

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04**SIDEWALK USE**

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- 12.04.020 Definitions.
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12.04.010 Purpose.

The purpose of the ordinance codified in this chapter is to allow owners of abutting property sidewalks in the city to erect and maintain western-type store fronts which call for pillar-supported coverings over sidewalks, and to allow the pillars to be attached to the sidewalks. (Ord. 304 § 1, 1974)

12.04.020 Definitions.

The following terms when used in this chapter shall be construed to mean as follows:

A. "Abutting property" means all property having a frontage on the sides or margins of any sidewalk.

B. "Owner" means the plural as well as the singular and includes any partnership, association, group or corporation other than a public body.

C. "Sidewalk" means a walk for pedestrian use outside the building lot line of any property owner and constructed for use by the general public.

D. "Structure" means any covering, roof or other extension of a building which projects over and covers the sidewalk. (Ord. 304 § 2, 1974)

12.04.030 Right to erect.

Every owner of property abutting the sidewalks of the city in the areas of the city zoned BL shall have the right to erect and maintain structures over the abutting sidewalks. Such structures may have pillars attached to the sidewalks. The structures shall be self-supporting and shall not be dependent upon any attached pillars. Fire stops shall be incorporated therein as required by the city building inspector. (Ord. 304 § 3, 1974)

12.04.040 Duty to use proper care and caution.

Every owner who erects a structure as defined in this chapter shall use proper care and caution in the construction and maintenance of it all in accordance with the state and city ordinances relating to buildings. (Ord. 304 § 4, 1974)

12.04.050 Duty to repair and maintain.

Structures shall be repaired and maintained at the owner's expense. (Ord. 304 § 5, 1974)

12.04.060 Removal.

Every owner of property abutting the sidewalks of the city which has such a structure attached shall have the option to completely and permanently remove the structure at the owner's expense. (Ord. 304 § 6, 1974)

12.04.070 Insurance.

A. Every owner of property abutting the sidewalks of the city which has such a structure attached shall at all times, commencing with the date upon which construction begins, carry the following types of insurance with an insurance carrier or carriers acceptable to the city, and policies approved by the city.

B. Public liability insurance covering death or bodily injuries with limits of not less than \$100,000 per person and \$250,000 for any one accident or disaster, and property damage coverage with limits of not less than \$50,000, which insurance shall name the city as an additional insured. (Ord. 304 § 7, 1974)

12.04.080

12.04.080 Approval of plans.

Before construction of such structure commences or before alterations of it are made, plans for construction or alterations must first be submitted to and be approved by the city building inspector. (Ord. 304 § 8, 1974)

12.04.090 Annual inspection.

The structures are subject to annual inspection by the city building inspector. Should it be determined that a structure is or has become a public nuisance or in any manner endangers the public use of the sidewalks, then the owner of the property abutting the sidewalks to which such structure is attached shall correct the situation upon 60 days' notice, such notice to be given as provided in SMC 12.04.110, by repair, reconstruction, removal or such other action as shall be determined by the city building inspector. (Ord. 304 § 9, 1974)

12.04.100 City's right to remove or repair.

The city shall, upon 30 days' notice, such notice to be given as provided in SMC 12.04.110, have the right to repair, reconstruct or remove such structure if any abutting property owner fails to comply with any of the provisions of this chapter. The cost to the city of such repairs, reconstruction or removal, including the engineer's expenses, shall be charged to the abutting property owner. If the property owner fails or refuses to pay the costs incurred by the city or in the event the owner cannot be found, the city may file a lien therefor against the property within 90 days. (Ord. 304 § 10, 1974)

12.04.110 Notice.

Any notice required by this chapter shall be given by mailing a copy of the notice to the owner as shown upon the records of the county treasurer and at the address shown thereon; and if no owner and address is shown on such record, a copy of the notice shall be posted upon the property, and shall also be published in one issue of the Sequim newspaper. Proof of such mailing, posting and publication shall be made by affidavit filed with the city clerk. The notice shall include a description of the property involved and in connection with SMC

12.04.090 it shall include the nature of the hazardous condition and the action required by the city building inspector and in connection with SMC 12.04.100 it shall include a description of the violations of this chapter. (Ord. 304 § 11, 1974)

12.04.120 Penalties.

Any person violating any of the provisions of this chapter, in addition to the costs required in SMC 12.04.100, shall, upon conviction, be punished by a fine in a sum not to exceed \$300.00 or by imprisonment in the city jail for a period not to exceed 90 days or by both such fine and imprisonment. (Ord. 304 § 12, 1974)

