

**Title 7
STREETS AND SIDEWALKS**

Chapters:

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Chapter 7.01
CONSTRUCTION STANDARDS

Sections:

7.01.010 Adopted.

7.01.010 Adopted.

The 1998 Standard Specifications for Road, Bridge and Municipal Construction, including the APWA Supplement, together with amendments thereto, one copy of which heretofore has been filed with the city clerk of the city of Wenatchee, and any amendments, additions or subsequent additions thereto hereafter made when printed and filed with the city clerk of the city of Wenatchee as provided by RCW 35.21.180 be and the same are hereby adopted by the city of Wenatchee and from the date on which the ordinance codified in this chapter shall take effect the provisions thereof shall be controlling within the limits of the city of Wenatchee. (Ord. 98-2 § 1; Ord. 3083 § 1, 1994)

Chapter 7.04
GAS – INSTALLATION OF SYSTEM

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- 7.04.020 City engineer defined.
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7.04.010 Definition of terms.

For the purpose of this chapter the following words, terms and phrases are hereby defined and shall have the meaning herein given to them. (Ord. 1492 § 1, 1956)

7.04.020 City engineer defined.

“City engineer” shall mean the city engineer or his duly authorized representative. (Ord. 1492 § 2, 1956)

7.04.030 Distribution system defined.

"Distribution system" shall mean the gas line, pipe lines, mains, laterals, conduits, feeders, regulators, meters, fixtures, connections and all attachments, appurtenances and appliances necessary and incidental thereto or in any way appertaining to the distribution of gas. (Ord. 1492 § 3, 1956)

7.04.040 Gas defined.

"Gas" shall mean artificial, natural and/or mixed gas. (Ord. 1492 § 4, 1956)

7.04.050 Gas inspector defined.

"Gas inspector" shall mean the gas inspector of the city of Wenatchee or his duly authorized representative. (Ord. 1492 § 5, 1956)

7.04.060 Streets and alleys defined.

"Streets and alleys" shall mean and include streets, alleys, sidewalks, curbs, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds and public improvements within the city of Wenatchee. (Ord. 1492 § 7, 1956)

7.04.070 Maintenance, maintaining, maintained defined.

"Maintenance, maintaining or maintained" shall mean the relaying, repairing, replacing, examining, testing, inspecting, removing, digging and excavating and restoring operations incidental thereto. (Ord. 1492 § 7, 1956)

7.04.080 Permittee defined.

"Permittee" shall mean any person, company, partnership or corporation or its successors and assigns holding a franchise to construct, lay, maintain and operate over, across, upon, along and under the present and future streets, alleys, sidewalks, curbs, roads, thoroughfares, parkways, bridges and public property and other places in the city of Wenatchee, a system of pipes, pipe lines, gas mains, laterals, conduits, feeders, regulators, meters, fixtures, connections and attachments, appurtenances and appliances incidental thereto or in any way appertaining thereto for the purposes of transporting, transmitting, distributing, selling and supplying gas for heating, lighting, power and any and all domestic, commercial and industrial purposes and other reasons and purposes to inhabitants, persons, firms, associations and corporations within the city of Wenatchee for public, domestic and industrial use. (Ord. 1492 § 8, 1956)

7.04.090 Person defined.

"Person" shall mean any person, firm, association or corporation. (Ord. 1492 § 9, 1956)

7.04.100 Transmission system defined.

"Transmission system" shall mean a pipeline installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers. (Ord. 1492 § 10, 1956)

7.04.110 Permit required – Exception.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine, cut, or in any way obstruct or disturb any streets and alleys in the city of Wenatchee or to fill in, place, leave or deposit in or upon any streets or alleys any earth, refuse, gravel, rock or other material or thing tending to obstruct, disturb or interfere with the free use of the same for the installation and/or maintenance of a gas distribution or transmission system or for the purpose of making a utility connection with any premises, without first having obtained a permit and without complying with the provisions of this chapter, or at variance with the terms of any such permit; provided, however, that in case of an emergency arising out of office hours, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the police department and the necessary excavation may be made upon the express

condition that an application be made in the manner herein provided on or before noon of the following business day. (Ord. 1492 § 11, 1956)

7.04.120 Application – Bond – Requisites – Amount.

Permittee shall make application to the city engineer for a permit and in connection therewith shall file a bond in the sum of \$10,000 conditioned on faithful performance of the terms of the permit and holding the city of Wenatchee harmless from any loss, damage, cost or expense of any nature which may accrue to or be asserted against the city of Wenatchee by reason of any activities of permittee, its successors or assigns under this chapter.

In addition thereto said bond shall also be conditioned that permittee will comply with all of the provisions of this chapter and in case the permit authorizes cutting into or under any highway in the city, said bond shall be further conditioned that the person applying for or acting under said permit shall replace the portion thereof affected thereby and shall restore the same at its expense to as good or better condition within the time specified by the city engineer and that said permittee will maintain such street or alley so restored for a period of two years from and after such restoration. Settlement within said two year period shall be considered conclusive evidence of defective backfilling by the permittee. Acceptance of the work by the city engineer shall not prevent the city from making claim against the permittee for uncompleted or defective work if the same is discovered within two years of said acceptance. The fact that an inspector was present during the progress of any construction shall not relieve the permittee from responsibility for defects discovered after the completion of the work. (Ord. 1492 § 12, 1956)

7.04.130 Insurance – Type – Amount – Requisites.

Permittee shall at the time of applying for a permit as herein provided indemnify and save the city free and harmless from any and all liability, loss, cost, damage or expense from accident or damage, either to himself or to persons and property of others which may occur by reason of the exercise of the rights and privileges granted herein or under Ordinance 1316, and shall, for the purpose of carrying out the provisions of this section, and prior to commencing construction of any kind, have in full force and effect and filed evidence thereof with and approved by the clerk of the city a good and sufficient policy (or policies) covering \$100,000 personal injury each person, \$300,000 personal injury each accident and \$50,000 property damage with said policy (or policies) to be executed by an insurance company (or companies) authorized and qualified to do business in the state of Washington, conditioned to indemnify and save harmless the city from and against any and all claims, actions, suits, liability, loss, costs, expense or damage of any kind or description which may accrue to or be suffered by anyone by reason of the erection, construction, reconstruction, relocation, replacing, readjustment, repair, maintenance or operation of the distribution system and appurtenances thereto or by reason of anything that has been done or may be done by the permittee hereunder which may in any wise cause liability by reason thereof, said policies to remain in full force and effect during the exercise of the rights and privileges granted herein or under Ordinance 1316 (franchise ordinance) by permittee, its successors or assigns. (Ord. 1492 § 13, 1956)

7.04.140 Piping – Testing – New construction – Required – Coordination.

Before any newly constructed distribution and transmission system is finally put in service it shall be carefully tested in conformity with the codes adopted by this chapter to assure that it is gas tight. The gas inspector shall coordinate his tests of the distribution and transmission system with that of the permittee so as to avoid duplicate tests. (Ord. 1492 § 14, 1956)

7.04.150 Prior systems – Allowable pressures.

Any distribution or transmission system constructed prior to the effective date of this chapter shall not be operated with a pressure to exceed 10 pounds per square inch gauge. Whenever the pressure is to be increased to exceed 10 pounds per square inch gauge, that portion of the system to be so uprated shall be given a test under pressure of twice the new operating pressure in a manner acceptable to the city engineer. (Ord. 1492 § 15, 1956)

7.04.160 Maintenance – Material specifications – Exceptions.

Maintenance of distribution and transmission systems shall be made with such materials and by such methods as are provided for by this chapter for new work except when in the judgment of the gas inspector it is impractical to do so. (Ord. 1492 § 16, 1956)

7.04.170 Piping – Certain types – Prohibited.

Rubber, plastic or nonmetallic pipe shall not be used in any distribution or transmission system. (Ord. 1492 § 17, 1956)

7.04.180 Service shutoffs – Location.

Service shutoffs shall be installed on all new services (including replacements) at the curb or property line for each service, or at an easily accessible place on the outside of the building served. If this latter method is used such service shall not enter a building directly without coming above ground. (Ord. 1492 § 18, 1956)

7.04.190 System piping – Location – Rules – Regulation.

All pipes shall be laid in alleys or easements whenever possible. Pipes shall have a lateral clearance of not less than four feet from water mains and 12 inches for any other subsurface structure; provided that under exceptional circumstances the city engineer, with the written consent of the utility involved, may authorize less clearance. Pipes shall have a vertical clearance of 12 inches when crossing another pipe. Pipes shall be laid with a cover of not less than 30 inches except that under exceptional circumstances the city engineer may authorize less coverage. When the trench is in rock the cover may be 24 inches if the pipe is properly cushioned as required in WCC 7.04.320(3). In the event interference with other subsurface structures makes it impractical to maintain the above depths the city engineer, with the written consent of the utility involved, may permit gas pipelines and mains to be constructed so as to avoid such subsurface structures. (Ord. 1492 § 19, 1956)

7.04.200 Construction – Operation – Maintenance – Safety Standard ASA Code – Adopted.

The provision of Section 8 of the "American Standard Code for Pressure Piping – Gas Transmission and Distribution Piping Systems" 1955 Edition (ASA B31.1.8-1955), and the "Rules and Regulations Pertaining to Matters of Public Safety in the Construction and Operation of Facilities for the Transmission and Distribution of Gas", of the Public Service Commission of the state of Washington, consolidated Cause Nos. U-8799 and U-8800, adopted June 28, 1955, on file in the office of the city clerk, are each hereby adopted by reference as the construction, operation, safety and maintenance standards of the city of Wenatchee; provided that, in the event any of the provisions of the ASA Code conflicts with any of the provisions of this chapter or said state rules and regulations, the provisions of this chapter and/or the state rules and regulations, as the case may be, shall govern and be observed.

All amendments and additions to said ASA Code and/or the State Rules and Regulations, when printed and filed with the city clerk, shall thereupon become amendments and additions hereto, if not in conflict with the provisions of this chapter. (Ord. 1492 § 20, 1956)

7.04.210 Routing traffic – During construction – Rules.

During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public, provided that the city engineer may permit the closing of streets or alleys to all traffic for a designated period of time if, in his opinion, it is necessary. The permittee shall route and control all traffic, including its own vehicles, as directed by the police department. The following steps must be taken before any street or alley may be closed or restricted to traffic:

- (1) Receive the approval of the city engineer and the police department.

(2) Notify the chief of the fire department of any street or alley so closed. Upon completion of construction work the city engineer and police department shall again be notified before traffic is moved back to its normal flow so that any necessary adjustments may be made. Where flagmen are deemed necessary by the city engineer they shall be furnished by the permittee at its own expense.

