

ORDINANCE NO. 238

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 13, CHAPTER 10 (GENERAL PUBLIC WORKS CONSIDERATIONS) OF THE UNIVERSITY PLACE MUNICIPAL CODE, BY ADDING A NEW SECTION 13.10.085, AS-BUILTS, AND BY AMENDING SECTIONS 13.10.020, DEFINITIONS AND TERMS, SECTION 13.10.050, PERMIT REQUIREMENTS, 13.10.060, REGULATIONS FOR TREE CUTTING ON PUBLIC LANDS AND WITHIN THE PUBLIC RIGHT-OF-WAY, AND SECTION 13.10.080, INSPECTION, FOR CONSISTENCY.

WHEREAS, on May 14, 1997, the City Council adopted the City of University Place Public Works Standards; and

WHEREAS, since adoption of the Public Works Standards, several necessary changes have become apparent; and

WHEREAS, on December 14, 1998, the City Council met to discuss the issue further; and,

WHEREAS, on February 2, 1999, the City Council held a second public hearing to hear and duly consider testimony and adopted the Amendment to Title 13, Chapter 10 (General Public Works Considerations) of the University Place Municipal Code; and

WHEREAS, on June 7, 1999, the City Council held a public hearing to hear and duly consider testimony;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amending Section 13.10.020. Section 13.10.020, Definitions and terms is amended to read as follows.**

The definition of "Traffic Signal Warrants" is amended to read as follows:

"Traffic signal warrants" list of criteria that establish the need to install a traffic signal as outlined in the Manual of on Uniform Traffic Control Devices, U.S. Department of Transportation, Federal Highway Administration.

**Section 2. Amending Section 13.10.050(K). Section 13.10.050(K), Financial Guarantees, is amended to read as follows:**

K. Financial guarantees.

~~Standard forms have been developed by the city and approved by the city attorney's office and the city manager or his/her designee(s). These forms must be used for all projects being reviewed and accepted by the city. The most recent version of these forms approved by the city council must be used.~~

Financial guarantees shall be on a city form or on a form acceptable to the city and will not be released by the city until the required improvements are constructed in accordance with the approved plans. All improvements financially guaranteed must be constructed and/or completed within three years from the date of issuance of the site development permit and if not, the financial guarantee must be paid to the city to be used for completion of the required construction.

~~Financial guarantee forms are at the end of this chapter and, when required, shall be used when making a submittal to the city.~~

Irrevocable letters of credit or other types of financial guarantees may be approved if acceptable to the city attorney and city manager or his/ her designee.

Financial guarantees under \$5,000 must be by an assignment of funds.

All financial guarantees shall run continuously until released by the city and shall not be subject to expiration or cancellation without written authorization from the city. All financial guarantees shall be project/site specific and non-transferable.

The city may require a financial guarantee or withhold the certificate of occupancy of the structure to guarantee compliance with these regulations.

To determine the amount of the financial guarantee, an estimate shall be submitted to the city by the engineer detailing the work to be accomplished and the cost thereof. The estimate shall be based on current construction costs. The city will review the engineer's estimate and, if acceptable, will establish the financial guarantee at 125 percent of the engineer's estimate to allow for inflation and administration expenses should the city have to complete the project.

1. Site Development Construction Guarantee. Prior to issuance of a permit, the applicant will be required to submit a financial guarantee to the city to assure compliance with the provisions of these regulations, the permit, and accepted plans.

a. Financial guarantee may be submitted to the city in lieu of construction of the required improvements except in situations where the required work involves a safety or public welfare issue. Project approval shall not be granted until all required safety and public welfare issues are completed to the satisfaction of the city.

b. An engineer's estimate shall be submitted to the city by the engineer detailing the quantity of work to be done. ~~in the city right of way~~ The estimate shall be based on current construction costs and shall be stamped and signed by the engineer.

