

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 920 - Repealing and Replacing Shoreline Municipal Code Chapter 3.01 – Fee Schedule
DEPARTMENT:	City Attorney’s Office Administrative Services
PRESENTED BY:	Margaret King, City Attorney Rick Kirkwood, Budget & Tax Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On February 22, 2021, staff presented proposed Ordinance No. 920, repealing and replacing Shoreline Municipal Code Chapter 3.01 – Fee Schedule, proposed Ordinance No. 921, establishing a fee schedule for Impact Fees, and proposed Resolution No. 471, adopting a fee schedule, to the City Council. The staff report for this Council discussion is available at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport022221-9b.pdf>.

The City’s Fee Schedule, codified at Shoreline Municipal Code (SMC) Chapter 3.01, which establishes various rates, fees, costs, and charges for City services and related items, has historically been reviewed and updated for the upcoming fiscal year through the City’s budget process. As such, it has also been included with the ordinance adopting the City’s budget. This has provided some challenges as various indices used to calculate changes in rates, such as much of the solid waste rate schedule in SMC 3.01.500, are not available until late in the budget process, thereby making it impossible to include such a schedule in the proposed budget book. Another challenge is the ability to amend the Fee Schedule in a timely manner, as it also requires the budget ordinance be amended, thereby making for an unnecessary and cumbersome process. Lastly, there are various provisions throughout the SMC that reference specific sections of SMC Chapter 3.01 that have not been amended to reflect the evolution of the Fee Schedule.

Amending SMC Chapter 3.01 to allow for the adoption of the Fee Schedule (except for impact fees) by resolution of the City Council would allow for a more timely and efficient process that would not impact the Budget Ordinance when amendments are needed. To accomplish this, three actions would be required by the City Council:

- Proposed Ordinance No. 920 (Attachment A) would repeal and replace SMC Chapter 3.01 to provide for adoption of a Fee Schedule by resolution for general

rates, fees, and costs and the adoption of a Fee Schedule by ordinance for impact fees as required by Revised Code of Washington (RCW) Chapter 82.02. This proposed Ordinance also provides for amendments to sections of the SMC necessary to ensure the correct citation is referenced.

- Proposed Ordinance No. 921, included on tonight's agenda as a separate item, would establish the rates and costs for all of the City's impact fees – parks, transportation, and fire. As noted above, this is required to be adopted by ordinance by state law.
- Proposed Resolution No. 471, included on tonight's agenda as a separate item, would establish the Fee Schedule for rates, fees, costs, and charges for City services and related items that were previously adopted through the budget ordinance process (last established by Ordinance No. 903).

Adoption of the above three pieces of legislation are proposed to occur concurrently.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact associated with tonight's discussion.

RECOMMENDATION

Staff recommends that City Council adopt Ordinance No. 920, repealing and replacing Shoreline Municipal Code Chapter 3.01 – Fee Schedule.

ATTACHMENTS:

Attachment A: Proposed Ordinance No. 920, including Exhibit A and Exhibit B

Approved By: City Manager **DT** City Attorney **MK**

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPEALING CHAPTER 3.01 FEE SCHEDULE OF THE SHORELINE MUNICIPAL CODE AND REPLACING WITH A NEW CHAPTER 3.01 FEE SCHEDULE; AND AMENDING VARIOUS SECTIONS OF THE SHORELINE MUNICIPAL CODE TO AMENDED REFERENCING CITATIONS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, included in the ordinance adopting the City's Budget ("Budget Ordinance"), the City Council has adopted a Fee Schedule, codified at Shoreline Municipal Code (SMC) Chapter 3.01, establishing various rates, fees, costs, and charges for City services and related items; and

WHEREAS, subsequent amendments to the Fee Schedule requires amending the Budget Ordinance solely because the Fee Schedule is adopted as part of the Budget Ordinance, making for an unnecessary and cumbersome process; and

WHEREAS, by amending SMC Chapter 3.01 to allow for the adoption of the Fee Schedule, except for impact fees, by resolution of the City Council would allow for a more timely and efficient process that would not impact the Budget Ordinance when amendments are needed; and

WHEREAS, to accomplish this, SMC Chapter 3.01 as it currently exists should be repealed and replaced with a new SMC Chapter 3.01 that provides for the adoption of the Fee Schedule by resolution and adoption of the Fee Schedule for Parks, Fire, and Transportation Impact Fees by ordinance as required by RCW Chapter 82.02; and

WHEREAS, various provisions in the SMC reference specific sections of SMC Chapter 3.01 that, upon repeal and replacement, will no longer exist; amendment to these sections is necessary to ensure the correct citation is referenced; and

WHEREAS, concurrent with the adoption of this Ordinance is Ordinance No. 921, establishing the Fee Schedule for Parks, Fire, and Transportation Impact Fees and Resolution No. 471, establishing the Fee Schedule for rates, fees, costs, and charges for City services and related items;

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

Section 1. Repeal and Replace. SMC Chapter 3.01 Fee Schedule is repealed in its entirety and replaced with a new SMC Chapter 3.01 Fee Schedule as set forth in Exhibit A to this Ordinance.

