

Title 12

STREETS AND SIDEWALKS

Chapters:

- 12.04 **Grade Establishment**
- 12.08 **Vacation Procedure**
- 12.13 **(Repealed) (Ord. 1657, 2022)**
- 12.16 **Improvement Standards**
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Chapter 12.04

GRADE ESTABLISHMENT

Sections:

- 12.04.010 **Establishment of datum plane.**
- 12.04.020 **Datum plane declared official.**
- 12.04.030 **Lafayette Street.**
- 12.04.040 **Rainier Street.**
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- 12.04.070 **Portion of Union Avenue.**
- 12.04.080 **Martin Street.**
- 12.04.090 **Martin Street bridge.**

12.04.010 Establishment of datum plane. The datum plane to which are referred all street elevations and grades of Steilacoom is high water mark of Puget Sound in accordance with the following certificate of W.P. Wood, County Surveyor:

Tacoma, Washington
April 22, 1891

"I hereby certify that the stone monument of Balch and Commercial Streets in the city of Steilacoom has an elevation of 28.60 feet above highwater mark as noted on the 14th day of November 1889 and is the initial bench mark of all subsequent surveys with reference to the same high water mark, the monuments at the intersection of the following streets have an elevation as follows:

- Commercial Street and Union Avenue 22.58 ft.
- Lafayette Street and Union Avenue..... 51.21 ft.
- Lafayette Street and Balch Street 71.78 ft.

(Signed) W.P. Wood, C.E.
(Ord. 21 §1, 1891).

12.04.020 Datum plane declared official. The datum plane is declared the official datum plane of the Town and the grades of all streets heretofore or hereafter adopted are referred thereto. (Ord. 21 §2, 1891).

12.04.030 Lafayette Street. The grade of Lafayette Street is fixed at the following elevations above the high tide mark of Puget Sound and is uniform between consecutive points indicated:

Lafayette Street and east line of Balch's D.C.....	25 feet
Lafayette Street and East Street	38 feet
Lafayette Street and Cedar Street	56 feet
Lafayette Street and east line of Puyallup Street	76 feet
Lafayette Street and Balch Street	74 feet
Lafayette Street and Main Street	76 feet
Lafayette Street and Wilkes Street	79 feet
Lafayette Street and Pacific Street	81 feet
Lafayette Street at a point 83-49/100 feet west of the center of Pacific Street	82 feet
Lafayette Street and Pierce Street	67 feet
Lafayette Street and Chambers Street	47 feet
Lafayette Street and Frederick Street	50 feet
Lafayette Street and Union Avenue	51 feet

the grade as above fixed being uniform from the east line of Balch D.C. to the east line of Puyallup Street and from the east line of Puyallup Street to a point 83-49/100 feet west of the center of Pacific Street, and from the last named point to the center of Chambers Street and from Chambers Street to the intersection of Lafayette Street and Union Avenue. All of said grade being according to the profile of said street made by W.P. Wood, and filed with the Town Clerk October 1, 1890. (Ord. 9 §1, 1890).

12.04.040 Rainier Street. The grade of Rainier Street is fixed at the following elevations above the high tide mark of Puget Sound and is uniform between consecutive points indicated:

Rainier Street at its intersection with Wilkes Street	97-0 feet;
Rainier Street at its intersection with Main Street	105-0 feet;
Rainier Street at its intersection with Balch Street	115-5 feet;
Rainier Street at its intersection with Puyallup Street	124-0 feet.

(Ord. 66 §1, 1908).

12.04.050 Starling Street. The grade of Starling Street is fixed at the following elevation above the high tide mark of Puget Sound and is uniform between points indicated:

Starling Street at its intersection with Puyallup Street	126-5 feet;
Starling Street at its intersection with Cedar Street	129-0 feet.

(Ord. 66 §2, 1908).