An executed contract for the total project between a licensed, bonded contractor and the project applicant may be substituted in lieu of the engineer's estimate.

c. The city shall review the engineer's estimate or the executed contract, and if it is in order the city will establish the amount of the financial guarantee. The financial guarantee shall be 125 percent of the engineer's estimate or of the executed contract to allow for inflation and engineering administration expenses should the city have to complete the project.

d. The applicant will be allowed a two-year time period from the acceptance of the financial guarantee in which to complete the work after which the financial guarantee is subject to default to the city who will complete the work and use the guarantee for reimbursement. The applicant shall remain financially responsible for any and all costs exceeding the amount of the original financial guarantee.

e. Final approval of the street construction plans will not be given or a construction permit issued until a financial guarantee is submitted an the amount necessary when so required by the city.

2. Private Storm Drainage Maintenance Financial Guarantee. Prior to issuance of a building permit or approval of a plat, the applicant will be required to submit a financial guarantee to the city to guarantee the maintenance of the private storm drainage system within the development.

a. The city shall require a bond or other financial surety acceptable to the city to guarantee that the applicant will correct any defect or subsequent problem in a dedicated improvement, including the satisfactory functioning of the project's drainage and/or drywell system caused by improper design, faulty construction, poor housing construction practices, or other reasons determined by the city. The guarantee shall not exceed 7.5 percent of the construction cost of the project as determined by the city. The guarantee shall remain in effect for a period of 18 months

from the time that the city accepts the street and/ or storm drainage system for maintenance. The applicant shall remain financially responsible for any and all costs exceeding the amount of the original financial guarantee.

b. The guarantee shall be submitted to the city before the improvements are dedicated to the city or, if applicable, before the posted construction bond is released back to the applicant at the applicant's option.

3. **Public Road and Storm Drainage Cleaning Financial Guarantee.** An assignment of funds will also be required of the building permit applicant to guarantee the cleaning of the public roads and storm drainage systems adjacent to or within the development. Cleaning frequency will be determined by the city and must continue until written notification is received from the city.

The assignment of funds must be submitted to the city upon application for a building permit and prior to issuance of the permit. The guarantee will be held by the city until the structure and the front yard landscaping has been completed.

The amount of the street cleaning guarantee will be \$150.00/lot for plats and \$1,000 to \$5,000 for ~~commercial~~ other developments, as determined by the city.

4. **Procedure for Releasing Financial Guarantee for Private Storm Drainage Construction.** Upon receipt of an acceptable letter of completion from the engineer, the city will release the applicable financial guarantee unless the city determines a drainage problem exists as a direct result of the development. If the applicant fails to correct the drainage problem, the city may seek to foreclose on the financial guarantee to obtain the funds to correct the deficiency.

5. **Procedure for Releasing Financial Guarantee for Private Storm Drainage Maintenance.** Upon approval of the final inspection of all structures, and acceptance of a form supplied by the city, and completed by the developer, stating that the storm drainage system has been cleaned of all debris, dirt, sediment, etc., the city will release the applicable financial guarantee.

**Section 3. Amending Section 13.10.160. Section 13.10.060, Regulations for tree cutting on public lands and within the public right-of-way, Amended to read as follows:**

**13.10.060 Regulations for tree cutting on public lands and within the public right-of-way.**

1. **Policy.** It is the policy of the City of University Place to protect and preserve trees, shrubs, bushes, flowers and other landscaping on public lands and within the public right of way to:

- a) Preserve and enhance the City's aesthetic character and maintain visual screening and buffering;
- b) Prevent landslides, accelerated soil creep, settlement and subsidence hazards;
- c) Preserve habitat to the greatest extent feasible.
- d) Minimize the potential for flooding, erosion, siltation or other form of pollution in a watercourse.

2. **Prohibition of Damaging Trees or Landscaping Planted by the City.** No person shall cut, remove, top, damage, prune, or trim any tree, bush, shrub, flower or other landscaping located by the City of University Place on public land or in the public right-of-way. The public right-of-way includes but is not limited to streets, street shoulders, planter strips and medians.

3. **Prohibition of Cutting Significant Trees Planted Located within Public Rights of Ways.** No person, including abutting property owners, shall cut, remove, top, damage, prune, or trim any significant tree located within a public right-of-way without first having obtained a right of way use permit from the City.