Chapter 12.08**SIDEWALK CONSTRUCTION**

Sections:

- 12.08.010 Purpose.
- 12.08.020 Definitions.
- 12.08.030 Plans and specifications – Permits – Performance bond.
- 12.08.040 Sidewalks to be constructed in platted areas prior to acceptance.
- 12.08.050 Driveway entrances required.
- 12.08.060 Minimum standards.
- 12.08.070 Vertical and wedge curbs and gutters.
- 12.08.080 Driveway standards.
- 12.08.090 Base preparation.
- 12.08.100 Violation – Penalty.

12.08.010 Purpose.

The uncontrolled construction, maintenance and repair of sidewalks, driveways, curbs and gutters has created such hazards to the health, safety and welfare of the people of the city that it is necessary for the city, in exercise of its police power, to establish regulations governing the same. (Ord. 2005-019; Ord. 279 § 1, 1973)

12.08.020 Definitions.

As used in this chapter, the words defined in this section shall have the following meanings:

A. “Person” means the plural as well as the singular and includes any partnership, association, group or corporation.

B. “Sidewalk” includes any and all structures or forms of street improvement included in the space between the street margin and the roadway but shall not include trails, paths or pathways.

C. “Trail, path or pathway” includes recreational walkways, which may be a component of parks or open spaces. (Ord. 2005-019; Ord. 279 § 2, 1973)

12.08.030 Plans and specifications – Permits – Performance bond.

No sidewalk, driveway, curb or gutter within the city shall hereafter be constructed, altered or repaired by any person without a

written permit first being obtained from the office of the city clerk. Plans and specifications for the construction, alteration or repair of sidewalks, driveways, curbs and gutters shall first be submitted to the city for approval. Such plans and specifications shall contain the layout with dimensions, existing ground elevation and proposed finished grade elevation for the work intended. When requested by the city the request for permit must be accompanied by a performance bond or certified check, payable to the city, in an amount that is not less than the estimated construction cost. (Ord. 2005-019; Ord. 279 § 4, 1973)

12.08.040 Sidewalks to be constructed in platted areas prior to acceptance.

Sidewalks, curbs and gutters shall be constructed in all areas to be platted or replatted prior to the acceptance by the city of the platted or replatted areas. All public sidewalks, curbs and gutters shall be constructed of concrete. (Ord. 2005-019; Ord. 279 § 5, 1973)

12.08.050 Driveway entrances required.

Where it becomes necessary for access across any sidewalk, whether existing or proposed, with any vehicle, a driveway shall be constructed. Driveway aprons, where they cross public sidewalks constructed of concrete, shall be constructed of concrete. Where no public sidewalks have been constructed, driveway aprons may be constructed of asphalt. (Ord. 2005-019; Ord. 279 § 6, 1973)

12.08.060 Minimum standards.

All sidewalks in the areas designated by the city as “commercial” or “mixed use” shall be a minimum of eight feet wide from back of curb or landscape strip. All sidewalks in residential areas shall be a minimum of six feet wide from back of curb or landscape strip. All sidewalks shall be constructed with a minimum four-inch thickness. Driveway entrance sidewalks shall be a minimum six-inch thickness and as identified in the City of Sequim Streets and Utilities Development Regulations Detail SQM-R8. (Ord. 2006-019 § 1; Ord. 2005-019; Ord. 279 § 7, 1973)

12.08.070 Vertical and wedge curbs and gutters.

All vertical and wedge curbs and gutters shall be combined concrete curb and gutters as specified and approved by the city engineer. Appropriate application for vertical and wedge curbs shall be in conformance with the street profiles identified as Detail SQM-R1A, R1B, R2A, R2B and R2C in the City of Sequim Streets and Utilities Development Regulations. Design standards are identified in Detail SQM-R5 and SQM-R6. (Ord. 2006-019 § 1; Ord. 2005-019; Ord. 279 § 8, 1973)

12.08.080 Driveway standards.

All driveways on public property shall be cement concrete driveways as specified and approved by the city engineer as set forth in SMC 12.08.050. The width of driveways shall be a minimum of nine feet and a maximum of 30 feet. Existing curbs and sidewalks over which a driveway is to be placed shall be neatly cut and removed. Driveways on private property shall be constructed of concrete or asphalt. (Ord. 2005-019; Ord. 279 § 9, 1973)

