

CITY OF GRANITE FALLS

ORDINANCE NO. 733-06

AN ORDINANCE OF THE CITY OF GRANITE FALLS ESTABLISHING THE REQUIREMENT OF A RIGHT OF WAY USE PERMIT FOR WORK PERFORMED WITHIN THE PUBLIC RIGHT OF WAY AND REPLACING CHAPTER 12.32 OF THE GRANITE FALLS MUNICIPAL CODE.

WHEREAS, the City desires to set forth specific, consistent road design elements for developers and other private parties constructing or modifying road or right of way facilities which require City licenses or permits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, AS FOLLOWS:

Section 1.

No person or organization shall construct, reconstruct, repair, improve, alter or conduct work in the City right of way without first obtaining or having a right of way permit from the City of Granite Falls. All work within the public right-of-way shall conform to the standards set forth by the City of Granite Falls.

Section 2.

Whenever any provision of this ordinance and any other provisions of law impose overlapping or contradictory regulations or contain any restrictions covering the same subject matter as this ordinance, that provision which is more restrictive or imposes higher standards or requirements shall govern.

Section 3.

Except where otherwise provided in the Granite Falls Municipal Code, geometric design details shall be in accordance with the current editions of the following publications:

- A. City of Granite Falls Development Guidelines for Public Works Standards – Gray & Osborne, Inc.
- B. A Policy of Geometric Design of Highways and Streets – American Association of State Highway Transportation Officials
- C. Design Manual – Washington State Department of Transportation
- D. Trip Generation Manual – Institute of Traffic Engineers
- E. Other publications commonly used and accepted by the engineering community.

Section 4.

The City may require that a financial guarantee be submitted before issuance of the right of way permit. The amount of the financial guarantee shall be set by the City and shall be sufficient to guarantee complete construction of all improvements or alterations within the public right of way.

The financial guarantee submitted to the city of Granite Falls shall be in the form of an assignment of funds or a construction performance bond.

Work within the right of way guaranteed by the submittal of a financial guarantee to the City of Granite Falls shall be completed by the applicant within one year after City approval of the project. The permit may be extended beyond the one year period, if the financial guarantees held by the City are renewed.

Section 5.

Variations from this ordinance may be granted by the City upon evidence that such variations are in the public interest, that they are based upon sound engineering judgment, and that requirements for safety, function, and maintainability are fully met. Desired variations must be approved prior to construction. The City may grant a variance only upon submittal of additional information, plans and/or design data by a professional engineer retained by the applicant showing that the requested variance is safe and the proposed improvements can be economically maintained by City forces.

Section 6.

Inspection of work shall be conducted by the City to check for conformance with the right of way permit and the approved design standards. Final approval of the work and, if applicable, release of the financial guarantee shall not be made until the work is completed to the satisfaction of the requirements of this ordinance. The contractor or applicant shall notify the City for final inspection.

Section 7.

The decision of the City concerning the applicability or enforcement of these standards may be appealed to the Granite Falls City Council upon proper application and payment of a \$200.00 appeal fee.

Section 8.

Any person, firm or corporation who fails to obtain the necessary permit or comply with the requirements of this ordinance shall be deemed guilty of a misdemeanor, and such violation shall be punishable by a fine up to \$1000.00 for each offense and up to 90 days in jail. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such persons, firm or corporation and shall be punishable therefore as provided for in this ordinance.

The City may remove any improvements constructed without the necessary permit and restore the right of way to prior conditions. All expenses incurred by the City in doing so shall be charged to the property owner. If the City is required

to bring an action to recover such costs, the City will recover reasonable attorney's fees and interest at 12 percent per annum, to run from the date the work was completed by the City.

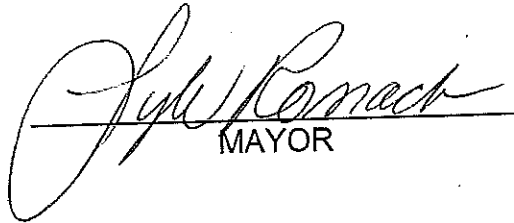
Section 9.