Through traffic shall be maintained without the aid of detours if possible. In instances in which this would not be feasible the city engineer will designate detours. The city will maintain roadway surfaces of existing streets designated as detours without expense to the permittee, except in case there are no existing streets, the permittee will construct all detours at its expense and in conformity with the specifications of the city engineer. The permittee will be responsible for any unnecessary damage caused to any streets by the operation of its equipment. (Ord. 1492 § 21, 1956)

7.04.220 Maintaining traffic – Pedestrian crossings.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon streets as little as possible. It shall construct and maintain adequate and safe crossings over excavations and across streets under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular and pedestrian crossings shall be constructed and maintained of plank, timbers and blocking of adequate size to accommodate said traffic safely. The walk shall be not less than four feet in width and shall be provided with a railing if required by the city engineer. (Ord. 1492 § 22, 1956)

7.04.230 Utilities – Protection – Responsibility – Private property.

The permittee shall not interfere with any existing utility without the written consent of the city engineer and the utility involved. If it becomes necessary to move an existing utility this shall be done by the utility charged with the operation of the same. Whenever the permittee's utility, occupying space in any street or alley, interferes with the actual construction of any public improvement, such utility shall be moved by the permittee. No utility, either publicly or privately owned shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee.

The permittee shall support and protect by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the construction or maintenance work and do everything necessary to support, sustain and protect the same under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they should be repaired by the authorities having control of the same and the expense of such repairs shall be charged to the permittee and its bond shall be liable therefor.

The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewers, gas pipe, electric conduit or other utility and its bond shall be liable therefor.

The permittee shall inform itself as to the existence and location of any underground utilities and protect the same against damage. (Ord. 1492 § 23, 1956)

7.04.240 Property – Generally – Protection.

The permittee shall at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the construction or maintenance work and shall be responsible for all damage to public or private property or streets and alleys resulting from its neglect to exercise proper protection in the prosecution of said work.

Whenever it may be necessary for the permittee to trench through any lawn area the sod shall be carefully cut and rolled and replaced after ditches have been backfilled, as in this chapter provided. All construction and maintenance work shall be done in a manner calculated to leave

the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began.

Permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified the property owner, or in the case of public parks, the city park department. (Ord. 1492 § 24, 1956)

7.04.250 Monuments – Preservation – Penalty.

The permittee shall not disturb any surface monuments or hubs found on the line of the improvements until ordered to do so by the city engineer. A penalty of \$25.00 shall be imposed for any monument or hub disturbed without such order. (Ord. 1492 § 25, 1956)

7.04.260 Existing improvements – Damage – Liability.

All damage done to existing improvements during the progress of construction or maintenance work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of applicable ordinances. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repair the city engineer may cause said necessary labor and materials to be furnished by other parties and the cost shall be charged against permittee, which shall be liable on its bond therefor. (Ord. 1492 § 26, 1956)

7.04.270 Property lines – Easements.

Property lines and limits of easements shall be indicated on the plans and it shall be the permittee's responsibility to confine its construction activities within these limits. Any damage resulting from trespassing beyond those limits shall be the sole responsibility of the permittee. (Ord. 1492 § 27, 1956)

7.04.280 Excavated material – Care – Rules.

All material excavated from trenches and piled adjacent to the trench, or in the streets, shall be piled and maintained in such a manner that the excavated material will not filter back into the trench until backfilling is begun. It shall also be piled so that as little inconvenience as possible is caused to public travel. When the confines of the area through which the gas pipes are to be laid are too narrow to permit the piling of excavated material beside the trench, such as might be in the case of an alley, the permittee may be required to haul excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all storage and disposal sites required. (Ord. 1492 § 28, 1956)

7.04.290 Public services – Interference – Prohibited.

The work shall be conducted so as not to interfere with access to fire stations and fire hydrants. Material or obstructions shall not be placed within 15 feet of fire plugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of material piles or other obstructions. (Ord. 1492 § 29, 1956)

7.04.300 Watercourses – Provision – Required.

The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the progress of the work, and shall replace the same in as good condition as it found them or shall make such final provisions for them as the city engineer may direct. The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, mud, silt, slickings or other runoff pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from its failure so to provide. (Ord. 1492 § 30, 1956)

7.04.310 Cleaning up – Rules – Liability.

As the construction or maintenance work progresses, all streets and alleys and private property shall be thoroughly cleaned of all rubbish, excess earth, rock or other debris resulting from such work. Cleaning up the location of such properties or highways shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city engineer before final acceptance of said work. From time to time as may be ordered by the city engineer, and in any event, immediately after completion of said work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified to do so by the city engineer, said work may be done by the city engineer and the cost thereof charged to the permittee and the permittee's bond shall be liable for the cost thereof. (Ord. 1492 § 31, 1956)

7.04.320 Trenches – Generally – Rules – Specifications.

(1) Except by special permission from the city engineer, no trench shall be excavated more than 300 feet in advance of pipe laying, nor left unfilled more than 700 feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available to the site ready to put in place.

(2) Trenches shall be braced and sheathed according to the safety standards for construction work of the State Department of Labor and Industries of October 1, 1951, or any amendments thereof. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

(3) The completed trench for main construction shall be kept not less than 30 feet ahead of the pipe layers and the trench shall be of a width at least 12 inches plus the exterior diameter of the pipe except where pipes are of four inches in diameter or under. If rock is excavated it shall be removed to a depth of four inches below the bottom and the trench refilled with sand or noncorrosive soil or one and one-quarter-inch minus gravel and well tamped.

(4) The permittee shall furnish all necessary machinery for the work and shall pump, bail, or otherwise remove any water which accumulates in the trenches. It shall perform all work necessary to keep the trenches clear of water while the foundations and the masonry are being constructed or the pipe laid.

(5) Excavation for manholes and other structures shall be sufficient to leave at least 12 inches between their outer surfaces and the sides of the excavation. (Ord. 1492 § 32, 1956)

7.04.330 Trenches – Water – Prohibited – Exception – Liability.

Unless otherwise specifically permitted by the city engineer, water, either from surface or subsurface origin, will not be permitted in the trenches at any time during construction and until backfilling over the top of the pipe has been completed; nor will the ground water level in the trench be permitted to rise above an elevation of six inches below the pipe. Dewatering trenches, when required, may be accomplished in any manner the permittee desires, provided the chosen method has the approval of the city engineer. Any damage resulting from the failure of the chosen method to operate properly, however, shall be the responsibility of the permittee, and shall be repaired in a manner satisfactory to the city engineer at the permittee's expense. (Ord. 1492 § 33, 1956)

7.04.340 Pavement – Breaking – Method.

Whenever it becomes necessary to break through existing portland cement concrete pavement (or sidewalk and curb) for the purpose of constructing gas service facilities the pavement shall be cut with a power driven concrete saw. The depth of the cut shall be not less than 20 percent nor more than 30 percent of the total thickness of pavement.

Asphalt paving shall be scored or otherwise cut in a straight line in a manner that will not damage remaining pavement. (Ord. 1492 § 34, 1956)

7.04.350 Tunnels – When allowed.

Tunnels under pavement shall not be permitted except by permission of the city engineer. (Ord. 1492 § 35, 1956)

7.04.360 Backfilling – Rules – Water from hydrant.

Backfilling in all public street and improved areas, both public and private, shall be compacted to not less than 95 percent as compared to the undisturbed ground in which the trench was dug. Compaction shall be done by mechanical tampers or vibrators, by rolling in layers or by water settling, as required by the soil in question.

When water is to be taken from a fire hydrant, the permittee must make written application in advance to the water superintendent. The superintendent shall then send a hydrant inspector to place a gate valve on one port of the hydrant. The hydrant valve shall be left in full open position at all times while the gate valve is in place and control of water flow shall be made by operating gate valve. The water department shall likewise be notified at the end of job so that the condition of the fire hydrant can be checked. Any damage done to the hydrant during the operation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the water department. (Ord. 1492 § 36, 1956)

7.04.370 Water settling – Rules.

When backfilling is done by water settling excavations above utility installations shall be deposited uniformly in layers of not more than five feet in thickness and shall be thoroughly flooded. During the flooding, the water shall be allowed to flow slowly to the trench from high points and shall be worked down to the full depth of the layer of backfill with bars. All bars used shall be long enough to extend entirely through the layer being filled, and shall be forced down through the loose backfill material. As the bars are withdrawn, the water shall be allowed to flow downward around the bar. The channel or hole formed by the bar shall be kept open and the water kept running into it until the fill has settled. Sufficient hose shall be provided in order to apply water to the trench at intervals of not to exceed 100 feet. All work shall be done in such a manner as to obtain a relative compaction through the entire depth of the backfill of not less than that which exists adjacent to the excavation. (Ord. 1492 § 37, 1956)

7.04.380 Backfilling in rock – Materials required.

Wherever excavation is made through rock, pipe shall be laid four inches above the rock bottom of the trench and the space under, around and six inches above pipe, when rock shield or cushion plate of standard manufacture is not used, shall be backfilled with clean river sand, noncorrosive soil or one and one-quarter-inch minus gravel. Broken pavement, large stones, roots and other debris shall not be used in the backfill. (Ord. 1492 § 38, 1956)

7.04.390 Backfilling – Surface.

Backfilling shall be completed by placing the material well up over the top of the trench or in the case of concurrent street construction, to the grade of bottom of ballast and for dry backfilling, rolling with a roller of an approved type or with the rear of a truck carrying at least five tons, until the surface is unyielding. The surface shall then be graded as required. When a pipeline is laid at an elevation below the ground water level extreme care shall be exercised upon completion of the line not to allow the ground water to rise in the trench for settlement or other purposes until sufficient backfill has been placed over the pipe to prevent the pipe from floating. (Ord. 1492 § 39, 1956)

7.04.400 Restoration of surface – Specifications.

The permittee shall restore the surface of all streets and alleys to their original condition in accordance with the specifications of the city engineer.

The permittee shall be required to maintain in good condition for normal traffic use the surface over the street openings until such time as the permanent surfacing has been restored, subject to the approval of the city engineer.

