

ORDINANCE NO. 2023-____

AN ORDINANCE amending the City of Yakima Municipal Code

WHEREAS, the City Council has previously adopted ordinance 2022-040 on December 6, 2022 removing certain fees from the Yakima Municipal Code; and

WHEREAS, these fees were to be placed in the City of Yakima Master Fee Schedule via resolution; and

WHEREAS, in the process of removing these fees, some verbiage was erroneously left in the Yakima Municipal Code; and

WHEREAS, the City Council of the City of Yakima find that it is in the best interest of the City and its residents to remove or revise the verbiage that was erroneously left in the Yakima Municipal Code; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 7.60.105 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.60.105 Rates, charges and fees for pretreatment program.

A. It is the purpose of this section to provide for the payment of rates, charges and fees for certain discharges to the wastewater system, to compensate the city for the cost of administration of the pretreatment program established in Chapter 7.65. Connection charges for dischargers subject to Chapter 7.65 are as set forth in Chapter 7.68 of this code.

B. Rates, Charges and Fees to Be Published. The wastewater manager shall maintain a schedule of current rates, charges and fees, shall post such schedule conspicuously, and shall make copies available to interested persons. Upon request, the wastewater manager shall prepare an estimate of annual fees for a significant industrial user.

C. Significant Industrial Users (SIUs). Commencing on the effective date of the ordinance codified in this section, SIU permit fee amounts shall be set at ninety percent of that amount identified in the industrial facility categories of WAC 173-224-040. The permit fee shall cover the costs of administering the SIU wastewater discharge permit program including inspections, technical assistance, education, and compliance administration. Costs associated with any sampling and testing shall be in addition to the permit fee. This annual fee is based on the state's fiscal year (July 1st through June 30th).

D. Monthly Base Fee for Minor Industrial Users (MIUs). Commencing on the effective date of the ordinance codified in this section and until amended pursuant to subsection F of this section, minor industrial users (as defined in Chapter 7.65) shall pay a monthly base fee for pretreatment service, as shown in the ~~following table:~~ City of Yakima Master Fee Schedule adopted by city council via resolution.

	Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
MIU-base fee	\$150.24	\$156.76	\$163.53	\$170.56

The daily rate for MIUs shall be the monthly rate divided by 30.417.

Significant industrial users shall not be subject to the base fee for minor industrial users.

E. Charges and Fees for Related Services. Commencing on the effective date of the ordinance codified in this section and until amended pursuant to subsection F of this section, significant industrial users shall pay the sampling and laboratory testing charges and fees provided ~~below~~ in the City of Yakima Master Fee Schedule -for those specific services described or listed below. All customers shall also be subject to the sampling, laboratory testing, and flat rate charges and fees provided in the City of Yakima Master Fee Schedule ~~below~~, in addition to any base rate provided for in subsection D of this section, but only for those services requested by the customer or provided as part of a required compliance inspection.

- (1) Sampling Charge. The sampling charge includes sampler set-up, pick-up, and statistical analysis, as well as billing program charges from the customer service manager. The sampling fee is based on the length of the sampling period, pursuant to the City of Yakima Master Fee Schedule. ~~following schedule:~~

Sampling Period	Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
First-day	\$250.47	\$257.98	\$265.72	\$273.69
Each subsequent day in the same sampling period	\$102.92	\$106.01	\$109.19	\$112.46

- (2) Laboratory Testing Fees. A laboratory testing fee is assessed for each type of test conducted on each sample. Fees are assessed pursuant to the ~~following schedule:~~

Test	Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
BOD— Biochemical Oxygen Demand	\$54.29	\$55.92	\$57.60	\$59.33
TSS—Total Suspended Solids	\$54.29	\$55.92	\$57.60	\$59.33

Test	Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
pH	\$27.14	\$27.95	\$28.79	\$29.66
BOD Soluble	\$81.43	\$83.87	\$86.39	\$88.98
COD	\$54.29	\$55.92	\$57.60	\$59.33
COD Soluble	\$81.43	\$83.87	\$86.39	\$88.98
TDS	\$54.29	\$55.92	\$57.60	\$59.33
Alkalinity (Carbonate)	\$27.14	\$27.95	\$28.79	\$29.66
Ammonia (Ion Selective Probe)	\$27.14	\$27.95	\$28.79	\$29.66
Chlorine Residual (Colorimetric)	\$27.14	\$27.95	\$28.79	\$29.66
Dissolved Oxygen (Azide)	\$27.14	\$27.95	\$28.79	\$29.66
Dissolved Oxygen (Membrane)	\$27.14	\$27.95	\$28.79	\$29.66
Fecal Coliform	\$81.43	\$83.87	\$86.39	\$88.98
FOG—Fats, Oils and Grease	\$108.58	\$111.84	\$115.20	\$118.65
MPN	\$542.89	\$559.18	\$575.95	\$593.23
Nitrate	\$54.29	\$55.92	\$57.60	\$59.33
Nitrite	\$54.29	\$55.92	\$57.60	\$59.33
Organic/Volatile Acids	\$27.14	\$27.95	\$28.79	\$29.66
Total Volatile Solids	\$54.29	\$55.92	\$57.60	\$59.33
BNA (b) Semivolatiles	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)