Section 2. Amendment of Shoreline Municipal Code. The Shoreline Municipal Code, as set forth in Exhibit B to this Ordinance, is adopted. This amendment pertains to SMC Chapters 2.35, 3.70, 3.80, 3.85, 5.07, 5.10, 5.15, 6.05, 6.10, 6.15, 6.20, and 13.14.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MARCH 15, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On behalf of Margaret King, City Attorney

Date of Publication:
Effective Date:

Chapter 3.01 Fee Schedules

The following sections of Chapter 3.01 are repealed in their entirety and replaced as provided.

REPEAL:

- 3.01.010 Planning and community development.
- 3.01.015 Transportation impact fees.
- 3.01.016 Park impact fees.
- 3.01.017 Fire impact fees.
- 3.01.020 Fire – Operational.
- 3.01.025 Affordable housing fee in lieu.
- 3.01.100 Animal licensing and service fees.
- 3.01.200 Business license fees.
- 3.01.205 Filmmaking permit fees.
- 3.01.210 Hearing examiner fees.
- 3.01.220 Public records.
- 3.01.300 Parks, recreation and cultural services.
- 3.01.400 Surface water management rate table.
- 3.01.500 Solid waste rate schedule.
- 3.01.800 Fee waiver.
- 3.01.810 Collection fees (financial).
- 3.01.820 Annual adjustments.

REPLACE WITH:

3.01.010 Fee Schedule

A. Fees, charges, costs, and rates for services provided by the City shall be established by the City Council pursuant to such periodic resolutions as the city council, from time to time, updates and approves. Such fees, changes, costs, and rates include, but are not limited to, building and planning permits, right-of-way use permits, wastewater permits, licensing of businesses and animals, use of park and recreation facilities, solid waste collection, surface water management, and in-lieu of fees.

B. Impact Fees for Transportation, Parks, and Fire shall be established by ordinance adopted from time to time by the City Council consistent with SMC Chapters 3.70, 3.75, and 3.80.

3.01.020 Fee waiver.

The city manager or designee is authorized to waive fees for the following types of permits as a city contribution toward events which serve the community and are consistent with adopted city programs:

A. Right-of-way permits issued pursuant to SMC Chapter 12.15

B. Facility use permits issued pursuant to SMC 8.12.040

C. Concessionaire permits issued pursuant to SMC 8.12.130

D. The city manager is authorized to designate collection points in the City Hall lobby or Spartan Recreation Center for any charitable organization, without charge, to be used for the donation of food or goods that will benefit Shoreline residents in need.

3.01.030 Annual adjustments.

Increases of the fees contained in the Fee Schedule adopted pursuant to this chapter shall be calculated on an annual basis by January 1st of each year by the average for the period that includes the last six months of the previous budget year and the first six months of the current budget year of the Seattle-Tacoma-Bellevue Consumer Price Index for all urban consumers (CPI-U), unless the Shoreline Municipal Code calls for the use of another index/other indices, the fee is set by another agency, or specific circumstances apply to the calculation of the fee. The appropriate adjustment shall be calculated each year and included in the city manager's proposed budget. The city manager may choose to not include the calculated adjustments in the city manager's proposed budget and the city council may choose to not include the calculated adjustments in the adopted budget for select fees in any individual budget year without impacting the full force of this section for subsequent budget years. The annual adjustments to the fees established by this chapter shall be rounded as appropriate to ensure efficient administration of fee collection.

CHAPTER 2.35 PUBLIC RECORDS

2.35.060 Reimbursement for copying costs.

A. A requestor may obtain paper copies or electronic scans of public records under RCW [42.56.120](#); the city will charge for these according to the public records fee schedule ~~adopted in SMC [3.01.220](#)~~ established by resolution of the City Council pursuant to SMC 3.01.

CHAPTER 3.70 IMPACT FEES FOR PARKS, OPEN SPACE, AND RECREATION FACILITIES

3.70.020 Definitions.

“Fee Schedule” means the impact fee rates and changes established by ordinance of the City Council pursuant to SMC 3.01.

“Independent fee calculation” means the impact fee calculation, studies and data submitted by an applicant to support the assessment of a parks, open space, and recreation impact fee other than by the use of the rates ~~published in SMC 3.01.016(A)~~, set forth in the Fee Schedule or the calculations prepared by the director where none of the fee categories or fee amounts ~~in SMC 3.01.016~~ the Fee Schedule accurately describe or capture the impacts on park facilities of the development authorized by the building permit.

3.70.040 Impact fees methodology and applicability.

The parks, open space, and recreation impact fees ~~in SMC 3.01.016~~ set forth in the Fee Schedule are generated from the formulae for calculating parks, open space, and recreation impact fees set forth in the rate study. Except as otherwise provided for independent fee calculations in SMC 3.70.060, exemptions in SMC 3.70.070, and credits in SMC 3.70.080, all building permits issued by the city will be charged impact fees applicable to the type of development listed in the ~~schedule adopted pursuant to SMC 3.01.016~~ Fee Schedule.

3.70.050 Collection of impact fees.

A. The city shall collect impact fees for parks, open space, and recreation, based on the rates ~~in SMC 3.01.016~~, set forth in the Fee Schedule from any applicant seeking a building permit from the city unless specifically exempted in SMC 3.70.070.

B. When an impact fee applies to a building permit for a change of use of an existing building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use. The preceding use shall be determined by the most recent legally established use based on a locally owned business license and development permit documents.

