

ORDINANCE NO. 2606

AN ORDINANCE OF THE CITY OF KIRKLAND PROVIDING RULES AND REGULATIONS FOR THE DISRUPTION OF STREETS, SIDEWALKS, CURBS AND OTHER IMPROVEMENTS WITHIN PUBLIC RIGHTS-OF-WAY AND AMENDING CHAPTER 19.12 OF THE KIRKLAND MUNICIPAL CODE (ORDINANCE NO. 2127).

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Chapter 19.12--Kirkland Municipal Code (Ordinance No. 2127) be and it hereby is amended to read as follows:

Chapter 19.12

Street and Curb Disruption [~~Gutting~~]

19.12.010 Scope. The purpose of this chapter is to establish minimum rules and regulations relating to [~~street-and-curb-cuts~~] the disruption of streets, sidewalks, curbs and other improvements within public rights-of-way and to provide for enforcement of same.

19.12.020 Permit Required. No person, firm, or corporation shall [~~cut~~] disrupt a street, sidewalk or curb or place a utility in a right-of-way without first obtaining a separate right-of-way permit for each [~~cut-of-a-street-or-curb~~] disruption from the public service department.

19.12.030 Permit Application. To obtain a permit the applicant shall file an application in writing on a form [~~furnished~~] established by the City for that purpose. Every application shall:

- (1) Identify the contractor and/or sub-contractor who is to actually perform the work;
- (2) Include the Washington State contractor's number of such contractor or sub-contractor;
- (3) Identify [~~and-describe-the-work-to-be-covered-by-the-permit-for-which-application-is-made~~] the owner of the property for whom the work is being performed;
- (4) [~~Describe-the-location-where-such-work-is-to-be-performed~~] Submit plans for the work to be performed which shall include:

(a) Identification and description of the work to be covered by the permit for which application is made;

(b) A description of the location where such work is to be performed;

(5) To be signed by the owner or the agent of the firm that will actually be performing the work;

(6) A private property owner, although he/she is not a contractor with a Washington State contractor's license may obtain a permit and perform work to remove and to replace sidewalk adjacent to said owner's property but not the curb or street surface.

19.12.040 Permit Pre-inspection. Prior to the issuance of any right-of-way permit for a street or curb ~~[cut]~~ disruption the location ~~[shall]~~ may be inspected by a public service department inspection official for the purpose of determining the most satisfactory location for the installation.

~~[19.12.050-Curb-cuts. A decision by the public service inspector as to which type of curb cuts 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.]~~

19.12.060 Permit Limitation. 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 chapter or any other ordinance or appropriate rule or regulation of the City.

19.12.070 Permit--Expiration. Every permit issued by the public service department under the provisions of this chapter 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]~~ after starting work in the right-of-way.

19.12.080 Permit--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 chapter 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.

19.12.090 Permit--basic fee required.

(a) ~~The [fee-for-a-permit-to-cut-a-street-shall be-\$15-for-each-cut.]~~

~~[(b)--The-fee-for-a-permit-to-cut-a-curb-shall be-\$15-for-each-cut.]~~

~~[(c)--The-fee-for-a-permit-for-a-utility-extension that-runs-parallel-to-the-street-shall-be-\$30-for-each cut.--Utility-extensions-shall-include-but-not-be limited-to-gas,-telephone,-electric-power,-water-and sewer-underground-facilities.]~~ Basic fee for a permit to disrupt a street surface, curb or sidewalk or place a utility in the right-of-way shall be \$35.

(b) Also a restoration deposit shall be paid based upon the following schedule:

Asphalt surfaces--Trenches zero to two feet in width--\$4 per lineal foot; other excavations--\$10 per square yard;

Concrete facilities--sidewalk removed--\$5 per square foot; curb removed--\$5 per lineal foot;

(c) If the work is performed by jacking or boring under the street the entire restoration deposit shall be refunded.

(d) If the street surface is disturbed and properly repaired and restored 75 percent of the restoration deposit shall be refunded after 90 days from the date of repair.

(e) Inspections shall be requested by the contractor at least two hours prior to backfill in order to receive a refund.

(f) No refund of a restoration deposit shall be made until sufficient time has elapsed following the completion of the disruption work to assure the fact of "non-failure" of the restoration period.