The asphalt which is used in the bituminous mixture for pavement herein required, shall be in accordance with the specifications of the city engineer. Where street and alley surfacing is to be restored using a bituminous mixture, there shall be placed a minimum of six inches of compacted ballast, using three-inch minus rock. After the bituminous mixture has been laid over the ballast in a manner acceptable to the city engineer a chip seal coating, using 1/2" – 1/4" crushed screenings, shall be placed so as to cover repaired areas and to extend 12 inches beyond said areas. (Ord. 1492 § 40, 1956)

7.04.410 Restoration of surface – Failure to – City’s right to – Procedure.

If the permittee shall have failed to restore the surface of the streets and alleys to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permit, the city engineer shall if he deems it advisable, have the right to do all work and things necessary to do so. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permits, and the city shall have a cause of action for all fees, expenses and amounts paid out upon such work; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided further, that if, in the judgment of the city engineer, it is not expedient to replace the pavement over any cut or excavation made in any street or alley upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the city engineer may lay such temporary pavement himself and collect the cost hereof from the permittee in the manner hereinbefore provided. (Ord. 1492 § 41, 1956)

7.04.420 Permit and inspection fees.

The permit and inspection fee for work on public property shall be \$5.00 for excavations which do not exceed 25 lineal feet in length, \$0.10 per foot for each additional foot up to and including 75 feet, and \$0.01 additional for each foot thereafter. This schedule shall apply to each separate project according to plans filed with the city engineer. (Ord. 1492 § 42, 1956)

7.04.430 Drawings – Plans – Profile – Permanent maintenance – Required – Corrections.

Users of subsurface street space shall maintain accurate drawings, plans and profiles showing the location and character of all underground structures, including abandoned installations. Corrected maps shall be filed with the city engineer within 60 days after new installations, changes or replacements are made. (Ord. 1492 § 43, 1956)

7.04.440 Violations – Penalty.

Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$100.00, or by imprisonment for a period not exceeding 30 days, or by both such fine and imprisonment. (Ord. 1492 § 44, 1956)

**Chapter 7.12
TREES AND HEDGES**

Sections:

7.12.010 Parking strips – Trees allowed, enumerated.

7.12.020 Parking strips – Hedges prohibited.

7.12.030 Parking strips – Tree planting rules.

7.12.040 Planting violations – Penalty.

7.12.050 Nuisances – Enforcement official.

7.12.060 Obstructive or infected vegetation declared nuisance – Abatement.

7.12.100 Remedies not exclusive.

7.12.010 Parking strips – Trees allowed, enumerated.

No tree or trees other than of the following varieties shall be planted or allowed to grow in any parking strip: Cork bark elm, American elm, Siberian elm, Norway maple, schwedleri maple, horse chestnut, mountain ash, scarlet oak, tulip tree, white birch and globe locust. (Ord. 874, 1931; Ord. 427 § 1, 1913)

7.12.020 Parking strips – Hedges prohibited.

No hedge shall be planted or grown in any outside parking strip. (Ord. 427 § 2, 1913)

7.12.030 Parking strips – Tree planting rules.

No tree or trees shall be planted or allowed to grow in any parking strip which is less than five feet in width measured from the face of the curb to the near edge of the cement sidewalk, nor shall any tree or trees be planted or allowed to grow in a parking strip lying between a cement walk and a property line, within a distance of two and one-half feet from the near edge of the cement walk or the face of a curb. Where parking strips are greater in width than five feet, no tree or trees shall be planted or allowed to grow therein nearer to the walk or face of curb than one-half the width of the parking strip. (Ord. 427 § 3, 1913)

7.12.040 Planting violations – Penalty.

It shall be unlawful for any person, firm or corporation to plant, grow or permit to be grown any tree or trees of any variety except as herein mentioned or in any manner other than herein provided, and it shall be unlawful to grow any hedge in outside parking strips, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$25.00. The presence of a tree or trees of any other variety than as herein specified or growing in a parking strip in any other manner than herein provided shall be prima facie proof of the violation of this section on the part of the owner or occupant of the abutting property. (Ord. 427 § 4, 1913)

7.12.050 Nuisances – Enforcement official.

The director of public works or his duly authorized representatives shall be charged with enforcement of the following sections of this chapter. (Ord. 1862 § 1, 1965)

7.12.060 Obstructive or infected vegetation declared nuisance – Abatement.

Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street or alley, or which are growing thereon or upon any street right-of-way in such manner as to obstruct or impair the free and full use of any such sidewalk or street or alley by the public are declared to be public nuisances. Any vegetation, including trees, plants, shrubs, or parts thereof, infected with aphids, elm leaf beetle, San Jose scale, cottony scale, lecanium scale, tent caterpillars, leaf roller larvae, codling moth, and peach leaf twig borer, which overhangs any sidewalk or street or alley, or which is growing thereon or upon any street right-of-way is declared to be a public nuisance. It is the duty of the owner, occupant or tenant of any property within the city of Wenatchee wherein or whereupon any such nuisance exists to abate the nuisance by destroying, removing or trimming the growth which overhangs any sidewalk or

street or alley or public right-of-way. It is the duty of the owner, tenant or occupant of any property wherein or whereupon any vegetation infested with aphids, elm leaf beetle, San Jose scale, cottony scale, lecanium scale, tent caterpillars, leaf roller larvae, codling moth, and peach leaf twig borer which overhangs any sidewalk or street or alley, or which is growing thereon or upon any street right-of-way, to abate such nuisance by disinfestation or by destruction or removal of such vegetation. (Ord. 1862 § 2, 1965)

7.12.100 Remedies not exclusive.

The remedies prescribed herein are in addition to all other remedies provided or authorized by law. (Ord. 1862 § 7, 1965)

**Chapter 7.16
MOVING BUILDINGS**

Sections:

7.16.010 Permit required.

7.16.020 Permit fees.

7.16.030 Liability insurance required.

7.16.040 Supervision and control.

7.16.050 Notice to fire and police department.

7.16.060 Cutting or moving utility wires, lights.

7.16.070 Permit card required.

7.16.080 Permit – When shall be denied.

7.16.090 Violations – Penalty.

7.16.010 Permit required.

It shall be unlawful for any person to move, or cause to be moved, any building in, on, upon, across or along or into any public street or highway in the city of Wenatchee without first obtaining a permit in writing so to do. Application for such permit shall be filed with the city engineer and shall specify the size and character of the building to be moved, the place from which and the place to which said building is to be moved, the method of such moving, and the proposed route to be followed. (Ord. 1570 § 1, 1958)

7.16.020 Permit fees.

The fee for a permit to move a building shall be \$0.05 for each square foot of area of such building when it has only one story, \$0.075 per square foot of area when it has one and one-half or two stories. The area is to be determined by using the outside dimensions of said building at the level of its first floor. (Ord. 1570 § 2, 1958)

7.16.030 Liability insurance required.

No permit to move a building shall be issued until the permittee has filed with the city of Wenatchee a policy of public liability and property damage or approved certificate thereof, issued by a responsible insurance company, authorized to do business in the state of Washington. Said policy shall insure the permittee and shall name the city of Wenatchee as an additional insured, and shall inure to the benefit of any and all persons suffering loss or damage either to person or property by reason of wrongful or negligent acts in moving the building. Such policy shall insure against loss from the liability imposed by law for injury to, or death of, any person in the amount or limit of \$10,000 on account of injury to, or death of, any one person, and, subject to the same limit as respects injury to, or death of, one person, of \$20,000 on account of any one accident resulting in injury to, or death of, more than one person, and of \$5,000 for damage to property of others resulting from any one accident. Such policy shall include coverage for vehicle or vehicles employed in the moving and shall certify therein that it shall not be cancelled except upon 10 days' prior written notice thereof to the city commission. Said liability insurance shall be a continuing liability up to the full amount thereof notwithstanding any recovery thereon. (Ord. 1712, 1962; Ord. 1570 § 3, 1958)

7.16.040 Supervision and control.

The moving of any building upon or across any public street in the city of Wenatchee shall be under the supervision and control of the city engineer. The permittee shall furnish information as to size, weight, etc., of the building and the description of equipment to be employed. (Ord. 1570 § 4, 1958)

7.16.050 Notice to fire and police department.

A permit shall be obtained from the office of the city engineer 72 hours prior to time of moving. The chief of police and chief of fire department shall be notified not less than 48 hours before the moving is to start. (Ord. 1570 § 5, 1958)

7.16.060 Cutting or moving utility wires, lights.

It is the permittee's responsibility to arrange with the city or any public utility for the cutting, removal, relocation or replacement of any wires, poles or lights. (Ord. 1570 § 6, 1958)

7.16.070 Permit card required.

A permit card showing the number of the permit, the moving route and the mover's name, address and telephone number shall be conspicuously posted on the building during the time it is being moved. (Ord. 1570 § 7, 1958)

7.16.080 Permit – When shall be denied.

No permit shall be issued to move any building or structure to a new location within the corporate city limits which is so constructed or is in such condition as to be dangerous; or which is infested with pests or unsanitary; or which, if it is a dwelling or habitation, is unfit for human habitation; or if the proposed use is prohibited by the zoning laws of this city; provided, however, that if the condition of the building or structure, in the judgment of the city engineer, admits of practicable and effective repair, the permit may be issued upon terms and conditions set forth by the city commission. (Ord. 1570 § 8, 1958)

7.16.090 Violations – Penalty.

Any violation or failure to comply with any of the provisions of this chapter constitutes a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding \$100.00 or by imprisonment in the city jail for any period not exceeding 30 days, or by both such fine and imprisonment. (Ord. 1570 § 9, 1958)

Chapter 7.20
COMPREHENSIVE STREET PROGRAM¹

Sections:

7.20.010 Adoption.

7.20.020 Filing required.

7.20.010 Adoption.

The annual comprehensive street plan, as prepared by the city engineer of the city of Wenatchee and as submitted to the city council of the city of Wenatchee, be and the same is hereby adopted. (Ord. 2004-26 § 1; Ord. 2003-11 § 1; Ord. 2002-16 § 1; Ord. 2001-12 § 1; Ord. 2000-17 § 1; Ord. 99-21 § 1; Ord. 2189 § 1, 1975; Ord. 2154 § 1, 1974)

7.20.020 Filing required.

A copy of the annual comprehensive street plan for the ensuing six years, together with a copy of the ordinance codified in this chapter, shall be filed with the Director of Highways of the State of Washington, as provided in Chapter 83, Section 27, 1967 Ex. Sess. Laws of the State of Washington. (Ord. 2004-26 § 2; Ord. 2003-11 § 2; Ord. 2002-16 § 2; Ord. 2001-12 § 2; Ord. 2000-17 § 2; Ord. 99-21 § 2; Ord. 2189 § 2, 1975; Ord. 2154 § 2, 1974)

Footnotes

1. Prior legislation: Ords. 1884, 1945, 1995, 2075, 2106 and 2122.

Chapter 7.22
SIDEWALK CONSTRUCTION STANDARDS

Sections:

7.22.010 Simultaneous construction of sidewalks and curbs required.

7.22.020 Sidewalks constructed during building improvement.

7.22.030 Waiver of provisions.

7.22.040 Penalties for violation.

7.22.010 Simultaneous construction of sidewalks and curbs required.

No curb shall be constructed or placed on any street right-of-way in the corporate city limits abutting any lot of record or any zoning lot existing as of May 1, 1965, unless sidewalks are constructed or placed simultaneously with curb installations. No street shall be paved within the city unless sidewalks and curbs are simultaneously constructed in those instances where curbs and sidewalks are not in existence at the time of the paving. (Ord. 1861 § 1, 1965; Ord. 1802 § 1, 1964)