1. For purposes of this provision, a change of use should be reviewed based on the land use category provided in the rate study that best captures the broader use or development activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations (i.e., “industrial park,” or “specialty retail”), or the previous use, shall not be considered a change of use that is subject to an impact fee.

2. If no impact fee was paid for the immediately preceding use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.

3. If the calculated impact fee is a negative amount, the applicant will not be required to pay impact fees nor will the applicant be compensated by the city for a negative impact fee.

C. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use, based on the applicable measurement in the impact fee rates ~~in SMC 3.01.016~~ set forth in the Fee Schedule.

D. Impact fees shall be determined at the time the complete application for a building permit is submitted using the impact fees then in effect. Except as provided in subsection F of this section, impact fees shall be due and payable before the building permit is issued by the city.

E. Applicants allowed credits prior to the submittal of the complete building permit application shall submit, along with the complete application, a copy of the letter prepared by the director setting forth the dollar amount of the credit allowed.

F. Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or 18 months from the date of original building permit issuance, whichever occurs first. Deferral of impact fees are considered under the following conditions:

1. An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.
2. For the purposes of this deferral program, the following definitions apply:
 - a. "Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
 - b. "Single-family residence" means a permit for a single-family dwelling unit, attached or detached, as defined in SMC 20.20.016.
3. To receive a deferral, an applicant must:
 - a. Submit a deferred impact fee application and acknowledgment form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;
 - b. Pay the applicable administrative fee;
 - c. Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the city against the property in favor of the city in the amount of the deferred impact fee that:

Ordinance 920 Attachment A, Exhibit B

- i. Includes the legal description, tax account number, and address of the property;
 - ii. Requires payment of the impact fees to the city prior to final inspection or 18 months from the date of original building permit issuance, whichever occurs first;
 - iii. Is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded in King County;
 - iv. Binds all successors in title after the recordation; and
 - v. Is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
4. The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.
5. Prior to final inspection or 18 months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.
6. The city shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the city shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at their expense.
7. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.
8. If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the city may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.

9. Each applicant for a single-family attached or detached residential building permit, in accordance with their contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 21 single-family residential construction building permits.

10. The city shall collect an administrative fee from the applicant seeking to defer the payment of impact fees under this section as ~~provided in SMC 3.01.016(B)~~ set forth in the Fee Schedule.

3.70.060 Independent fee calculations.

A. If, in the judgment of the director, none of the fee categories set forth in ~~SMC 3.01.016~~ the Fee Schedule accurately describes or captures the impacts of a new development on park facilities, the director may conduct independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.

B. An applicant may opt not to have the impact fees determined according to the fee structure in ~~SMC 3.01.016~~ in the Fee Schedule, in which case the applicant shall prepare and submit to the director an independent fee calculation for the development for which a building permit is being sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees ~~adopted pursuant to SMC 3.01.016~~ in the Fee Schedule.

C. There is a rebuttable presumption that the calculations set forth in the rate study are valid. The director shall consider the documentation submitted by the applicant, but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate, incomplete, or unreliable. The director may require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative

fees and the calculations therefor shall be set forth in writing and shall be mailed to the applicant.

3.70.090 Adjustments for future tax payments and other revenue sources.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for future taxes to be paid by the development authorized by the building permit which are earmarked or proratable to the same new park facilities which will serve the new development. The impact fees ~~in SMC 3.01.016~~ set forth in the Fee Schedule have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund parks, open space, and recreation improvements.

3.70.130 Review and adjustment of rates.

A. The fees and rates set forth in the rate study may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the budget process so that adjustments, if any, will be effective at the first of the calendar year subsequent to budget period under review.

B. Consistent with SMC ~~3.01.030~~ 3.01.820, the director shall adjust the fees by the same percentage changes as in the most recent annual change of the Construction Cost Index published in the Engineering News-Record (ENR) for the Seattle area.

Chapter 3.75 IMPACT FEES FOR FIRE PROTECTION FACILITIES

3.75.040 Definitions.

“Fee Schedule” means the impact fee rates and changes established by ordinance of the City Council pursuant to SMC 3.01.

“Independent fee calculation” means the impact fee calculation, studies and data submitted by an applicant to support the assessment of a fire impact fee other than by the use of the rates ~~published in SMC 3.01.017(A), set forth in the Fee Schedule,~~ or the calculations prepared by the fire chief where none of the fee categories or fee amounts in ~~SMC 3.01.017(A)~~ the Fee Schedule accurately describe or capture the impacts on fire protection facilities of the development authorized by the building permit.

3.75.060 Collection of impact fees.

A. The city shall collect impact fees for fire protection facilities, based on the rates provided by the fire department and ~~adopted in SMC 3.01.017~~ set forth in the Fee Schedule, from any applicant seeking a building permit unless specifically exempted in SMC 3.75.070. The city shall also collect an administrative fee from the applicant as ~~provided in SMC 3.01.017(B), set forth~~ in the Fee Schedule

B. When an impact fee applies to a building permit for a change of use of an existing building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use. The preceding use shall be determined by the most recent legally established use based on a locally owned business license and development permit documents.

1. For purposes of this provision, a change of use should be reviewed based on the land use category that best captures the broader use or development activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations (i.e., “industrial park,” or “specialty retail”), or the previous use, shall not be considered a change of use that is subject to an impact fee.