12.08.090 Base preparation.

All structural materials hereinafter used in repairing or construction of sidewalks shall be placed upon a carefully prepared base meeting American Public Works Association (APWA) standards or Washington State Department of Transportation standards (WSDOT). Concrete shall be American Public Works Association Class 5 (1-1/2) or 5 (3/4). (Ord. 2005-019; Ord. 279 § 10, 1973)

12.08.100 Violation – Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine in a sum that is not more than \$300.00. (Ord. 2005-019; Ord. 279 § 11, 1973)

Chapter 12.10

RIGHTS-OF-WAY

Sections:

12.10.010 Findings and purpose.

12.10.020 City property.

12.10.010 Findings and purpose.

The city council finds that it is in the public interest to establish standards for use of the rights-of-way and/or easements for service providers and other owners and operators of utility systems, in a manner which:

A. Provides terms, conditions and cost under which service providers and other operators of utility systems may use valuable public property to serve the public.

B. Protects the public interest in the use of the limited physical capacity of the public rights-of-way and/or easements.

C. Protects the public and the city from any harm resulting from such private use of rights-of-way and/or easements and preserves and improves the aesthetics of the community.

D. Protects and carries out the regulatory authority of the city and recovers costs. (Ord. 2006-002 § 1)

12.10.020 City property.

The city council finds that the city’s rights-of-way, other city property, and utility facilities such as water conduits, sewer conduits, poles and other conduits within the city constitute valuable public property:

A. That can be partially occupied by private companies and other entities for facilities used in the delivery, conveyance, and transmission of telecommunications, utility and public services rendered for profit, to the enhancement of the health, welfare, and general economic well being of the city and its citizens.

B. That are a unique resource so that proper management by the city is necessary, to maximize the efficiency and minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience and negative effects, including degradation, upon the public from

such facilities' construction, emplacement, relocation, and maintenance in the rights-of-way.

C. Encourage proper development while preserving aesthetic and other community values and preventing proliferation of above-ground facilities and damaged rights-of-way and/or easements.

D. Recover the city's current and ongoing costs of granting and regulating access to and use of the public rights-of-way and/or easements from the persons and businesses seeking such access and causing such costs.

E. Fees, insurance, warranties, repair and construction and excavation requirements shall include the following:

1. Repair of Damages. A franchisee, its successors and assigns shall promptly repair any damage of every type and nature to city property or city improvements caused by the failure or workmanship of the franchisee's work during the life of a franchise. Patches in the public right-of-way must be restored or maintained by franchisee to the satisfaction of the city engineer until the area is repaved.

2. Public Ways and Property – Telecommunications, Cable – Municipal Authorization to Use Right-of-Way – Conditions of Occupancy or Use of the Right-of-Way. The following requirements apply as minimum conditions of installing, locating, using, maintaining, abandoning or removing facilities in the right-of-way or other permitted areas, whether by a service provider or any other user. They are a basis of negotiation of any franchise or master permit. Service providers or other users must accept the requirements, so long as any use or occupancy continues, regardless of whether a master or use permit or franchise has been issued, revoked or expired:

a. Users must comply with all applicable federal and state laws relating to operations in the city of Sequim, including safety laws and standards, as well as local ordinances, this chapter, and the policies and standards of the city, construction codes, regulations, and orders of the public works department, compliance all being further subject to audit or verification by the city at the users' expense.

b. Users must obtain all permits required by the city for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges and penalties within 30 days of billing or as otherwise specified by the public works department.

c. Users must always act in good faith and fair dealings with the public and must provide safe, reliable service to the public. Users must cooperate with the city to ensure their facilities are installed, maintained, repaired, and removed within the right-of-way or other permitted areas in compliance with the purposes of this chapter and in such a manner and at such points so as not to inconvenience the public use or to adversely affect the public health, safety, and welfare.

d. Users must provide information and plans the city requires to enable the city to comply with and enforce this chapter, including provision of advance planning information pursuant to the procedures established by the public works department. Users must keep the public works department fully informed of any changes to information required to be supplied with any master permit or franchise or any use permit.

e. Users must provide advance notice of long and short range needs for access to the right-of-way or other permitted areas as may be ordered by the public works department, and otherwise, as much as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way or other permitted areas.

f. Users must obtain the written approval of the facility or structure owner, if they do not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way or other permitted areas, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement. (Cross-reference: RCW 35.99.030(6).)

