

ORDINANCE 612

CITY OF LACEY

AN ORDINANCE RELATING TO OBSTRUCTION OR DISTURBANCE OF STREETS, AMENDING SECTIONS 12.16.010, 12.16.020, 12.16.030, 12.16.050, AND ADDING NEW SECTIONS TO CHAPTER 12.16 OF THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 12.16.010 of the Lacey Municipal Code is hereby amended to read as follows:

"Whenever any person, firm or corporation, except city employees or contractors for the city, intends to install any facility in the city right-of-way, including the extension of city utilities, they shall first obtain a permit therefor. Typical facilities covered by this chapter are signposts, utility poles, culverts, underground ~~conduits~~ utilities, curbs, sidewalks or any manner of obstruction and/or construction which disturbs the surface of the street, sidewalk or right-of-way."

Section 2. Section 12.16.020 of the Lacey Municipal Code is hereby amended to read as follows:

"Such person, firm or corporation shall first apply for a permit from the city. The permit application shall be accompanied by detailed plans and specifications covering the construction. The permit shall require the approval of the ~~city-engineer~~ department of public works and if the traveled way will be obstructed, approval of

the police ~~chief~~ department and fire ~~chief~~ department shall be required."

Section 3. Section 12.16.030 of the Lacey Municipal Code is hereby amended to read as follows:

"All work undertaken, including but not limited to excavation, backfilling, surface restoration, protection of utilities, traffic control, safety precautions, noise and dust control and clean-up, shall be performed in accordance with specifications adopted by the director of public works, which specifications shall meet or exceed, where necessary, the specifications for public works construction as adopted by Chapter 20 of this code. All work shall require restoration of the surface to original or better condition in accordance with ~~the~~ such specifications ~~of-the-city-engineer~~. The permittee shall guarantee the work and condition of the street, sidewalk or right-of-way for a period of one year after the completed job is accepted by the city."

Section 4. Section 12.16.050 of the Lacey Municipal Code is hereby amended to read as follows:

"A permit fee of ~~five-dollars~~ \$25.00 shall accompany the application. ~~Should-considerable~~ If the permit is granted, an estimate of the cost of inspection and engineering ~~be~~ required by the city ~~in-the-opinion-of-the-city-engineer-or,~~ and if the pavement restoration is to be completed by the city, an estimate

of the costs of such ~~inspection, engineering or~~ pavement restoration will be furnished the applicant by the ~~engineer~~ city and the estimated amounts will become an additional application fee. At the conclusion of the work called for in this section, the actual costs incurred by the city will be computed and the fee adjusted in accordance with such costs."

Section 5. There is hereby added to the Lacey Municipal Code a new section, 12.16.055, to read as follows:

"Additional Fee for Disruption of New Streets. When an underground utility installation is made within five years after improvement of a street to city standards, a disruption fee in addition to the fees prescribed in this ordinance shall apply. This additional disruption fee shall be five times the estimated cost of restoration as determined by the director of public works if the installation is made during the first year after the street improvement is completed, four times during the second year, three times during the third year, two times during the fourth year and equal to the estimated restoration cost during the fifth year; provided, however, the director of public works shall notify all persons utilizing any portion of the city right-of-way under a franchise and such other special districts and municipal corporations as may be subjected to said disruption fee as soon as practicable following the final decision of the city to so improve a street."

Section 6. There is hereby added to the Lacey Municipal Code a new section, 12.16.062, to read as follows:

"Insurance Required. Prior to commencing work pursuant to the permit granted under this chapter, the permittee or his contractor shall obtain and maintain during the period of construction, public liability insurance for bodily injury and property damage, to public or private persons or property, which insurance shall name the City of Lacey as an additional insured, and provide coverage for all claims or damages for bodily injury, including wrongful death, to any one person in an amount not less than \$250,000.00 and in an amount of not less than \$500,000.00 on account of any one occurrence, and property damage liability insurance in an amount not less than \$100,000.00 for each occurrence. Proof of such coverage shall be provided to the city."

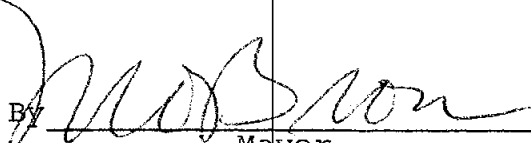
Section 7. There is hereby added to the Lacey Municipal Code a new section, 12.16.064, to read as follows:

"Bond Required. Prior to commencement of the work under a permit granted pursuant to this chapter, the permittee or the contractor for the permittee shall post with the city a bond with a surety qualified to do a bonding business in this state, a cash deposit or an assigned savings account or other security acceptable to the city in an amount equal to 150 percent of the cost of the work as estimated by the director of public works. Such bond, deposit or other security shall be conditioned upon the permittee or its contractor performing the work pursuant to the terms of this chapter, including the replacement of the street, sidewalk or other right-of-way within the time specified by the director of public works, and the maintenance and guarantee of such work and


replacement for a period of one year after the completed job is accepted by the city."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 26th day of March, 1981.


CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

Passed: 3-26-81

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