Ordinance 920 Attachment A, Exhibit B

2. If no impact fee was paid for the immediately preceding use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.

3. If the calculated impact fee is a negative amount, the applicant will not be required to pay impact fees nor will the applicant be compensated by the city for a negative impact fee.

C. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use, based on the applicable measurement in the impact fee rates in ~~SMC 3.01.017(A)~~ the Fee Schedule.

D. Impact fees shall be estimated at the time the complete application for a building permit is submitted using the impact fee rates then in effect. Except as provided in subsection F of this section, impact fees shall be due and payable before the building permit is issued by the city.

E. Applicants allowed credits pursuant to SMC 3.75.080 shall submit documentation from the fire department setting forth the credits allowed prior to building permit issuance. Credits shall be applied at the time of impact fee collection unless otherwise authorized by the fire department.

F. Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or 18 months from the date of original building permit issuance, whichever occurs first. Deferral of impact fees are considered under the following conditions:

1. An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.

2. For the purposes of this deferral program, the following definitions apply:

a. "Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

Ordinance 920 Attachment A, Exhibit B

b. "Single-family residence" means a permit for a single-family dwelling unit, attached or detached, as defined in SMC 20.20.016.

3. To receive a deferral, an applicant must:

a. Submit a deferred impact fee application and acknowledgment form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;

b. Pay the applicable administrative fee;

c. Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the city against the property in favor of the city in the amount of the deferred impact fee that:

i. Includes the legal description, tax account number, and address of the property;

ii. Requires payment of the impact fees to the city prior to final inspection or 18 months from the date of original building permit issuance, whichever occurs first;

iii. Is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded in King County;

iv. Binds all successors in title after the recordation; and

v. Is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

4. The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.

5. Prior to final inspection or 18 months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.

Ordinance 920 Attachment A, Exhibit B

6. The city shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the city shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at their expense.

7. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.

8. If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the city may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.

9. Each applicant for a single-family attached or detached residential building permit, in accordance with their contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 21 single-family residential construction building permits.

10. The city shall collect an administrative fee from the applicant seeking to defer the payment of impact fees under this section as provided in ~~SMC 3.01.017(B)~~. the Fee Schedule.

3.75.065 Independent fee calculations.

A. If, in the judgment of the fire chief, none of the fee categories set forth in ~~SMC 3.01.017(A)~~ the Fee Schedule accurately describes or captures the impacts of a new development on fire protection facilities, the fire chief may conduct an independent fee calculation and the fire chief may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be provided to the applicant and to the city prior to building permit issuance.

B. An applicant may opt not to have the impact fees determined according to the fee structure in ~~SMC 3.01.017~~ in the Fee Schedule, in which case the applicant shall prepare and submit to

Ordinance 920 Attachment A, Exhibit B

the fire chief an independent fee calculation for the development for which a building permit is being sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees ~~adopted pursuant to SMC 3.01.017~~ in the Fee Schedule.

The fire chief shall consider the documentation and any other additional documentation requested in order to analyze the independent fee calculation. The fire chief is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations therefor shall be set forth in writing and shall be provided to the applicant and to the city prior to building permit issuance. The city shall collect an administrative fee from the applicant seeking to an independent fee calculation under this section as provided in ~~SMC 3.01.017(B)~~ the Fee Schedule.

Chapter 3.80 IMPACT FEES FOR TRANSPORTATION

“Fee Schedule” means the impact fee rates and changes established by ordinance of the City Council pursuant to SMC 3.01.

“Independent fee calculation” means the impact fee calculation, studies and data submitted by an applicant to support the assessment of a transportation impact fee other than by the use of the rates ~~published in SMC 3.01.015(A)~~ established pursuant to the Fee Schedule, or the calculations prepared by the director where none of the fee categories or fee amounts in ~~SMC 3.01.015~~ the Fee Schedule accurately describe or capture the impacts on transportation facilities of the development authorized by the building permit.

3.80.040 Impact fees methodology and applicability.

The transportation impact fees in ~~SMC 3.01.015~~ the Fee Schedule are generated from the formulae for calculating transportation impact fees set forth in the rate study. Except as otherwise provided for independent fee calculations in SMC 3.80.060, exemptions in SMC 3.80.070, and credits in SMC 3.80.080, all building permits issued by the city will be charged impact fees applicable to the type of development listed in the Fee Schedule ~~fee schedule adopted pursuant to SMC 3.01.015~~. [Ord. 792 § 2 (Exh. A), 2017]

3.80.050 Collection of impact fees.

A. The city shall collect impact fees for transportation, based on the rates in ~~SMC 3.01.015~~ the Fee Schedule, from any applicant seeking a building permit from the city unless specifically exempted in SMC 3.80.070.

B. When an impact fee applies to a building permit for a change of use of an existing building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use. The preceding use shall be determined by the most recent legally established use based on a locally owned business license and development permit documents.

1. For purposes of this provision, a change of use should be reviewed based on the land use category provided in the rate study that best captures the broader use or development

Ordinance 920 Attachment A, Exhibit B

activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations (i.e., “industrial park,” or “specialty retail”), or the previous use, shall not be considered a change of use that is subject to an impact fee.

2. If no impact fee was paid for the immediately preceding use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.

3. If the calculated impact fee is a negative amount, the applicant will not be required to pay impact fees nor will the applicant be compensated by the city for a negative impact fee.

C. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use, based on the applicable measurement in the impact fee rates in ~~SMC 3.01.015~~ the Fee Schedule.

D. Impact fees shall be determined at the time the complete application for a building permit is submitted using the impact fees then in effect. Impact fees shall be due and payable before the building permit is issued by the city.

E. Applicants allowed credits prior to the submittal of the complete building permit application shall submit, along with the complete application, a copy of the letter prepared by the director setting forth the dollar amount of the credit allowed.

F. Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or 18 months from the date of original building permit issuance, whichever occurs first. Deferral of impact fees is considered under the following conditions:

1. An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.

2. For the purposes of this deferral program, the following definitions apply:

Ordinance 920 Attachment A, Exhibit B

- a. "Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
- b. "Single-family residence" means a permit for a single-family house as set forth in ~~SMC 3.01.015(A)~~ the Fee Schedule, ITE Code 210.

3. To receive a deferral, an applicant must:

- a. Submit a deferred impact fee application and acknowledgment form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;
- b. Pay the applicable administrative fee;
- c. Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the city against the property in favor of the city in the amount of the deferred impact fee that:
 - i. Includes the legal description, tax account number, and address of the property;
 - ii. Requires payment of the impact fees to the city prior to final inspection or 18 months from the date of original building permit issuance, whichever occurs first;
 - iii. Is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded in King County;
 - iv. Binds all successors in title after the recordation; and
 - v. Is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

4. The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.

Ordinance 920 Attachment A, Exhibit B

5. Prior to final inspection or 18 months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.

6. The city shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the city shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at their expense.

7. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.

8. If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the city may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.

9. Each applicant for a single-family attached or detached residential construction permit, in accordance with their contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 21 single-family residential construction building permits.

10. The city shall collect an administrative fee from the applicant seeking to defer the payment of impact fees under this section as provided in ~~SMC 3.01.015(B)~~ the Fee Schedule.

3.80.060 Independent fee calculations.

A. If, in the judgment of the director, none of the fee categories set forth in ~~SMC 3.01.015~~ the Fee Schedule accurately describes or captures the impacts of a new development on transportation facilities, the director may conduct independent fee calculations and the director may impose alternative fees on a specific development based on those calculations.

Ordinance 920 Attachment A, Exhibit B

The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.

B. An applicant may opt not to have the impact fees determined according to the fee structure in ~~SMC 3.01.015~~ the Fee Schedule, in which case the applicant shall prepare and submit to the director an independent fee calculation for the development for which a building permit is being sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees ~~adopted pursuant to SMC 3.01.015~~ in the Fee Schedule, and shall be limited to adjustments in trip generation rates and lengths for transportation impact fees.

C. There is a rebuttable presumption that the calculations set forth in the rate study are valid. The director shall consider the documentation submitted by the applicant, but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate, incomplete, or unreliable. The director may require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations therefor shall be set forth in writing and shall be mailed to the applicant.

3.80.090 Adjustments for future tax payments and other revenue sources.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for future taxes to be paid by the development authorized by the building permit which are earmarked or proratable to the same new transportation facilities which will serve the new development. The impact fees ~~in SMC 3.01.015~~ set forth in the Fee Schedule have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund transportation improvements.

3.80.130 Review and adjustment of rates.

A. The fees and rates set forth in the rate study may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the budget process so that

Ordinance 920 Attachment A, Exhibit B

adjustments, if any, will be effective at the first of the calendar year subsequent to budget period under review.

B. Consistent with SMC 3.01.030 ~~3.01.820~~, the director shall adjust the fees by the same percentage changes as in the most recent annual change of the Construction Cost Index published in the Engineering News-Records (ENR) for the Seattle area.

Chapter 5.07 Regulatory Business Licenses

5.07.020 Definitions – General

E. “Fee Schedule” means the impact fee rates and changes established by resolution of the City Council pursuant to SMC 3.01.

E. F. “License” is legal permission to operate or own a specified thing, or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

F. G. “Person” includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations, or any officer, agent, employee, or any kind of personal representative of any officer, agent, employee thereof, in any capacity, acting either for themselves, or any other person, under either personal appointment or pursuant to the law.

G. H. “Premises” includes all lands, structures and places, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises

5.07.080 License renewal – Late fee.

Ordinance 920 Attachment A, Exhibit B

A late penalty shall be charged on all applications for renewal of a license received later than 10 working days after the expiration date of such license as set forth in the Fee Schedule SMC 3.01.035.

Chapter 5.10 Adult Cabarets

5.10.010 Definitions

H. "Fee Schedule" means the impact fee rates and changes established by resolution of the City Council pursuant to SMC 3.01.

H. I. "Liquor" means all beverages defined in RCW 66.04.010(20).

I. "Manager" means any person who manages, directs, administers or is in charge of the business affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult cabaret, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

K. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to a cabaret.