g. The city must not be exposed to any loss, liability or expense because of another's use or occupancy of the right-of-way or other permitted areas. Users must fully indemnify and hold harmless the city, its offic-

12.10.020

ers, agents and employees, from all loss or liability in connection with their use or occupancy of such areas. Operations in or near the right-of-way or other permitted areas should be conducted to minimize or avoid hazard to the public or interfere with the priority of municipal infrastructure needs. Users must further pay for loss or damage to municipal assets or injury to municipal personnel. If the city nonetheless is exposed to risk or loss, users must protect and defend the city to the maximum extent permitted by law. Minimum insurance requirements pending any use or occupancy of the right-of-way or other permitted area are \$500,000 per occurrence and \$1,000,000 aggregate, with the city of Sequim as an additional named insured or as otherwise ordered by the administering officer with the advice of the risk manager.

h. The city is not responsible for construction or maintenance of any facilities placed and has no duty to modify the right-of-way or other permitted areas to accommodate such facilities. All areas utilized must be accepted "as is," without express or implied assurances of suitability of any area for facilities placed. Users must assume all risk of facility placement and occupancy, including risks now or hereafter arising because of lack of municipal resources to maintain the municipal infrastructure or any component in current or better condition. Users must waive any claim against the city for loss or liability arising from acts or omissions of other users, occupants or the public, because of unstable earth or roadbed, changes in groundwater conditions or other natural or artificial conditions rendering the right-of-way or other permitted areas unsuitable for use for facilities placed or any other problem. This does not affect the applicability of Chapter 19.122 RCW, Washington State's underground utilities statute.

i. There is no warranty of any municipal title or interest to confer permission to use or access any area. Permission is in the nature of a quitclaim authorization, subject to any other underlying interests as may be established. The city further reserves the right to vacate or abandon any permitted area at no cost or liability to the city. Municipal infra-

structure needs have first priority in all cases except and only so far as shown to be otherwise required by a preemptive right.

j. There is no duty or liability of the city to any third-party tenant in or on a user's facilities in the right-of-way or other permitted areas, or to any direct or indirect customers or third-party beneficiaries of a user. The city disclaims any such duty or responsibility. Users must accept sole responsibility for claims of their direct or indirect third-party tenants, customers or third-party beneficiaries.

k. Nothing in this chapter limits or restricts any requirement, duty or obligation heretofore arising to the benefit of the city as a result of any municipal contract, permit, or franchise, but such provisions are supplemental and in addition to this chapter. The provisions of this chapter are supplemental and in addition to other applicable municipal ordinances, standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the Constitution of the State of Washington or the United States. (Cross-reference: RCW 35.99.080(c).)

l. Any damage or disturbance to the right-of-way or other permitted or surrounding areas must be promptly restored. A patch must be thereafter maintained by the responsible party as determined by the administering officer until the area is repaved. The public works department may require the responsible party to repave an entire lane within a cut or disturbed location, or greater area, if deemed affected. Common trenching and coordination of access needs by the user is required to avoid unnecessary cuts or damage to the right-of-way or other permitted areas. In addition, all patching and or paving shall be warranted against defects or failure for a period of two years from the date of completion of the work.

m. Access may be limited by the administering officer at a location, considering the purpose of this chapter, where there is inadequate space or other special limitations in an area. Minimum underground horizontal separation is five feet from city water facilities and 10 feet from above-ground city water facilities, subject to the public works department's review and further determination.

n. Any assignment of use or occupancy privileges requires consent of the city in the manner originally granted. This does not apply to minor stock transfers. No capital stock may ever be issued based on any permission to use or occupy the right-of-way or other permitted areas or the value thereof. In any condemnation proceeding brought by the city, no grantee of any permission, permit or franchise under this chapter or otherwise shall ever be entitled to receive any return thereon, or its value.

o. Fees for all such services shall be set by resolution by the city council. (Ord. 2006-002 § 2)

Chapter 12.12

DITCH CULVERTS

Sections:

- 12.12.010 Ditch culverts subject to regulations.
- 12.12.020 Application to construct – Standards.
- 12.12.030 Costs.
- 12.12.040 Street commissioner duties.