~~**7.22.020 Sidewalks constructed during building improvement.**~~

~~As a condition precedent to the issuance of any building permit for a new structure by the building inspector for the improvement of property, curbs, gutters and sidewalks shall be constructed simultaneously with the improvement of the property on the street or streets abutting the property to be improved, the width of the sidewalk to be determined by the city engineer, his taking into consideration the width of existing sidewalks adjacent or contiguous to the property to be improved, the width of available right-of-way for the construction of the sidewalk, and the zone in which the property to be improved is located; provided, however, that the minimum width of any sidewalk constructed pursuant to this chapter shall be four and one-half feet. (Ord. 2356 § 1, 1979; Ord. 1802 § 2, 1964)~~

See Below for new text

7.22.030 Waiver of provisions.

Upon written application to the city commission, and upon their making a determination that the elimination of all or any portion of the provisions of WCC 7.22.010 and 7.22.020 will in no way be detrimental to the best interests of the city, those provisions as may be authorized by the city commission may be waived. The decision of the city commission shall be final. (Ord. 1820, 1964; Ord. 1802 § 4, 1964)

7.22.040 Penalties for violation.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. (Ord. 1802 § 3, 1964)

ORDINANCE NO. 2007-28

AN ORDINANCE, amending prior Ordinance No. 2356, Section I, and Ordinance No. 1802, Section II, pertaining to sidewalk construction standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I

That prior Ordinance No. 2356, Section I, and Ordinance No. 1802, Section II, codified at WCC 7.22.020 "Sidewalks Constructed During Building Improvement", shall be amended to read as follows:

"Curbs, gutters and sidewalks shall be constructed simultaneously with the improvement of real property on the street or streets abutting the property to be improved. "Improvement of the property" shall mean construction of a primary structure, or any remodels in any two year period representing greater than 50% of the valuation of the structure as determined using the most recent ICC valuation and construction tables, or remodel adding 20% or more of gross floor area. The width of the sidewalk shall be determined by the City Engineer after taking into consideration the width of existing sidewalks adjacent or contiguous to the property to be improved, the width of available right-of-way for the construction of sidewalks, and the zone in which the property is to be located; provided, however, that the minimum width of any sidewalk constructed pursuant to this chapter shall be 4 ½ feet. In lieu of the above requirements, upon approval of the City Engineer, the applicant shall dedicate right-of-way to the City of Wenatchee if adequate right-of-way is not available for required sidewalks. The amount of dedication required will be determined by the City Engineer."

SECTION II

This Ordinance shall take effect thirty (30) days from and after its passage and publication as provided by law.

Chapter 7.23
MAINTENANCE, CONSTRUCTION AND REPAIR PROCEDURE

Sections:

- 7.23.010 Definitions.
- 7.23.020 Property owner's responsibility.
- 7.23.030 Liability and expense.
- 7.23.040 Report by city engineer.
- 7.23.050 Resolution – Notice.
- 7.23.060 Information required.
- 7.23.070 Serving notice.
- 7.23.080 Noncompliance – Apportionment of cost.
- 7.23.090 Hearing.
- 7.23.100 Assessment deemed lien.
- 7.23.110 Effect of chapter.

7.23.010 Definitions.

Unless the context clearly indicates otherwise, the words used in this chapter shall have the meaning given in this section.

"Abutting property" includes all property having a frontage upon the margin of any street or other public place.

"Sidewalk" includes any structure or form of street improvement in the space between the street margin and the roadway known as the sidewalk area. (Ord. 1901 § 1, 1966)

7.23.020 Property owner's responsibility.

It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain said sidewalk at all times in a safe condition free of any and all obstructions or defects including, but not limited to, ice and snow. (Ord. 1901 § 2, 1966)

7.23.030 Liability and expense.

The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. In case any injury or damage to any person shall be caused by the defective condition of any sidewalk or by ice or snow thereon or by the lack of proper guards or railings on or along the property abutting on any public way, the abutting property where the injury or damage occurs, and the owner or owners thereof, shall be liable to the city for all damage, injuries, costs and disbursements which it may be required to pay to the person injured or damaged. (Ord. 1901 § 3, 1966)

7.23.040 Report by city engineer.

If in the judgment of the city engineer public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street he shall report the fact to the city commission in writing immediately. (Ord. 1901 § 4, 1966)

7.23.050 Resolution – Notice.

If upon receiving a report from the city engineer the city commission deems the construction of the proposed sidewalk or repair of such sidewalk necessary or convenient for the public it shall by an appropriate resolution order such construction or repair and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and side of the street where the sidewalk is to be constructed or repaired requiring him to construct or repair the sidewalk in accordance with the resolution. (Ord. 1901 § 5, 1966)

7.23.060 Information required.

The resolution and notice and order to construct or repair a sidewalk shall:

- (1) Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be constructed or repaired;
- (2) Specify the kind of sidewalk required, its size and dimensions, the method and material to be used in the construction or repair;
- (3) Contain an estimate of the cost thereof; and
- (4) State that unless the sidewalk is constructed or repaired in compliance with the notice and within a reasonable time therein specified, the city will construct or repair the sidewalk and assess the cost and expenses thereof against the abutting property described in the notice. (Ord. 1901 § 6, 1966)

7.23.070 Serving notice.

The notice shall be served:

- (1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners; or
- (2) By leaving a copy thereof at the usual place of abode of such owner in the city with a person of suitable age and discretion residing therein; or
- (3) If the owner is a nonresident of the city and his place of residence is known, by mailing a copy to the owner addressed to his last known place of residence; or
- (4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of the city. Such notice shall specify a reasonable time within which the sidewalk shall be constructed or repaired which, in the case of publication of the notice, shall be not less than 60 days from the date of first publication of such notice. (Ord. 1901 § 7, 1966)

7.23.080 Noncompliance – Apportionment of cost.

If the notice and order to construct or repair a sidewalk is not complied with within the time therein specified, the city engineer shall proceed to construct or repair said sidewalk forthwith and shall report to the city commission at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof, if known, and apportion the cost of the improvement to be assessed against each parcel of such land. (Ord. 1901 § 8, 1966)

7.23.090 Hearing.

Thereupon the city commission shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of the hearing to be published for two successive weeks in the official newspaper of the city, the date of the hearing to be not less than 30 days from the date of the first publication of the notice. At the hearing or at any adjournment thereof, the city commission by ordinance shall assess the cost of construction or repairing the sidewalk against the abutting property in accordance with the benefits thereof. (Ord. 1901 § 9, 1966)

7.23.100 Assessment deemed lien.

The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear

interest at the rate of six percent per annum from the date of the approval of the assessment thereon. (Ord. 1901 § 10, 1966)

7.23.110 Effect of chapter.

This chapter shall not be construed as repealing or amending any provision relating to the improvement of streets or public ways by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and ancillary thereto. (Ord. 1901 § 11, 1966)

**Chapter 7.24
SNOW AND ICE REMOVAL**

Sections:

7.24.010 Property owner to remove snow and ice from sidewalks.

7.24.020 Sidewalks impossible to clear.

7.24.030 Throwing snow and ice into streets.

7.24.040 Removal by city – Lien on property.

7.24.050 Penalty for violations.

7.24.060 Person defined.

7.24.010 Property owner to remove snow and ice from sidewalks.

It shall be the duty of the owner or occupant of any house or other building and the owner, lessee or person entitled to possession of any vacant lot or block, and every person having charge of any church, public hall, or public building in the city of Wenatchee abutting or bordering upon any street, avenue, highway or public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of said sidewalk in commercial areas and three feet in width immediately adjacent to the abutting property in residential areas within 24 hours after such snow or ice shall have fallen or accumulated thereon; provided, that where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street which is used in common as a footway in such street. (Ord. 97-32 § 1; Ord. 1703 § 1, 1961)

7.24.020 Sidewalks impossible to clear.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the lessee, occupant, person having charge, or owner of every parcel of real estate shall within the time specified in the preceding section cause the sidewalk abutting or adjacent to such premises to be strewn with ashes, sand, sawdust or some other suitable material and shall as soon thereafter as the weather shall permit thoroughly clean such sidewalk. (Ord. 1703 § 2, 1961)

7.24.030 Throwing snow and ice into streets.

It shall be unlawful for any person to throw or put, or cause to be thrown or put, any snow or ice into any street, avenue or other public place in the city unless the same shall be broken up and spread evenly over the surface of such street, avenue or other public place; provided, however, that no lessee, occupant, person having charge of or owner of any automobile service station or automobile parking lot conducted on a commercial basis or maintained for the benefit of business patrons, shall cause to be placed into any street, avenue or public place, snow so removed from any said parking lot. (Ord. 1703 § 3, 1961)

7.24.040 Removal by city – Lien on property.

In the event any of the said persons who are required herein to remove said snow and ice, fail to do so within 24 hours after such snow or ice has fallen or accumulated, then, in that event, the city of Wenatchee may remove all of said ice or snow and the owner of said property or the person in control of said property will be charged the reasonable cost thereof, which said reasonable cost shall be not less than \$10.00. Any of said charges which remain unpaid for a period in excess of 30 days after billing thereof shall constitute a lien against said property upon the filing of a notice thereof in the office of the auditor of Chelan County, Washington, which lien may be foreclosed in the same manner as liens for local improvement districts are foreclosed. The imposition or collection of any fine or penalty prescribed by this chapter shall not be a bar to the right of the city to collect the costs of removing and cleaning of snow and ice from the sidewalks as herein provided. (Ord. 1703 § 4, 1961)

7.24.050 Penalty for violations.

Any owner, lessee, occupant or person in charge who shall fail, neglect or refuse to remove snow and ice or to strew the same with sand or other substances as directed in this chapter or who shall violate any of the provisions of this chapter or who shall resist or obstruct the city in the removal of said snow and ice, shall upon conviction thereof be subject to a fine of not more than \$100.00 and each day on which said violation continues will constitute a separate offense. (Ord. 1703 § 5, 1961)

7.24.060 Person defined.

"Person" as used in this chapter means and includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies or all other entities of any kind capable of being sued. (Ord. 1703 § 6, 1961)

**Chapter 7.28
EXCAVATIONS¹**

Sections:

7.28.010 Definitions.

7.28.020 Permit required – Exception.

7.28.030 Application – Bond – Requisites – Amount.

7.28.040 Insurance – Type – Amount – Requisites.

7.28.050 Permit – Application – Fees.

7.28.060 Safety devices and barriers required.

7.28.070 Routing of traffic during construction.

7.28.080 Prosecution of work – Inspections.

7.28.090 Construction standards.

7.28.100 Restoration of surface – Failure to – City’s right to – Procedure.

7.28.110 Violation – Penalty.

7.28.010 Definitions.

For the purpose of this chapter the following words, terms and phrases are hereby defined and shall have the meaning herein given to them.