J. "Operator" means any person, licensed under this chapter, operating, conducting or maintaining an adult cabaret.

K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

~~L. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to a cabaret.~~

Ordinance 920 Attachment A, Exhibit B

~~M~~. N. "Sexual conduct" means any act or acts of:

1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
2. Any penetration of the vagina or anus, however slight, by an object; or
3. Any contact between persons involving the sex organs, whether clothed or unclothed, of one person and the mouth or anus, whether clothed or unclothed, of another; or
4. Masturbation, manual or instrumental, of oneself or of one person by another; or
5. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

5.10.040 Adult cabaret licenses.

A. Adult Cabaret Operator's License.

1. All applications for an adult cabaret operator's license shall be submitted to the clerk in the name of the person or entity proposing to conduct an adult cabaret on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, and shall be complete when the following information and submittals are provided:
 - a. For each applicant: names; any aliases or previous names; driver's license number, if any; Social Security number, if any; business, mailing, and residential address; and business and residential telephone number.
 - b. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
 - c. Whether the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

Ordinance 920 Attachment A, Exhibit B

- d. A summary of the business history of each applicant owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.
- e. For each applicant, any and all criminal convictions or forfeitures within two years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.
- f. For each applicant, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
- g. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
- h. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.
- i. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:
- i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
 - iii. An official passport or military ID issued by the United States of America;
 - iv. An immigration card issued by the United States of America.
- j. A scale drawing or diagram showing the proposed configuration of the premises for the adult cabaret, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult cabaret shall include building plans which demonstrate conformance with SMC 5.10.070(C).

Ordinance 920 Attachment A, Exhibit B

- k. A nonrefundable application fee as set forth in the ~~business license fee schedule in SMC 3.01.035~~ Fee Schedule must be paid at the time of filing an application in order to defray the costs of processing the application.
2. Notification of the acquisition of new general partners, managing members, officers or directors, subsequent to the issuance of an adult cabaret license, shall be provided in writing to the city clerk no later than 21 days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.
 3. The adult cabaret license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret so that it can be easily read at any time the business is open.
 4. No person granted an adult cabaret license pursuant to this chapter shall operate the adult cabaret business under a name not specified on the license, nor shall any person operate an adult cabaret under any designation or at any location not specified on the license.
 5. Upon receipt of any complete application and fee, the clerk shall provide copies to the police department, and to other appropriate city departments or contractors, for a full investigation and review to determine compliance of the proposed adult cabaret with this chapter and other applicable laws. Each adult cabaret operator's license shall be issued with a notification that it shall be subject to revocation for noncompliance of the premises with building and zoning codes and this chapter.
 6. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted with the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises must be inspected prior to occupancy, and determined to be in substantial conformance with the drawings submitted with the application and other applicable building and development regulations.
 7. An adult cabaret operator's license shall be issued or the application denied by the clerk within 14 days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has failed to meet any of the requirements of this chapter or

Ordinance 920 Attachment A, Exhibit B

provide any information required under this subsection, or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. Upon request of the applicant, the clerk shall grant an extension of time, up to but not to exceed 20 additional days, in which to provide all information required for license application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. If the clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult cabaret operator's license, the clerk shall issue a notice of nonissuance in writing, and shall cite the specific reasons therefor.

8. No person granted a license pursuant to this chapter shall operate the adult cabaret under a name not specified in the license, nor shall they conduct business under any designation or location not specified in the license.

B. Adult Cabaret Manager's License.

1. No person shall work as a manager at an adult cabaret without an applicable manager's license issued by the city. Each applicant for a manager's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee as set forth in the ~~business license fee schedule in SMC 3.01.035~~ the Fee Schedule shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.
- b. The name and address of each business at which the applicant intends to work as a manager.
- c. Documentation that the applicant has attained the requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth;

Ordinance 920 Attachment A, Exhibit B

- iii. An official passport or military ID issued by the United States of America; or
 - iv. An immigration card issued by the United States of America.
 - d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within two years immediately preceding the date of the application, except parking violations or minor traffic infractions.
 - e. A description of the applicant's principal activities or services to be rendered.
 - f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.
2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.
 3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter.
 4. A manager's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of a manager's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an adult cabaret manager in a duly licensed adult cabaret until notified, in writing, by the clerk that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision.

C. Entertainer's License.

1. No person shall work as an entertainer at an adult cabaret without an applicable entertainer's license issued by the city. Each applicant for an entertainer's license shall complete an application on forms provided by the city containing the information identified

Ordinance 920 Attachment A, Exhibit B

below. A nonrefundable application fee as set forth in the ~~business license fee schedule in SMC 3.01.035~~ Fee Schedule shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for an entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The entertainer's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.
 - b. The name and address of each business at which the applicant intends to work as an entertainer.
 - c. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
 - iii. An official passport or military ID issued by the United States of America; or
 - iv. An immigration card issued by the United States of America.
 - d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within two years immediately preceding the date of the application, except parking violations or minor traffic infractions.
 - e. A description of the applicant's principal activities or services to be rendered.
 - f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.
2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.
 3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter. An entertainer's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to

Ordinance 920 Attachment A, Exhibit B

provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of an entertainer's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an entertainer in a duly licensed adult cabaret until notified, in writing, by the clerk that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision.

4. Name, address, phone numbers and other identifying information shall be redacted from

5.10.080 License term – Assignment – Renewals.

A. Licenses shall expire one year from the date of issue.

B. Application for renewal of licenses issued hereunder shall be made to the clerk no later than 30 days prior to the expiration of adult cabaret licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the clerk an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as set forth in the ~~business license fee schedule in SMC 3.01.035~~ Fee Schedule.