12.04.060 Accordance with Rainier and Starling Street profile. The grades above named are in accordance with the profile of Rainier and Starling Streets made by L.A. Nicholson, and filed with the Town Clerk August 17, 1908. (Ord. 66 §3, 1908).

12.04.070 Portion of Union Avenue. The grade of that portion of Union Avenue between the south line of Champion Street and Puget Sound is fixed at the following elevation above high tide mark of Puget Sound and is uniform between consecutive points named:

Union Avenue at a point 179-29/100 feet north of the intersection of Union Avenue and Commercial Street	13-1/10 feet;
Union Avenue and Lafayette Street	51 feet;
Intersection of Union Avenue and north line of Martin Street	66 feet

Union Avenue and Champion Street..... 73 feet
The grade being according to a profile of the avenue made by W.P. Wood and filed with the Town Clerk October 17, 1890. (Ord. 11 §1, 1890).

12.04.080 Martin Street. The grade of Martin Street is established and fixed at the following elevations above the Town datum plane and is uniform between consecutive points indicated:

West side Union Avenue and Martin Street.....	67.00 feet
Center of Seventh Street and Martin Street.....	70.50 feet
East side Fifth Street and Martin Street.....	46.50 feet
Center of Sixth Street and Martin Street.....	68.50 feet
Two hundred feet west of east side of Fifth Street and center of Martin Street	46.50 feet
Center of Fourth Street and Martin Street	54.50 feet
One hundred sixty-five feet west of center of Fourth and Martin Street	55.50 feet
Center of Third and Martin Street	50.50 feet
East side Second and Martin Street.....	30.25 feet

(Ord. 23 §1, 1891).

12.04.090 Martin Street bridge. Martin Street is ordered graded according to the provisions of SMC 12.04.080, and a bridge is ordered built on Martin Street all in accordance with the plans and specifications for the grading and bridge now on file in the clerk's office and heretofore adopted by the Council. (Ord. 24 §1, 1891).

Chapter 12.08

VACATION PROCEDURE

Sections:

- 12.08.010** Petition.
- 12.08.020** Compliance with state law required.
- 12.08.030** Filing fee.
- 12.08.040** Designation of rights-of-way.
- 12.08.050** Compensation for vacation of right-of-way to be based on designation of right-of-way.
- 12.08.070** Notice of public hearing.
- 12.08.080** Compensation precedent to vacation.
- 12.08.085** Council findings.
- 12.08.090** Fees and costs.

12.08.010 Petition. The owner or owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley or any part thereof may petition the Town Council to make vacation. The form for such petition shall be prescribed by the Town Clerk-Treasurer and shall contain in addition to any other required information a description of the property to be vacated. (Ord. 341 §1, 1965).

12.08.020 Compliance with state law required. All street vacations shall be processed in accordance with the procedures and requirements set out in RCW 35.79. (Ord. 341 §2, 1965).

12.08.030 Filing fee. At the time of filing any petition hereunder, the petitioner shall pay to the Town Clerk-Treasurer a filing fee as set by resolution of the Town Council for the purpose of defraying the normal administrative, engineering and legal expenses in processing the petition for vacation. Such filing fee shall not be subject to refund. (Ord. 1293 §1, 2000: Ord. 1271 §1, 1999: Ord. 341 §3, 1965).

12.08.040 Designation of rights-of-way. All Town rights-of-way are designated as follows:

(1) TYPE E (expenditures): unimproved or improved where credible evidence exists which supports the conclusion that Town expenditures have been made in the acquisition, improvement or maintenance of the right-of-way and the Town or public has any type of property interest for use as a Town street or for use of the traveling public.

(2) TYPE NE (non-expenditure): unimproved or improved where no credible evidence exists which supports the conclusion that Town expenditures were made in the acquisition, improvement, or maintenance of the right-of way, and the Town or public has any type of property interest for use as a Town street or for the use of the traveling public. (Ord. 1351 §1, 2003).