12.12.010 Ditch culverts subject to regulations.

All irrigation ditches crossing the public streets or alleys of the city, and known as ditch culverts, must conform to the regulations prescribed in this chapter, except that irrigation ditches now in use and which are now running across streets or alleys are exempted from the regulations of this chapter until such time as such crossing ditches are required to be altered or repaired to prevent flooding the street or damage to property. (Ord. 32 § 1, 1915)

12.12.020 Application to construct – Standards.

A. Irrigation ditch companies, or their officers or stockholders desiring to have an irrigation ditch run across a public street or alley must make application to the city street commissioner to construct a ditch culvert, and such culvert must be constructed under the supervision of the commissioner. The ditch culvert must be of a size to be agreed upon between the applicant constructing it and the commissioner, subject to this chapter.

B. Ditches must be constructed of either corrugated iron or concrete, or three-inch plank, and the construction work is to be done in such a way as to leave no ridge or hummock or other obstruction in the street or alley so as to interfere with vehicle or other street traffic. Whenever it is necessary to prevent street flooding or damage to property, siphons must be provided with such culverts. (Ord. 32 § 2, 1915)

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12.12.030 Costs.

A. All of the cost of construction of irrigation ditch culverts must be borne and paid for by the applicant or by the irrigation ditch company or other person desiring the work done.

B. Street crossings above such ditch culverts will be constructed and maintained at the expense of the city, but all ditch culverts must be maintained and kept in good repair at the expense of the irrigation ditch companies or owners of the ditch culvert. (Ord. 32 § 3, 1915)

12.12.040 Street commissioner duties.

It is the duty of the street commissioner whenever any irrigation ditch crossing or culvert is defective and needs repairs and alterations so as to prevent flooding of the streets or any damage to property, to notify the president, or secretary or trustee, or any officer of the irrigation ditch company with whose main ditch the ditch culvert connects in any way, to proceed to make the needed repairs to the defective culvert or crossing within three days from the receipt of such notice. In case the ditch company fails or refuses to make the needed repairs as notified to do, then the street commissioner is authorized to proceed and repair the defective culvert or crossing at the expense of the ditch company, and if the expense is not paid for by the ditch company, a suit shall be instituted by the city against such delinquent ditch company in any court of competent jurisdiction, to collect the total expense of such repairs with costs. (Ord. 32 § 4, 1915)

Chapter 12.16

WORK OBSTRUCTING PUBLIC PLACES

Sections:

12.16.010 Permit required.

12.16.020 Application.

12.16.030 Fees.

12.16.010 Permit required.

All persons, corporations and/or utilities desiring to perform work obstructing or making installations that cause disturbance, disruption or damage to city streets, alleys, rights-of-way, bridges, parking lots, parks or other public places within the city are required to obtain a permit from the city supervisor or his designated representative before proceeding therewith. (Ord. 357 § 25(1), 1977)

12.16.020 Application.

The city's mayor or his designated representative is authorized and directed to require applications for the performance of work obstructing or making installations on city streets, alleys, rights-of-way, bridges, parking lots, parks or other public places upon such forms and regulations as are or hereafter shall be approved by resolution of the city council. (Ord. 357 § 25(2), 1977)

12.16.030 Fees.

The city council is authorized to adopt fee schedules, forms and regulations, by resolution, to carry into effect the intent of this chapter. (Ord. 357 § 25(3), 1977)

Chapter 12.20

NAMING OF STREETS

Sections:

- 12.20.010 Streets and avenues.
- 12.20.020 Name of street or avenue to run from boundary to boundary.

12.20.010 Streets and avenues.

All public highways running north and south through the city from boundary to boundary of the corporate city limits, exclusive of alleys, shall be designated avenues, and all highways running east and west from boundary to boundary of the corporate city limits, exclusive of alleys, shall be designated streets. All alleys shall be called alleys and shall be given such further names as the council may see fit hereafter to name them. (Ord. 36 § 1, 1915)

12.20.020 Name of street or avenue to run from boundary to boundary.

For the purpose of uniformity and convenience to the public in naming the avenues and streets, it is provided that the streets and avenues shall bear but one name clear through from boundary to boundary and when any such street or plat or addition to the city hereafter, the street or avenue name now established shall likewise be extended along with the street or avenue. (Ord. 36 § 2, 1915)

Chapter 12.22

STREET ADDRESS DESIGNATION POLICIES

Sections:

- 12.22.010 Purpose.
- 12.22.020 Baseline streets designated.
- 12.22.030 Assignment of address – Even or odd.
- 12.22.040 Assignment of address – Rate per block.
- 12.22.050 Assignment of address – Directional indicators.
- 12.22.060 Assignment of address – Proration of distances.
- 12.22.070 Assignment of address – Curved streets.
- 12.22.080 Assignment of address – Driveway as reference.
- 12.22.090 Assignment of address – Cul-de-sacs.
- 12.22.100 Assignment of address – Multi-unit buildings.
- 12.22.110 Assignment of address – Mobile home/RV parks.
- 12.22.120 Multi-unit addresses – Floor plans/maps.