- (1) “City engineer” shall mean the city engineer or his duly authorized representative.
- (2) “Streets and alleys” shall mean and include streets, alleys, sidewalks, curbs, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds, public rights-of-way and public improvements within the city of Wenatchee.
- (3) “Maintenance, maintaining or maintained” shall mean the relaying, repairing, replacing, examining, testing, inspecting, removing, digging and excavating and restoring operations incidental thereto.
- (4) “Permittee” shall mean any person, company, partnership or corporation or its successors and assigns holding a permit to dig, excavate in, construct, lay, maintain and operate over, across, upon, along and under the present and future streets, alleys, sidewalks, curbs, roads, thoroughfares, parkways, bridges and public property and other places in the city of Wenatchee.
- (5) “Person” shall mean any person, firm, association or corporation. (Ord. 98-33 § 1)

7.28.020 Permit required – Exception.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine, cut, or in any way obstruct or disturb any streets and alleys in the city of Wenatchee or to fill in, place, leave or deposit in or upon any streets or alleys any earth, refuse, gravel, rock or other material or thing tending to obstruct, disturb or interfere with the free use of the same without first having obtained a permit and without complying with the provisions of this chapter; provided, however, that in case of any emergency arising other than during normal office hours, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the police department and the necessary excavation may be made upon the express condition that an application be made in the manner herein provided on or before noon of the following business day. (Ord. 98-33 § 2)

7.28.030 Application – Bond – Requisites – Amount.

Permittee shall make application to the city engineer for a permit and in connection therewith shall file a bond in the minimum sum of \$10,000, or such other sum as is established by the city engineer, conditioned on faithful performance of the terms of the permit and holding the city of Wenatchee harmless from any loss, damage, cost or expense of any nature which may accrue to

or be asserted against the city of Wenatchee by reason of any activities of permittee, its successor or assigns under this chapter.

In addition, said bond shall also be conditioned that permittee will comply with all of the provisions of this chapter and, in case the permit authorizes cutting into or under any streets or alleys in the city, said bond shall be further conditioned that the person acting under said permit shall replace the portion of said streets and alleys affected thereby and shall restore the same at permittee's expense to as good or better condition within the time specified by the city engineer, and that said permittee will maintain such street or alley so restored for a period of two years from and after such restoration. Settlement of the street or alley within a two-year period from the time the original work is completed shall be considered conclusive evidence of defective backfilling by the permittee. Acceptance of the work by the city engineer shall not prevent the city from making a claim against the permittee for uncompleted or defective work if the same is discovered within two years of said acceptance. The fact that an inspector was present during the progress of any construction shall not relieve the permittee from responsibility for defects discovered after the completion of the work. (Ord. 98-33 § 3)

7.28.040 Insurance – Type – Amount – Requisites.

Permittee shall at the time of applying for a permit as herein provided agree to indemnify and save the city harmless from any and all liability, loss, cost, damage or expense from accident or damage, either to himself or to persons and property of others, which may occur by reason of the exercise of the rights and privileges granted under said permit; and shall, for the purpose of carrying out the provisions of this section, and prior to commencing construction of any kind, have in full force and effect and filed evidence thereof with the city engineer a good and sufficient policy (or policies) of insurance in a minimum amount of \$1,000,000 per occurrence covering both personal injury and property damage with said policy (or policies) to be executed by an insurance company (or companies) authorized and qualified to do business in the state of Washington, naming the city as an additional insured, conditioned to indemnify and save harmless the city from and against any and all claims, actions, suits, liability, loss, costs, expense or damage of any kind or description which may accrue to or be suffered by anyone by reason of the erection, construction, reconstruction, relocation, replacing, readjustment, repair, maintenance or operation authorized pursuant to said permit or by reason of anything that has been done or may be done by the permittee hereunder which may in any way cause liability by reason thereof, said policies to remain in full force and effect during the exercise of the rights and privileges granted herein by permittee, its successors or assigns. (Ord. 98-33 § 4)

7.28.050 Permit – Application – Fees.

(1) Application for a permit shall be made to the city engineer on forms provided by him. With reference to public utilities, TelePrompter Cable TV and Cascade Natural Gas Corporation, hereinafter referred to as "utilities," the director of public works may adopt rules and regulations not inconsistent with this chapter authorizing a permit for such utilities when utilizing such utilities' own work force on a project or planned seasonal basis. All other applicants shall seek permits on a project basis only. All permittees shall obtain a business license prior to the issuance of any permit hereinunder.

(2) The application shall be accompanied by plans, profiles and specifications of sufficient detail to allow the city engineer or his/her authorized representative to:

- (a) Understand the nature of the work, the exact location and extent of the work;
- (b) Make a determination that if the permit is issued, that the street and alley will be restored to the requirements of the city; and
- (c) Have an accurate record of the type and location of the facility being installed in and/or under the roadway.

In addition, the city engineer may require additional drawings, surveys and plans as he deems necessary to determine whether the proposed work conforms to standard specifications of the city and sound engineering and design practices.

~~(3) Upon receipt of the approved application and such other requirements as he deems necessary, together with the appropriate payment of a fee, the city engineer shall issue the permit. The permit fees are as follows: street permit, \$100.00 for the first 50 feet of trench and \$25.00 for each additional 50 feet or fraction thereof if the street has not been paved or repaved within five years. If the street has been paved or repaved less than five years from the date of the application, the fee shall be doubled, if less than three years, the fee shall be tripled. (Ord. 98-33 § 5)~~

See below for new text

7.28.060 Safety devices and barriers required.

In case any public street, alley, pavement, curb, sidewalk or like improvement shall be dug up, excavated, undermined, cut or disturbed, the permittee shall cause to be erected and distributed, and at all times maintained throughout such excavation work, such barriers, lights, signs, flagmen and other safety devices as may be required by the public works department and the police department of the city, and in accordance with all state and federal standards, and failure to do so shall constitute a violation of this chapter. (Ord. 98-33 § 6)

7.28.070 Routing of traffic during construction.

During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public; provided, that the city engineer may permit the closing of streets or alleys to all traffic for a designated period of time if, in his opinion, it is necessary. The permittee shall route and control all traffic, including its own vehicles, as directed by the police department. Before any street or alley may be closed or restricted to traffic, permittee must receive the approval of the city engineer. (Ord. 98-33 § 7)

7.28.080 Prosecution of work – Inspections.

(1) Once work under the permit is commenced, permittee shall diligently complete the work in such a manner as to be of a minimal inconvenience to the public.

(2) Inspections of the work shall take place by the city engineer as follows:

- (a) Prior to placement of crushed rock;
- (b) Prior to placement of temporary patch and/or first lift of permanent patch;
- (c) After placement of second lift of permanent patch; and
- (d) Additional inspections – no call required:
 - (i) Eight to 12 months after completion and
 - (ii) Twenty to 24 months after completion. (Ord. 98-33 § 8)

7.28.090 Construction standards.

(1) All work performed under a permit as authorized herein shall be pursuant to the latest edition of the Standard Specifications for Road, Bridge and Municipal Construction as adopted by the city. In addition, work performed under the permit shall meet the following requirements:

- (a) All street cuts and/or trenches shall be permanently or temporarily patched prior to opening the street to vehicle traffic, except when a flagger(s) is continuously present;

ORDINANCE NO. 2009-43

AN ORDINANCE, amending Ordinance No. 98-33 pertaining to the procedures and requirements for obtaining a permit to excavate in city streets and alleys and the fees therefor.

**THE CITY COUNCIL OF THE CITY OF WENATCHEE DO
ORDAIN AS FOLLOWS:**

SECTION I

Ordinance No. 98-33, Section V, subsection (c), codified at WCC 7.28.050(3), shall be and hereby is amended to read as follows:

“Upon receipt of the approved application and such other requirements as he deems necessary, together with the appropriate payment of a fee, the City Engineer shall issue the permit. The permit fees shall be calculated by the City Engineer in accordance with Chapter 1.99 of the Wenatchee City Code.”

SECTION II

Ordinance No. 98-33, Section X, shall be and hereby is amended to read as follows:

“If the permittee shall have failed to restore the surface of the streets and alleys to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permit, the City Engineer shall have the right to do all work necessary to restore the street. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permits, and the City shall have a cause of action for all fees, expenses, and amounts paid out upon such works, provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided, further, that if, in the judgment of the City

Engineer, it is not expedient to replace the pavement over any cut or excavation made in any street or alley upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the City Engineer may lay such temporary pavement himself and collect the cost thereof from the permittee in the manner hereinbefore provided."

SECTION III

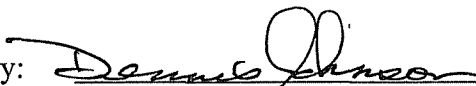
Ordinance No. 98-33 as hereby amended shall remain in full force and effect.

SECTION IV

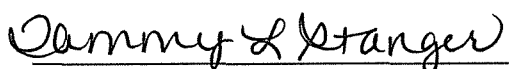
This Ordinance shall take effect thirty (30) days from and after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 10th day of December, 2009.

CITY OF WENATCHEE, a Municipal Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
~~BRENDA GUSKE, Interim City Clerk~~
Tammy L. Stanger

- (b) All pavement cuts shall be made with a saw and shall be recut after placement of top rock. Crushed rock surfacing shall be a minimum of eight inches wider on each side of the original cut, or greater if necessary, as determined by the city engineer;
- (c) Final asphalt shall be placed in two or more lifts to a depth of three inches minimum or that of the existing roadway, if greater. Each lift shall be no more than two inches deep, compacted. For concrete streets, concrete shall be placed to a minimum depth of six inches or equal to existing street, whichever is greater. For brick streets, restoration of the street surface shall include restoring the subgrade by backfilling with crushed surfacing, sand, or concrete to match the preconstruction conditions, a minimum depth of 12 inches, or to match existing street, whichever is greater. The original bricks shall be used to restore the final surface, using mortaring techniques and a coarse pattern similar to the surrounding bricks, as determined by the city engineer.
- (d) Crushed Rock. Top rock, 5/8-minus on residential local access streets shall be placed to a depth of eight inches or to match existing street, whichever is greater. All other streets, collectors and arterials shall be placed to a depth of 12 inches or to match existing street, whichever is greater;
- (e) In cases where a trench is generally running parallel to the roadway and more than 100 feet in length, the permittee shall remove the existing roadway to the outer edge of the roadway in such cases where the outer edge of the permittee's trench is within four feet of the edge of the roadway;
- (f) In cases where trenches are generally perpendicular to the roadway, such as side services, and the number is such that it represents more than one trench per 75 feet of street for a given block and the total number of trenches exceeds eight, the permittee or entity owning or operating the utility for which the service lines are being installed shall be required to:
 - (i) Overlay the street if the existing surface pavement is less than five years old; and
 - (ii) Pay to the city a sum representing 33 percent of the cost of an overlay based on the most current overlay project cost to the city if the existing surface is between five and nine years old;
- (g) The city reserves the right to require the permittee to overlay all or any portion of the roadway in such case as the roadway (old bituminous streets) is so fragile that the work of the permittee will, or has, destroyed the integrity of the roadway;
- (h) All manholes, water valves, etc., shall be post-adjusted after patching is complete in accordance with city standard details. (Ord. 2000-29 § 1; Ord. 98-33 § 9)