12.08.050 Compensation for vacation of right-of-way to be based upon designation of right-of-way. Compensation to the Town for vacation of a right-of way shall be determined as follows:

(1) TYPE E: Appraised value of the right-of-way to be vacated, defined as the fair market value for right-of-way or other greater or lesser property interest held by the Town, as determined by a comparison of sales of right-of-way or other property interest of similar type, quantity and quality in the Town or other relevant market at the time of the vacation.

(2) TYPE NE: appraised value of the right-of-way to be vacated, defined as the average assessed value per square foot of all affected abutting properties multiplied by the total square footage to be vacated. (Ord. 1051 §2, 2003).

12.08.070 Notice of public hearing. In addition to notices required by statute, written notice of public hearings on proposals to vacate streets, alleys or parts thereof shall be mailed by the Town Administrator or his designee at least twenty days prior to such hearings as follows:

(1) For every proposal to vacate an alley or portion thereof, notice shall be mailed to the owner of every parcel of land within the block or blocks in which the alley, or portion thereof proposed for vacation is situated.

(2) For every proposal to vacate a street or portion thereof, notice shall be mailed to the owner of every parcel abutting the portion proposed for vacation; and, if the portion touches upon any intersections of streets, to the owners of all parcels abutting the intersection.

(3) As used in this section, the term "owner" includes all persons identified as owners or reputed owners of parcels as shown on the rolls of the County Treasurer, and shall also include in instances when the Treasurer's rolls identify a lending agency as owner or reputed owner, the person or persons known or believed by the Town Administrator to be the actual owner of legal or equitable title to the parcel. (Ord. 699 §1, 1979).

12.08.080 Compensation Precedent to Vacation. The ordinance vacating such street, alley or any part thereof shall not become effective until the owners of the property abutting upon the street or alley, or part thereof so vacated, shall compensate the Town of Steilacoom in an amount which does not exceed one-half (1/2) of the appraised value, as defined in SMC 12.08.050 above, of the area so vacated. If the street or alley has been part of a dedicated right-of-way for twenty-five years or more, the owners of the property abutting the street or alley shall

compensate the Town of Steilacoom in an amount that does not exceed the full appraised value, as defined in SMC 12.08.050 above, of the area vacated. One-half of the revenue received by the Town shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the Town. (Ord. 1351 §3, 2003:Ord. 1305 § 1, 2001: Ord. 1076 §1(part), 1991).

12.08.085 Council findings. In vacating a street or alley, the Council shall consider among other things the following standards for street and alley vacations:

- (1) That the vacation will provide a public benefit and/or will be for a public purpose;
- (2) That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area of the community as a whole;
- (3) That the public needs shall not be adversely affected;
- (4) That the right-of-way is not contemplated or needed for public use;
- (5) That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e. there must be an alternative mode of ingress and egress, even if less convenient;
- (6) That the vacation of right-of-way shall comply and be in accordance with all of the standards of RCW 35.79; as it now exists or is hereafter amended.
- (7) That the vacation of right-of-way shall not be in violation of RCW 35.79.035. (Ord. 1076 §1(part), 1991).

12.08.090 Fees and costs. The petitioners shall be responsible for all fees, costs and/or appraisal fees resulting from the vacation request. (Ord. 1076 §1 (part), 1991).

Chapter 12.13

(Repealed) (Ord. 1657, 2022)

Chapter 12.16

IMPROVEMENT STANDARDS

Sections:

- 12.16.010 Applications, inspections, security.**
- 12.16.020 Classification.**
- 12.16.25 Public and private streets.**
- 12.16.028 Standard right-of-way width.**
- 12.16.030 Minimum street improvement standards.**
- 12.16.031 Sidewalks.**
- 12.16.032 Pathways and trails.**
- 12.16.033 Bike lanes.**
- 12.16.034 Dead-end streets.**
- 12.16.035 Parking lanes.**
- 12.16.036 Planting strips.**
- 12.16.037 Alleys.**
- 12.16.038 Lighting.**
- 12.16.039 Driveways.**
- 12.16.040 Acceptance of improved streets.**
- 12.16.050 Purpose.**
- 12.16.070 Designation of improved streets.**
- 12.16.080 Street improvement cost liability.**

