

1/15/76

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76-908

ORDINANCE NO. 3014

AN ORDINANCE relating to county right-of-way franchises for public and private utilities; setting fees; repealing Ordinance No. 1710 and KCC 6.27.010 through 6.27.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. PURPOSE. The purpose of this ordinance is to regulate the granting of county right-of-way franchises for public and private utilities, and to insure consistency of such franchises with the applicable district comprehensive plan, the County Comprehensive Plan, sound engineering and design standards, health and sanitation regulations, county standards for water mains and fire hydrants, and the public interest.

SECTION 2. FRANCHISES REQUIRED. Persons and private or municipal corporations are required in accordance with RCW 36.55.010, to obtain a right-of-way franchise approved by the King County Council in order to use the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric lines, sewers, cable TV, petroleum products and any other such public and private utilities.

SECTION 3. APPLICATION. Applications for right-of-way franchises shall be submitted in a form approved by the Real Property Division, to the Clerk of the King County Council.

SECTION 4. FRANCHISE APPLICATION-AND-ADVERTISING FEES.

(a) There is hereby established a fee for reimbursement to King County for the administrative costs and expenses incurred in the consideration of granting of franchises for public and private utilities. The fee provided for herein shall be two hundred dollars for each separate application (whether a new franchise, amendment, or assignment) payable at the time the application is filed with the Clerk of the Council. In addition, each applicant shall pay the advertising costs incurred by King County in respect to each application.

1 (b) The annual charge for cable TV (CATV) franchises
 2 granted after January 1, 1972, shall be six percent of gross
 3 revenue. The portion of paragraph eighteen of all CATV
 4 franchises granted by resolution or ordinance in the period
 5 September 1, 1966, through December 31, 1971, which specified
 6 that four percent of annual gross income of the grantee be paid
 7 to King County is hereby amended from four percent to six percent,
 8 effective January 1, 1972. This subsection shall take effect for
 9 the revenue reporting period beginning January 1, 1972. All
 10 payments received as herein provided are to be forwarded to the
 11 King County Comptroller and credited to the county current
 12 expense fund.

13 SECTION 5. REVIEW OF APPLICATIONS: HEARING.

14 (a) The Real Property Division, Department of Executive
 15 Administration shall be responsible for the administration and
 16 enforcement of franchises.

17 (b) Each application for right of way franchise by sewer
 18 and water districts and water distributors shall be submitted to
 19 the Utilities Technical Review Committee. Review and
 20 recommendation by that committee is required prior to submitting
 21 the application to the Council for approval.

22 (c) The Council may impose those conditions necessary to
 23 insure compliance by franchise applicants with this ordinance.

24 (d) In accordance with RCW 36.55.040, the Council shall set
 25 a time and a place for a public hearing on each franchise
 26 application. The Council shall post notice of such hearing in
 27 three public places fifteen days before the hearing and publish
 28 notice twice in some daily newspaper pursuant to the provisions
 29 of RCW 46.55.040.

30 SECTION 6. CRITERIA FOR APPROVAL--SEWER DISTRICTS. All

31 franchises granted for county rights of way to sewer districts
 32 shall be consistent with the following criteria:
 33

1 (a) A previously approved comprehensive plan for the sewer
2 district;

3 (b) The Comprehensive Plan for King County, KCC 20.12, as
4 amended.

5 (c) A demonstrated need for utility services based on
6 present and projected population, and present and projected land
7 use. It shall be incumbent upon the franchise applicant to
8 demonstrate such need.

9 (d) The standards of good practice regarding accomodation
10 of utilities on county road rights of way as published by the
11 County Road Administration Board in the Washington Administrative
12 Code, Chapter 136-40 which has been adopted by King County as
13 policy for the accomodation of utilities on all county roads.

14 (e) Health and sanitation regulations of the Seattle-King
15 County Department of Public Health and the State Department of
16 Social and Health Services.

17 SECTION 7. CRITERIA FOR APPROVAL--CABLE TV. All franchises
18 granted for county right of way to cable TV companies shall be
19 consistent with the criteria stated in Section 6, subsection (d)
20 of this ordinance.

21 SECTION 8. CRITERIA FOR APPROVAL--WATER PURVEYORS. All
22 franchises granted for county rights of way to water purveyors
23 shall be consistent with the criteria stated in Section 6,
24 subsections (a) through (e) of this ordinance and the following
25 criteria:

26 (a) County standards for water mains and fire hydrants;

27 (b) Prior to the granting of a franchise by King County to
28 any municipal corporation, the purpose of such franchise being to
29 lay down, construct, maintain and operate water mains, laterals
30 and service pipe along, under and across county roads, streets,
31 avenues, boulevards, alleys and public places necessary for the
32 delivery of water to consumers, the Council shall review the
33 water rates to be charged by such municipal corporations to those

1 customers residing outside the incorporated boundaries of the
2 municipality to determine if said water rates are equitable and
3 in the public interest.

4 SECTION 9. CRITERIA FOR APPROVAL--ALL OTHER FRANCHISE
5 APPLICANTS. All franchises granted for county rights of way to
6 all other franchise applicants shall be consistent with the
7 criteria stated in Section 6, subsections (b) and (d) of this
8 ordinance; except that franchise applicants who either have been
9 granted a blanket franchise, or have applied for a blanket
10 franchise, shall be required to be consistent only with Section 6,
11 subsection (d) of this ordinance, and are required to apply to
12 the Real Property Division, Department of Executive Administration
13 for construction permits.

14 SECTION 10. REPEAL. Ordinance No. 1710 and KCC 6.27.010
15 through 6.27.070 are hereby repealed.

16 SECTION 11. SEVERABILITY. Should any section, subsection,
17 paragraph, sentence, clause or phrase of this ordinance be
18 declared unconstitutional or invalid for any reason, such
19 decision shall not affect the validity of the remaining portions
20 of this ordinance.

21 INTRODUCED AND READ for the first time this 11th day of
22 October, 1976.

23 PASSED this 20th day of December, 1976.

25 KING COUNTY COUNCIL
26 KING COUNTY, WASHINGTON

27 Dave Mooney
28 Chairman

28 ATTEST:

29 Janet M. Quinn
30 Deputy Clerk of the Council

31 ~~INTRODUCED~~ this 30th day of December, 1976.

32 John J. Fellman
33 King County Executive