AN ORDINANCE OF THE CITY OF SAMMAMISH, 
WASHINGTON, PROHIBITING EXCAVATIONS IN CITY 
STREETS WITHIN FIVE YEARS OF PAVING

WHEREAS, the City Council of the City of Sammamish finds that allowing excavations in City streets that have been recently paved decreases the effective life of the pavement, necessitating higher maintenance costs and more frequent repaving; and

WHEREAS, making excavations within a City street to place or repair utilities while that street is either being repaved or will be repaved in the immediate future eliminates the need to make such excavations at a later date; and

WHEREAS, persons and entities wishing to place or repair utilities within City streets must have effective notice of the City’s plans to repave its streets such that maintenance and repairs may be accomplished prior to repaving;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Excavation in City Streets Within Five Years of Street Paving Prohibited. Whenever the City Council adopts an ordinance or passes a resolution authorizing the paving or repaving of any street, no permit shall be issued for any openings, cuts or excavations in said street for a period of five years after the date of enactment of such ordinance or resolution except as provided in this Ordinance.

Section 2. Notification of Intent to Pave.

A. Whenever the City Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Director of Public Works shall promptly mail written notice thereof to the following:

1. Each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street;

2. The occupants of all houses, buildings and other structures abutting said street;

3. Any applicable state agencies;

4. Holders of franchise agreements with the City allowing utilities in any public right-of-way within the City;
5. City departments that may need to perform work within the affected street; and

6. All other persons who register with the City Clerk to receive such notice.

B. The notice shall state that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five years after the date of enactment of the ordinance or resolution. The notice shall also state that applications for permits to excavate prior to such paving or repaving shall be submitted promptly in order that the work covered by the permit may be completed by the deadline established for such work by the Director of Public Works.

Section 3. Deadline for Work. All utility work accomplished prior to a repaving shall be completed by the deadline established by the Director of Public Works. That deadline shall be at least forty-five days after the date of passage of the resolution or ordinance authorizing repaving of the street, but the Director may establish a deadline that is more than forty-five days after passage if the Director determines that allowing more time will not interfere with the City’s planned work.

Section 4. Exceptions. No permit for excavation shall be issued within the five-year period after expiration of the deadline, unless the Director determines that:

A. Denying the permit would work an undue hardship on the person applying for the permit and the need for the excavation could not have been reasonably anticipated before expiration of the deadline; or

B. An emergency exists that requires such an excavation to protect the public health, safety or welfare.

Section 5. Excavation by City Departments. Every City department or official responsible for any work that may require any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within the deadline set by the Director of Public Works.

Section 6. Appeals. In the event that the Director of Public Works denies an application, the applicant's remedy shall be to appeal to the City Council. The applicant shall file a written notice of appeal with the City Clerk within fifteen days from the date of receipt of the denial of the excavation permit application. The appeal notice shall state the specific reasons for objection to the decision of the Director. At the next regular City Council meeting following receipt by the City Clerk of the applicant's notice of appeal, the City Council shall set a date to hear the applicant's appeal. The City Council shall conduct a hearing on the applicant's appeal within forty-five days of the date the City Clerk received the notice of appeal. A majority vote of the City Council shall be required to reverse the decision of the Director.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or
federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Troy Romero

ATTEST/AUTHENTICATED:

[Signature]
Melanie Anderson, City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney

Filed with the City Clerk: February 15, 2001
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