12.22.010 Purpose.

The purpose of this chapter is to describe the current addressing system in use inside the center of Sequim, and to provide for consistent extension to areas presently addressed in an inconsistent way. This system will be applied within the Sequim Address Grid Boundary. (Ord. 93-005 § 1)

12.22.020 Baseline streets designated.

The baseline for north-south streets shall be an east-west line passing through Washington Street at Sequim Avenue. The baseline for east-west streets shall be a north-south line passing through Sequim Avenue at Washington Street. These baselines will begin the 100 block in each direction. (Ord. 93-005 § 1)

12.22.030 Assignment of address – Even or odd.

Even numbers shall be on the north and east sides of the street, odd numbers on the south and west side of the street. (Ord. 93-005 § 1)

12.22.040 Assignment of address – Rate per block.

Addresses shall increase at a rate of 100 per block away from the above baselines. Permanent blocks are defined on the official city map, and will not change with future street construction. Numbers shall be assigned within each block with sufficient spacing to allow for additional development. (Ord. 93-005 § 1)

12.22.050 Assignment of address – Directional indicators.

Each address will include a directional indicator of north, south, east or west preceding the street name to identify the direction of increasing numbers. (Ord. 93-005 § 1)

12.22.060 Assignment of address – Proration of distances.

Unless preexisting patterns dictate otherwise, addresses will be proportionally prorated within each block based on the location of the front entrance to the building. The 1000 block of North Sequim Avenue will be stretched to allow address numbers to catch up to the mileage-based rural addresses within one-tenth of a mile north of the grid boundary. (Ord. 93-005 § 1)

12.22.070 Assignment of address – Curved streets.

A street which curves or angles will be addressed either as an east-west street or as a north-south street, whichever fits best. Blocks on such streets will be stretched as necessary to follow the mapped grid, corresponding to the nearest blocks on the adjacent streets. On such streets, address numbers within each block will be calculated relative to the distance along the street rather than to the position on the map grid. (Ord. 93-005 § 1)

12.22.080 Assignment of address – Driveway as reference.

If the building location is such that the driveway would be a more functional reference point for addressing, the address may instead be based on the intersection of the driveway and the street. (Ord. 93-005 § 1)

12.22.090 Assignment of address – Cul-de-sacs.

Lots on cul-de-sacs which are less than 200 feet deep may be assigned numbers off the street from which the cul-de-sac originates. In this case, the cul-de-sac shall not be assigned a street name. (Ord. 93-005 § 1)

12.22.100 Assignment of address – Multi-unit buildings.

Each unit of a duplex shall be assigned a separate numbered address. Each building with three or more units shall be assigned a numbered address, and each unit shall be assigned a unit number or letter. Units may be designated as “apartment,” “unit,” “suite,” or other appropriate designator. (Ord. 93-005 § 1)

12.22.110 Assignment of address – Mobile home/RV parks.

Private thoroughfares within the complex may be named, with each site addressed in the normal way. As an alternative, the complex may be addressed at its entrance with each unit assigned a unit number or letter. (Ord. 93-005 § 1)

12.22.120 Multi-unit addresses – Floor plans/maps.

The owner of a multi-unit address site must supply a floor plan or map locating each unit adequately for guiding emergency response. (Ord. 93-005 § 1)

Chapter 12.24

PARKS, PLAYGROUNDS AND PUBLIC PLACES

Sections:

12.24.010 Parks, playgrounds and public ways.

12.24.010 Parks, playgrounds and public ways.

A. No person, firm or corporation shall use, place or erect any placard, notice, sign or device of any kind for advertising in any park, or erect a structure of any kind in any park; provided, however, the city supervisor, or his designated representative, may permit the erection of temporary directional signs, decorations, advertising signs or temporary stands and buildings on occasions of group or public meetings, or for purposes of organized athletic events.