If any portion of this Ordinance shall be found to be unconstitutional or invalid by a Court having jurisdiction, it shall not affect the balance of the Ordinance.

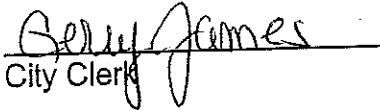
This Ordinance shall be in force and effective upon its approval, passage, posting, and publication.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 20 day of December, 2006.

Approved by the Mayor this 20 day of December, 2006.


MAYOR

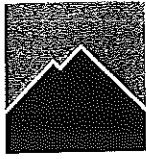
Attest:


City Clerk

DATE OF FIRST READING:
DATE OF SECOND READING:
DATE OF PUBLICATION:
EFFECTIVE DATE:

December 6, 2006
December 20, 2006
December 26, 2006
January 1, 2007

Right of Way Construction
Permit,
Public Works, Land Use, and
Utility Work.



GRANITE FALLS

PO Box 1440
Granite Falls, WA 98252
360-691-6441

Applicant _____

Date Submitted _____

Company
Name _____

Phone _____

Address _____

Emergency
Contact _____

Contact
Name _____

Phone _____

Contractor _____

Phone _____

Surety Bond or
Assignment of Funds
Company or Bank _____

Bond Number _____

Location, and description of work:

Type of Work (attach drawings):

Describe all traffic controls, and warning devices anticipated for the project. All traffic to be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

Starting Date _____

Termination Date _____

Office Use Only

Fees:

Permit _____

Receipt # _____

Date _____

Deposit _____

Receipt # _____

Date _____

Surety Bond or Assignment of Funds Received

Date _____

FEES ARE NOT TRANSFERABLE

Date Returned _____

Comments:

Approved/Not Approved

Signed _____

Date _____

Deposit Release

Signed _____

Date _____

City of Granite Falls
PERMIT CONDITIONS FOR USES OF CITY RIGHTS-OF-WAY

1. This permit is permissive, is subject to the public right of travel on and access to the right-of-way and may not be assigned.
2. The applicant shall secure all other necessary or required permits, licenses, or legal approvals before starting work. A 24 hour notice will be required prior to commencement of work.
3. Signing and all traffic control shall comply with the current edition of the Manual on Uniform Traffic Control Devices as approved by the Washington State Department of Transportation.
4. The permittee is responsible for all site safety during the course of construction.
5. No pavement cuts across or in roads, streets sidewalks, or driveways constructed of asphalt or concrete shall be made unless approval has been granted, in writing, by the City. All pavement cuts shall be made only by mechanical saws specifically made for his purpose.
6. All open ditches or utility trenches shall be filled in or plated over at the end of each working day. Approved traffic safety devices may be used instead of plating or backfilling only with the written permission of the City.
7. All work shall conform to the design standards and specifications of the City, and all standard manuals used by the City in the administration of its duties.
8. Restoration of the right-of-way is required and shall be completed by the termination date of this permit.
9. Right-of-way surfaces shall be cleaned throughout the days work and before the end of day's work. All catch basins, culverts, or any other city owned improvements affected by any deposits of dirt, mud, rock, debris, or any other material, shall be cleaned daily or as specified by the City.
10. The right-of-way permit expires after 6 months if no activity has taken place. If after one (1) year from construction start date, work has not been completed, written notification will result in expiration of the permit.
11. Permits are site specific and are not transferable.
12. The applicant shall provide property damage and liability insurance when requested.
13. The applicant shall comply with RCW Chapter 19.122, and contact the Utilities Underground Location Center at 1-800-424-5555, four (4) working days prior to beginning any excavation. Failure to do so may result in issuance of a stop work order, until the applicant has complied with RCW Chapter 19.122.
14. All residents or businesses affected by any scheduled maintenance causing street closure, or interruption of any utility service, shall be notified at least forty-eight (48) hours prior to any work. Emergency situations are exempt.
15. A copy of this permit, and all approved plans, must be present at the work site during all working hours.
16. No work shall be permitted on Sunday or State or Federal Holidays or between the hours of 7:00 PM and 7:00 AM of any working day except in case of emergency and then only upon notification and approval by the City.
17. A financial guarantee for all work within the right-of-way shall be received prior to the issuance of a right-of-way permit. That guarantee shall be for 150% of the anticipated cost of the work.
18. The applicant agrees to pay all plan review and inspection fees.
19. By signing this document you agree that you have read and understand all provisions as provided.