C. The clerk shall renew a license upon receipt of a complete application and fee, and subject to compliance with the provisions of SMC 5.10.040 regarding original licenses.

applications disclosed in response to a public records request.

Chapter 5.15 Panoram Devices

5.15.050 License fee – Terms – Assignment – Renewals.

Ordinance 920 Attachment A, Exhibit B

A. The license year for licenses under this chapter shall be one year from the date of issue. Except as hereinafter provided, all license fees under this chapter shall be payable on an annual basis. Annual license fees are set forth in the ~~business license fee schedule in SMC 3.01.035~~ Fee Schedule.

B. License fees under subsection A of this section shall not be prorated, except that if the original application of a license is made subsequent to June 30th in any year, the license fee for the remainder of that year shall be one-half of the annual license fee. Licenses issued under this chapter may not be assigned or transferred to other premises, operators or devices.

C. On or before December 31st of each year, a licensee under this chapter shall file an application for renewal of each license they wish to use in the next license year. An application for renewal of a license shall be filed in the same manner as an original application for such a license, and shall be accompanied by a renewal fee in an amount equal to the license fee applicable to an original application for such a license under this section. On renewal applications filed after December 31st, the clerk shall assess and collect an additional charge as set forth in the ~~business license fee schedule in Chapter 3.01 SMC~~ Fee Schedule.

TITLE 6 Animal Control Regulations

Chapter 6.05 General Regulations

6.05.020 Definitions

“Fee Schedule” means the impact fee rates and changes established by resolution of the City Council pursuant to SMC 3.01.

→ **Realign all others.**

Chapter 6.10 Dog and Cat Regulations

6.10.010 Licenses – Required – Issuance – Penalty – Fee use – Improper checks – Exceptions.

A. All dogs and cats eight weeks old and older that are harbored, kept or maintained in the city of Shoreline shall be licensed and registered with the animal care and control authority.

Licenses shall be renewed on or before the date of expiration.

B. Upon application and the payment of a license fee made payable to the animal care and control authority as provided in the Fee Schedule ~~city's official fee schedule, SMC 3.01.012~~, pet licenses shall be issued by the animal care and control authority and may be issued by animal shelters, veterinarians, pet shops, catteries and kennels and other approved locations, under contract with the animal care and control authority.

1. Pet licenses for dogs and cats shall be valid for a term of one year from issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.
2. Juvenile licenses may be obtained in lieu of an unaltered pet license for pets from eight weeks to six months old.
3. City of Shoreline residents 65 years old or older may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address. Residents 65 years old or older who have previously obtained a special permanent license for their cats or dogs shall not be required to purchase a new license for the permanently licensed animals.
4. Residents with disabilities that meet the eligibility requirements of the animal care and control authority may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address.
5. Applications for a pet license shall be on forms provided by the animal care and control authority.

Ordinance 920 Attachment A, Exhibit B

6. License tags shall be worn by dogs at all times. As an alternative to a license tag, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the animal care and control authority.

7. Owners of dogs or cats who hold valid licenses from other jurisdictions and who move into the city of Shoreline may transfer the license by paying a transfer fee to the animal care and control authority. The license shall maintain the original license's expiration date.

8. It is a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The animal care and control authority shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred the pet.

9. An applicant may be denied the issuance or renewal of a pet license if the applicant was previously found in violation of the [animal cruelty provisions of SMC 6.30.020](#) or convicted of [animal cruelty under RCW 16.52.205 or 16.52.207 or SMC 9.10.170](#).

a. An applicant may be denied the issuance or renewal of a pet license for up to:

i. Four years, if found in violation of the animal cruelty provisions of SMC [6.30.020](#) or convicted of a misdemeanor under RCW [16.52.207](#) or SMC [9.10.170](#); or

ii. Indefinitely, if convicted of a felony under RCW [16.52.205](#).

b. Any applicant who is either the subject of a notice and order under SMC [6.40.030](#) or charged with animal cruelty under RCW [16.52.205](#) or [16.52.207](#) may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

Ordinance 920 Attachment A, Exhibit B

10. The denial of the issuance or renewal of a pet license is subject to appeal, in accordance with SMC 6.40.070.

11. Cat or dog owners are subject to a penalty according to the schedule provided in SMC 6.40.060 for failure to comply with the licensing requirement in this section.

C. A late fee shall be charged on all pet license applications, according to the Fee Schedule ~~schedule provided in the city's official fee schedule, SMC 3.01.012.~~

D. Any license or penalty paid for with checks for which funds are insufficient or with checks for which payment is stopped is, in the case of the license, invalid; and in the case of the penalty, still outstanding.

E. This section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents temporarily within the city of Shoreline for a period not exceeding 30 days.

Chapter 6.15 Guard Dog Regulations

6.15.010 Guard dog purveyor – License – Fee.

A. It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license to do so issued to the person, firm or corporation by the animal care and control authority. Only a person who complies with this chapter and such rules and regulations of the animal care and control authority as may be adopted in accordance with this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. The licenses shall be valid for one year from issue.

