

ORDINANCE NO. 4099

AN ORDINANCE pertaining to the accommodation of public and private utility facilities and other uses on King County owned real property.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY;

SECTION 1. The purpose of this ordinance shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right of way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the County comprehensive plan, sound engineering and design standards, and health and sanitation regulations.

SECTION 2. All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the Real Property Division of the Department of Executive Administration; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of water-works, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities.

SECTION 3. The Department of Executive Administration, Real Property Division is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under, or across any public place in King County. The permits shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right of way.

SECTION 4. The permits shall not be construed to convey any vested right in the property. The permits grant only a personal and revocable privilege and license to do one or more acts on the property without possessing any interest in the property.

SECTION 5. The issuance of permits herein authorized does not relieve or release the permittee from complying with other applicable statutes,

1 ordinances, restrictions, regulations, rules or obligations in connection with
2 the permittee's proposed use of the property.

3 SECTION 6. The permits shall be subject to all terms, conditions and
4 restrictions, imposed by the department responsible for the management of
5 the property to be affected, deemed necessary to preserve all characteristics
6 consistent with public ownership. Consequently, the general and specific
7 terms, conditions and restrictions of the permits will vary according to, but
8 not limited to, the following:

- 9 (a) The property interest owned by King County;
- 10 (b) All federal, state or local restrictions placed on the use of the
11 property;
- 12 (c) The purpose for acquiring the property;
- 13 (d) Plans for the future development of the property;
- 14 (e) The applicant's proposed use of the property; and
- 15 (f) The individual characteristics of the property.

16 SECTION 7. Applications for all permits shall be submitted, in writing,
17 to the Real Property Division. The application shall contain whatever infor-
18 mation, including plans and specifications, the Real Property Division shall
19 require.

20 SECTION 8.

- 21 (a) Each application requires a fee payable to the Real Property Divi-
22 sion for the administrative costs and expenses of processing the application.
- 23 (b) In addition, the permittee is required to pay an inspection fee to
24 the department responsible for the management of the property to be affected
25 based on the time spent on the job by inspectors during or after construction.

26 SECTION 9.

- 27 (a) The Real Property Division shall coordinate the review by all
28 departments of permit applications.
- 29 (b) The department responsible for the management of the property to be
30 affected shall review and evaluate applications with respect to: the hazard
31 and risk of the proposed construction or use; location of the proposed con-
32 struction or use in relation to other facilities using the property; the
33 adequacy of the engineering and design of the proposed construction or use;

1 and applicable federal, state, county and local laws and regulations

2 (c) The Seattle-King County Department of Public Health
3 shall review and evaluate applications for the construction of
4 waterworks (except for domestic service connections) to determine
5 consistency with state and local health and sanitation regulations

6 (d) The King County Fire Marshal shall review and evaluate
7 applications for the construction of waterworks to determine con-
8 sistency with County standards for water mains and fire hydrants.

9 (e) All applications for the construction of sewer or water
10 facilities must be certified by the Division of Building and Land
11 Development as consistent with a sewer or water comprehensive plan
12 approved by the County Council pursuant to KCC 13.24.

13 SECTION 10. Prior to final approval of all permits, the
14 department responsible for the management of the property to be
15 affected shall determine the amount of the performance bond neces-
16 sary to assure compliance with approved construction plans, appli-
17 cable state and local health and sanitation regulations, County
18 standards for water mains and fire hydrants, and to assure proper
19 restoration of the property and the health and safety of the
20 users of the property. The applicant shall submit the bond by
21 an approved surety in the amount indicated.

22 SECTION 11.

23 (a) The applicant, at the time of submitting an application
24 for a permit, shall notify all public and private utility entities
25 known to be using or proposing to use the same public place of
26 the applicant's proposed use and the proposed timing of any
27 construction. Any such entity notified may, within seven days
28 of such notification, request a delay in the commencement of any
29 proposed construction for the purpose of coordinating other con-
30 struction work on the property with that proposed by the appli-
31 cant. The Real Property Division may delay the commencement date
32 for the applicant's construction work on the property for ninety
33 days or less if it finds that such delay will reduce the incon-

1 venience to the public from construction activities, and it finds
2 that such delay will not create undue economic hardship on the
3 applicant.

4 (b) The Real Property Division shall also coordinate the
5 approval of permits with the department responsible for the
6 management of the property to be affected and may delay the
7 commencement date for the applicant's construction work for
8 ninety days or less upon making the findings described in
9 subsection (a).

10 (c) The Real Property Division shall inform the Seattle-King
11 County Department of Public Health of permits for construction of
12 waterworks (except domestic service connections), and the King
13 County Fire Marshal of permits for waterworks.

14 SECTION 12. The Permittee is required to give written
15 notice of the date construction will begin to the following
16 agencies: The department responsible for the management of the
17 property to be affected; Seattle-King County Department of Public
18 Health for construction of waterworks (except for domestic
19 service connections); King County Fire Marshal for construction
20 of waterworks. Failure to give such notice is grounds for the
21 revocation or suspension of the permit.

22 SECTION 13. Any permit issued by the authority herein shall
23 be revocable at any time that the department responsible for the
24 management of the property affected shall determine that the
25 public health, safety, general welfare, or public use requires
26 such revocation, and the right to revoke is hereby expressly re-
27 served to King County. At a reasonable time prior to action upon
28 such revocation or proposed revocation, opportunity shall be
29 afforded to the permittee to present for consideration action or
30 actions alternative to the revocation of such permit.

31 SECTION 14. All privileges granted by the permits shall
32 automatically terminate at such time as the Permittee ceases to
33 use the property and any facilities authorized by the permit.

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The Permittee may terminate the agreement by written notice to the manager of the Real Property Division. Upon revocayion, termination or abandonment of any permit, the Permittee shall remove at his expense all facilities placed on said property by the Permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the County. If the Permittee has not accomplished removal and restoration at the end of a ninety day period following the effective date of revocation, termination or abandonment, the County may accomplish all of the necessary work and charge all of the costs to the Permittee.

SECTION 15. In addition to other enforcement powers and not in limitation thereto, the manager of the Real Property Division is authorized to enforce the provisions of this ordinance, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of Title 23.

SECTION 16. The County reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including but not limited to: Constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The Permittee upon written notice will at his own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work contemplated or ordered by the County according to a time schedule contained in the written notice.

SECTION 17. The manager of the Real Property Division may promulgate any rules and regulations necessary for the operation of this ordinance.

SECTION 18. If any provision of this ordinance or its

1 application to any person or circumstances is declared unconstitu-
2 tional or invalid for any reason, such decision shall not affect
3 the validity of the remaining portion of this ordinance.

4 INTRODUCED AND READ for the first time this 8th day of
5 January, 1979.
6 PASSED this 20th day of February, 1979.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9
10 Ruby Chow
11 Chairman

12 ATTEST:

13
14 Dorothy M. Quinn DEPUTY
15 Clerk of the Council

16 APPROVED this _____ day of _____, 19__.

17
18
19 KING COUNTY EXECUTIVE

20 DEEMED ENACTED WITHOUT
21 COUNTY EXECUTIVE'S SIGNATURE.
22 DATED: 3/3/79