Test	Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
TPH (b)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)
Metals	\$414.18	\$426.61	\$439.41	\$452.59
Metals Graphite Furnace	\$579.86	\$597.25	\$615.17	\$633.63
Pesticides/PCBs	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)
BTEX (b)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)	Outside Market Costs (a)

Notes:

(a) ~~This testing is conducted by an outside laboratory. The actual fee will be based on the actual cost of the test performed, plus any related costs and taxes incurred.~~

(b) ~~Glossary:~~

~~BNA: base neutral acids (semivolatile organic compounds).~~

~~BTEX: benzene, toluene, ethylbenzene, and xylene (highly volatile hydrocarbons).~~

~~TPH: total petroleum hydrocarbons (includes oils, gasoline, diesel, and other fuels).~~

(3) Other related service fees are assessed on each of certain transactions or services, can be found in the City of Yakima Master Fee Schedule adopted via resolution by the city council pursuant to the following schedule:

Transaction or Service		Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
Discharge authorization (a)	LS	\$567.00	\$584.01	\$601.53	\$619.58
Compliance inspection	HR	\$149.50	\$153.99	\$158.61	\$163.37
Dye testing	HR	\$149.50	\$153.99	\$158.61	\$163.37
Smoke testing	HR	\$149.50	\$153.99	\$158.61	\$163.37
TVing (location)	HR	\$214.86	\$221.31	\$227.95	\$234.79

Transaction or Service		Charge Effective January 11, 2019	Charge Effective January 1, 2020	Charge Effective January 1, 2021	Charge Effective January 1, 2022
TV new construction (we do)	LF	\$2.28	\$2.35	\$2.42	\$2.49
TV new construction (they do)	LF	\$1.49	\$1.53	\$1.58	\$1.63

Notes:

(a)—Includes only the first fifty thousand gallons of flow. See Chapter 7.65.

F. Amendment of Base Rates, Charges and Fees.

(1) The base rate or rates (“rates” for purposes of this subsection) set forth in subsection D of this section may be amended from time to time by ~~ordinance~~[TJ1] or resolution of the city council. Any such amendment shall be based upon changes in the city’s cost of providing wastewater pretreatment service as reflected in the city’s budget.

(2) The charges and fees set forth in subsection E of this section may be amended from time to time by ~~ordinance~~[TJ2] or resolution of the city council upon recommendation of the wastewater manager. Such amendments shall be based on changes in the costs of providing sampling, laboratory and miscellaneous wastewater pretreatment services. In determining whether there has been a change in the costs of providing service, the city council may consider the city’s expenses associated with obtaining services from private laboratories and other third persons, and the city’s own administrative and other costs.

G. Money to Be Credited to Wastewater Operating Fund. All moneys collected pursuant to this section shall be paid into and credited to the wastewater operating fund as provided in Chapter 3.101. (Ord. 2022-007 § 22, 2022; Ord. 2018-048 § 4, 2018; Ord. 2016-036 § 5, 2016; Ord. 2011-65 § 4, 2011; Ord. 2011-62 § 4, 2011; Ord. 2009-49 § 9, 2009; Ord. 2007-65 § 14, 2007; Ord. 2003-75 § 14, 2003).

Section 2. Section 7.90.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.90.020 Transit fees.

The transit division fare rates are as follows:

A. Adult Fare.

(1) Except as provided in subsections (A)(2), B and C of this section, a fare ~~of one dollar as specified in the City of Yakima Master Fee Schedule adopted by city council via resolution~~, referred to as an “adult fare,” shall be collected from each transit passenger for each trip taken on a transit bus, “trip” being defined for purposes of this chapter as the duration of a single transport from the point of a passenger entering the bus to the point of the passenger exiting the bus.

(2) An adult holding a current and valid monthly adult pass issued by the city of Yakima transit division for a fee set forth in the City of Yakima Master Fee Schedule adopted by city

~~council via of twenty-five dollars per month shall~~resolution, shall be entitled to ride any Yakima city transit bus an unlimited number of times, and at any time, by exhibiting such pass to the bus driver.

B. Youth Fare. The fare for passengers eighteen and under shall be set as follows:

- (1) The youth fare shall be set at zero dollars and no fare is required. Proof of age may be required.
- (2) No fare shall be required from prequalified passengers or passenger guests for dial-a-ride.

C. Reduced Fare.

- (1) "Reduced Fare" Defined. "Reduced fare" shall mean a fare available to a person who has in his/her possession a reduced fare ID card and meets the following requirements:

- (a) Is a person sixty-two years of age or older; or
- (b) Is a person with disabilities and a Medicare cardholder.

- (2) "Reduced Fare" Rates.

- (a) A fare ~~set forth in the City of Yakima Master Fee Schedule adopted by city council via of fifty cents shall~~resolution, shall be collected from each "reduced fare" bus passenger.
- (b) A passenger holding a current and valid "reduced fare bus pass" issued by the city of Yakima transit division for the fee ~~of nine dollars per month~~set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be entitled to ride any Yakima city transit bus an unlimited number of times by exhibiting such pass to the bus driver.

D. Dial-A-Ride Fare. A fare ~~set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution~~of two dollars, referred to as the "dial-a-ride fare," shall be collected from each passenger who has been prequalified by the city as being eligible under the Americans with Disabilities Act for dial-a-ride transport. The dial-a-ride fare shall be required for each one-way trip made on the demand-responsive service provided by the city of Yakima and referred to as dial-a-ride, for qualified individuals with disabilities and subject to the following conditions:

- (a) The dial-a-ride fare will not be collected from an attendant accompanying a dial-a-ride passenger who has been authorized and preapproved by the city as requiring a personal care attendant.
- (b) The dial-a-ride fare will be collected from each person six years of age or older who accompanies the disabled passenger, except as provided in subsection B or (D)(a) of this section, and in accord with the established dial-a-ride operating rules. (Ord. 2022-024 § 1, 2022; Ord. 2013-001 § 1, 2013; Ord. 2008-48 § 2, 2008).

Section 3. Section 8.20.075 of the City of Yakima Municipal Code is hereby amended to read as follows:

8.20.075 Short-term permits.

For uses of a right-of-way for less than thirty days, the following process shall be followed in lieu of the process outlined in YMC 8.20.030 through 8.20.052 and YMC 8.20.070.

A. Purpose. Short-term right-of-way permit uses are for those uses of the public right-of-way for less than thirty days, and include, but are not limited to, placement of limited-term container-type storage units, placement of limited-term dumpsters, use and occupation of the right-of-way for construction projects for less than thirty days, or use and occupation of the right-of-way to temporarily store landscaping materials being used in a project.

B. Application. Applications for short-term right-of-way use permits shall be filed with the community development director upon an approved form and accompanied by a detailed scale drawing depicting the public right-of-way in the vicinity of the area for which the permit is sought, including existing utilities, street lights and traffic signal poles, street furniture and similar features of the area, as well as the dimensions and locations of the proposed use of the right-of-way. The application shall be filed no less than seven business days before the proposed start-date of the permit. The community development director may require a traffic control plan or other documents, which all shall be provided by the applicant and approved by the community development director before a permit is issued. Such application shall contain an accurate description of the public right-of-way or portion thereof desired to be used under the authority of the permit sought, the use desired to be made of the public right-of-way by the applicant pursuant to the permit, the plans and specifications for any utility or structure desired in or on a public right-of-way, evidence showing the applicant to be the owner of, or entitled to the possession and use of, the property adjacent to the right-of-way concerning which the permit is sought and such other information deemed necessary or desirable by the chief of code administration to enforce compliance with or to otherwise administer the provisions of this chapter.

C. Fee. The fee for a short-term right-of-way use permit shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council~~fifty dollars~~. Additional fees based on the location and use may be required.

D. Processing. The planning manager or his or her designee, shall examine applications for compliance. Other city staff may examine applications if deemed appropriate by the planning manager or his or her designee. The planning manager will provide findings and conclusions to the community development director. If the short-term right-of-way use permit is in a residential area, the planning manager shall evaluate the request in light of the requirements of YMC 8.20.052. Upon review, the community development director may issue the permit based thereon, after receiving proof of insurance and the receipt of any other documents deemed necessary by the city.

