

ORDINANCE NO. 1432

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ENACTING A NEW CHAPTER 15.36 AND AMENDING SECTIONS 3.68, 15.16 AND 15.20 OF THE BONNEY LAKE MUNICIPAL CODE, RELATED TO CIVIL CONSTRUCTION PERMITTING

WHEREAS, the City Council wishes to make additions and amendments to the Bonney Lake Municipal Code to clarify permitting and construction standards for civil improvements to the transportation, water, sewer, and stormwater systems.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

Section 1. A new Chapter 15.36 is hereby added to the Bonney Lake Municipal Code to read as follows:

**Chapter 15.36
CIVIL CONSTRUCTION PERMITTING**

Sections:

- 15.36.010 Purpose
- 15.36.020 Definitions
- 15.36.030 Permits Required
- 15.36.040 Applicable Civil Improvements
- 15.36.050 Permit Process
- 15.36.060 Financial security
- 15.36.070 Construction completion - Permit Closeout
- 15.36.080 Due Diligence Toward Construction Required
- 15.36.090 Exemptions and Emergencies

15.36.010 Purpose

The purpose of this chapter is to:

- A. Establish a permit process for submittal, review and issuance of permits for construction of civil improvements which have been designed in accordance with Chapters 12, 13, 14, 15, 16, 17 and 19 of the BLMC.
- B. Provide for inspection of civil construction activities to ensure an effective and functional water system, wastewater system, transportation system and stormwater drainage and treatment system.
- C. Establish provisions for the recording of civil construction activities.
- D. Establish appropriate fees.

15.36.020 Definitions.

In the event of conflict between the following definitions and other definitions given in this municipal code, the following shall prevail in this chapter:

- A. "Clearing" means any activity which removes the vegetative ground cover including, but not limited to, root removal or top-soil removal.
- B. "Civil construction activity" means manmade action to install or create civil improvements.
- C. "Civil engineer" means a professional engineer licensed to practice in the state of Washington in civil engineering.
- D. "Civil improvements" includes, but is not limited to, motorized and nonmotorized ways of travel, street lighting and traffic signaling, stormwater facilities, water and sewer facilities and overhead utilities, both private and public.
- E. "Development" means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, utilities, placement of manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or subdivision of property.
- F. "Director" means the director of Community Development Department of the city or the director's designee.
- G. "Erosion" means the wearing away of land by the action of wind, water, gravity, or a combination thereof.
- H. "Erosion and Sediment Control Plan or Plan" means a set of measures designed to control runoff and erosion, and to retain sediment on a particular site during pre-construction, construction, and after all permanent improvements have been erected or installed.
- I. "Grading" means any excavating or filling of earth materials or any combination thereof.
- J. "Land Disturbance/Land Disturbance Activity" means any activity that changes the physical conditions of landform, vegetation, or hydrology. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.
- K. "Land Fill" means any human activity depositing soil or other approved earth materials.
- L. "Improvement Inspection" means any observation, testing, measurements or other actions by the City to assure that the work, materials, progress rate and quantities comply with the City's Municipal Code, Development Standards and Comprehensive Plans.
- M. "Infrastructure" means the technical structures that support a society such as roads, water supply, sewer conveyance, storm water systems, electrical supply and telecommunications.
- N. "Road Maintenance" means work done to extend the service life or functional condition of a road without extending or increasing the structural capacity.

15.36.030 Permits Required

Work Without Permit. No person, firm or corporation may disturb, change or reshape existing topography, begin site grading or clearing, or perform any development or other work requiring a permit under this Chapter without first obtaining a permit from the Director or designee. The Director shall have the authority to issue a Stop Work Order pursuant to BLMC 14.130.050 for any work performed in violation of this Chapter.

15.36.040 Applicable Civil Improvements

The following is a list of the civil construction activities for which a civil improvement permit is required.

- A. Grading and Filling (Chapter 15.20 BLMC)
- B. Underground infrastructure for Automatic Fire Extinguishing Systems (Chapter 15.16 BLMC)
- C. Grease Interceptors (Chapter 13.12 BLMC)
- D. Sanitary Sewer System Extension within Rights-of-Way (Chapter 13.12 BLMC)
- E. Water System Extension within Rights-of-Way (Chapter 13.04 BLMC)
- F. Stormwater System Extension within Rights-of-Way (Chapter 15.13 BLMC)
- G. Roadway Extension (Chapter 12.30 BLMC)
- H. Short Plat 1-3 Lots (Chapter 12.04, 17.36, 17.40, 17.44, 17.48, 17.52 BLMC)
- I. Short Plat 4-9 Lots (Chapter 17.36, 17.40, 17.44, 17.48, 17.52 BLMC)
- J. Preliminary Plats (Title 17 BLMC)
- K. Improvement Inspection (Chapter 17.24 BLMC)

15.36.050 Permit Process

The permitting requirements for the civil improvements are a three stage process:

- A. Civil review application and fee.
- B. Inspection fee establishment.
- C. Civil permit fee and construction.