SIGNATURE _____

DATE _____

Special Conditions:

Final Inspection:

All permits must have final inspection once work is complete. Please call 360-691-6441 to schedule a final inspection.

CITY OF GRANITE FALLS
RIGHT-OF-WAY PERMIT PROVISIONS:

- THIS PERMIT IS FOR THE CITY OF GRANITE FALLS RIGHT-OF-WAY ONLY.
- DESCRIBE LOCATION OF RIGHT-OF-WAY WORK WITH DISTANCES FROM CLOSEST INTERSECTIONS AND ENCLOSE A VICINITY MAP.
- ALL WATER MAIN EXTENSIONS ARE TO BE APPROVED BY THE FIRE DISTRICT.
- ALL UNDERGROUND UTILITY INSTALLATIONS MUST HAVE A MINIMUM OF 36" COVER.
- ALL WORK TO BE DONE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.
- ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH CITY ROAD STANDARDS, AND APPROVED PLANS.

The undersigned, it's successors and assigns, agrees if granted the above permit, to comply with conditions, provisions, requirements, regulations, and recommendations herein contained and as may apply to any utility franchise granted the applicant and under whose provisions same is issued. It will respect and protect all property contracts, peon and rights that may be affected by it.

INDEMNITY AND HOLD HARMLESS

The permittee agrees to indemnify and hold harmless the City of Granite Falls as provided herein to the maximum extent possible under law. Accordingly, the permittee agrees for its self, its successors, and assigns, to defend, indemnify, and hold harmless the City of Granite Falls, its appointed and elected officials and employees from and against liability for all claims, demands, suits, and judgments, including cost of defense thereof, for injury to persons, death or property damage which is cause by, arises out of, or is incidental permittee's exercise of rights and privileges granted by this permit. The permittee obligation under this permit shall include:

- (A) Indemnification for such claims whether or not they arise from the sole negligence of either the City or the permute, the concurrent negligence of both parities, or the negligence of one or more third parties;
- (B) The duty to remotely accept tender of defense and provide defense to the City at the permittee's own expense;
- (C) Indemnification of claims made by the permittee's own employees or agents; and
- (D) Waiver of the permittee's immunity under the industrial insurance provisions of Title 51 RCW, which waiver has mutually been negotiated by the Parties.

In the event it is necessary for the City to incur attorney fees, legal expenses, or other cost to enforce the provision of this section, all such fees, expenses and cost shall be recoverable from the permittee. In the event that it is determined that RCW 4.24.115 applies to this permit, the permittee agrees to defend, hold harmless, and indemnify the City of Granite Falls to the maximum extent permitted thereunder.

SIGNED _____

DATE _____

GRANITE FALLS RIGHT-OF-WAY PERMIT FEES

Description	Application Fee	Permit Fee (Flat Rate)	Permit Fee (per foot)	Plan Review and Inspection (3)
Driveway Cut	\$25.00	\$75.00	None	None
ROW Construction (1)	\$50.00	\$100.00	\$1.00	Varies
ROW Construction with Utility(ies)	\$50.00	\$100.00	\$2.00	Varies
Utilities –Underground (2)	\$50.00	\$100.00	\$0.50	Varies
Utilities – Overhead (2)	\$50.00	\$100.00	\$1.00	Varies

- (1) ROW Construction – Any construction other than a driveway cut for an existing single lot.
- (2) Includes utilities adjacent to ROW unless all work and staging is outside of ROW. Per foot cost only applies to construction work within the right-of-way. Per foot cost only applies to construction work within the right-of-way.
- (3) Plan review and inspection will be billed at the billing rate of the reviewing engineer and/or inspector.