

## Chapter 12.04

### STREET CONSTRUCTION

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#### **12.04.010 Permit--Required.**

- A. **New Street Construction.** There shall be no construction of any street or roadway for public use, nor a connection of any driveway or other private roadway to any improved street, until a street construction permit for the construction has been issued by the mayor or his designee.
- B. **Existing Street Excavation.** It is unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner alter any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth, excavated material, or other material obstructing or tending to interfere with the free use of the street, without having first obtained a street construction permit issued by the Mayor of his designee.
- C. For the purpose of this title, all reference to 'streets' and/or 'roadways' shall mean and include all curbs, gutters, sidewalks and driveways pertinent thereto. (Ord. 548, April 1991.)

#### **12.04.015 Prohibited Excavation.**

- A. No excavation permits shall be granted for proposed excavation work that would disturb the surfaces of a public right-of-way that has been installed, improved, rebuilt or resurfaced within the five-year period preceding the date on which the applicant proposes to commence the excavation work, provided that this subsection shall not apply to:
  - 1. Excavation permit applications when the excavation is required to provide new services to building or residences constructed subsequent to the completion, improved, rebuilt, or resurfacing of the public right-of-way that were not reasonably anticipated to be constructed and in need of the services at the time of the completion or resurfacing of the public right of way involved as

determined by the Mayor, or his designee.

2. Emergency situations that require a portion of the street to be excavated in order to protect the public health, safety for property.

- B. In the event that the Mayor, or his designee, denies an application, the applicant's remedy shall be to appeal to the City Council. The applicant shall file a written notice of appeal with the City Clerk within fifteen days from the date of receipt of the denial of the excavation permit application. The appeal notice shall state the specific reasons for objection to the decision of the public works director. At the next regular City Council meeting following receipt by the City Clerk of the applicant's notice of appeal, the City Council shall set a date to hear the applicants' appeal. The City Council shall conduct a hearing on the applicant's appeal within forty-five days of the date of the City Clerk received the notice of appeal. A majority vote of the City Council shall be required to reverse the decision of the Mayor, or his designee. (Ord. 938, 2014)

**12.04.020** **Applications--Contents.** All applications for street construction shall be made at the office of the city clerk on forms furnished by the city. All applications shall be prepared by the owner of the property to be served or his authorized agent. All applications shall be completed in full and the applicant shall supplement said application forms with such plans, specifications and other information as is deemed necessary by the mayor or his designee or city engineer. (Ord. 395 SI (part), 1981.)

**12.04.030** **Application--Issuance.** Upon completion of the application as set forth in Section 12.04.020 and upon payment of the permit and inspection fee or any other fee required by this chapter, to the city clerk, a permit for construction shall be issued by the mayor or his designee; provided, that the application indicates compliance with the specifications as set forth in this chapter. (Ord. 395 SI (part), 1981.)

**12.04.040** **Conformance to plans.**

- A. **New Street Construction Specifications.** Except as provided in Section 17.20.060 and Section 17.20.065, all non-arterial street construction shall conform to the appropriate cross-section drawings and specifications on file in the office of the City Clerk with the drawing marked "Plan No. 1" Controlling Streets with Concrete Curbs and Gutters.
- B. **Existing City Street Maintenance Overlay.** When improvements for existing city streets are required incident to any permit or development or construction required under this code, or an improvement or maintenance of an existing city street as initiated by local improvement district or by action of the city council, and it is determined by the city council that complete reconstruction of the city street is not a feasible alternative at the time and that an interim maintenance overlay would best serve the city's interest, to any city street existing as a part of the city street plan as of August 1st, 1993, construction for such existing city street maintenance overlay shall conform to the appropriate drawings and specifications on file in the office of the City Clerk with the drawing marked "Plan No. 3" for local access and collector streets.
- C. **Trench Backfill and Pavement Restoration.** In addition to 12.04.040A, all street excavation shall conform to the drawings and specifications on file in the office of

the City Clerk with the drawing marked "Typical Trench Backfill and Pavement Restoration.

