

ORDINANCE NO. 1806

AN ORDINANCE amending Chapter 12.12 of the Camas Municipal Code by revising the regulations relating to excavations and encroachments in the public right-of-ways within the City.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Section 12.12.010 of the Camas Municipal Code is amended to provide as follows:

12.12.010 - Permit - Required. It is unlawful for any person, firm or corporation other than the City or its authorized agent, to dig, break, excavate, use, occupy, tunnel, undermine or in any way obstruct or disturb any street, alley, sidewalk, highway, thoroughfare or other public place, or to fill, place, leave or deposit in or upon any such public street, highway, alley, thoroughfare, sidewalk or public place any article, material or thing whatsoever tending to encroach upon or to obstruct, disturb or interfere with the free use of the same, or to place, erect or maintain any structure, including curbs, gutters, sidewalks, driveways, paving, valley gutters, or sidewalk fronting strips in any City right-of-way, without first having obtained an encroachment permit from the Director of Public Works as hereinafter provided.

An encroachment permit will not be required for contractors performing work for the City, or for any public utility with a franchise, or as specified otherwise in Chapter 18 of this code. Permits issued pursuant to this Chapter shall not be assignable to any other person, firm or corporation.

Section II

Section 12.12.020 of the Camas Municipal Code is amended to provide as follows:

12.12.020 - Permit - Fee - Terms. The Director of Public Works shall issue such permit only upon compliance with the following terms and conditions and after a fee of Twenty-five Dollars (\$25.00) shall have been paid to the City Treasurer. In addition to the initial permit fee, the applicant may be required to pay an inspection fee based on the schedule listed in Section 12.12.080 of this chapter.

The party requesting such permit shall make application therefor in writing on forms furnished by the City. The permits required by this chapter shall be secured at least forty-eight (48) hours prior to the time the work under such permit is proposed to commence except in emergency cases as approved by the Director of Public Works. The applicant if requested to do so by the Director of Public Works, shall file with the Director a plan and profile, which has been prepared by a professional civil engineer licensed to practice in the State

of Washington showing the location and plan of the work, obstruction or other thing desired to be done or constructed, and the street, alley, sidewalk or public place to be obstructed, together with a full description of the nature of such work. The Director of Public Works shall thereupon examine such application and plan and if he shall approve the same, may issue a permit therefor, which permit shall require the replacing in its former condition the portion of the street, alley, sidewalk, highway or other public place which may be obstructed, disturbed or affected in any way. Such permit shall specify the location of the street, sidewalk, alley, pavement, or public place in front of, through, under, on or near which such acts are to be performed or done, and the name of the street, alley, sidewalk or other public place, together with a description of the proposed work or acts to be done under such permit, and the length of time allowed for the completion thereof.

The permit shall expire thirty (30) calendar days after the date of its issuance if no work has been commenced on the project or if there is a thirty (30) calendar day lapse in progress on the project or, if work is pursued diligently, at the time of completion and acceptance of the work by the City, but no longer than One Hundred Eighty (180) calendar days after the date of issuance. If the permit has been issued in conjunction with a building permit issued by the City, said encroachment permit shall expire at the same time the building permit expires.

The City, for good cause, may grant a written extension of time to the permittee, which shall extend the validity of such permit to the time specified by the City.

The acts and works permitted under such permit shall be at all times under the supervision and control of the Director of Public Works, but at the expense of the party procuring such permit, and in case any such place referred to in this chapter is disturbed in any way, the replacing thereof in its former condition shall be at all times subject to the direction of the Director of Public Works, and the same shall be replaced and restored to its former condition within the time by him stated and specified. At this expiration of the time fixed by such permit, or upon completion of the work allowed to be done under such permit, the Director of Public Works shall have the right to do all work and things necessary to restore such street, alley, sidewalk or public place to its original and proper condition and the party obtaining the permit shall be liable for the expense thereof; provided, that the City shall have a cause of action for all of its expenses and amounts paid out upon the work to be collected in a civil action in any court of competent jurisdiction; provided further, that nothing herein stated shall affect in any way the duty of the one acting under such permit to guarantee and maintain the permitted work for one (1) year after approval of such work by the City, or; in the event of repairs thereto,

one (1) year after the date of such repairs. The permittee, upon notice from the City, shall immediately repair any injury or damage to the street occurring as a result of work done under the permit. In the event such repairs are not made by the permittee within forty-eight (48) hours after the notice, the City is hereby authorized to make such repairs and charge all costs, plus overhead and administration costs, to the permittee. By acceptance of the permit, the permittee agrees to comply with the provisions of this section.