- 12.16.090 Approval of street design.**
- 12.16.095 Alternative street design.**
- 12.16.100 Street dedication required when.**
- 12.16.110 Back lot, access strip—Defined.**
- 12.16.120 Back lot—Regulations.**

12.16.010 Applications, inspections, security.

(a) Public streets. Persons proposing to construct a public street, sidewalk, trail, pathway or bike lane shall apply to the Town for an extension of the street system on forms provided by the Town, and pay the fee provided by resolution.

(b) Private streets. Persons proposing to construct a private street shall apply to the Town for construction oversight on forms provided by the Town, and pay the fee provided by resolution.

(c) Inspection. The Town shall inspect all public and private streets, sidewalks, trails, pathways and bike lanes during construction. Applicants shall pay for inspection as provided by resolution.

(d) Performance security. Prior to construction, the applicant shall supply the Town with a performance bond or other suitable security to ensure the completion of construction. The security shall be no less than one hundred twenty-five percent of the estimated cost of construction.

(e) Maintenance security. Before the release of the performance security, the applicant shall provide a bond or similar security to ensure the maintenance of the improvements. The maintenance security shall be fifteen percent of the performance security and may be released two years after the release of the performance security.

(f) Release of security. The Town Administrator, or designee, shall release the performance security when all work required under the security has been completed and inspected by the appropriate Town officials. The Town Administrator, or designee, may release portions of the security upon completion of phases of work or specific portions of the improvement. (Ord. 1564 §d, 2017; Ord. 1325 §1, 2002).

12.16.020 Classification.

All streets in Town are hereby classified as follows:

(a) "Downtown streets" means Main Street from Rainier Street to Commercial Street; Wilkes Street from Rainier Street to Commercial Street; Lafayette Street from Cedar Street to Union Street; Pacific Street from Rainier Street to Charlie's Park, and Commercial Street from Main Street to Union Avenue.

(b) "Minor arterial" means Union Avenue; Rainier Street; Old Military Road; Stevens Street; Roe Street; Lafayette Street from Cedar Street to Chambers Creek Road; Puyallup Street; Sequash Street; Lexington Street; Rigney Road; and Chambers Creek Road.

(c) "Neighborhood collector" means Martin Street; Third Street; Worthington Street from Sequash Street to Stevens Street; Starling Street; Gove Street and Main Street from Rainier Street to Sequash Street.

(d) "Principal arterial" means Steilacoom Boulevard.

(e) "Residential streets" means all streets not placed in any other classification. (Ord. 1325 §2, 2002; Ord. 435 §3, 1971).

12.16.025 Public and private streets. All streets are public streets unless specifically denominated private. Private streets shall be constructed to town standards, but shall be privately maintained. The Town shall not acquire responsibility for maintenance of private streets without the express approval of the Town Council. (Ord. 1325 §3, 2002).

12.16.028 Standard right-of-way width. All new rights-of-way, public or private, shall be 60 feet in width, except dead end streets less than 800 feet in length, which may be 50 feet in width. (Ord. 1432 §1, 2007).

12.16.030 Minimum street improvement standards

(a) All streets shall be improved in accordance with this chapter. All workmanship and materials shall be in accordance with Town of Steilacoom standards and the most current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction.

(b) Downtown streets shall be improved with two 11-foot driving lanes, curb and gutter. On-street parking shall be provided on at least one side of the street. A bike lane shall be provided if the street is part of a designated bike route. Sidewalks shall be provided on both sides of the street, as conditions allow.

