

ORDINANCE NO. 67

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF COMPREHENSIVE STREET AND ROAD OPENING REGULATIONS AND REQUIREMENTS IN THE COUNTY OF WALLA WALLA.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WALLA WALLA COUNTY, STATE OF WASHINGTON, THAT THE FOLLOWING REGULATIONS AND REQUIREMENTS FOR OPENING STREETS AND ROADS IN THE COUNTY OF WALLA WALLA BE ESTABLISHED FOR THE REASON THAT THEY ARE NECESSARY FOR THE SAFETY AND BENEFIT OF THE PUBLIC.

Street Opening Permit Required - Emergencies.

It shall be unlawful for any person, firm or corporation to make a street opening of any description in any Walla Walla County paved, oiled or hard surfaced County road without first having obtained a permit from the County Engineer. In case of an emergency, arising outside of office hours, when an immediate excavation may be necessary for the protection of life or property, the same shall be reported to the County Engineer or his designate who may grant oral permission to make the opening upon the understanding that a permit covering the opening must be obtained on the first following business day.

Prerequisites for Obtaining Permit.

Application. The party requesting the street opening permit shall make application therefor upon a form to be provided by the County Engineer, upon which shall be specified the place where the opening is to take place, and a description of the work to be done, and the anticipated time the work is to be completed, and such other information the County Engineer may require.

Fee. There shall be established a \$5.00 fee for each street opening permit. This shall be in addition to any other charges established hereinafter for restoring the street or road to its former condition.

Plans. Detailed plans showing the location and plan of excavation shall be submitted with each application for a street or road opening involving a change or improvement of a sub-street utility structure. A plat map may be required by the County Engineer.

Cash Bond or Deposit Required. The applicant shall furnish a Cash Bond in the amount of \$100.00 before he shall be eligible to receive a street or road opening permit.

Conditions Attaching to Street or Road Opening Permit.

Opening Permit.

a. No openings shall be made until all necessary fittings and materials are available and on hand to complete the work.

b. No openings shall be made without twenty-four (24) hours prior notice to the County Engineer or his designate. Notice of at least forty-eight (48) hours shall be given to all public utility companies whose facilities may be affected by the opening.

c. Street or road opening work shall be done in off-peak hours in the congested areas. The determination of a congested area shall be made by the County Engineer.

d. Backfilling and compaction of backfilling shall be conducted in accordance with standard specifications furnished by the County Engineer.

e. The permittee shall place adequate barricades and warning signs and signals around the entire excavation pursuant to statutory requirements and advance warning signs must be placed on the approaches to the excavation at a minimum of 100 feet to either side of the opening.

f. In making excavations, the street or road surface material and earth removed from the trench shall be kept separate and deposited in a manner that will facilitate proper backfilling and in a manner that will cause the least inconvenience to traffic. No excavated material shall be placed in gutters or drainage ditches. The permittee shall clean up the location of each street or road opening within twenty-four hours after it is refilled.

g. No permittee shall make any opening in the streets or roads of the County without maintaining safe crossing for vehicular traffic at all street or road intersections and safe crossing for pedestrians wherever designated by the County Engineer.

h. No street or road shall be completely closed to traffic by reason of a street or road opening without the prior permission of the County Engineer, provided further that where an excavation cutting completely across a traveled roadway is to remain open for a period in excess of twelve hours, then it shall be necessary to use suitable plates to provide vehicular crossing over trenches, such plates to be securely anchored to prevent their movement under traffic.

Performance Cash Bond to be Furnished.

Before any permit shall be issued, the applicant shall execute and file with the County Engineer a \$100.00 Cash Bond guaranteeing that the permittee will restore the street or road opening to its original condition at the permittee's expense, and will maintain it in this condition for the period hereinafter specified. Public utility companies and others who are continuously engaged in street or road opening and sub-street utility work may file an annual bond or continuing bond with the County Engineer and approved by the Board of County Commissioners which covers all of their street or road openings.

Public utility companies continuously engaged in street or road openings, may be excused by the County Engineer from posting bond if the franchise under which such companies operate gives to the County adequate protection and assurance that the purpose of the bond will be met. The County Prosecutor shall make the determination of the sufficiency of the franchise agreement to protect the County in accordance with the terms of this ordinance. Such companies shall, nevertheless, be responsible for paying all other fees in executing all guarantees required herein.

The permittee shall pay upon the completion of pavement restoration a fee covering actual expense to the County for inspection, supervision, costs of materials and equipment rental. The cost of the restoration will be based on an established cost per square foot of surface area of proposed excavation as determined by the County Engineer. A statement itemizing all charges shall be rendered to the permittee upon the completion of the pavement restoration.

The \$100.00 Cash Bond shall not be released by the County prior to such payment to the County and prior to the execution by the applicant of a guarantee in writing to maintain or to reimburse the County to maintain for an additional period of 90 days the pavement restoration to a condition equal to that existing before the opening was made. Any settlement of the surface shall be deemed evidence of defective backfilling.

Unfavorable Weather.

The County Engineer may require the delay of the application of asphalt or other roadway materials until atmospheric and roadway conditions are satisfactory.

Maintenance and Construction Details.

The County Engineer will provide the permittee with necessary maintenance and construction specifications for opening and restoring pavement surfaces. The permittee or the contractor for the same shall take extreme care to prevent damage to any pavement to remain in place. Before the patch is constructed, all pavement cuts shall be trued so that the marginal lines of the patch will form a rectangle with straight edges and vertical faces. The use of a concrete saw may be specified in some circumstances.

Performing of Pavement Restoration Work.

The County Engineer shall determine at the time application for a permit is made whether the Permittee or the County shall perform the backfilling and/or pavement restoration work.

If the County performs the pavement restoration work, before such work can take place, the County Engineer shall cause a compaction test to be made of the backfill to determine compliance with applicable specifications. No pavement restoration work shall take place until the compaction density of the backfill

passes County inspection. Where low ground temperature or inclement weather as defined in the paragraph under Unfavorable Weather above precludes the application of permanent surfacing material, then a temporary patch shall be made providing that a compaction density test shall be made before the final patching of the surface takes place.

Notice of Completion.

Immediately upon the completion of a pavement restoration caused by a street or road opening, the permittee shall give notice to the County Engineer.

County Engineer's Designate and Penalty.

The duties and responsibilities herein set forth for the County Engineer may be performed by his duly appointed designate.

Any person, firm or corporation violating any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$300.00.

Done this 13 day of March, 1967

Attest: Glady's Yelmar
County Auditor and ex officio
Clerk of the Board.

Approved as to Form:
Robert E. Dyer
County Prosecutor

Leith L. Price
Chairman
Howard Barnes
Commissioner
Owen M. Walker
Commissioner

Constituting the Board of County
Commissioners of Walla Walla County,
Washington.