7.28.100 Restoration of surface – Failure to – City's right to – Procedure.

If the permittee shall have failed to restore the surface of the streets and alleys to their original and proper condition upon the expiration of the time fixed by such permit, or upon the completion of the work allowed to be done under such permit, the city engineer shall, if he deems it advisable, have the right to do all work and things necessary to do so. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permits, and the city shall have a cause of action for all fees, expenses and amounts paid out upon such work; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided, further, that if, in the judgment of the city engineer, it is not expedient to replace the pavement over any cut or excavation made in any street or alley upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the

permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the city engineer may lay such temporary pavement himself and collect the cost hereof from the permittee in the manner hereinbefore provided. (Ord. 98-33 § 10)

7.28.110 Violation – Penalty.

Any person violating any of the provisions hereof shall be deemed guilty of a civil infraction and upon conviction thereof shall be punished by a fine not exceeding \$300.00 for each day said person is in violation thereof. (Ord. 98-33 § 11)

Footnotes

1. Prior legislation: Ords. 2393, 2903 and 2940.

**Chapter 7.32
SKATES AND SCOOTERS**

Sections:

7.32.010 Definitions.

7.32.020 Prohibited areas.

7.32.030 Yielding right-of-way.

7.32.035 Bicycles.

7.32.040 Motorized foot scooters.

7.32.050 Violation – Penalty.

7.32.010 Definitions.

The following words and phrases when used in this chapter shall have the meanings set forth below, unless normal construction in the context shall clearly indicate to the contrary:

(1) "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this chapter, "skateboard" includes "scooter" and "coaster."

(2) "Riding a skateboard" means standing with one or both feet touching the skateboard, crouching, sitting or lying upon the skateboard while it is in motion.

(3) "Roller skate" means a pair of shoes, mounted upon wheels, and is most often propelled by the user in an upright, standing position or kneeling.

(4) "Roller blade" means a pair of shoes, mounted upon a single-line roller skate or blade, and is most often propelled by the user in an upright, standing position or kneeling.

(5) "Scooter" shall have its ordinary meaning and includes a footboard mounted upon or between two or more small wheels and controlled by an upright steering handle.

(6) "Motorized foot scooter" means a device with no more than two 10-inch or smaller diameter wheels that has handle bars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. (Ord. 2003-31 § 1; Ord. 2977 § 1, 1993)

7.32.020 Prohibited areas.

It is unlawful for any person to operate or ride upon any skateboards, roller skates, roller blades, scooters or coasters upon any sidewalk within the "central business district" of the city of Wenatchee. The "central business district" of the city of Wenatchee is defined as that public right-of-way bounded by the sidewalks between Kittitas Street on the south, Fifth Street on the north, and between Chelan Street on the west and Columbia Street on the east, including sidewalks, alleyways or roadways in such "central business district". It is unlawful for any person to operate or ride upon any skateboards, roller skates, roller blades, scooters or coasters upon the grounds and parking area of the Wenatchee Convention Center. (Ord. 3096 § 1, 1994; Ord. 2977 § 2, 1993)

7.32.030 Yielding right-of-way.

On any sidewalk outside the "central business district" as defined in this chapter, any person riding any skateboard, roller skates, roller blades, scooter or coaster, shall yield the right-of-way to any pedestrian. (Ord. 2977 § 4, 1993)

7.32.035 Bicycles.

(1) "Central business district" of the city of Wenatchee is defined as: Sidewalks between Kittitas Street on the south, Fifth Street on the north, and between Chelan Street on the west and Columbia Street on the east, including sidewalks on both sides of the street and the sidewalks in between.

(2) No person shall ride a bicycle upon a sidewalk in the "central business district" of the city of Wenatchee.

(3) A person may ride a bicycle on any other sidewalk or any roadway, unless restricted or prohibited by traffic control devices, subsection (4) of this section, or any other state, county or municipal law.

(4) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to a pedestrian.

(5) Any person found to have violated this section shall be found to have committed an act designated as a traffic infraction and shall be punished by a penalty of not more than \$250.00. (Ord. 3097 §§ 1 – 5, 1994)

7.32.040 Motorized foot scooters.

(1) No person may drive a motorized foot scooter on public rights-of-way unless such person has a valid driver's license of any class issued by the state of the person's residence.

(2) It is unlawful to operate or ride a motorized foot scooter upon any sidewalk within the city of Wenatchee.

(3) Every motorized foot scooter upon a public way within the city of Wenatchee at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the public way are not clearly discernible at a distance of 1,000 feet ahead shall display a lighted headlight, lighted stop light, lighted turn signals, and at least two illuminating reflectors.

(4) Operation of a motorized foot scooter without a muffling device or operation with a modified muffling device is unlawful. (Ord. 2003-31 § 2)

7.32.050 Violation – Penalty.

Any person violating any provision of WCC 7.32.010 through 7.32.040 shall be guilty of an infraction and shall be punished by the imposition of a monetary penalty of not more than \$50.00; further, the device ridden at the time of the violation shall be subject to impound by the city for a period of 10 days. (Ord. 2003-31 § 3; Ord. 2977 § 3, 1993. Formerly 7.32.040)

Chapter 7.36
VEHICULAR ACCESS TO STATE HIGHWAY SYSTEM

Sections:

7.36.010 Purpose.

7.36.020 Definitions.

7.36.030 General provisions – When connection permits are required.

7.36.040 Responsibilities for other approvals.

7.36.050 Early consultation.

7.36.060 City responsibility for issuing permits.

7.36.070 Connection spacing and standards.

7.36.080 Fees and surety bond.

7.36.090 Application submittal.

7.36.100 Application review, processing, and approval.

7.36.110 Permit conditions.

7.36.120 Construction requirements.

7.36.130 Nonconforming connection permits.

7.36.140 Changes in property site use.

7.36.150 Permit modification, revocation, closure of permitted connections.

7.36.160 Closure of unpermitted connections, closure criteria permit requirements.

7.36.010 Purpose.

The ordinance codified in this chapter is adopted to implement Chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within the incorporated areas of Wenatchee. This chapter describes the connection permit application process and procedures, including a preapplication conceptual review process, and requirements for closure of unpermitted and nonconforming connections to the state highway system within the city limits as shown on Supplement A, attached to the ordinance codified in this chapter. (Ord. 2995 § 1, 1993)

7.36.020 Definitions.

For the purposes of this chapter, the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) "Application" means an application form supplied by the city and completed by the applicant. It would include payment for the required application fee, and related information on the property site, driveway, roadway, and traffic information.

(2) "Average weekday vehicle trip ends (AWDVTE)" means the estimated total of all trips entering plus all trips leaving the applicant's site based on the final stage of proposed development.

(3) "Conforming connection" means a connection that meets current location, spacing, and design criteria.

(4) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(5) "Connection category" means a permit category of all state highway connections, in accordance with the type of property served and the estimated traffic generated by the applicant's site based on rates accepted by the city and department.

(6) "Connection permit" means a written authorization given by the city for a specifically designed connection to the state highway system at a specific location for a specific type and intensity of property use and specific volume of traffic for the proposed connection, based on the

final stage of proposed development of the applicant's property. The actual form used for this authorization will be determined by the city.

(7) "Controlled access facility" means a transportation facility (excluding limited access facilities as defined in Chapter 47.52 RCW) to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to and from such facility at such points only and in such manner as may be determined by the governmental entity.

(8) "Department" means the Washington State Department of Transportation.

(9) "Development approval" means an official action by a governmental land use planning authority authorizing the developer or land owner to begin construction of any permanent improvements on the property.

(10) "Governmental entity" means, for the purpose of this chapter, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(11) "Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

(12) "Limited access facility" means a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons have no right or easement, or only a limited right or easement of access, light, view or air by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

(13) "Median" means the portion of a divided highway or divided connection separating vehicular traffic traveling in opposite directions; not including speed change lanes, storage lanes for left turning or U-turning vehicles, or two-way left turn lanes.

(14) "Median opening" means either a full opening in a continuous median for the specific purpose of allowing vehicles to make a left turn maneuver into or out of a property abutting the highway, to facilitate U-turns, or to allow for a vehicle to totally cross the road, or a directional opening allowing for left turn maneuvers into the property and U-turn maneuvers, but not allowing for left turns or cross movements out of the property.

(15) "Nonconforming connection" means a connection not meeting current city location, spacing, or design criteria.

(16) "Permit" means written approval issued by the city subject to conditions stated therein, authorizing construction, reconstruction, maintenance, or reclassification of a state highway construction and associated traffic control devices on or to the department's or city's right-of-way.

(17) "Permitting authority" means the department or any county, municipality, or transportation authority authorized to regulate access to their respective transportation systems.

(18) "Right-of-way (R/W)" means a general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, land in which the department, a county, or a municipality owns the fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right

pursuant to RCW 47.04.040, or lands that have been dedicated for public transportation purposes.

(19) "Shoulder" means the portion of the highway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, and for lateral support of base and surface courses and for other uses as allowed by law.

(20) "State highway system" means all roads, streets, and highways designated as state routes pursuant to Chapter 47.17 RCW.

(21) "Temporary connection" means a permitted connection for a specific property use, conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right-of-way to be restored by the permittee to its original condition upon connection closure. (Ord. 2995 § 2, 1993)

7.36.030 General provisions – When connection permits are required.

Every owner of property which abuts a state highway where limited access rights have not been acquired has a right to reasonable access, but may not have the right to a particular means of access, to the state highway system. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access to the state highway can be provided by way of another public road which abuts the property. All new connections including alterations and improvements to existing connections to state highways shall require a connection permit. Such permits, if issued, shall be issued only after issuance of development approval where such approval is required, unless other interagency coordination procedures are in effect. The alteration or closure of any existing access connection caused by changes to the character, intensity of development, or use of the property served by the connection or the construction of any new access connection shall not be initiated prior to obtaining a connection permit from the city. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connection in accordance with the permit requirements. If a property owner or permittee holding a valid connection permit wishes to change the character, use or intensity of the property or development served by the connection the city must be contacted to determine whether a new connection permit would be required. (Ord. 2995 § 3(1), 1993)

7.36.040 Responsibilities for other approvals.

Connection permits authorize construction improvements to be built by the permittee on city or department right-of-way. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the applicant to acquire any property rights necessary to provide continuity from the applicant's property to the city or state highway right-of-way if the applicant's property does not abut the right-of-way. (Ord. 2995 § 3(2), 1993)

7.36.050 Early consultation.

(1) The cost of construction or modification of a connection shall be the responsibility of the permittee, including the cost of modification of any connection required as a result of changes in property site use.