(c) Minor arterials shall be improved with two 11-foot driving lanes, with a one-foot wide thickened asphalt edge. A paved path or sidewalk shall be built on at least one side of the street. A bike lane shall be provided if the street is part of a designated bike route.

(d) Neighborhood collectors shall be improved with two 11-foot driving lanes, with a one-foot wide thickened asphalt edge. A bike lane shall be provided if the street is part of a designated bike route. Sidewalks shall be provided on designated streets.

(e) Principal arterials shall be improved with two 12-foot driving lanes and a center turn lane, with a one-foot wide thickened asphalt edge. Bike lanes and a paved path or sidewalk shall be built on both sides of the street. Planting strips shall be installed where feasible.

(f) Residential streets shall be improved with two 11-foot driving lanes, with a one-foot wide thickened asphalt edge.

(g) Dead end residential streets serving no more than six dwelling units may be improved with two 10-foot driving lanes, with a one-foot wide thickened asphalt edge. (Ord. 1325 §4, 2002; Ord. 435 §4, 1971).

12.16.031 Sidewalks.

(a) Sidewalks shall be constructed along principal arterials, minor arterials, and downtown streets as depicted on Figure 5.11 of the Comprehensive Plan. Paved pathways may be substituted for sidewalks along minor arterials.

(b) The Town Administrator may require sidewalks on neighborhood collectors and residential streets when the amount of traffic requires a safe walking area for children and other pedestrians.

(c) Sidewalks shall be constructed of commercial concrete, minimum four inches thick except in driveway approaches where the minimum thickness shall be six inches. Sidewalks shall be between five and seven feet wide. When the sidewalk, curb and gutter are contiguous, the width of the sidewalk shall be measured from back of curb to back of sidewalk. (Ord. 1325 §5, 2002).

12.16.032 Pathways and trails.

(a) Paved pathways or sidewalks shall be constructed along minor arterials as depicted on Figure 5.11 of the Comprehensive Plan.

(b) The Town Administrator may require paved or unpaved pathways or trails on neighborhood collectors and residential streets when the amount of traffic requires a safe walking area for children and other pedestrians, using the current Trails and Pathways Plan as guidance.

(c) Paved pathways shall be five to seven feet wide, and constructed of asphalt or similar surface. Unpaved pathways or trails shall be five to six feet wide, and constructed of appropriate gravel surfacing. (Ord. 1325 §6, 2002).

12.16.033 Bike lanes.

- (a) Bike lanes shall be constructed on the routes depicted on Figure 5.10 of the Comprehensive Plan.
- (b) Bike lanes shall be a minimum of five feet wide when a vertical curb separates the lane from vehicular traffic.
- (c) Bike lanes without a vertical curb shall be a minimum of six feet wide.
- (d) Combined bike and parking lanes shall be a total of twelve feet wide.
- (e) Combined bike and pedestrian paths shall be a minimum eight feet wide.
- (f) All bike lanes shall be marked in accordance with the most current edition of the Manual on Uniform Traffic Control Devices. (Ord. 1325 §7, 2002).

12.16.034 Dead-end streets.

- (a) All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 100 feet and a minimum pavement diameter of 80 feet, or a "T", "Y" or "hammerhead" design which allows a 35-foot turning radius for emergency vehicles.
- (b) Dead end streets shall have a passing turnout every four hundred feet.
- (c) Dead end streets serving more than six dwelling units shall not exceed one thousand feet in length.
- (d) Existing dead-end streets that are greater than 800 feet in length should be connected to other streets when the opportunity arises, unless it is demonstrated that such connections would lead to substantial rerouting of traffic onto the street. Existing dead-end streets longer than 800 feet should not be allowed to serve substantial new development unless linked to other streets.
- (e) A temporary paved cul-de-sac or other turn-around approved by the Department of Public Safety shall be provided when a dedicated right-of-way is improved to less than its full length.
The temporary turn-around may be on a temporary easement that shall be released upon the extension and construction of the street beyond the turn-around. (Ord. 1325 §8, 2002).