- D. **Driveways.** All residential and commercial driveways shall be constructed in accordance with the presented specifications as set forth in the Uniform Building Code as adopted by the City. The angle between any driveway and the street roadway or curb line shall be not less than forty-five (45) degrees. No driveway shall be so located as to create a hazard to pedestrians, motorists, street lighting standards, utility poles, traffic regulation devices or fire hydrants or in such manner as to invite or compel illegal or unsafe traffic movements. No driveway shall be located closer to the intersection of two streets than twenty-five (25) feet, measured from the nearer boundary of the right-of-way of the street which intersects with the street the driveway enters. The width of any driveway at the curb shall not exceed twenty-four feet (24'), nor be less than ten feet (10') from any street, sidewalk, curb or gutter is or is to be installed. (Ord. 885, May 2011; Ord. 717, September 2000; Ord. 585, August 1993.)

**12.04.050** **Conformance to standard specifications.** In addition to conforming with the appropriate cross-section drawing and specifications as set forth in Section 12.04.040, street construction shall, when not in conflict with these cross-section drawings and specifications conform to the most recent edition of the Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction, together with any amendments made thereto, which by reference is made a part of this Chapter. Three copies of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction, shall be kept on file with the City Clerk for use and examination by the public. (Ord. 886, June 2011; Ord. 395 S1 (part), 1981.)

**12.04.060** **Nuisance declared--Cost of engineering.** No street shall be constructed so as to create a nuisance from runoff water, caused by rain or snow storms, to any other street or property, public or private. All engineering for the street projects by permit shall be at the sole expense of the permittee. Any additional engineering required by the city engineer to safeguard public and/or private property from storm flow damage shall be paid for by the permittee on a basis of cost, plus fifteen percent for administrative and other expenses incurred. (Ord. 395 SI (part), 1981.)

**12.04.070** **Warning devices--Required.** All safety guards, signs, lamps and barricades as prescribed by state, federal and local regulation shall be provided at all times of construction so as to insure public safety, by and at the sole expense of the permittee. Should the permittee fail to provide any such safety devices, the city may do so at the permittee's expense. (Ord. 395 SI (part), 1981.)

**12.04.080** **License and bond--Required.** All work shall be accomplished by a licensed and bonded contractor. The city shall not be liable for any wrongful act or failure to act; either through negligence or intent or otherwise, on the part of the applicant or contractor. (Ord. 395 SI (part), 1981.)

**12.04.090** **Inspections--Required.** Inspections shall be performed at the completion of the subgrade compaction, laying the top course rock and placing the finish pavement, as such intervals are defined by the attached cross-section drawings, and at such

other times as the city engineer may deem appropriate. All inspections shall be under the direction of the city engineer. (Ord. 395 SI (part), 1981.)

- 12.04.100** **Inspection fees.** The inspection fee for each required inspection is set by the most current resolution entitled "City Fee Schedule". (Ord. 621, April 1995.)
- 12.04.110** **City acceptance.** All streets or roadways shall become the property of the city after construction has been inspected and accepted by the city engineer or his designee. The street or roadway shall be hereafter maintained by the city street department as part of the city street system. After acceptance by the city of any street or roadway, it shall exercise complete control over the street or roadway and the person or persons responsible for construction of the street or roadway shall relinquish all right to, interest in and ownership of the street by deed or other instrument as required by the city for dedication to the city street system. (Ord. 395 SI (part), 1981.)
- 12.04.120** **Permittee guarantee.** If for any reason construction is not completed by the date stated on the permit, and it becomes necessary for the city to assume responsibility for completing or correcting the project, either by bid or by the city street department, the permittee shall be billed for the actual cost, plus fifteen percent for administrative and other expenses, payable immediately upon billing. No building permit for construction contiguous to a street hereafter platted, dedicated or resurfaced, shall be issued or be valid for construction of any improvement where the street adjoining the construction fails to comply with this chapter. (Ord. 395 SI (part), 1981.)
- 12.04.130** **Civil action preserved.** The criminal penalties provided in this chapter will not be construed to prohibit a civil action to enforce compliance with this chapter. (Ord. 395 SI (part), 1981.)
- 12.04.140** **Effective date.** All streets, roadways, and all driveway or other private roadway connections which are commenced after November 2, 1978, shall be subject to the provisions of this chapter. (Ord. 395 SI (part), 1981.)
- 12.04.150** **Penalty.** Any person who violates any of the provisions of this chapter shall be liable to the city for any expense, loss, or damages incurred by reason of such violation, and shall be guilty of a gross misdemeanor. (Ord. 395 SI (part), 1981.)