19.12.095 Insurance Required--Bond as alternative to restoration deposit. No permit shall issue until the permittee has filed with the City of Kirkland a certificate of comprehensive public liability insurance, including the City as a named insured in limits of not less than \$1,000,000

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provided, however, that a permit issued pursuant to Section 12.19.030(6) may be issued upon filing an insurance certificate showing insurance limits of a lesser amount so long as the director of public services is satisfied that such lesser amount is sufficient to protect the interest of the City. Public utilities will be exempt from posting the restoration deposit required by a Section 19.12.090 so long as they keep and maintain on file with the City of Kirkland, an approved indemnity bond in the amount of \$10,000 or more conditioned upon faithful performance of the conditions and regulations of this ordinance.

19.12.100 Inspection Time--Additional Charge. An additional time charge will be made wherein pre and post inspection times exceeds one hour. Such extra charge will be invoiced to the contractor separately at the rate of \$15 per hour.

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

19.12.120 Double fee for work without permit. Whenever work for which a permit is required by this chapter 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 chapter in the execution of the work nor from any other penalties which may herein be provided for, including criminal penalties.

19.12.130 Specifications. All [~~curb-and-street-ends~~] work shall [~~be-repaired-to~~] conform to the requirements of standard specifications for municipal public works construction [~~1969~~] 1977 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, Alternative 1 or 2 on page [200] VII--11 of the above standards are permitted for [~~curb-ends~~] driveways. A specific alternative may be required by the public service department after pre-construction inspection.

19.12.140 Permittees Performance Responsibility. In addition to all other requirements specified by this chapter or the "Standard Specifications for Municipal Public Works

Construction" the permittee shall be responsible for restoration and clean-up of the street sidewalk or curb to original or better condition immediately upon completion of the project. ~~[The permittee shall "finish patch" the street or curb immediately upon completion of the project.]~~ The permittee shall be responsible for defects or failure of the street sidewalk or curb ~~[cut]~~ area for a period of one year following final inspection. For the purpose of this section and Section 19.12.040 relating to fees and security deposits the word "permittee" shall mean the contractor and the owner of the property for whose benefit the disruption work is being done, jointly and severally.

19.12.150 Curb Opening ~~[Cut]~~ Locations. The location of each curb opening ~~[cut]~~ must be approved by the public service department. Application for a curb opening ~~[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 open ~~[cut]~~ any curb.

19.12.150 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. Whenever 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.

(1) Installation within the right-of-way shall be made by a method approved by the Director of Public Services ~~[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)]~~ (2) 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)]~~ (3) 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)]~~ (4) Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times.

~~[(6)]~~ (5) Backfill and replacement of pavement ~~[or setting of]~~ surface shall be done to the satisfaction of the Director of Public Services ~~[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 the Specifications].~~

(6) Any inspection time in excess of one hour will be invoiced separately.

~~[(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 amount specified on the face of the permit.]~~

~~[(8) -- A guaranty deposit in an amount as specified on the face of the permit shall be made to the City.]~~

~~[(9) -- Any inspection time in excess of one hour will be invoiced separately at the rate of \$15 per hour.]~~

~~[(10) -- This permit is temporary only and the only 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 five days.]~~

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

19.12.180 Enforcement Authority. Enforcement authority rests with the Director of Public Services or his/her designee which may include personnel of the building or construction and project management departments. ~~[The build-~~

~~official-is-hereby-authorized-and-directed-to-act-as-the
delegate-of-the-public-service-director-and-to-enforce-all
provisions-of-this-chapter.]~~

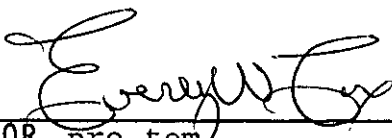
19.12.190 Violation Unlawful. It is unlawful for any person, firm or corporation to disrupt [cut] a street or curb or sidewalk or cause the same to be done in violation of any of the provisions of this chapter. Both the contractor and owner will be held jointly and severally responsible and liable under this ordinance. Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

Section 2. Severability Clause: If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. Neither shall the adoption of this ordinance nor the repeal thereby of any prior ordinances, in any manner affect the prosecution for violations of said repealed ordinances which violations were committed prior to the effective date of this ordinance nor be considered as a waiver of any right or duty of enforcement existing at the effective date hereof.

Section 3. This ordinance shall be in force and take effect five days from and after its passage and posting or publication as required by law.

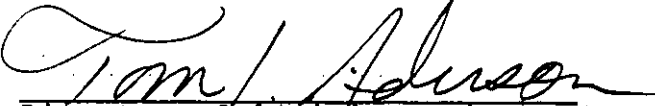
Passed by the Kirkland City Council in open regular meeting on the 6th day of July, 1981.

Signed in authentication thereof on the 6th day of July, 1981.




MAYOR pro tem

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the _____ day of _____, 1981 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Annabel Jensen
Deputy City Clerk