

ORDINANCE O-4600

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET AND CURB CUTTING.

1 WHEREAS, as part of a review of the Kirkland Municipal Code
2 ("KMC") by Councilmember Toby Nixon, it was recommended that KMC
3 Chapter 19.12 related to street and curb cutting be amended to revise
4 and update the name of the public works department and a standard
5 specification manual.

6
7 NOW, THEREFORE, the City Council of the City of Kirkland do
8 ordain as follows:

9
10 Section 1. Kirkland Municipal Code Section 19.12.020 is
11 amended to read as follows:

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13 **19.12.020 Permit required.**

14 No person, firm, or corporation shall disrupt a street, sidewalk or curb
15 or place a utility in a right-of-way without first obtaining a separate
16 right-of-way permit for each disruption from the public works service
17 department.

18
19 Section 2. Kirkland Municipal Code Section 19.12.040 is
20 amended to read as follows:

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22 **19.12.040 Permit—Preinspection.**

23 Prior to the issuance of any right-of-way permit for a street or curb
24 disruption, the location may be inspected by a public works service
25 department inspection official for the purpose of determining the most
26 satisfactory location for the installation.

27
28 Section 3. Kirkland Municipal Code Section 19.12.070 is
29 amended to read as follows:

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31 **19.12.070 Permit—Expiration.**

32 Every permit issued by the public works service department under
33 the provisions of this chapter shall expire ninety days after issuance of
34 the permit; however, in no case shall a project take longer than fifteen
35 days to complete after starting work in the right-of-way.

36
37 Section 4. Kirkland Municipal Code Section 19.12.080 is
38 amended to read as follows:

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40 **19.12.080 Permit—Suspension or revocation.**

41 The director of public works service, or his or her designate, may in
42 writing suspend or revoke a permit issued under the provisions of this
43 chapter whenever the permit was issued in error, or on the basis of
44 incorrect information supplied, or in violation of any other ordinance or
45 regulation of the city.

46 Section 5. Kirkland Municipal Code Section 19.12.095 is
47 amended to read as follows:

48
49 **19.12.095 Insurance required—Bond as alternative to**
50 **restoration deposit.**

51 No permit shall issue until the permittee has filed with the city a
52 certificate of comprehensive public liability insurance, including the city
53 as a named insured in limits of not less than one million dollars;
54 provided, however, that a permit issued pursuant to Section
55 19.12.030(6) may be issued upon filing an insurance certificate showing
56 insurance limits of a lesser amount so long as the director of public
57 works services is satisfied that such lesser amount is sufficient to protect
58 the interest of the city. Public utilities will be exempt from posting the
59 restoration deposit required by Section 19.12.090 so long as they keep
60 and maintain on file with the city an approved indemnity bond in the
61 amount of ten thousand dollars or more conditioned upon faithful
62 performance of the conditions and regulations of this chapter.

63
64 Section 6. Kirkland Municipal Code Section 19.12.150 is
65 amended to read as follows:

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67 **19.12.150 Curb opening locations.**

68 The location of each curb opening must be approved by the public
69 works service department. Application for a curb opening less than
70 twenty feet from an intersection may only be approved under unusual
71 circumstances. The city reserves the right to deny any request to open
72 any curb.

73
74 Section 7. Kirkland Municipal Code Section 19.12.150 is
75 amended to read as follows:

76
77 **19.12.160 Special conditions.**

78 At the discretion of the director of public works services, one or more
79 of the following requirements may be specified when conditions require
80 their use. Wherever such special conditions are required, they shall be
81 set forth on the permit at the time of issuance, or as an amendment to
82 the permit in those instances where conditions requiring their use
83 become known after the permit has been issued.

84 (1) Installation within the right-of-way shall be made by a method
85 approved by the director of public works services. Cuts shall be
86 made only in areas approved by the city engineer. All improved or
87 unimproved areas within the right-of-way shall be restored to an
88 equal or better condition.

89 (2) Signs, cones, barricades, and all other traffic control devices
90 to protect and control pedestrian and vehicular traffic in the
91 construction area shall be used as prescribed by the traffic engineer,
92 and in accordance with the "Manual on Uniform Traffic Control
93 Devices for Streets and Highways, ~~Part V.~~"

94 (3) One or more traffic lanes shall be kept open at all times.
95 Moving traffic shall be properly controlled by uniformed flagger
96 flagmen, if specified. Hours of operation during construction and

- 97 restoration shall be as specified.
- 98 (4) Ingress and egress for vehicles and personnel to abutting
- 99 property shall be maintained at all times.
- 100 (5) Backfill and replacement of pavement surface shall be done
- 101 to the satisfaction of the director of public works services. Unless
- 102 otherwise specified by the director of public works or his or her
- 103 designee ~~the city engineer~~, backfill material shall conform to the
- 104 most recent Washington State Department of Transportation
- 105 standard specifications for roads and bridges. Standard
- 106 Specifications for Municipal Public Works, specifically Section 26,
- 107 Page 41 of the specifications.
- 108 (6) Any inspection time in excess of one hour will be invoiced
- 109 separately.

111 Section 8. Kirkland Municipal Code Section 19.12.180 is
 112 amended to read as follows:
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114 **19.12.180 Enforcement authority.**

115 Enforcement authority rests with the director of public works
 116 services or his or her his/her designee which may include personnel of
 117 the planning and building department ~~or construction and project~~
 118 ~~management departments.~~
 119

120 Section 9. If any provision of this ordinance or its application to
 121 any person or circumstance is held invalid, the remainder of the
 122 ordinance or the application of the provision to other persons or
 123 circumstances is not affected.
 124

125 Section 10. This ordinance shall be in force and effect five days
 126 from and after its passage by the Kirkland City Council and publication
 127 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
 128 form attached to the original of this ordinance and by this reference
 129 approved by the City Council.
 130

131 Passed by majority vote of the Kirkland City Council in open
 132 meeting this 5th day of September, 2017.
 133

134 Signed in authentication thereof this 5th day of September,
 135 2017.


 Amy Walen, Mayor

Attest:


 Kathi Anderson, City Clerk

Publication Date: September 11, 2017

Approved as to Form:


 Stephanie E. Croll, Senior Assistant City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4600

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET AND CURB CUTTING.

SECTIONS 1 - 3. Amend department to be the public works department related to required permits, preinspection and expiration.

SECTION 4. Amends department to be the public works department related to permit suspension or revocation and updates the director pronoun to be he or she.

SECTION 5. Amends department to be the public works department related to insurance requirements.

SECTION 6. Amends department to be the public works department related to approval of curb cut openings.

SECTION 7. Amends special conditions to be at the discretion of the director of public works or his or her designee and amends backfill and replacement of pavement surfaces.

SECTION 8. Amends department names to be the public works and the planning and building departments related to enforcement authority.

SECTION 9. Provides a severability clause for the ordinance.

SECTION 10. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 5th day of September, 2017.

I certify that the foregoing is a summary of Ordinance O-4600 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk