

Repealed by 3502

ORDINANCE NO. 2471

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO CABLE COMMUNICATION SYSTEMS WITHIN THE CITY OF KIRKLAND AND AMENDING ORDINANCE NO. 2459.

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

Section 1. Section 22 of Ordinance No. 2459 be and it hereby is amended to read as follows:

"Section 22. Limitations and Conditions.

1. A Grantee's facilities shall be so located or relocated and so erected so as to interfere as little as possible with traffic or with such streets, avenues, highways, bridges and other public places and egress, ingress to abutting property, provided, however, the Grantee shall not break up, block or disturb any streets or other public thoroughfare without prior written permission from the City. All such construction and installation work, whenever same crosses any of the public properties shall be done under the supervision of and upon the intersection of the City and the Grantee shall timely submit to the City, prior to any such work, detailed plans and specifications of any such proposed work. The location of any franchise property in a street or other public area shall be subject to the approval of the City and such approval shall be given in writing and Grantee shall be subject to all applicable ordinances, regulations, permits or licenses as provided by the ordinances of the City of Kirkland as they now exist or as they are amended.
2. During any period of construction, all surface structures, if any, shall be erected and used in such places and positions within said public rights-of-way and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property, and grantee shall at all times post and maintain proper barricades during any such period of construction as is required by the laws and statutes of the State of Washington. Any portion of the streets so excavated shall within a reasonable time as quickly as possible after said excavation be restored and replaced by the Grantee at its sole cost and expense in at least as good condition as it was immediately prior to the time of such excavation, and all to be performed in accordance with the applicable rules and regulations of the City of Kirkland.

3. Grantee, its successors and assigns shall commence construction under any franchise within one year from the date of granting thereof, and all such work shall be done and completed with the greatest amount of dispatch so as to reduce any interference with the vehicular and pedestrian traffic and the public safety to a minimum. Grantee shall complete installation in accordance with the construction and service available schedule required by Section 3(2)(a) of this ordinance; provided, however, the entire franchise area shall be completely served within 18 months from the date of award of the franchise; further provided, however, that the City Council may by Resolution, and pursuant to a specific application by the Grantee, extend the time for Grantee's performance of the construction and service available schedule to a date certain after a hearing by the City Council upon the facts as to whether the failure to extend the time would cause the Grantee to suffer an unreasonable rate of return in its investment in the cable district, or as to whether delay is caused by strikes, acts of God, or other unforeseeable circumstances beyond the control of the Grantee. If Grantee has failed or neglected to commence or complete such construction within said periods as herein required [as-of-one-(1)-year,] then all rights, privileges and authorities herein granted shall cease and terminate and the franchise shall be of no further force and effect.
4. Grantee, its successors and assigns shall properly repair any damage to City property of every type and nature and all other improvements caused by the failure or workmanship of Grantee's work during the life of any franchise. Grantee shall comply with all ordinances and regulations of the City of Kirkland regarding such excavation and whenever deemed necessary by the City, shall be required to post a performance bond in favor of the City, warranting, among other things, that such restoration work will be done promptly and in the property, workmanlike manner.
5. Any area hereafter annexed to the City of Kirkland shall upon the effective date of such annexation be deemed to be included within the franchise grant and the Grantee shall within 18 months of the effective date of said annexation complete all construction and installation necessary to provide service within said annexed area subject to the provisions of Subsection 3 hereinabove."

Section 2. Section 24 of Ordinance No. 2459 be and it hereby is amended to read as follows:

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"Section 24. Bond and Insurance. Grantee shall forfeit all rights and privileges conferred by any ordinance and the franchise shall be null and void and of no force and effect whatsoever unless Grantee shall within ninety (90) days of the approval by the City of Kirkland of its franchise and prior to the commencement of construction of any part of its cable communication system, file a good and sufficient bond or other surety, as determined by the City of Kirkland executed by a surety company authorized and qualified to do business in the State of Washington, conditioned upon the faithful performance of all duties and obligations to be performed by the Grantee under the terms of this Ordinance, including the payment of all gross revenue payments imposed by the terms of this Ordinance, and the removal of said system, and including repair and restoration of streets, and all public utilities of every type and nature incident to all work done by the Grantee pursuant to the terms of any franchise, and such bond or other surety to be renewed by the Grantee annually and kept in full force and effect at all times and during the life of any franchise.


Grantee shall forfeit all rights and privileges conferred by any ordinance, and the franchise shall be null and void and of no force and effect whatever unless Grantee shall, before commencing construction of any part of said cable communications system, file with the City Clerk proper evidence that it has in full force and effect and shall keep in full force and effect covering all operations during the life of the franchise, public liability insurance, naming the [~~City of Seattle~~ and] City of Kirkland as additional insureds with coverage of not less than \$500,000 property damage liability per occurrence and \$500,000 bodily injury liability per person per occurrence."

Section 3. This ordinance shall be in force and take effect five days from and after its passage, approval and publication as provided by law.


ADOPTED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 16th day of July, 1979.

SIGNED IN AUTHENTICATION thereof on the 16th day of July, 1979.


MAYOR

ATTEST:

Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

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