### Section III

Section 12.12.030 of the Camas Municipal Code is amended to provide as follows:

12.12.030 - Permit - Denial - Revocation. The City shall have the right to refuse a permit to any person who is in violation of this chapter or who has failed to comply with the provisions of this chapter in connection with the permit being applied for or any permit previously issued.

The City, for non-compliance with any of the provisions of this chapter, may revoke any permit granted pursuant to this chapter.

### Section IV

Section 12.12.040 of the Camas Municipal Code is amended to provide as follows:

12.12.040 - Bond - Deposit Required. As a condition of issuance of said permit, permittee shall furnish to the City a certificate of liability insurance in an amount to be fixed by the Director of Public Works, approved by the City Attorney, conditioned that the applicant for such permit will keep and save harmless the City from any and all claims, liability, judgments, costs, damages and expenses arising from any acts which he may do or suffer to be done under the permit, or which may be done by any of his agents, servants, or employees or which may arise from any negligence of himself, his agents, servants, contractors or employees, or any of them in obstructing or in any way disturbing such street, alley, highway or other public place, or by reason of the violation of any of the provisions of this chapter. In addition thereto, a permittee shall acquire and deliver to the City Clerk a good and sufficient performance bond in an amount equal to the cost of the proposed work. In lieu of a performance bond, a permittee may execute a pledge agreement and deposit cash or other collateral, if satisfactory to the Director of Public Works, to comply with the foregoing bond provisions.

### Section V

Section 12.12.050 of the Camas Municipal Code is amended to provide as follows:

12.12.050 - Bond - Annual. Any person, firm or corporation engaged in the business of laying sewers or any kind of work which tends to obstruct the streets, highways or public places, or which takes place within the City's right-of-way may, in lieu of the certificate of liability insurance and bond referred to in Section 12.12.040, execute and file an annual insurance certificate and bond in such amount as may be fixed by the Director of Public Works and approved by the City Attorney, conditioned as provided in Section 12.12.040; provided, that whenever in the judgment of the Director of Public Works the amount of such annual bond becomes insufficient, a new or additional bond may be required.

#### Section VI

Section 12.12.060 of the Camas Municipal Code is amended to provide as follows:

12.12.060 - Public Access - Emergency Access. The property owner and/or permittee shall provide free and unobstructed access during the course of construction to all mailboxes, fire hydrants, valves, manholes, drainage structures, and other public service structures and property that may be required for emergency. Any work that will create a deviation from normal traffic patterns must be approved by the City and the permittee will be required to notify all emergency services of the requested deviation. Said notification shall include the start date and length of time the deviation can be expected. Upon completion of the permitted work, the permittee will be required to notify all emergency services previously contacted that the deviation no longer exists.

#### Section VII

Section 12.12.070 of the Camas Municipal Code is amended to provide as follows:

12.12.070 - Barriers and Warning Lights. In case any public street, alley, sidewalk, highway or public place shall be dug up, excavated, undermined, disturbed or obstructed, or any obstruction placed thereon, the persons, firm or corporation causing the same shall erect, and so long as the condition exists and any danger may continue, maintain around the portion of the street, sidewalk, alley, or other public place, a good and substantial barrier, and shall also cause to be maintained during every night from sunset to daylight, at each end of such obstruction, lighted lanterns showing a red light or similar illumination devices as approved by the Director of Public Works. In the event the permittee shall fail to provide for the safety of the public in the manner previously specified, the City may provide whatever facilities are necessary and charge the permittee a fee for the work involved.

Section VIII

Section 12.12.080 of the Camas Municipal Code is amended to provide as follows:

12.12.080 - Inspection. All work performed by the permittee within the City's right-of-way shall be inspected by the City. The permittee shall notify the City at least twenty-four (24) hours in advance to perform the inspection. Inspections may be performed periodically by the City without notice to, or permission from the permittee to determine if the construction conforms to appropriate standards.

The permittee will also be assessed charges for performing said inspection(s) as stated in Section 12.12.020 of this chapter. The fee will be based on the following schedule:

- a. The first \$1,500.00 of construction value (as determined by the City) proposed will be covered in the Twenty-five Dollar (\$25.00) permit fee submitted with the application.
- b. For construction valued over \$1,500.00, the applicant will be required to pay the Twenty-five Dollar (\$25.00) application fee and two and one-half (2½%) percent of the value of the construction (as determined by the City).

Section IX

Section 12.12.090 of the Camas Municipal Code is amended to provide as follows:

12.12.090 - Violation - Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the city jail not to exceed One Hundred Eighty (180) days, or by both such fine and imprisonment.

Section X

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 22 day of April, 1991.

SIGNED: Nancy Henrichsen  
Mayor

ATTEST: [Signature]  
Clerk

APPROVED as to form:  
[Signature]  
City Attorney