

EXHIBIT A

DCLU

Director's Rule 5-2003

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 3	Supersedes: 20-98
	Publication: 5/19/03	Effective: 6/4/03
Subject: Statement of Financial Responsibility for Payment of Fees	Code and Section Reference: Fee Subtitle 22.901A.030 Land Use Code 23.76.010	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Fees; Land Use Code	Approved	Date
	(signature on file) Diane M. Sugimura, Director	6/4/03

I. Background

Section 22.900A.030.C of the Fee Subtitle specifies which parties are legally responsible for payment of permit fees.

Both the applicant for the permit, and the owner of the property for which the permit is required, are jointly and severally responsible for payment of fees required by this subtitle, regardless of whether the permit is issued or whether the application is canceled or denied before permit issuance. However, when an applicant is not the owner and is not acting, even in part, as agent for the owner, the applicant is solely responsible for payment of applicable fees.

Section 23.76.010 of the Land Use Code requires that all Master Use Permit applications be accompanied by a signed statement of financial responsibility in which the applicant and property owner acknowledge responsibility for paying fees.

The purpose of these code sections is to identify who can be held liable for payment of fees and to ensure that DCLU has sufficient information to collect fees that are due on those occasions when payment is in dispute. This rule clarifies the responsibilities of the parties and the use of the Statement of Financial Responsibility form. The form is attached to this rule.

II. Rule

A. Applications for which Statements of Financial Responsibility are required.

1. Statements of Financial Responsibility are required for all applications for which post-issuance site inspections may be required.
2. Statements of Financial Responsibility are required for applications that do not require post-issuance site inspection except:
 - a. Applications that will be approved subject to field inspection;
 - b. Expedited building and mechanical applications;
 - c. Non-expedited building and mechanical applications with a value of \$50,000 or less;
 - d. Revisions of non-expedited applications when the value of the project remains less than \$50,000;
 - e. Renewals of permits for which fees will not be charged on an hourly basis;
 - f. Applications with fixed-value components or for which the entire fee is collected at the time of intake, such as grading and demolition permits.

B. "Applicant" defined.

For purposes of Section 22.901A.030, the term "applicant" means a person or entity that falls within either of the following categories.

- (1) A person or entity with a financial interest in the project. "Applicant" shall not include any person who is acting solely as an employee, contractor, subcontractor or consultant of (a) the property owner; or (b) another person or entity with an independent financial interest in the project.
- (2) A person or entity who is petitioning for a rezone.

C. Required signatures.

The Statement of Financial Responsibility must be signed by both a property owner and an applicant unless they are the same person. DCLU may waive the requirement for signature of the property owner when the application is for a rezone in which the petitioner is not the owner of the property, or when the applicant is a government agency and the site is subject to condemnation.

D. Agents.

Agents submitting applications, such as architects, engineers and permit consultants, will be liable for payment of fees only if they have a financial interest in the project as described in paragraph B above.

E. Responsibility for payment of fees.

All those who sign the Statement of Financial Responsibility are responsible for payment of all fees for the project. They are responsible for fees for revisions, including those incurred after issuance of the permit.

It is the responsibility of the owner and applicant to be informed about fee-generating activity related to their application and permit. DCLU will not contact parties, whether or not they are actively involved in project review, to inform them that revisions have been submitted that will require additional fees.



City of Seattle
 Department of Construction and Inspections
 700 Fifth Avenue, Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019
 (206) 684-8850

Seattle DCI Project Number

Statement of Financial Responsibility/ Agent Authorization

Project Address	
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NAME AND ADDRESS OF FINANCIALLY RESPONSIBLE PARTY (Required)

A. Name of Individual or Entity (<i>Company, Partnership, etc.</i>) Assuming Financial Responsibility	
B. Name of Individual Signing on Behalf of an Entity (<i>Company, Partnership, etc.</i>)	
C. Financially Responsible Party Relationship to Property	<input type="checkbox"/> Property Owner <input type="checkbox"/> Property Lessee <input type="checkbox"/> Property Contract Purchaser <input type="checkbox"/> Public Agency <input type="checkbox"/> Service Requestor (check only if request does not directly relate to the development of real property i.e. request for interpretation, legal building site letter)
D. Mailing Address (<i>of individual signing statement</i>)	
E. Telephone (<i>of individual signing statement</i>)	
F. Email (<i>of individual signing statement</i>)	

Individual Declaration of Financial Responsibility (*must match the individual's name listed in "A" above*)

I _____ (printed name) declare that I am the _____ (relationship to project or service request) and that I am responsible for payment of all fees associated with this project or other request to DPD requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

Entity Declaration of Financial Responsibility (must match the individual name in "B" above and have authority to bind entity named in "A" above)

I _____ (printed name) declare that in my capacity as _____ (position within entity - ie manager, CFO, etc) for _____ (financially responsible entity named in "A" above) I have the authority to bind the Financially Responsible party named above to payment of all fees associated with this project or other request to DPD requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize the individual named below to act as the primary contact (aka primary applicant) for this project. This individual is not responsible for the payment of fees.

