

ORDINANCE NO. 2023-012

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 16.28
OF THE ARLINGTON MUNICIPAL CODE REGARDING BUILDING CONSTRUCTION
AND LIFE SAFETY CODE UNDER CITY PLANNING NO. PLN 1037

WHEREAS, the city has proposed an update to regulations to provide clarification of building and civil permit extensions; and

WHEREAS, the Arlington Planning Commission considered the revisions initially with informational meetings on January 3, 2023 and February 7, 2023, at docketing meetings on March 7, 2023 and March 21, 2023, and then on May 2, 2023 and at a public hearing conducted on May 16, 2023; and

WHEREAS, the Planning Commission made findings and provided its recommendations to the City Council concerning the proposed changes; and

WHEREAS, the City Council considered the revisions initially at the Council Retreat March 31, 2023 and at docketing meetings on April 10, 2023 and April 17, 2023; and

WHEREAS, the City Council considered the same at a workshop held on June 12, 2023, and considered them along with the Planning Commission recommendations, at their regular meeting conducted a public hearing on June 20, 2023; and the City Council having determined approving said amendment was in the best interest of the City; and

WHEREAS, the amendments were presented to the Department of Commerce for comment and said Department had no comments on the ordinance; and

WHEREAS, the City Council has considered the proposed amendment to the municipal code and finds it to be consistent with city and state law and in the best interests of the citizens; and

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

Section 1. Arlington Municipal Code section 16.28.030 shall be and hereby is amended as follows:

(a) Building Permits

- (1) Every building permit issued under the provisions of the prior chapters of this title and codes adopted by the City of Arlington, shall expire and become null and void if the structure or work authorized by such permit-has not commenced within one hundred eighty days from the date of-permit issuance, or if the structure or work authorized by such permit is suspended or abandoned for one hundred eighty days after the work has commenced.

- (2) The one hundred eighty days will be deemed to have expired if no inspections have been performed within one hundred eighty days of the date of permit issuance. For an inspection to be valid, the work being inspected must be complete, ready for the inspection, and noted "approved" by the building official.
- (3) Before such work may recommence, a new building permit shall be obtained and the with a fee one-half of the building permit fee amount required for a new building permit. This only applies provided no changes have been made or will be made to the original plans and specifications for such work and provided further, that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired building permit may apply for an extension of time when the permittee is unable to complete the work within the initial one hundred eighty days. The request for an extension of time shall be submitted to the Community and Economic Development Department a minimum of thirty calendar days prior to the expiration of the permit. The building official, for all permits authorized by prior chapters of this title, may extend the time for action by the permittee for a period not exceeding one hundred eighty days. Written request by the permittee detailing the circumstances beyond the control of the permittee that have prevented action from being taken. No permit shall be extended more than once.

(b) Civil Construction Permits for Private Development

- (1) Every civil construction permit approved and issued by the Community and Economic Development Department shall expire and become null and void if the work authorized by such permit has not commenced within eighteen months from the date of signature on the approved civil plans.
- (2) A civil construction permit may be extended for an additional six months under the following conditions:
 - i. The permit has not expired.
 - ii. The request for extension shall be made to the Community and Economic Development Department in writing at least thirty calendar days prior to the permit expiration date.
 - iii. The work approved with the civil permit is actively under construction and the permit recipient has proceeded with due diligence and in good faith. (A) "Actively under construction" means the construction activity on-site at the property related to the approved civil permit is taking place without pause, interruption, or suspension.
 - iv. Conditions of the permit have not changed so substantially as to warrant a new application.
 - v. Permit extensions are subject to the fee as set by resolution for the processing of extensions.
 - vi. No permit shall be extended more than once.

(3) All civil permits that have expired after eighteen months and an extension was not requested or granted are required to provide a new submittal and full civil review fees.

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. The title of this ordinance which summarizes the contents shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication as provided by law.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor this 20th day of June, 2023.

CITY OF ARLINGTON



Barbara Tolbert, Mayor

ATTEST:



Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:



Steven L. Peiffle, City Attorney

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2023-012 was approved at the June 20, 2023 City Council meeting.

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A true and correct copy of the original ordinance is attached.

Dated this 21st day of June, 2023



Wendy Van Der Meersche
City Clerk for the City of Arlington