(2) Existing permitted connections impacted by the city's work program and which, in the consideration of the city, necessitate modification, relocation, or replacement in order to meet current city connection location, quantity, spacing and design standards, shall be modified, relocated, or replaced in kind by the city at no cost to the permittee. The cost of further enhancements or modification to the altered, relocated or replaced connections desired by the permittee shall be the responsibility of the permittee. (Ord. 2995 § 3(3), 1993)

7.36.060 City responsibility for issuing permits.

(1) The city has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections, with cause. All connections, public or private, shall be determined by the city to be in one of the following categories:

- (a) Provides connection to the state highway system for up to 10 single-family residences, a duplex, or a small multifamily complex of up to 10 dwelling units, which use a common connection. The category shall also apply to permanent connections to agricultural and forest lands, including field entrances; connections for the operation, maintenance, and repair of utilities; and connections serving other low volume traffic generators expected to have an average weekday vehicle trip ends (AWDVTE) of 100 or less.
- (b) Provides connection to the state highway system for medium volume traffic generators expected to have an AWDVTE of 1,500 or less, but not included in Category I.
- (c) Provides connection to the state highway system for high volume traffic generators expected to have an AWDVTE exceeding 1,500.
- (d) Provides a temporary, time limited, connection to the state highway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forest land clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The city reserves the right to remove any temporary connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary connection permit does not bind the city in any way, to the future issuance of a permanent connection permit at the temporary connection location.
- (e) Designation may be issued for Category I through IV permits after an analysis and determination by the city that a conforming connection cannot be made and a finding that the denial of a connection would leave the property without a reasonable means of access to the public road system. In such instances, the permit shall be noted as nonconforming and contain specific restrictions and provisions, including limits on the maximum vehicular use of the connection, the future availability of alternate means of access for which a conforming connection permit could be obtained, the removal of the nonconforming connection at the time the conforming access is available, and other conditions as necessary to carry out the provisions of Chapter 47.50 RCW.
- (f) Includes openings requested for both new connections and for existing connections. New median openings proposed as part of a new driveway connection shall be reviewed as part of the permit application review process. Requests for the construction of new median openings to serve existing permitted connections shall require a reevaluation of the location, quantity, design of existing connection, and traffic at the existing connections. The property owner must file a new connection permit application, for the proper connection category, showing the new proposed median opening location and design and its relationship to the existing or modified driveway connections. Nothing contained herein shall be construed to prohibit the city from closing an existing median opening where operational or safety reasons require the action.

(2) Prior to filing a connection permit application and prior to receipt of development approval, all permit applicants, but in particular those applying for Category II and Category III connections, are strongly encouraged to request, in writing, a conceptual review of the site plan and proposed connection locations with the city. The purpose of the conceptual review is to expedite the overall review process by establishing the permit category, number, type, and general location of connections to the property early in the planning stages of a proposed development or a proposed significant change in property site use, or to determine that the

connection as requested cannot be permitted. The conceptual review does not constitute final city approval of the location and design of the connection. If deemed appropriate, especially on the more complex proposals, the city shall establish the date for a conceptual review meeting to be held within two weeks of the receipt of the written request, unless a later date is requested by the applicant. If a meeting is scheduled, representatives of the local governmental land use planning authority will be invited to attend. Within four weeks following the conceptual review meeting, or receipt of the request if no meeting is scheduled, the city will provide the applicant written notice of the city's conceptual review findings, provided all needed information to complete the review has been received from the applicant. These findings are nonbinding on the city and the developer. Additional detailed information received during the application process, changes in the proposed development, or changes in the existing or planned operational characteristics of the state highway system may necessitate modifications of the connections agreed to in the conceptual approval. The conceptual review findings can be used by the developer in the site plan review approval process with the local government having jurisdiction over the development as indicating coordination of connection location, quantity, and design with the city and of preliminary city findings on the proposed connections. (Ord. 2995 § 3(4), 1993)

7.36.070 Connection spacing and standards.

All connections shall conform to the classification of that section of highway, as determined by the department, and as a minimum shall meet spacing and standards requirements as described in Chapter 468-52 WAC.

(1) The appropriate application form and the application information are available from the designated city offices. An application shall consist of the above form; application fee, plans; traffic data; and connection information specified in this rule section.

All connection and roadway design documents for Category II and III permits shall bear the seal and signature of a professional engineer, registered in accordance with Chapter 18.43 RCW.

(2) The following information is required of all applicants for all permit categories, unless the city determines that specific information will not be required on individual applications. Additional information required of Category II, III, and IV permit applications is specified in this chapter. In all cases it would be prudent, prior to submittal of the application, for the applicant to inquire of the city whether the application needs additional information. The city reserves the right to request clarification or additional information during the application review process. Failure to provide the requested information within the time limits specified in the request shall result in withdrawal of the permit application.

- (a) The current complete names, mailing addresses, and telephone numbers of the property owner(s), the developer(s), the applicant, the transportation and legal consultants representing the applicant (if any), and the local government representative(s) responsible for processing the development's approval shall be provided as part of the application. If the property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant is to be provided with the application. When the owner or applicant is a company, corporation, or other public agency, the name, address and telephone number of the responsible officer shall be furnished. The names of all individuals signing the application and their titles shall be typed or printed directly below the signature.
- (b) The ultimate planned property uses shall be indicated in sufficient detail to determine the appropriate permit classification. Estimated average weekday vehicle trip ends to be generated by the development, based on the planned property use, consistent with the latest trip generation information published by the Institute of Transportation Engineers, Washington, D.C., shall be included as appropriate. If local or special trip generation rates are used, the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential

developments with 10 or fewer units, 10 trips per day per unit may be assumed. The requirement for an average weekday vehicle trip ends estimate may be waived for agricultural uses where no retail marketing is proposed.

(c) The application shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable on Category I permits only), the location of the property, and existing conditions and the character and extent of work proposed. The location of existing and proposed on-site development with respect to the existing and proposed driveway location(s) and the highway shall be shown. Minimum information on the plan shall include:

(i)

State route number.

County or local road name.

Highway pavement type.

Cross section.

Posted speed limit.

The existence and location of any existing and/or future proposed public or private road abutting or entering the property; the horizontal and vertical curvature of the road(s) noting the location of existing and proposed connections and any other pertinent information.

(ii)

Location of all existing and proposed buildings, and other structures, such as gasoline pumps, lights, trees, etc., with respect to the existing and proposed property and right-of-way lines.

Any adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and indicate whether these properties will be accessed by means of the proposed connection(s).

The application shall include a boundary survey. The requirement for a boundary survey may be waived for Category I connections, at the discretion of the city.

Any existing or proposed parcels segregated from the applicant's property for separate development also shall be clearly designated on the plan.

(iii)

The proposed connection milepost and highway engineer's station, if available.

Location of the highway centerline with respect to existing and proposed property lines.

Distance of proposed public or private access connection to intersecting roads, streets, railroads.

Existing or proposed median openings (crossovers) and connections on all sides of the state highway and other roads within 660 feet of the proposed connection location in urban areas and 1,320 in nonurban (rural) areas.

Location of existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures and easements, traffic control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, green belts, and wetlands, that could affect driveway location.

It shall be the responsibility of the applicant to physically identify the location of the proposed connection at the proposed site.

(iv)

Proposed connection and approach improvements including its profile approaching the state highway, width, radii, angle to the highway, auxiliary pavement.

Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the state highway and the proposed connection).

Drainage calculations and other pertinent data.

Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials, and thicknesses.

Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the city.

(v)

If the driveway is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence for all property owners on joint driveway usage.

Joint driveway use serving adjoining properties is encouraged on all highways and may be required on some highways, pursuant to rules adopted by the department.

(3) The following is a list of additional information that may be required for each phase of the development from the applicant. Prior to the submittal of the application, the applicant shall coordinate with the appropriate designated department of the city on the level of detail and the analysis techniques to be used.

(a) All parking, interior drives, and internal traffic circulation plans.

(b) All internal and external adjacent parcels which will use the requested connection. All existing and proposed connecting roadways and potential means of alternate access through the final buildout stage of development shall be shown on the plans submitted with the application.

(c) Proposed traffic control devices and lighting locations.

- (d) Analysis of horizontal and vertical sight distance on the state highway with respect to the proposed connection.
- (e) Traffic data submitted by the applicant shall be signed and sealed by a qualified professional engineer, registered in accordance with Chapter 18.43 RCW. The following traffic study information may be required:
 - (i) Vehicle turning movements for present and future traffic conditions.
 - (ii) Amount and type of traffic that will be generated by the proposed development including a breakdown of anticipated peak hour traffic and an analysis of the impact highway.
 - (iii) Analysis of off-street parking and traffic circulation, including distances to secondary access points on the connection roadway and their impact on the operation of the state highway.
 - (iv) If a traffic signal is requested, the following studies may be required: Traffic signal warrants; phasing and timing analysis; signal progression analysis; signalization, signing, and lighting plans in conformance with city and department standards. A separate department traffic signal permit is required.
 - (v) A traffic analysis to determine the need for off-site related roadway and geometric improvements and mitigation requirements.
 - (vi) A traffic control plan conforming to current city standards set forth in the "Manual on Uniform Traffic Control Devices," documenting how the permittee will provide for safe and efficient movement on the state highway system during the construction of the connection.

(4) Permit applications must contain the specific dates that the connection is to be open and must contain assurances acceptable to the city and department that the shoulder, curbing, sidewalks, bike ways, ditch, right-of-way, and any other amenities will be restored to their original condition at the permittee's expense upon closure of the temporary connection. (Ord. 2995 § 4, 1993)

7.36.080 Fees and surety bond.

(1) Fee Structure (optional). The following nonrefundable fee structure is established for city application processing, review and inspection. Full payment of base fees must accompany the permit application. Due to the potential complexity of Category II and Category III connection proposals, and required mitigation measures that may involve construction on the state highway, the city or department may require a developer agreement in addition to the connection permit. The developer agreement may include, but is not limited to: plans; specifications; maintenance requirements; bonding requirements; inspection requirements; division of costs by the parties, where applicable; and provisions for payment by the applicant of actual costs incurred by the city in the review and administration of the applicant's proposal that exceed the required base fees in the following schedule:

- (a) Category I base fee for one connection:
 - (i) Field (agricultural), forest lands, utility operation and maintenance: \$50.00.
 - (ii) Residential dwelling units (up to 10) utilizing a single connection point per dwelling unit: \$50.00.

(iii) Other, with 100 AWDVTE or less: \$50.00.

(iv) Fee per additional connection point: \$10.00.

(b) Category II base fees for one connection:

(i) Less than 1,000 AWDVTE: \$250.00.

(ii) 1,000 to 1,500 AWDVTE: \$350.00.

