

ORDINANCE NO. 2127

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET AND CURB IMPROVEMENTS, REGULATING THE CUTTING OF SAME, REQUIRING PERMITS THEREFOR, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. GENERAL

A. Scope. The purpose of this ordinance is to establish minimum rules and regulations relating to street and curb cuts, and to provide for enforcement of same.

B. Permits Required. No person, firm or corporation shall cut a street or curb without first obtaining a separate right-of-way permit for each cut of a street or curb from the Public Service Department.

C. Application. To obtain a permit, the applicant shall file an application in writing on a form furnished by the City for that purpose.

Every application shall:

- (1) Identify the contractor and/or subcontractor who is to actually perform the work;
- (2) Include the Washington State Contractor's number of such contractor or subcontractor;
- (3) Identify and describe the work to be covered by the permit for which application is made;
- (4) Describe the location where such work is to be performed;
- (5) Be signed by the owner or the agent of the firm who will actually be performing the work.

Section 2. PERMITS

A. Pre-Inspection. Prior to issuance of any right-of-way permit for a street or curb cut, the location shall be inspected by a Public Service Department inspection official.

B. Curb Cuts. A decision by the Public Service Inspector as to which type of curb cut shall be permitted shall

be made after the pre-inspection. The type of cut shall be specified on the permit form and other specific data will be furnished to the permittee.

C. Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of the provisions of this ordinance, or any other ordinance or appropriate rule or regulation of the City of Kirkland.

D. Expiration. Every permit issued by the Public Service Department under the provisions of this ordinance shall expire 90 days after issuance of the permit; however, in no case shall a project take longer than 15 days to complete as measured from the date of the street or curb cut, to completion.

E. Suspension or Revocation. The Director of Public Service, or his designate as building official, may in writing suspend or revoke a permit issued under the provisions of this ordinance whenever the permit was issued in error or on the basis of incorrect information supplied, or in violation of any other ordinance or regulation of the City.

### Section 3. FEES

A. Basic Fee Required. The fee for a permit to cut a street shall be \$15.00 for each cut.

The fee for a permit to cut a curb shall be \$15.00 for each cut.

The fee for a permit for a utility extension that runs parallel to the street shall be \$30.00 for each cut. Utility extensions shall include, but not be limited to: Gas, telephone, electric power, water and sewer, underground facilities.

B. Inspection Time - Additional Charge. An additional time charge will be made where inspection time exceeds one hour. Such extra charge will be invoiced to the contractor separately at the rate of \$15.00 per hour.

C. Permit Renewals. Permits which have expired may be renewed for 15 additional days for one-half of the original permit fee, provided the renewal permit is applied for prior to the expiration of the original permitted time.

D. Double Fee for Work Without Permit. Wherever work for which a permit is required by this ordinance is commenced or

performed prior to obtaining such permit, the basic permit fee shall be doubled, but the payment for such double fee shall not relieve any person from full compliance with all of the requirements of this ordinance in the execution of the work, nor from any other penalties which may herein be provided for, including criminal penalties.

#### Section 4. SPECIFICATIONS AND SPECIAL REQUIREMENTS

A. Specifications. All curb and street cuts shall be repaired to conform to the requirements of "Standard Specifications for Municipal Public Works Construction", 1969 Edition, prepared by Washington State Chapter, American Public Works Association, copies of which are on file with the City and available to the general public.

Exception: Only Standard Plan No. 10 - concrete driveways - type D, alternate 1 or 2, on page 200 of the above Standards are permitted for curb cuts. A specific alternate may be required by the Public Service Department after the pre-construction inspection.

B. Permitee's Performance Responsibility. In addition to all other requirements specified by this ordinance or the "Standard Specifications for Municipal Public Works Construction", the permittee shall be responsible for restoration of the street or curb to original or better condition. The permittee shall "finish patch" the street or curb cut immediately upon completion of the project. The permittee shall be responsible for defects or failure of the street or curb cut area for a period of one year following finish inspection.

C. Curb Cut Locations. The location of each curb cut must be approved by the Public Service Department. Application for a curb cut less than 20 feet from an intersection may only be approved under unusual circumstances. The city reserves the right to deny any request to cut any curb.

D. Special Conditions. At the discretion of the Director of Public Service or the building official as his delegate, one or more of the following requirements may be specified when conditions require their use. Wherever such special conditions are required, they shall be set forth on the permit at the time of issuance, or as an amendment to the permit in those instances where conditions requiring their use become known after the permit has been issued.

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(1) Installation within the right-of-way shall be made by a method approved by the City Engineer. Cuts shall be made only in areas approved by the City Engineer. All improved or unimproved areas within the right-of-way shall be restored to an equal or better condition.

(2) Excavated material shall be completely removed from the street surface.

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

(4) One or more traffic lanes shall be kept open at all times. Moving traffic shall be properly controlled by uniformed flagmen, if specified. Hours of operation during construction and restoration shall be as specified.

(5) Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times.

(6) Backfill and replacement of pavement or oiling of surface shall be done to the satisfaction of the City Engineer. Unless otherwise specified by the City Engineer, backfill material shall conform to Standard Specifications for Municipal Public Works, specifically Section 26, Page 41 of said specifications.

(7) Filing of an approved surety indemnity bond to protect the City and approved public liability insurance naming the City as an additional insured in the amounts specified on the face of the permit.

(8) A guarantee deposit in an amount as specified on the face of the permit to be made to the City.

(9) Any inspection time in excess of one hour will be invoiced separately at the rate of \$15.00 per hour.

(10) This permit is temporary only, and all construction authorized hereunder is to be removed upon 30 days' notice from the Director of Public Works.

(11) Open cuts within the paved area will not be permitted.

(12) The Public Service Department inspector shall require that a temporary patch be made for 30 days, and thereafter, a permanent patch will be placed by the permittee within 5 days.

E. Safety. All safety equipment such as barricades, caution lighting, and personnel for traffic control, are to be furnished by the permittee.

#### Section 5. ENFORCEMENT AND PENALTIES

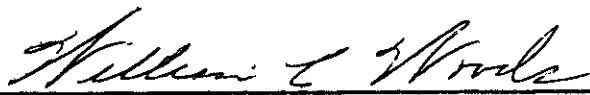
A. Enforcement Authority. The building official is hereby authorized and directed to act as the delegate of the Public Service Director, and to enforce all provisions of this ordinance.

B. Penalties. It shall be unlawful for any person, firm or corporation to cut a street or curb, or cause the same to be done, in violation of any of the provisions of this ordinance. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.

Section 6. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED BY the City Council of the City of Kirkland on the 16th day of November, 1970.


SIGNED in authentication thereof on the 16th day of November, 1970.

  
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Mayor

Attest:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to Form:

  
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City Attorney

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