

ORDINANCE 1836

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING A NEW NORTH BEND MUNICIPAL SECTION 20.09.035 TO ESTABLISH PERMIT FEE WAIVERS IN EXTRAORDINARY AND COMPELLING CIRCUMSTANCES BENEFITING THE PUBLIC AND EXEMPTING THE CITY FROM PAYING CERTAIN CHARGES OR FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, applicants for City of North Bend (“City”) permits are required to pay certain permit fees to the City to reimburse the City for its costs in processing those permit applications required under the International Building Code (“IBC”); and

WHEREAS, the current provisions of North Bend Municipal Code (“NBMC”) Chapter 15.31, Buildings and Construction Fees, authorize the Mayor or Mayor’s designee to waive any or all of the permit fees required under the IBC, and any amendments thereto, for any public improvement project for which the City is providing some or all of the funding; and

WHEREAS, there are occasions when the City undertakes development projects or engages in activities for which a City fee or charge would typically apply and require the City to pay such fees; and

WHEREAS, for City-related projects, payment of permit fees would likely reimburse the City for its own expenses and such payment would result in no net gain for the City while incurring additional staff costs to track such a payment; and

WHEREAS, the City Council finds that it is a more efficient use of City resources to exempt the City from such permit fees where the fee would be paid out of the same budgetary fund that would receive such a payment, consistent with chapter 43.09 RCW; and

WHEREAS, the City Council further finds that it is in the public interest to waive certain permit fees required under the IBC when the City Council has identified the City will receive sufficient consideration in exchange or in excess of the permit fee in cases when: (1) the permits, and corresponding permit fees, are related to the improvement of a City-owned buildings or property, or the permit fee charges are necessary to provide support for the poor and infirm; and (2) the future beneficial use of the property and the community benefits of the project will outweigh the permit fees, and therefore, such a payment of a permit fee under the IBC would result in no net gain for the City or the City’s expended staff resources to track such a payment would cost more than the permit fees;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New NBMC Section 20.09.035 (Permit Fee Waivers), Adopted: A new North Bend Municipal Code Section 20.09.035 (Permit fee waiver) is hereby adopted to read as follows:

A. The City Council is empowered, in extraordinary and compelling circumstances, to reduce or waive some or all of any City fee or charges when it finds that such reduction or waiver is necessary to provide support for the poor or infirm, in amounts of up to \$10,000 per incident or occasion; provided, that this authorization shall not apply to fees or charges for which state law prohibits reduction or waiver. Such action by the City Council requires a majority vote to approve.

B. The City Council is authorized to exempt the City from paying the charges or fees otherwise applicable to City projects, developments, or applications where the City is providing some or all of the funding, and the charge or fee would be paid out of one of the City's governmental funds (including the general fund and those funds supported by the general fund) and the fund that would receive such payment, were it paid, is also one of the City's governmental funds (including the general fund and/or any of the funds supported by the general fund); and is also authorized to exempt the City from paying the charges or fees otherwise applicable to City projects, developments, or applications where the charge or fee would be paid out of one of the City's enterprise funds and the fund that would receive such payment, were it paid, is the same enterprise fund.

C. The City Council finds sufficient consideration to waive certain permit fees required under the International Building Code ("IBC") when (1) the permits, and corresponding permit fees, are related to the improvement of City-owned buildings or property, or the permit fee charges are necessary to provide support for the poor and infirm, and (2) the future beneficial use of the property and the community benefits of the project will outweigh the permit fees, and therefore, such payment of a permit fee under the IBC would result in no net gain for the City or benefit the public while incurring additional staff costs to track such a payment.

D. Waivers or reduced fees shall be treated as special or extraordinary occurrences. Their frequency and extent, in aggregate, shall not have the effect of subverting the established fee schedule.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF JULY, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published: July 25, 2025

Effective: July 30, 2025

Susie Oppedal, City Clerk