

ORDINANCE 735

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 12.24 OF THE LACEY MUNICIPAL CODE SETTING FORTH REGULATIONS AND REQUIREMENTS FOR THE CONSTRUCTION OF SIDEWALKS, CURBS, GUTTERS, AND STREET LIGHTS WITHIN THE CITY

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 12.24 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 12.24SIDEWALK, CURB AND GUTTER CONSTRUCTIONSections:

- 12.24.010 Required when.
- 12.24.020 Drainage requirements.
- 12.24.030 Submission of plans.
- 12.24.040 Establishment of grades.
- 12.24.050 Subdivisions and short subdivisions.
- 12.24.060 Design and construction standards.
- 12.24.070 Location and increased standards.
- 12.24.080 Street light regulations.

12.24.010 Required when. The owners of all properties within commercial zones of the city, properties abutting arterial streets or collector streets and properties upon which there are to be public buildings, shall, in conjunction with new construction on such properties or alterations or improvements to existing structures on such properties where the estimated cost of the alterations or improvements constitute twenty-five percent or more of the value of the existing structures on the property, construct sidewalks along abutting streets; provided, however, that clearly marked walkways may be allowed by the director of public works along those streets on an interim basis where the plans of the city call for the future widening of the adjoining roadway surface. (Ord. 530 §1, 1979: Ord. 520 §5, 1979: Ord. 380(part), 1975).

12.24.020 Drainage requirements. Owners of properties located in the area set forth in Section 12.24.010 and proposing construction on such properties under the conditions set forth in Section 12.24.010 shall also construct curbs and gutters along the abutting street when in the opinion of the director of public works the conditions of drainage require such curbs and gutters. In making the decision, the director of public works shall take into consideration the history of drainage in the area of the property and also the effect upon drainage of the construction of the improvements proposed. (Ord. 380 (part), 1975).

12.24.030 Submission of plans. Plans for the construction of sidewalks or sidewalks and curbs and gutters required by Sections 12.24.010 and 12.24.020 shall be submitted to the department of public works as part of the plans submitted for the obtaining of a building permit. The fee to be paid to the city by the applicant for reviewing the plans and inspecting the construction shall be based upon the schedule set forth in the Uniform Building Code, 1973 Edition, which

has been adopted by Chapter 14.04 of this code. No certificate of occupancy under Chapter 14.04 of this code shall be issued until the improvements required by Sections 12.24.010 and 12.24.020 are completed or a performance bond conditioned upon the satisfactory completion of such improvements has been filed and approved by the city. (Ord. 380 (part), 1975).

12.24.040 Establishment of grades. Grades for the construction of the improvements required by this chapter shall be established by the director of public works, or by the approval of plans and grades furnished by the owner. If the city, through its director of public works, is required to determine the grade for such improvements, the fee for such determinations shall be paid on the basis of time, materials and equipment rentals incurred by the city. (Ord. 380 (part), 1975).

12.24.050 Subdivisions and short subdivisions. The required improvements in any commercial or residential subdivision, short subdivisions or property development requiring review by the site plan review committee shall include the following:

(1) Arterial Streets. Sidewalks, curbs and gutters shall be required on both sides of all arterial streets interior to the development. Sidewalks, curbs and gutters shall also be required on the development side of streets abutting the exterior of said development. Arterial streets for purposes of this subsection shall include major arterials, secondary arterials and collector streets as defined in Section 15.08.020.

(2) Local Access Streets. Sidewalks shall be required on one side of local access streets interior to the development and on the development side of local access streets abutting the exterior of said development except for cul-de-sacs of less than four hundred feet in length; provided, however, that sidewalks may be required on both sides of said streets pursuant to Section 12.24.070.

(3) Planned Residential Developments. The requirements of this chapter relating to alignment, grade and location of sidewalks and walkways may, upon request by an applicant, be altered by the city council as part of the approval of a planned residential development where the alterations will carry out the intent of this chapter to provide for the safe and convenient movement of pedestrian bicycle traffic.

Provided, that clearly marked walkways may be allowed by the director of public works in lieu of the requirements of this section along those streets abutting the exterior of a development on an interim basis where the plan of the city call for the future widening of the roadway surface of such street. (Ord. 530 §3, 1979).