E. Insurance. The provisions of YMC 8.20.060, including but not limited to the liability limits, shall apply to short-term right-of-way use permits.

F. Expiration. Short-term right-of-way use permits shall expire on the date listed on the permit.

G. Renewal. Short-term right-of-way use permits may be renewed one time upon completion of a new application and the payment of the application fee. (Ord. 2019-032 § 1 (part), 2019).

Section 4. Section 10.05.015 of the City of Yakima Municipal Code is hereby amended to read as follows:

10.05.015 Fire code plan review and inspection fees.

A. General. Fees as set forth in ~~Table 10.05.015A~~The City of Yakima Master Fee Schedule adopted by city council via resolution shall be paid to the city for review of building plans for compliance with Chapter 10.05 YMC and for inspection of construction for compliance with Chapter 10.05 YMC. Existing buildings, and special events licensed pursuant to Chapter 9.70 YMC, and other events requiring fire and life safety inspection, will be subject to an annual fire and life safety inspection, and fees for such inspections shall be paid as set forth in ~~Table 10.05.015B~~The City of Yakima Master Fee Schedule adopted by city council via resolution.

B. Fees Required for Plan Review. For construction projects for which the fire code requires submittal documents, the hourly plan review fee indicated in ~~Table 10.05.015A~~The City of Yakima Master Fee Schedule adopted by city council via resolution, shall be charged for the time to perform the plan review. The plan review fees required by this section are separate from the inspection fees required by this section, and are in addition to any inspection fees. When submittal documents are incomplete or are changed so as to require additional plan review, additional plan review fees shall be charged at the rate shown in ~~Table 10.05.015A~~The City of Yakima Master Fee Schedule adopted by city council via resolution.

C. Fees Required for Construction Inspection. For construction projects for which the fire code requires inspection, the hourly inspection fee set forth in ~~Table 10.05.015A~~The City of Yakima Master Fee Schedule adopted by city council via resolution shall be charged for the time to perform the inspection. The inspection fees required by this section are separate from the plan review fees required by this section, and are in addition to any plan review fees.

D. Fees Required for Annual Fire and Life Safety Inspection. For existing buildings, and for special events for which the fire code or other applicable city codes require fire inspection, the inspection fee set forth in ~~Table 10.05.015B~~The City of Yakima Master Fee Schedule adopted by city council via resolution shall be charged based on the area to be inspected or for the time to perform the inspection, as applicable. The fees required by this section are separate from the plan review fee and construction inspection fee set forth in subsections B and C of this section, and are in addition to such fees.

E. Fees Required for Fire System Records Management. Independent fire system service providers shall submit copies of fire system inspection and/or maintenance reports within thirty days of completed inspection service. ~~An fifteen-dollar~~ administrative fee as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution will be charged to the service provider for each system inspection/maintenance report submitted. Independent fire system service providers performing inspection and maintenance on fire protection systems requiring inspection and maintenance by the state-adopted International Fire Code and associated NFPA standards shall submit copies of the service and inspection reports to the Yakima fire department (YFD). Upon receipt of the reports, the fire department shall:

1. Verify that the service was performed by a qualified fire system service company or individual;
2. Review the service report to determine if the service was completed in full with no deficiencies;
3. In the event there are deficiencies in the report, YFD shall provide an inspection, either on site, by telephone or by email, and shall affirmatively verify the necessary deficiency

correction has been completed. Service providers shall provide documentation of the completed corrections.

4. Maintain the submitted service records in a databank.

For purposes of this section, a fire protection system includes, but is not limited to: carbon dioxide fire extinguishing systems, Halon 1301 fire extinguishing systems, dry-chemical extinguishing systems, wet-chemical extinguishing systems, water-based fire protection systems, fire alarm systems, smoke and heat vents, fire doors, hood and duct systems, water-mist systems, clean-agent extinguishing systems, and private fire hydrants.

F. Fees Required for Reinspections. For construction inspections, associated with fire code compliance, a fee shall be charged for reinspection for each inspection that must be made: (1) because work for which inspection is called by the permittee is not complete and ready for inspection; (2) when the inspection record card is not posted or otherwise available on the work site; (3) when the approved plans are not readily available to the inspector; (4) for failure to provide access on the date for which inspection is requested; or (5) when corrections required by an inspector are not satisfactorily made when the permittee calls for a follow-up inspection for corrections. No reinspection fee shall be incurred for verification of corrections when such corrections are satisfactorily made. To obtain a construction reinspection, the permittee must pay the reinspection fee stated in ~~Table 10.05.015A~~The City of Yakima Master Fee Schedule adopted by city council via resolution in advance.