4. **Exemptions.** The following shall be exempt from the provisions of this Section:

- a) Removal of trees and/or ground cover by the Public Works Department, Parks Department, Fire District and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.
- b) Removal of dead or terminally diseased or damaged ground cover or trees which have been certified as such by a forester, landscape architect or the City prior to their removal.
- c) Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights of way, easements and parks.
- d) Installation of distribution lines by public and private utilities provided that such activities are categorically exempt from the provisions of the State Environmental Policy Act.

**Section 4. Amending Section 13.10.080. Section 13.10.080, Inspection, is amended to read as follows:**

**13.10.080 Inspection.**

All work performed within the public right-of-way, easements and/or private property, as described in these standards, whether by or for a private developer, by city forces, or by a city contractor, shall be done to the satisfaction of the city and in accordance with the WSDOT/APWA Standard Specification, any approved plans and these standards. Unless otherwise approved, any revision to construction plans must be approved by the city before being implemented.

It is the responsibility of the developer, contractor, or their agents to notify the city in advance of the commencement of any authorized work. A pre-construction meeting and/or field review shall be required before the commencement of work. Inspection fees shall be paid on or before the pre-construction meeting. Any necessary easements or dedications are required before plan approval.

It is the responsibility of the developer, contractor or their agents to have an approved set of plans and any necessary permits on the job site whenever work is being accomplished.

The city shall have authority to enforce these standards as well as other referenced or pertinent specifications. The city will appoint project engineers, assistants and inspectors as necessary to inspect the work and they will exercise such authority as the city engineer may delegate.

All specific inspections, test measurements or actions required of all work and materials are set forth in their respective chapters herein. Tests shall be performed at the owner's expense. Failure to comply with the provisions of these standards may result in stop work orders, removal of work accomplished, (at developer's expense) or other penalties as established by ordinance.

A project is considered final when a letter of acceptance is issued by the city to the party responsible for the project.

If adequate inspection is not called for before completion of the roadway construction, it may be necessary for core drilling and testing to be performed to ensure an acceptable quality of roadway. When core drilling becomes necessary, the contractor will be billed and held fully responsible for all incurred costs.

**Section 5. Adding a New Section 13.10.085. New Section 13.10.085 As Builts, is added to Chapter 13.10, to read as follows:**

**13.10.085 As-Builts.**

As-built drawings must be provided to the city for all roadway and storm system construction. As-builts must be prepared by a licensed professional engineer or surveyor, stamped by the professional, and submitted prior to acceptance of any improvement.

- Roadway centerline stationing at minimum 50' spacing. Stationing shall include elevations and state plane coordinates.
- Clearly marked Right-of-Way and property lines.
- Locations, widths, and composition of travel lanes, sidewalks, curbs, gutters, medians, planter strips, shoulders and bike lanes.
- Street light locations and types.
- Utility locations.
- Street names.
- Pavement markings and street signs.
- Easements (types and widths).
- Catch basin type, location, rim elevation, bottom elevation, and inlet/outlet invert elevation.
- Storm drain pipe size, composition, location and invert elevation.
- Detention/retention/infiltration facility locations, and inlet/outlet locations and elevations.

**Section 6. 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 of this ordinance.

**Section 7. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

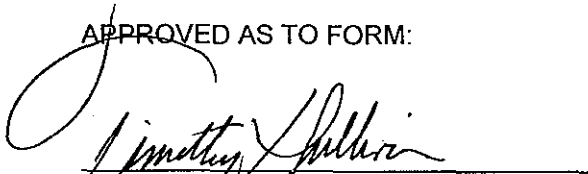
**PASSED BY THE CITY COUNCIL ON JUNE 7, 1999.**

  
 Debbie Klosowski, Mayor

ATTEST:

  
 Susan Matthew, City Clerk

APPROVED AS TO FORM:

  
 Timothy X. Sullivan, City Attorney

Date of Publication: June 10, 1999  
 Effective Date: June 15, 1999