction and shall be set by the Building Official using a nationally recognized value table.

Section 25. Section 16.10.080 of the Lynnwood Municipal Code is amended as follows:

16.10.080 Plan review fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council.

Section 26. Section 16.10.090 of the Lynnwood Municipal Code is amended as follows:

16.10.090 Electrical permit fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council.

Section 27. Section 21.04.300 K of the Lynnwood Municipal Code is amended as follows:

21.04.300 Interpretation of the zoning code.

- K. Appeal of Interpretation by Director. When an interpretation is made in response to a written request pursuant to these provisions, the person filing the written request may appeal the decision of the community development director using Process II, LMC 1.35.200 et seq. The fee for such an appeal shall be the amount established in Chapter 3.104 LMC must be paid by the appellant at the time of filing the appeal.

Section 28. Section 21.16.310 H of the Lynnwood Municipal Code is amended as follows:

21.16.310 Commercial signs.

- H. Searchlights. Searchlights shall only be permitted if they meet the following criteria:
1. That the duration of time for display of the searchlight shall not be more than 10 days;
 2. That no permit for display of a searchlight shall have been approved for the same applicant during the six-month period prior to the most recent application;
 3. That the searchlight be so located as to minimize interference of driver visibility at intersections or at points of ingress and egress;

4. That the searchlight be located 35 or more feet from the right-of-way; and directed away from traffic on nearby streets;
5. The intensity and color of light and the duration of its operation shall not constitute a nuisance as defined in LMC 10.08.200; and
6. That a fee as shown in Chapter 3.104 LMC paid in connection with any such permit.

Section 29. Section 21.22.920 of the Lynnwood Municipal Code is amended as follows:

21.22.920 Fees.

Application and review fees relating to the reclassification process are set forth in Chapter 3.104 LMC. Deposits for reclassification are set forth in Chapter 2.23.140 LMC.

Section 30. Section 21.25.130 C of the Lynnwood Municipal Code is amended as follows:

21.25.130 Public notice of impending decision.

C. The director shall provide such notice by:

1. Publishing it in the official daily newspaper of the city (see Chapter 1.08 LMC);
2. Posting it at each official posting place of the city (see Chapter 1.12 LMC), and posting it on or near the subject property;
3. Mailing the notice to each owner of real property within 300 feet of any boundary of the subject property and of any property contiguous thereto which is in the applicant's ownership. Notice mailed to the addressee found on the city of Lynnwood utility billing records, or if there is no such record for any given lot, then notice mailed to the last owner of record in the office of the county treasurer shall be deemed proper notice;
4. Mailing the notice addressed to "occupant/tenant" of each address in a multiple-residential building or mobile home park within the applicant's property or contiguous to the subject property and to each address in a multiple-residential building or mobile home park within 300 feet of any boundary of the subject property and any property contiguous thereto which is in the applicant's ownership. "Occupant/tenant" must be addressed by unit in a multiple-unit building or mobile home park but need not be identified by name;
5. Mailing the notice to each person who has requested such notice in writing for the calendar year and who has paid the fee shown in Chapter 3.104 LMC.

Section 31. Section 21.44.220 D of the Lynnwood Municipal Code is amended as follows:

21.44.220 Transition or buffer strips.

- D. Exception. The community development director may reduce the required buffer width and revise the required planting and fencing if the director finds that, due to the intensity of existing or proposed landscaping, change in topography between properties, use of the properties along

the abutting property line, or other characteristics of the abutting properties, a reduced buffer width will provide adequate separation between the properties.

A request for approving a reduction in a required buffer shall be made in writing and shall describe fully the reduction and the basis for the request. The fee for processing a request is shown in Chapter 3.104 LMC. The person(s) requesting the buffer reduction bear the burden of proof that the reduced buffer will provide adequate separation and screening between properties.

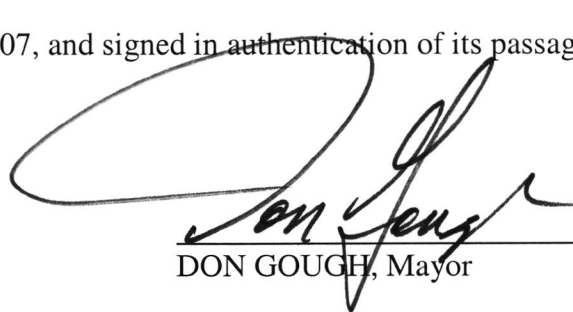
At least 28 calendar days prior to acting on a request for buffer reduction, notice of the request shall be mailed to the owners of all properties that abut the site of the proposed reduction. Action on a request may not be taken until this noticing period has expired.

Anyone may appeal a determination regarding an exception by the director under this subsection by filing a written statement of the reason(s) for the appeal with the community development department. Such an appeal shall be processed pursuant to Process II (LMC 1.35.200 et seq).

Section 32. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

Section 33. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication. A summary of this ordinance may be published as provided for by state law.

PASSED THIS 8th day of October, 2007, and signed in authentication of its passage this 10^R day of October, 2007.



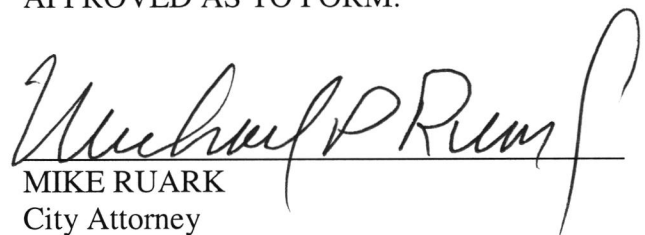
DON GOUGH, Mayor

ATTEST:



VICKI HEILMAN
Interim Finance Director

APPROVED AS TO FORM:



MIKE RUARK
City Attorney