The director shall establish requirements for the submittal for civil permits, subject to the following criteria:

- A. Civil Review Application and Fee
 - 1. Prior to performing any civil improvement work, each applicant shall first complete and submit a permit application on a form furnished by the City for that purpose. All submissions shall include engineering plans for the civil improvement, completed by a civil engineer licensed in the State of Washington, and a non-refundable plan review fee established pursuant to Chapter 3.68 BLMC.
 - 2. All submissions shall be reviewed for conformance with the applicable provisions of BLMC Titles 12, 13, 14, 15, 16, 17 and 19; Bonney Lake Development Policies and Public Works Standards; and the latest edition of the Pierce County Stormwater Manual.
 - 3. Applicants shall be required to submit further information necessary to process the application, as required by the Director. Failure to supply requested information, or otherwise pursue issuance of the permit, shall result in the application expiring 180 days after submission if no permit has been issued. The Director may grant a one-time extension for an additional 180 days if the Applicant is diligently pursuing the application. In order to renew action on an application after expiration, the applicant shall submit new plans and pay a new plan review fee.
- B. Inspection Fee
 - 1. After civil improvement plans have been reviewed and approved, the City will provide the Applicant a spreadsheet to estimate the cost of construction, so that the inspection fee associated with the civil improvement can be determined.

2. The applicant shall fill out the spreadsheet and return for city review and approval. Upon receipt of the inspection fee spreadsheet the City will calculate the Civil Permit and Inspection fee to be paid by the applicant. The inspection fee shall be a percentage of the total construction costs as determined by Chapter 3.68 BLMC.
 3. The Community Development Director may authorize refunding of not more than 50 percent of the permit and inspection fee paid when no work has been done under the issued permit and the Applicant requests to withdraw the application.
- C. Preconstruction conference
1. The City will schedule a pre-construction conference after applicant has paid the Permit and Inspection fee.
 2. Construction permits will be issued once the pre-construction conference has been held and all applicable bonding has been submitted.
 3. Applicable civil fees shall be in accordance with BLMC 3.68

15.36.060 Financial security

The City may require the provision of a performance bond or other acceptable security to secure completion of the improvements whenever weather conditions require delay or to guarantee installation of critical infrastructure in a timely manner.

Financial security shall be in the form of:

1. A performance bond issued by an established surety company, for 150% of the City-approved cost of project, conditioned upon the final completion of the improvement, as final completion is defined by the City; or
2. An assignment of funds account with an approved financial institution, guaranteeing the City access to the funds until the City grants a release, for 150% of the City-approved cost of project.

15.36.070 Construction completion - Permit Closeout

The following forms, affidavits, bonds, or information shall be required prior to closing out the civil permit at the completion of construction:

- A. "As-Built" drawings completed and approved. "As-Built" shall be tied to the current vertical and horizontal data used by the City. Drawings shall be submitted on Mylar. Electronic copy shall be prepared in AutoCAD format which is compatible for import into the City's GIS system.
- B. Affidavit of No Liens shall be completed and received by the City.
- C. Bill of Sale shall be received, reviewed and approved by the City for utilities and infrastructure conveyed to the City.
- D. Easements shall be reviewed, recorded by Developer and received by the City.
- E. Maintenance Bond shall be received by the City.

15.36.080 Due Diligence Toward Construction Required.

Applicants with approved civil permits shall be required to pursue construction with due diligence, completing construction within 180 days of the issuance of the permit unless the Director grants a 180 day extension for good cause. Construction extending beyond 180 days, or beyond an approved extension, shall incur additional fees as established in Chapter 3.68 BLMC.

15.36.090 Exemptions and Emergencies.

- A. The following are exempt from the requirements of this Chapter:
 1. Development that is undertaken by the Washington State Department of Transportation in state right-of-way is exempt from this Chapter, but shall comply fully with the technical requirements contained within the Bonney Lake Municipal Code and Public Works Standards.
 2. Road maintenance activities undertaken by the Bonney Lakes Public Works Department shall be exempt from the administrative requirements of this Chapter, but shall comply fully with the technical requirements contained within the Bonney Lake Municipal Code and Public Works Standards.
 3. A single family structure authorized by a valid building permit. This shall not exempt the placement of civil infrastructure improvements 5 feet beyond the limits of the basement or footing excavations of structures.