B. No person shall, without the written permission of the city public works supervisor or his designated representative, cut, injure, deface, remove or disturb any tree, shrub, plant, building, fence, bench or other structure, apparatus or property in a public park or a public place, or injure, misuse or remove any device placed to protect such tree, shrub, plant, building, fence, bench or other structure, apparatus or property.

C. No person shall enter upon any portion of lawn or ground within a public park or a public place when notified by a sign placed in such a park or public place, or by a police officer, not to enter upon such lawn or ground.

D. No person shall throw or deposit any refuse or litter, garbage, yard trimmings or other waste materials in any park or public place, except in designated receptacles.

E. No person shall make or kindle any fire in a public place or in a public park except at places designated for such purpose.

F. No person shall remain in a public park or public place after the posted closing time.

G. No person shall allow or permit any animal to run at large in any public park or public place or to enter any lake, pond, fountain or stream therein.

H. No person shall possess, use or discharge any firearm, air gun, BB gun, slingshot or any bow and arrow in a public park, or use or discharge any such weapon in a public place, unless otherwise authorized as a part of an organized recreation program of the park and recreation department of the city, or other public agency.

I. No person shall molest, catch, injure or kill or throw any stone or missile of any kind at, or strike with any stick or weapon, any animal or bird in a public park or public place.

J. No person shall solicit or ask for the payment or gift of money or sell, offer or solicit for sale, any goods, services or merchandise in a public park or public place without the prior written permission of the mayor or his designated representative.

K. 1. No person shall use or operate any loudspeaker or mechanical means of amplifying sound in any public park or public place within the city limits of the city unless a permit has been issued by the office of the mayor or his designated representative. The mayor or his designee shall evaluate the propriety of granting the permit based upon the following criteria:

a. The time of day requested for the permit;

b. The day of the week requested for the permit;

c. The location of the premises for which the permit is requested and its proximity to commercial or residential areas which may be impacted by the noise generated;

d. The number of persons anticipated to be present;

e. The nature of the amplifying device and anticipated decibel level;

f. The necessary city services anticipated (police, fire, utilities) and their availability on the date and time requested. A fee may be charged to defray the city's anticipated costs, which fee shall be discretionary with the mayor or his designee.

2. Any person aggrieved by a decision of the mayor or his or her designee may appeal the decision to the city council at their next regularly scheduled meeting.

L. No person shall conduct any circus, carnival or similar exhibition in any public place except as a part of an organized recreation program of the parks and recreation department.

M. No person shall ride or drive any bicycle, cart or motor vehicle or other wheeled vehicle or machine, except a baby carriage or invalid's chair, over or through any public park or public place, or upon or along any sidewalk in the city, except along and upon public roads, streets or other designated areas therein or to operate any vehicle at a speed in excess of the posted speed limit.

N. No person shall practice or play golf, baseball or other games of like character in any public park or public place except at places designated for such purposes.

O. No person shall, without the written permission of the mayor or his designated representative, place or hereafter maintain upon the ground in a public park or public place any stone, cement or other substance which shall impede the free entrance of water and air to the roots of any tree planted in such public park or public place without leaving an open space of ground outside the trunk of the tree not less than four square feet.

P. No person, firm or corporation shall prevent, delay or interfere with the employees of the city in the planting, pruning, spraying or removing of trees, plants or shrubs in a public park or a public place. (Ord. 490 § 2, 1986; Ord. 357 § 14, 1977)

Chapter 12.28

MAPPED STREETS

Sections:

- 12.28.010 Purpose and authority.
- 12.28.020 Short title.
- 12.28.030 Definitions.
- 12.28.040 Enforcement and administration.
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- 12.28.090 Municipal improvements in streets.
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12.28.010 Purpose and authority.

In accordance with the Laws of Washington, 1935, as provided for in RCW 35.63.080 through 35.63.110, the city council of the city enacts the ordinance codified in this chapter for the following purposes:

- A. To provide for adoption and enforcement of coordinated plans as part of a comprehensive plan for the advantageous development of the municipality.
- B. To lessen traffic congestion and accidents.
- C. To prevent overcrowding of land.
- D. To avoid undue concentration and population.
- E. To promote harmonious and coordinated development.
- F. To facilitate the adequate provision of transportation.
- G. To establish official street maps for the whole or any portion of the municipality and to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures or land.
- H. To integrate, to the police power of the city, the authority expressed in Chapters 35.63, 35.78, 58.12 and 58.16 RCW, and to secure continuity between planning and land development. (Ord. 364 § 1, 1978)

12.28.020

12.28.020 Short title.

The ordinance codified in this chapter shall be known as the mapped street ordinance of the city. (Ord. 364 § 13, 1978)

12.28.030 Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

A. "City council" means the chief legislative body of the city.

B. "Commission" means the city planning commission of the city.

C. "Official street map" means certain maps so designated showing location, size and dimension, together with reports relating thereto, of land areas deemed to be necessary for future public use for street purposes.