G. Reinspection fees for compliance with the annual fire and life safety inspections are assessed in accordance with the fee rates set forth in ~~Table 10.05.015B~~The City of Yakima Master Fee Schedule adopted by city council. ~~below.~~

Table 10.05.015A

Plan Review and Construction Inspection Fees

1.	Plan review for compliance with Chapter 10.05 YMC and for changes, additions or revisions to approved plans (minimum charge—one hour)	\$47.00 per hr.
2.	Normal inspection (minimum charge—one hour)	\$47.00 per hr.
3.	Reinspection (minimum charge—one hour)	\$47.00 per hr.
4.	Inspections for which no other fee is specifically indicated (minimum charge—one hour)	\$47.00 per hr.

Table 10.05.015B

Annual Fire and Life Safety Inspection Fee Schedule

E, I, F, H, M, S Occupancy	
Area in Square Feet	Fee^{1,2}
0—5,000	\$80.00

5,001—10,000	\$105.00
10,001 and Over	\$130.00
A, B, R Occupancy	
Area in Square Feet	Fee^{1, 2}
0—5,000	\$55.00
5,001—10,000	\$80.00
10,001 and Over	\$105.00

1. For vacant occupancies, deduct twenty-five dollars from the fee schedule. Vacant occupancies shall contain no storage and be unoccupied at time of inspection to qualify for the reduction.
2. The hourly rate listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, of fifty dollars per hour charged in thirty-minute increments, will be applied if the “per square foot” fee schedule amounts above do not cover the time spent inspecting at the hourly rate, up to a maximum charge of two hundred dollars.

Special Event Fire and Life Safety Inspection Fee Schedule	
To Be Charged to the Event (Not to the Individual Vendor)	
Time per Day	Fee
2 Hours (Minimum)	\$100
3 Hours	\$150
4 Hours	\$200
5 Hours	\$250

~~For every additional hour add fifty dollars per hour to the special event fees above.~~

Compliance Fire and Life Safety Reinspection Fee Schedule	
Number of Reinspections	Fee
1	\$0
2	\$55
3	\$105
4	\$155
5	\$205
6 +	\$255

H. Severability. If any part of this section is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this section. (Ord. 2019-039 § 1, 2019: Ord. 2018-017 § 1, 2018: Ord. 2016-033 § 1, 2016: Ord. 2016-011 § 1 (Exh. A) (part), 2016: Ord. 2012-27 § 1 (Exh. A) (part), 2012: Ord. 2002-16 § 1, 2002).

Section 5. Section 12.08.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

12.08.030 Transportation capacity test.

A. Application. The city's review of all applications for development permits and for building permits for projects not exempted by Section 12.08.040 shall include a transportation capacity test conducted by the city traffic engineer.

B. Procedures. The transportation capacity test will be performed by the city traffic engineer in conjunction with review of proposed development projects and building permit applications. The department of community and economic development shall notify the applicant of the test results.

1. If the unused capacity of transportation facilities affected by a project is equal to or greater than the capacity required by the project, the transportation capacity test is passed.
2. If the unused capacity of transportation facilities affected by a project is less than the capacity required by the project, the transportation capacity test is not passed. The project may not be approved unless transportation improvements or strategies to provide capacity required by the project are established concurrently with the project.
3. In the event a proposed project does not pass the transportation capacity test, the applicant may:
 - a. Modify the application to reduce the transportation capacity required by the project;
 - b. Demonstrate to the city's satisfaction that the project will require less transportation capacity than would normally be required by similar projects and that, therefore, unused transportation capacity is adequate;
 - c. Propose transportation improvements or strategies to provide the capacity required by the project development.

C. Test. Proposed developments that would reduce the level of service below the minimum level of service standard cannot be approved. For transportation facilities, available and planned transportation capacity will be used in conducting the transportation capacity test. The city will maintain administrative policies which describe the methodology for calculating the capacity analysis. Such policies shall be available for public information at the time of application.

D. Fees. A fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, of two hundred fifty dollars shall be paid for each transportation capacity test, except that this fee shall be waived for one subsequent test within six months of a test for which the fee was paid. (Ord. 2000-5 § 1 (part), 2000: Ord. 98-68 § 1 (part), 1998).

Section 6. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication by law and by City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 4th day of April, 2023.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____