Primary Applicant Name: _____

Primary Applicant Phone: _____

Primary Applicant Email: _____

Primary Applicant Address: _____

ORDINANCE 119255

AN ORDINANCE related to fees and charges for permits and activities of the Department of Design, Construction and Land Use; repealing Seattle Municipal Code Chapters 22.901A through 22.901T; and adding new Chapters 22.900A through 22.900G, regulating fees for land use and zoning review, fees for new and altered buildings, charges for certain certificates and registrations; and fees for the Department of Neighborhoods, Seattle Transportation Department, Seattle Public Utilities, Seattle-King County Department of Public Health and the Seattle Arts Commission.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapters 22.901A through 22.901T of the Seattle Municipal Code are hereby repealed.

Section 2. The Seattle Municipal Code is amended by adding new Chapters 22.900A through 22.900G as follows:

**CHAPTER 22.900A —
ADMINISTRATION AND ENFORCEMENT**

22.900A.010 Title.

Chapters 22.900A through 22.900G shall be known as the "Fee Subtitle," may be cited as such, and will be referred to herein as "this subtitle."

22.900A.020 Purpose.

A. It is the purpose of this subtitle to prescribe equitable fees and fee collection policies for all services provided by the Department of Design, Construction and Land Use hereafter, "Department" or "DCLU" which are sufficient to support the permitting and permit inspection functions of the Department.

B. An additional purpose of this subtitle is to prescribe special fees for testing, examination, registration, inspection, or the furnishing of certain services or materials.

22.900A.030 Payment and responsibility for fees.

A. No permit shall be issued or approved, no Certificate of Occupancy shall be issued, and no drawing or other data relating to such permit shall be examined until the corresponding fees prescribed by this subtitle have been paid.

B. Unless otherwise specified in this subtitle, each distinct component of an application, review, or permit shall be charged as a separate fee.

C. Both the applicant for the permit, and the owner of the property for which the permit is required, are jointly and severally responsible for payment of fees required by this subtitle, regardless of whether the permit is issued or whether the application is canceled or denied before permit issuance. However, when an applicant is not the owner and is not acting, even in part, as agent for the owner, the applicant is solely responsible for payment of applicable fees.

D. All unpaid annual rental housing registration fees for the period January 1, 1990 through December 31, 1996, as well as any late fees or associated penalties for nonpayment of such fees, are waived.

E. The Director is authorized to accept as payment for fees contemplated under this ordinance the following forms of payment: U.S. currency, cashier's checks, corporate checks, traveler's checks, personal checks drawn on in-state banks,

electronic funds transfers, and credit cards. Further, the Director has full authority to refuse any form of payment where the Director believes sufficient cause exists to question the City's ability to collect full payment.

22.900A.040 Administration and enforcement.

A. For the purpose of this subtitle, the term "Director" means the Director of the Department or an authorized representative.

B. The Director is authorized to administer, interpret, and enforce the provisions of this subtitle provided, that

1. the Director of Public Health shall administer, interpret and enforce sections of this subtitle that are applicable to fuel gas piping permits; and

2. the Director of Transportation shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Transportation review of projects; and

3. the Director of Seattle Public Utilities shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Public Utilities review of projects; and

4. the Director of the Department of Neighborhoods shall administer, interpret and enforce sections of this subtitle that are applicable to Certificates of Approval, Special Tax Valuation for Historic Properties and for environmental (SEPA) review of projects that include City of Seattle landmarks and projects located in special review districts or landmark districts; and

5. the Director of the Seattle Arts Commission shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Arts Commission review of projects.

C. The Director is authorized to collect fees listed in the preceding paragraph for Seattle Transportation or Seattle Public Utilities, and to transfer those funds to them.

D. Where no definite method is prescribed in the subtitle for calculating the amount of fees, the Director may assess charges as required to cover costs.

E. The Director has full authority to specify the terms and conditions upon which services and materials are made available, and the fees as determined by the Director shall be consistent with the reasonable estimated cost to the City for furnishing such services or materials.

F. The total fee assessed for any permit, decision, review, inspection, or approval shall be rounded to the nearest whole dollar (rounded down: \$.01 through \$.50; rounded up: \$.51 through \$.99).

22.900A.050 Transition.

Fees for applications requiring a building code, mechanical code, land use, zoning or environmentally critical areas review shall be set according to the permit fee legislation in effect at the time the application was received by the Department, if one of the following occurs:

1. The permit is issued within 12 months of the start of the initial review, or

2. If longer than 12 months, the Director determines that there was reasonable and continuous progress on the completion of permit requirements.

If neither Item 1 nor 2 occurs, the application shall be subject to the permit fee legislation in effect at the time of issuance.

EXHIBIT B

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