

**CITY OF MERCER ISLAND  
ORDINANCE NO. 20C-21**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,  
PROVIDING TEMPORARY MEASURES TO ALLOW BUILDING PERMIT  
EXTENSIONS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, a state of emergency has been declared by the federal, state, county, and municipal governments, including the City of Mercer Island, in response to the COVID-19 pandemic; and

**WHEREAS**, since February 29, 2020, Governor Jay Inslee has issued several proclamations, including Emergency Proclamation 20-25 (“Stay Home, Stay Healthy Order”), placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of the COVID-19 virus; and

**WHEREAS**, Governor Inslee has developed a phased reopening approach, known as the “Safe Start Washington” phased reopening plan, for resuming recreational, social, and business activities, including implementation of the Phase 2 Construction COVID-19 Job Site Requirements; and

**WHEREAS**, construction activity was adversely impacted by the Stay Home, Stay Healthy order and the Phase 2 Construction COVID-19 Job Site Requirements, including in a temporary stoppage of work and delays to many construction projects; and

**WHEREAS**, the City Council wishes to promote local economic recovery by encouraging business activity in Mercer Island consistent with the Safe Start requirements and to assist property owners in completing construction projects that were impacted by the COVID-19 pandemic; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Code Amended.** Subsection (105.5) of MICC 17.14.010 is amended as follows:

105.5 Expiration.

1. Every permit issued shall expire two years from the date of issuance. For non-residential or mixed use construction, the building official may approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.

2. During or after a declared emergency covered under chapter 38.52 RCW, the building official may authorize one 6-month extension to an unexpired permit if the building official finds that the state of emergency resulted in a stoppage of work or substantial construction delays.

23. The building official may approve a request to renew a permit if an additional fee has been paid, a construction schedule and management plan is provided and approved, and no changes have been made to the originally approved plans

by the applicant. Requests for permit renewals shall be submitted prior to permit expiration. When determining whether to approve a building permit renewal, the building official may consider whether a previously approved construction schedule for the building permit has been adhered to by the applicant. In cases where a construction schedule has not been adhered to, due to reasonably unforeseeable delays, the building official may authorize renewal of the permit. Renewed permits shall expire 3 years from the date of issuance of the original permit, except when an extension is granted by the building official under the provisions of subsection 2, above, and then renewed permits shall expire 3.5 years from the date of issuance. The building official shall not authorize a permit renewal if the construction schedule supplied with the renewal request will not result in the completion of work within the time period authorized under the permit renewal. For permits that have expired, a new permit must be obtained and new fees paid. No permit shall be renewed more than once.

34. Electrical, mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the electrical, mechanical and/or plumbing permit shall expire 180 days from issuance.

45. The building official may authorize a 30-day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than 180 days has passed since the permit expired. The 30-day extension would commence on the date of written approval. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire. However, the building official may authorize an additional 30-day extension if conditions outside of the applicant's control exist and the applicant is making a good faith effort to complete the permitted work.

**Section 2. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property or circumstance.

**Section 3. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its special meeting on September 15, 2020 and signed in authentication of its passage.

CITY OF MERCER ISLAND

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Benson Wong, Mayor

Approved as to Form:

ATTEST:

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Bio Park, City Attorney

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Deborah A. Estrada, City Clerk

Date of Publication: \_\_\_\_\_