

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1047

ORIGINAL

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, PERTAINING TO EXCAVATION PERMITS, AMENDING ORTING MUNICIPAL CODE SECTION 8-5-3 TO EXTEND TIME PERIOD FOR PERFORMANCE OF PERMITTED WORK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Orting regulates certain work within a City-owned right of way at Orting Municipal Code 8-5-3; and

WHEREAS, the City currently requires a permit for the work set out in that code section, and further requires that the permitted work must be commenced within fifteen (15) days of the issuance of the permit; and

WHEREAS, the City has received comment that this timeframe is unworkable and creates a hardship on permittees; and

WHEREAS, City Council has reviewed the issue and determined that extending the timeframe is appropriate and will not adversely impact the City or the citizens of Orting;

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. OMC 8-5-3, Amended. Orting Municipal Code Section 8-5-3 is hereby amended to read as follows (amendments shown in legislative marks):

8-5-3: PERMIT REQUIRED:

A. Request For Permit: No person shall excavate, tunnel over, full in, grade, pave, level, alter, construct, repair, remove or excavate any pavement, sidewalk, crosswalk, curb, driveway, gutter, sewer, water main or any other structure or improvement located over, under or upon any public street, highway, avenue, alley or public right of way within the City limits without first obtaining a written permit to do so from the administrative authority. The permit shall be requested upon an application form as provided at the office of the administrative authority and the application, when approved by the administrative authority, will constitute the permit.

B. Emergency Situation: In the event of an emergency occurring after office hours, at night, on Sundays, or legal holidays, when an excavation may be necessary for the protection of public or private property; the same can be made after the person making such excavation has notified the Police and Fire Departments of such work; an application for a written permit as provided in this Chapter shall be made on the next succeeding business day whether or not the emergency work has been completed.

C. Term of Permit; Extension: Work for which a permit has been issued shall commence within six (6) months ~~fifteen (15) calendar days~~ after issuance. If not so commenced, the permit shall be automatically terminated unless the permittee applies to the administrative authority for an extension of time within which to commence work, and if such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Every permit shall expire at the time stated in the permit, at which time the excavation must be closed and brought to grade unless an extension of time is granted by the administrative authority. Permits which terminate may be renewed only upon payment of an additional permit fee as originally required.

D. Permits Nontransferable; Conditions: Permits are nontransferable from one person to another and the work shall not be made in any place other than the location specified in the permit.

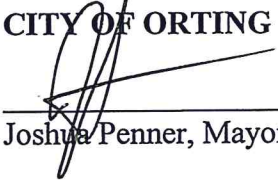
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase.

Section 3. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective date. This ordinance shall take effect five days after its publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28TH DAY OF AUGUST, 2019.

CITY OF ORTING

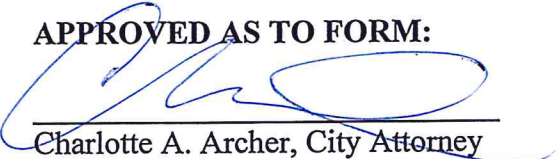


Joshua Penner, Mayor

ATTEST/AUTHENTICATED

Jane Montgomery, City Clerk, CMC

APPROVED AS TO FORM:



Charlotte A. Archer, City Attorney
Inslee, Best, Doezie & Ryder, P.S.

Filed with the City Clerk: 8.14.19
Passed by the City Council: 8.28.19
Ordinance No. 2019-1047
Date of Publication: 9.04.19