

ORDINANCE 733

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 12.16 OF THE LACEY MUNICIPAL CODE RELATING TO THE INSTALLATION OF FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY AND REQUIRING PERMITS RELATING TO SAID WORK OR ANY OTHER OBSTRUCTION OF CITY STREETS AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

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

Section 1. Chapter 12.16 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 12.16OBSTRUCTION OF STREETSSections:

- 12.16.010 Permit required.
- 12.16.020 Permit--Application.
- 12.16.030 Restoration of work surface.
- 12.16.040 State rules adhered to.
- 12.16.050 Permit--Fee.
- 12.16.055 Additional fee for disruption of new streets.
- 12.16.060 Permit--Appeal.
- 12.16.062 Insurance required.
- 12.16.064 Bond required.
- 12.16.070 Violation deemed misdemeanor.

12.16.010 Permit required. 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 utilities, curbs, sidewalks or any manner of obstruction and/or construction which disturbs the surface of the street, sidewalk or right-of-way. (Ord. 612 §1, 1981: Ord. 59 §1, 1967).

12.16.020 Permit--Application. 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 department of public works and if the traveled way will be obstructed, approval of the police department and fire department shall be required. (Ord. 612 §2, 1981: Ord. 59 §2, 1967).

12.16.030 Restoration of work surface. 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 12.20 of this code. All work shall require restoration of the surface to original or better condition in accordance with such specifications. 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. (Ord. 612 §3, 1981: Ord. 59 §3, 1967).

12.16.040 State rules adhered to. Rules of all Washington state departments having jurisdiction shall be strictly adhered to with respect to safety, construction methods and other state requirements. (Ord. 59 §4, 1967).

12.16.050 Permit--Fee. A permit fee in an amount established by resolution of the city council shall accompany the application. If the permit is granted, an estimate of the cost of inspection and engineering required by the city, and if the pavement restoration is to be completed by the city, an estimate of the costs of such pavement restoration will be furnished the applicant by the 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. (Ord. 666 §19, 1982: Ord. 612 §4, 1981: Ord. 438 §1, 1978: Ord. 59 §5, 1967).

12.16.055 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 chapter 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. (Ord. 612 §5, 1981).

12.16.060 Permit--Appeal. Any person, firm or corporation feeling aggrieved by the decision of the city engineer as to the granting of a permit shall have thirty days within which to make written appeal to the city clerk, setting forth his reason or reasons for such appeal, and such appeal shall be considered and passed upon by the city council, and the results of such consideration forwarded to the appellant within five days of the hearing thereon. (Ord. 59 §6, 1967).

12.16.062 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 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. (Ord. 612 §6, 1981).

12.16.064 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. (Ord. 612 §7, 1981).

12.16.070 Violation deemed misdemeanor. Violations of this chapter constitute a misdemeanor. (Ord. 195 §15, 1971: Ord. 59 §7, 1967).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 12.16 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

By MOB now
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Posted: March 29, 1985