(iii) Fee per additional connection point: \$100.00.

(c) Category III base fees for one connection:

(i) 1,500 to 2,500 AWDVTE: \$500.00.

(ii) Over 2,500 AWDVTE: \$750.00.

(iii) Fee per additional connection point: \$150.00.

(d) Category IV base fee per connection: \$100.00.

(2) Surety Bond. Prior to the beginning of construction of any Category II or Category III connection, the city may require the permittee to provide a surety bond. (Ord. 2995 § 4, 1993)

7.36.090 Application submittal.

The application shall be submitted to the public works office. The application shall be properly prepared, clearly completed and signed. Information on the specific number of copies to be provided and other submittal information is available from the designated local city office. (Ord. 2995 § 6(1), 1993)

7.36.100 Application review, processing, and approval.

Upon receipt of the application, the application shall be reviewed consistent with the provisions of this chapter. If the city identifies errors in the application or if additional information is required, the city will notify the applicant. Applicants must provide such information or correct errors within 30 days of the notification. If the applicant determines that the time to provide additional or corrected information is insufficient, the applicant shall contact the city in writing to request additional time be approved. If the additional or corrected information has not been received by the city within 30 days or the approved time period agreed to, the application will be withdrawn.

(1) Review. Upon timely receipt of all required information, or upon expiration of the time period for receipt of additional or corrected information, the location and design of the connection shall be examined for consistency with current city location, quantity, spacing, classifications, and design standards. The review shall also include an analysis of the impact of the site's existing and projected traffic on the operation and safety of the state highway.

(2) Concurrence or Denial, Notice. If the city concurs in the location and design of the proposed connection, written notification of that concurrence will be sent to the applicant and to the local governmental land use planning authority having jurisdiction over the development. If the applicant has gone through the voluntary conceptual review process, the written notice of concurrence will indicate whether or not there have been any changes in the number, location, or design of the connection required by the city. No construction may commence on the city's or the department's right-of-way until all necessary city and governmental permits are issued. If

the city does not concur in the connection location, quantity, or design, both the applicant and the local governmental land use planning authority having jurisdiction over the development approval shall be notified, in writing, indicating the city's intent to deny the connection as proposed in the application. The written notification shall state the specific reasons for the intent to deny the connection, the process for submitting an amended application, and the appeal rights of the applicant. The applicant may submit a revised application within 30 days based on city comments and concerns as stated in the notification. The submittal of a revised application within 30 days shall not require the payment of any additional application fees. Submittal of a revised permit is not a prerequisite for a request for an adjudicative proceeding pursuant.

(3) Permit Issuance. The city shall issue the connection permit after review and concurrence that the application and the location and design of the connection comply with the requirements of this chapter, and after either:

- (a) The applicant has received development approval from the appropriate local governmental land use planning authority; or
- (b) Other interagency coordination procedures in effect are satisfied for development approval by the local governmental land use planning authority.

(4) Request for Adjudicative Proceedings. In the event of a denial of a connection as proposed in the application, the applicant may apply for an adjudicative proceeding. (Ord. 2995 § 6(2), 1993)

7.36.110 Permit conditions.

Any special requirements or provisions for the connection including off-site mitigation shall be clearly and specifically identified as part of the permit. Failure by the applicant or permittee to abide by the permit provisions shall be sufficient cause for the city to initiate action to alter the connection or to revoke the permit and close the connection at the expense of the permittee. The permit requirements shall be binding on the permittee, the permittee's successors, heirs and assigns, the permit application signatories, and all future owners and occupants of the property. The applicant may challenge the permit conditions by applying for an adjudicative proceeding. (Ord. 2995 § 6(3), 1993)

7.36.120 Construction requirements.

(1) Preconstruction Conference. The city may require a preconstruction conference prior to any work being performed on the city's or the department's right-of-way. When required by provisions in the permit, the city will schedule a preconstruction conference. The preconstruction conference should be attended by the necessary personnel to assure compliance with the terms and provisions of the permit.

(2) Time Limit. Substantial construction of the connection shall begin within 90 days of the effective date of the permit, unless a longer time is approved by the city or a time extension is requested by the applicant and approved by the city.

Construction shall be completed within 120 days of the date of issuance of the permit, unless a time extension is approved by the city. As a condition of the permit, the city may further limit construction time, if the city determines that such limitation is warranted. Failure to comply with the time limits specified in the permit shall result in an automatic expiration of the permit following written notification to the permittee. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the city may require a new application, including the payment of the required application fee prior to the initiation of any construction.

(3) Posting of Permit. The approved connection permit shall be displayed in a prominent location, protected from the weather, within the vicinity of the connection construction.

(4) Disruption of Traffic. All construction and/or maintenance within the city's or the department's right-of-way shall conform to the provisions of the connection permit, the "Manual on Uniform Traffic Control Devices" (MUTCD); the department's current "Design Manual," the current "Standard Specifications for Road, Bridge, and Municipal Construction" and city construction standards. The city or department may require or restrict hours of construction to minimize disruption of traffic on the state highway system. If construction activity within the city's or the department's right-of-way causes undue disruption of traffic or creates safety hazards on a state highway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the city shall advise the permittee or the permittee's contractor of the need for immediate corrective action, and may order immediate suspension of all or part of the work if deemed necessary. Failure to comply with this provision may result in permit modification or revocation.

(5) Traffic Signals and Other Traffic Control Devices. Traffic signals and other traffic control devices installed by permittee shall conform to MUTCD and city and/or department design and construction standards. The permittee is responsible for securing any state and local permits needed for traffic signalization and regulatory signing and marking.

(6) For Category II and Category III connections, the city may require the permittee, the developer, or landowner to provide inspection of construction and certification that connection construction is in accordance with permit provisions and appropriate department standards by a professional engineer, registered in accordance with Chapter 18.43 RCW, or the city may do the inspection at the applicant's expense, as provided in the developer agreement. (Ord. 2995 § 7, 1993)

7.36.130 Nonconforming connection permits.

The city may issue a permit for a connection not meeting city location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable means of connection to the public road system. The city may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the city or state for restoring or maintaining the operational efficiency and safety of the state highway. Nonconforming connection permits shall specify conditions or limits including:

(1) Traffic Volume. The maximum vehicular usage of the connection shall be specified in the permit.

(2) Future Alternate Access. The permit shall specify that a conforming connection be constructed when future alternate means of access become available, and that the nonconforming connection be removed.

(3) Users. The permit shall specify the properties to be served by the connection; and any other conditions as necessary to carry out the provisions of Chapter 47.50 RCW. (Ord. 2995 § 8, 1993)

7.36.140 Changes in property site use.

The connection permit is issued to the permittee for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the permittee, their assignee, or property owner to contact the city to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection. An engineering study, signed and sealed by a professional engineer registered in accordance with Chapter 18.43 RCW, may be required to document the

extent of the change. If modification of the existing connection is required, based on a significant change as determined by the city, the permittee shall acquire a new permit prior to the initiation of any on-site construction to the connection or to the property.

(1) Significant Change. A significant change is one that would cause a change in the category of the connection permit or one that causes an operational, safety, or maintenance problem on the state highway system.

(2) Notification. Failure to contact the city to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation of property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The permittee is responsible for all costs associated with connection removal, relocation or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property. (Ord. 2995 § 9, 1993)

7.36.150 Permit modification, revocation, closure of permitted connections.

(1) Revocation Criteria. All connection permits issued by the city prior to the effective date of this chapter remain valid until revoked. The city may initiate action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property requiring the relocation, alteration or closure of the connection; if the connection was not constructed at the location or to the design specified in the permit; or if the permit provisions were not met; or if the connection causes a safety or operational problem on the state highway system. The process to be followed by the city in the revocation of permits shall be consistent with the requirements of Chapter 34.05 RCW and this chapter. The notification process is as follows:

(a) Notification, Correction of Deficiencies. The city shall serve notice, to the permittee, permittee's successors or assigns, or property owner with a copy to the occupant, for any connection found to be in noncompliance with the conditions of the permit or this chapter. The notice will identify and request that the deficiencies be corrected within 30 days of service of the notice. The notice shall further advise that the city's determination of noncompliance or deficiencies shall become final and conclusive 30 calendar days following service of the notice unless the violations are corrected or an adjudicative proceeding pursuant to Chapter 34.05 RCW is requested by the permittee, permittee's successor or assigns, or the property owner.

(2) Costs. The permittee, assignee, or property owner shall be responsible for the costs of closure due to revocation of a connection permit pursuant to this chapter.

(3) Emergency Action. This chapter shall not restrict the city's right to take immediate remedial action, including the closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare, pursuant to Chapter 47.32 RCW. In such event, the city shall conform to the provisions for emergency adjudicative proceedings in RCW 34.05.479 and rules adopted thereunder. (Ord. 2995 § 10, 1993)

7.36.160 Closure of unpermitted connections, closure criteria permit requirements.

Any unpermitted connections to the state highway system which were in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide connection to the state highway system, unless the property owner had received written notification initiating connection closure from the city prior to July 1, 1990, or unless the city determines that the unpermitted connection does not meet minimum acceptable standards of highway safety. The city may require that a permit be obtained if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the city may initiate action to close the unpermitted connection point pursuant to

RCW 47.50.040. Any unpermitted connection opened subsequent to July 1, 1990, is subject to closure by the city. The process to be followed by the city in the closure of an unpermitted connection shall be consistent with Chapter 34.05 RCW and rules adopted thereunder. The notification process is as follows:

(1) Notification. The city shall serve notice, in accordance with rules adopted pursuant to Chapter 34.05 RCW, upon the property owner of a connection to a state highway which is found by the city to be unpermitted. This notice shall clearly describe the highway connection violation and shall establish a 30-day time limit for either applying for a connection permit or requesting an adjudicative proceeding pursuant to Chapter 34.05 RCW. The sole issue to be determined at the adjudicative proceeding is whether a permit should be required. The notice will further advise the property owner that failure to act in either of the prescribed ways within the time period will result in city closure of the unpermitted connection.

(2) Permit Application. If a permit application is filed within the 30 days, and the application is denied, the city shall notify the property owner of the denial. The property owner may then proceed with the permit application revision process set forth in this chapter or request an adjudicative proceeding pursuant to this chapter within 30 days. Failure to act in either of those prescribed ways within the time period set forth in the rules will result in city closure of the unpermitted connection. If the location and design of the connection in the permit application are acceptable to the city, the existing connection may continue to be used for a specified period of time or until the connection specified in the permit application is constructed.

(3) Approval Conditions. Modifications, relocation, or closure of unpermitted connections may be required by the city as a requirement of permit approval, subject to the adjudicative proceedings provisions of this chapter. (Ord. 2995 § 11, 1993)

Chapter 7.38
STREET SYSTEM IMPROVEMENTS

(Repealed by Ord. 3157)