12.24.060 Design and construction standards. The design and construction of all sidewalks, curbs, gutters and walkways shall meet the following minimum standards:

(1) The right-of-way for new streets shall be sufficient width to contain sidewalks on both sides of the street and the roadways shall be graded for the entire width of the right-of-way to accommodate said improvements.

(2) The width of sidewalks along local access streets and neighborhood collector streets in all residential zones of the city shall be a minimum of five feet; provided, however, that if the sidewalk is separated from the back of the raised edge or curb of the street by at least four feet, said minimum width may be four feet. The width of sidewalks in areas zoned core commercial shall be eight feet. The width of sidewalks in all commercial and industrial zones of the city, except core commercial, and along all arterial and commercial collector streets not located in the core commercial area shall be a minimum of six feet; provided, however, that if the sidewalk is separated from the back of the raised edge or curb of the street by at least two feet, said minimum width may be five feet. Those sidewalks designated in the comprehensive bike plan of the city as bike paths shall, in addition, meet the minimum width requirements established for said bike paths and provided further, the minimum required width of sidewalks along arterial streets and in all commercial and industrial zones may be increased to eight feet pursuant to Section 12.24.070. The director of public works shall require that the design of all sidewalks provides for a gradual rather than an abrupt transition between sidewalks of different widths or alignments.

(3) All sidewalks shall be constructed of portland cement concrete, brick or other similar hard surface but excluding asphaltic concrete.

(4) Walkways shall be constructed of portland cement concrete, brick or other similar hard surface or of asphaltic concrete with suitable separation and designation for pedestrian and/or bicycle traffic.

(5) All sidewalks constructed must provide for handicap ramps in accordance with the standards of the state.

(6) The design and construction of all sidewalks, walkways, curb and gutter sections, driveway sections, and the paving between any existing street and the curb, gutter, and sidewalk location shall be in accordance with the design standards of the city as set forth in that certain document entitled "City of Lacey Development Guidelines." (Ord. 662 §1, 1982; Ord. 579 §1, 1980; Ord. 530 §4, 1979).

12.24.070 Location and increased standards. (a) The director of public works shall determine the location of sidewalks when sidewalks are only required on one side of

the street in accordance with the criteria set forth in subsection D of this section.

(b) The city council may require sidewalks on both sides of local access streets after receiving such a recommendation from the planning commission of the site plan review committee in accordance with the criteria set forth in subsection D of this section.

(c) The city council may require a minimum sidewalk width of up to eight feet along arterial streets and in all commercial and industrial zones in accordance with the criteria set forth in subsection D of this section.

(d) Those decisions set forth in subsections (a) (b) and (c) of this section shall be based upon the following criteria:

- (1) The vehicular, pedestrian and bicycle traffic volume expected in the development;
- (2) The zoning density of the immediate surrounding area;
- (3) The safety of the public using the sidewalks and adjacent streets;
- (4) Promotion of aesthetic values;
- (5) The proximity of the area in question to public services or facilities such as bus stops, schools and parks;
- (6) Preservation of the continuity of the existing sidewalk system in the immediate surrounding area. (Ord. 530 §5, 1979).

12.24.080 Street light regulations. The required street lights in any commercial or residential subdivision, short subdivision or property development requiring review by the site plan review committee shall be constructed in accordance with the standards for such improvements of the city and, either by separate instrument or part of plat approval, shall be conveyed or dedicated to the city for ownership and maintenance. (Ord. 551 §1, 1979).

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 12.24 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.

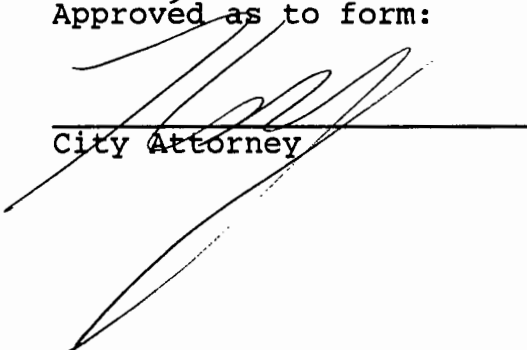
CITY COUNCIL

By   
Mayor

Attest:

  
City Clerk

Approved as to form:

  
City Attorney

Posted: March 29, 1985