D. "Plot plan" means scale drawings, showing the actual dimensions of the building sites and showing the size, use and location of existing and proposed buildings to be erected thereon.

E. "Street" or "streets" relates to and includes streets, avenues, boulevards, roads, lanes, alleys and other traffic ways. (Ord. 364 § 2, 1978)

12.28.040 Enforcement and administration.

It is the duty of the city building department to interpret, administer and enforce the provisions of this chapter; to issue permits for the use of land, erection, construction, reconstruction, alteration and repair of any building and/or structure or parts thereof. (Ord. 364 § 3, 1978)

12.28.050 Procedure.

Any person, firm or corporation proposing to erect, construct, reconstruct, alter, repair or use any location, site, parcel of land, buildings and/or structures shall make application to the building inspector for a building permit. Each such application shall include a plot plan of the land. (Ord. 364 § 4, 1978)

12.28.060 Official street map – Establishment.

A. After the commission duly adopts a comprehensive plan which includes a major street plan, and shall have certified a copy of the comprehensive plan to the city council of the municipality, the city council may establish an official street map of the municipality showing the location of the streets of the whole or any part or parts of the municipality theretofore existing and established by law as public streets, or anticipated as future public streets.

B. The official street map may also show the location of the lines of streets on plats of subdivisions. The official map may also show the location of lines of private streets on plats of subdivisions which, previous to the establishment of the official map shall have been approved under and in accordance with the provision of earlier laws and ordinances. The city council shall certify the official street map which shall be filed and recorded in the office of the county auditor of Clallam County. (Ord. 364 § 5, 1978)

12.28.070 Official street map – Additions and changes.

A. In the event that the official street map established under SMC 12.28.060 does not include the entire municipality, the city council may add to the official map by placing thereon, from time to time, the lines of streets which are planned new streets, or street extensions, widenings, narrowings or vacations; provided, however, that before taking any such action, the city council shall hold a public hearing thereon, notice of the time and place of which shall be given not less than 10 days prior to the time fixed for public hearing by one publication in a newspaper of general circulation in the municipality and by posting notice of the hearing in the city hall.

B. The placing of any street or street line upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. (Ord. 364 § 6, 1978)

12.28.080 Regulation of buildings in bed of mapped streets.

A. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map, except as specified in this section.

B. The city council shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the granting of a permit for a building or structure or part thereof within any such mapped-street location in any case in which the applicant demonstrates to the satisfaction of the city council that:

1. There are special circumstances applicable to the property in question or to the intended use, such as shape, topography, location or surroundings that do not apply generally to other properties or classes of use in the same vicinity and zone.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances would be denied to the property in question.

3. That the granting of a variance to the ordinance codified in this chapter will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located. The city council shall deny the appeal unless all of the above conditions are found to exist.

C. The city council, under this section, shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character, and also the duration, of the building, structure or part thereof to be permitted, and may require that the owner file a waiver of claims of damage for the removal of any structures that may be in the restricted area when the street is improved. (Ord. 364 § 7, 1978)

12.28.090 Municipal improvements in streets.

Except in streets existing and established by law as public streets at the date of the establishment of the official street map, no public water facilities, sewer or other public utilities or improvements shall be constructed in any street not placed upon the official street map. (Ord. 364 § 8, 1978)

12.28.100 Violation.

A. This chapter is for the benefit of life, health, welfare, safety and convenience of the inhabitants of the city. It is made a misdemeanor to violate any of the provisions of this chapter or any amendment hereto. Such violation shall be punished as authorized for cities of the third class by the statutes of the state, for the commission of a misdemeanor pursuant to ordinances promulgated therefor. Each day's violation shall constitute a separate and distinct offense.

B. In the event the city chooses to exercise its eminent domain powers and acquire real property located within the lines of mapped streets, no person or property owner shall be entitled to compensation which is attributable to any building or portion thereof constructed in violation of this chapter. (Ord. 364 § 9, 1978)

