

ORDINANCE 876

CITY OF LACEY

AN ORDINANCE RELATING TO THE USE OF THE PUBLIC RIGHT-OF-WAY, UTILITY LOCATION STANDARDS AND SIDEWALK CURB AND GUTTER CONSTRUCTION; ADDING AND AMENDING SECTIONS CONTAINED WITHIN CHAPTER 12.16 OF THE LACEY MUNICIPAL CODE, REPEALING CHAPTER 12.20 AND AMENDING SECTION 12.24.030 OF SAID CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. There is hereby added to the Lacey Municipal Code, Section 12.16.005 to read as follows:

Definitions. Whenever the following terms are used in this chapter, they shall have the meaning as defined in this section:

- "1. "Right-of-way" means the area of land dedicated for current or future public use;
- "2. "Director of public works" means the designated person serving as director of public works or that person's authorized deputy, agent or representative."

Section 2. 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 obstruct, excavate or install any facility in the city right-of-way, including the extension of city utilities, they shall first obtain a right-of-way access permit therefor. Typical facilities covered by this chapter are signposts,

utility poles, culverts, underground utilities, curbs, sidewalks, bus shelters, fences, street lights or any manner of obstruction and/or construction which ~~disturbs-the-surface-of-the-street,-side-walk-er~~ occupies the right-of-way."

Section 3. There is hereby added to the Lacey Municipal Code Section 12.16.015 to read as follows:

"Permit exemptions. A right-of-way access permit shall not be required under the following conditions:

- "1. When city employees perform work on behalf of the city within the right-of-way;
- "2. When a public utility, under franchise agreement with the city, performs normal maintenance as defined in the franchise agreement in order protect the existing utility system;
- "3. When natural disasters or other emergencies make it impossible to obtain a permit prior to commencing work. In such event, the director of public works shall be notified as soon as possible."

Section 4. 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 in accordance with the requirements of the department of public works. The permit shall require the approval of the department director of

public works and if the traveled way will be obstructed, approval of the police department and fire department shall be notified. required."

Section 5. There is hereby added to the Lacey Municipal Code a new Section 12.16.025 to read as follows:

"Permit fee. A permit fee in an amount established by resolution of the city council shall accompany the right-of-way access permit application. In addition, plan check and inspection fees will be levied pursuant to Chapter 14.22 of this code. Approval of a right-of-way access permit is contingent upon approval of plans as required in section 12.16.020."

Section 6. 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 set forth in ~~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~~ Section 14.20.010 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."

Section 7. Section 12.16.050 of the Lacey Municipal Code is hereby repealed.

Section 8. Section 12.16.062 of the Lacey Municipal Code is hereby amended to read as follows:

"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, and property damage, to any one person in an amount not less than a single limit of \$1,000,000 per occurrence. ~~\$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 9. Section 12.16.064 of the Lacey Municipal Code is hereby amended to read as follows:

"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 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 restoration and/or replacement of the street, sidewalk or other right-of-way within the time specified by the director of public works, and a the maintenance bond and guaranteeing of such work and replacement at 10% of the estimated cost of surface restoration for a period of one year after the completed job is accepted by the city. For those public utilities which hold a franchise agreement, a maintenance bond is not required."

Section 10. Chapter 12.20 of the Lacey Municipal Code is hereby repealed.

Section 11. Section 12.24.030 of the Lacey Municipal Code is hereby amended to read as follows:

"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 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 charged at rates established by resolution of the city council. ~~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 with a surety qualified to do business in this state, a cash

deposit, an assigned savings account or other security acceptable to the city, in an amount equal to 150 percent of the cost of the work is posted with the city. conditioned-upon-the-satisfactory-completion-of-such-improvements-has-been-filed-and-approved-by-the-city."

Section 12. The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 8TH day of February, 1990.

CITY COUNCIL

BY Kay M. Boyd
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: February 12, 1990

SUMMARY FOR PUBLICATION
ORDINANCE NO. 876

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed, on February 8th, 1990, Ordinance 876 entitled "AN ORDINANCE RELATING TO THE USE OF THE PUBLIC RIGHT-OF-WAY, UTILITY LOCATION STANDARDS AND SIDEWALK CURB AND GUTTER CONSTRUCTION; ADDING AND AMENDING SECTIONS CONTAINED WITHIN CHAPTER 12.16 OF THE LACEY MUNICIPAL CODE, REPEALING CHAPTER 12.20 AND AMENDING SECTION 12.24.030 OF SAID CODE."

A section by section summary of this Ordinance is as follows:

Section 1 adds Section 12.16.005 to the Lacey Municipal Code to define the terms "right-of-way" and "director of public works."

Section 2 amends Lacey Municipal Code Section 12.16.010 to expand the purposes for which a right of way access permit will be required and to modify the name of that permit.

Section 3 adds Lacey Municipal Code Section 12.16.015 to detail those situations where a permit is not required.

Section 4 amends Lacey Municipal Code Section 12.16.020 to place responsibility for approval of the permit only with the director of public works and to provide for notification in certain cases to the police department and fire department.

Section 5 adds Lacey Municipal Code Section 12.16.025 to specify the fees for such permits.

Section 6 amends Lacey Municipal Code Section 12.16.030 to require work included within the permit to be completed in accordance with the specifications for public works adopted by Lacey Municipal Code Section 14.20.010.

Section 7 repeals Lacey Municipal Code Section 12.16.050 which was the former permit fee section.

Section 8 amends Lacey Municipal Code Section 12.16.062 to modify the insurance requirements for permittees to a single limit of \$1,000,000 per occurrence.

Section 9 amends Lacey Municipal Code Section 12.16.064 to require a maintenance bond after the work is completed.

Section 10 repeals Lacey Municipal Code Chapter 12.20 which dealt with utility location standards since those standards are set forth in the city's development guidelines.

Section 11 amends Lacey Municipal Code Section 12.24.030 to provide that the fee for reviewing the plans and inspecting the construction of sidewalks or sidewalks and curbs and gutters will be established by resolution of the city council. Further, this section modifies the language regarding a performance bond to require the security to be in an amount equal to 150 percent of the cost of the work.

Section 12 approves this summary.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: February 12, 1990.