B. The cost of the license shall be as provided in Fee Schedule ~~the city's official fee schedule, SMC 3.01.012.~~ However, if the guard dog purveyor is in possession of a valid animal shelter,

Ordinance 920 Attachment A, Exhibit B

kennel or pet shop license, the fee for the guard dog purveyor license shall be reduced by the amount of the animal shelter, kennel or pet shop license

6.15.030 Guard dog trainer – License required – Fee.

It is unlawful for anyone to engage in the training of dogs as guard dogs without a valid license to do so issued to the person by the animal care and control authority. Only a person who complies with this chapter and the rules and regulations of the animal care and control authority shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person for which they were issued. The cost of the license shall be as provided in the Fee Schedule, ~~city's official fee schedule, SMC 3.01.012~~. Licenses shall be valid for one year from issue

6.15.050 Guard dog – Registration – Fee.

All persons using dogs as guard dogs shall register the dogs with the animal care and control authority. The cost of the registration shall be as provided in the Fee Schedule, ~~city's official fee schedule, SMC 3.01.012~~. The registration shall be valid for one year from date of issue. All registrations shall be affixed on the guard dog in such a manner so as to be readily identifiable.

Chapter 6.20 Animal Shelter, Kennel, Cattery, Grooming Service, Pet Shop, Hobby Kennel and Hobby Cattery Regulations

6.20.080 Hobby kennel or hobby cattery licenses – Required – Limitations – Requirements – Issuance and maintenance.

A. All hobby kennels and hobby catteries must be licensed by the animal care and control authority. Licenses shall be valid for one year from the date of application. The fee for the license shall be as provided in the Fee Schedule, ~~city's official fee schedule, SMC 3.01.012~~. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed on or after their respective renewal month. Issuance of a license under this section shall not excuse any requirement to obtain a private animal placement permit. In

Ordinance 920 Attachment A, Exhibit B

addition, each animal that is maintained at a hobby kennel or hobby cattery shall be licensed individually under SMC 6.10.010. Under no circumstances shall the number of dogs or cats in a hobby kennel or hobby cattery exceed 20.

B. Any hobby kennel or hobby cattery license shall limit the total number of adult dogs and cats kept by the hobby kennel or hobby cattery based on:

1. Animal size;
2. Type and characteristics of the breed;
3. The amount of lot area, though the maximum number shall not exceed:
 - a. Five where the lot area is less than 20,000 square feet;
 - b. Seven where the lot area is between 20,000 square feet and 35,000 square feet;
and
 - c. For lots over 35,000 square feet, seven plus an additional three per acre of site area, not to exceed 20;
4. The facility specifications and dimensions in which the dogs and cats are to be maintained;
5. The zoning classification in which the hobby kennel or hobby cattery would be maintained.

C. The following are requirements for hobby kennels and hobby catteries:

1. All open run areas shall be completely surrounded by a six-foot fence set back at least 20 feet from all property lines, though this requirement may be modified for hobby catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section, "open run area" means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be

Ordinance 920 Attachment A, Exhibit B

maintained, where the dogs and cats are sheltered or maintained. If there is no area set aside for sheltering or maintaining the dogs within the property lines of the premises the 20-foot setback does not apply. The property lines of premises not containing an open run area must be completely surrounded by a six-foot fence;

2. No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section;

3. The director of the animal care and control authority may require setback, additional setback, fencing, screening or soundproofing as the director deems necessary to ensure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining the compatibility are:

a. Statements regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for;

b. History of verified animal care and control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for;

c. Facility specifications or dimensions in which the dogs and cats are to be maintained;

d. Animal size, type and characteristics of breed; and

e. The zoning classification of the premises on which the hobby kennel or hobby cattery is maintained;

4. The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license year per female dog and two litters per license year per female cat; and

Ordinance 920 Attachment A, Exhibit B

5. Each dog and cat in the hobby kennel or hobby cattery shall have current and proper immunization from disease according to the dog's and cat's species and age. The immunizations shall consist of distemper, hepatitis, leptospirosis, parainfluenza and parvo virus (DHLPP) inoculation for dogs over three months old and feline herpesvirus 1, calicivirus and panleukopenia virus (FVRCP) inoculation for cats over two months old and rabies inoculations for all dogs and cats over four months old.

D. A hobby kennel or hobby cattery license may be issued only when the director of the animal care and control authority is satisfied that the requirements of subsections (C)(1) through (C)(5) of this section have been met. The license may be terminated if the number of dogs and cats exceeds the number allowed by the animal care and control authority or if the facility fails to comply with any of the requirements of subsections (C)(1) through (C)(5) of this section.

Chapter 13.14 Solid Waste

13.14.010 Definitions

"Fee Schedule" means the impact fee rates and changes established by resolution of the City Council pursuant to SMC 3.01.

→**Realign all subsequent.**

13.14.035 Mandatory collection – Residential property.

Every person in possession, charge, or control of residential property shall be charged for a least the minimum level of solid waste collection service by the authorized collection company at the rates set forth in the Fee Schedule, specified in the solid waste rate schedule set forth in SMC 3.01.500 established whether such person uses such service or not unless an exception applies as provided for in this chapter. Exceptions are as follows:

Ordinance 920 Attachment A, Exhibit B

A. A residential property customer may temporarily suspend solid waste collection service due to vacations or other reasons. Suspensions may be in one-week increments for an indefinite period of time. During the time of suspension, the customer may be charged a standby fee as set forth in the Fee Schedule SMC 3.01.500 but only if the suspension period is greater than two weeks.