- B. Property owners and agents may perform emergency civil construction activities to protect life or property without undergoing the permitting process of this Chapter, but shall apply for a civil permit no later than one month after commencing the work.

Section 2. Subsection 3.68.010.F.3.c of the Bonney Lake Municipal Code is hereby amended by adding the following provisions:

3.68.010.F.3.c

vii. Connection to Public Systems (includes review, permit and inspection)	\$250.00
a. Outside City of Bonney Lake	\$500.00
viii. Grease interceptors (includes review, permit and inspection)	\$250.00
a. Outside City of Bonney Lake	\$500.00
ix. Retrofit Underground Automatic Fire Extinguishing Systems (includes review, permit and inspection)	\$250.00
a. Outside City of Bonney Lake	\$500.00

Section 3. A new subsection 15.16.105 is hereby added to the Bonney Lake Municipal Code, to read as follows:

15.16.105 – Retrofit City Permit and Inspection

Underground automatic fire extinguishing systems which are part of a water system extension will be permitted and inspected as part of the water system extension permit. Underground automatic fire extinguishing systems installed as part of a remodel, retrofit or change of use will be permitted in accordance with the Chapter 15.36 BLMC.

Section 4. BLMC § 15.20.120 is hereby amended to read as follows:

A. An application for a permit shall be made, ~~in writing,~~ and filed with the Bonney Lake ~~Planning and~~ Community Development department and will be valid for 210 days. ~~B. The applications for permits shall be on a form approved by the Director in accordance with Chapter~~

15.36 BLMC. ~~The application form shall be provided by the city and shall require the applicant or engineer to provide the following information:~~

- ~~1. Identify and describe the work to be covered by the permit;~~
- ~~2. Provide a legal description of the site on which the work is to be done, including all tax parcel numbers;~~
- ~~3. Indicate the estimated quantities of work involved;~~
- ~~4. Provide a site plan showing the location of the property, adjacent public roads, general layout of the proposed work and preliminary topographic information; and~~
- ~~5. Be signed by the applicant or his legally authorized representative.~~

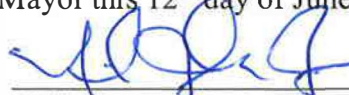
B. When work occurs on a site not under the control or ownership of the applicant, the property owner shall also sign the application and shall be responsible for all work that occurs on the property.

C. The applicant may provide additional information, as appropriate, to identify the scope of work.

D. Comments regarding the application and requirements for additional studies, plans, information or reports will be made by the city to the applicant within 30 days after proper submittal is made to the Bonney Lake planning/building department


Section 5. This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this 12th day of June, 2012.



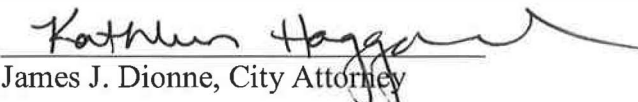
Neil Johnson, Jr., Mayor

ATTEST:



Harwood Edvalson, CMC, City Clerk

APPROVED AS TO FORM:



James J. Dionne, City Attorney

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 12 June 2012	Agenda Bill Number: AB12-53
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D12-53	Councilmember Sponsor:

Agenda Subject: Adoption of a new Chapter 15.36 of BLMC related to Civil plan review.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 15.36 And Amending Sections 3.68, 15.16 And 15.20 Of The Bonney Lake Municipal Code Related To Civil Construction Permitting.

Administrative Recommendation:

Background Summary: City Council added this as an item on the Planning Commission workplan in December, 2010. Prior to adopting set fees, staff review of Civil plans was covered through the deposit system and billing to the applicant. Also, there was no codified process for reviewing these plans or articulation of expiration dates, etc. this ordinance establishes the Civil plan review process as well as items related to permit review such as expiration dates of plans.
Attachments: Ordinance D12-53

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	Consent Agenda:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Commission/Board Review: 6 Apr 2011			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): 5 June 2012	Public Hearing Date(s):
Meeting Date(s): 24 Apr 2012	Tabled to Date:

APPROVALS		
Director: John P. Vodopich, AICP	Mayor:	Date Reviewed by City Attorney: (if applicable):