12.16.035 Parking lanes.

- (a) Unless otherwise prohibited, on-street parking shall be provided on at least one side of the street where road width allows for safe passage of vehicles.
- (b) Parking lanes shall be of sufficient width to safely accommodate parked automobiles and be marked in accordance with the most current edition of the Manual on Uniform Traffic Control Devices. (Ord. 1325 §9, 2002; Ord. 663 §1(part), 1978; Ord. 435 §5, 1971).

12.16.036 Planting strips.

- (a) Planting strips shall be vegetated with low maintenance, drought-resistant native plants. Provisions to ensure survival of the plants shall be part of any planting strip approval.
- (b) Street trees shall be used only when views from surrounding homes will not be impacted. Trees shall be species and varieties that do not exceed 25 feet in height when fully grown.
- (c) The Town Administrator shall approve all planting strip designs including type of vegetation and provisions for ensuring survival of the plants. (Ord. 1325 §10, 2002).

12.16.037 Alleys.

- (a) Previously Platted Alleys. Alleys in plats approved or created before January 1, 2003 may be improved at the option and expense of the abutting landowners. Improved alleys shall be paved to the platted width of the alleyway, and shall provide approved stormwater control. The Town Administrator shall approve all proposals for improving alleys in accordance with this section and the Town's stormwater regulations.

(b) New alleys. Alleys in plats approved after January 1, 2003 shall be a minimum of 20 feet wide, be paved, and have approved stormwater control systems. (Ord. 1325 §11, 2002).

12.16.038 Lighting. Street lighting is required on all streets. Streetlights shall be placed approximately 250 feet apart, as topography allows. The design and installation of street lighting shall be governed by the extension of the electric utility as set forth in Chapter 13.16 SMC. (Ord. 1325 §12, 2002).

12.16.039 Driveways.

(a) All commercial driveways shall be paved with asphalt, concrete, brick, or other material approved by the Town Administrator.

(b) Combined driveways for adjoining properties are encouraged. Driveways serving adjacent parcels are permitted upon agreement by all affected property owners and approval of the Town Administrator. The property owners shall record an easement for all affected parcels of land specifying the joint usage. Joint use driveways shall be a minimum of fifteen (15) feet wide and paved.

(c) Commercial driveways shall be designed to prevent backing onto the sidewalk or street.

(d) All commercial driveway locations must be shown on the site development plans. Residential driveway locations for lots in formal plats are not restricted to any location unless so noted on the plat.

(e) New driveway locations created by the development of property shall be unified whenever possible to create the fewest number of accesses onto authorized street.

(f) In conjunction with the approval of a development, the Town may require the applicant to provide access and circulation easement to an abutting owner, where joint access is reasonable to serve future development.

(g) Driveways shall be constructed the maximum practical distance, but in no event less than thirty-five (35) feet, from a side street or intersection, measured from the road right-of-way line to the nearest edge of the driveway.

(h) The Town may refuse access to a street if the property has a private access that provides safe and practical ingress and egress. (Ord. 1325 §13, 2002; Ord. 663 §1, 1978; Ord. 435 §5, 1971).

12.16.040 Acceptance of improved streets. The Town accepts streets designated herein as "improved streets" by virtue of their construction, existence and maintenance by the Town prior to ordinances requiring minimum standards or by their acceptance by the Town after ordinances requiring minimum standards. (Ord. 401 §1, 1970).

12.16.050 Purpose. SMC 12.16.040--12.16.070 are enacted for the purpose of designating which streets have been so improved and accepted by the Town as improved streets for the purpose of all other ordinances requiring improvements of streets within the Town. (Ord. 401 §2, 1970).

12.16.070 Designation of improved streets. The following streets are declared improved streets for identification and definition of that term pursuant to all other ordinances of the Town:

1st Street from Jackson to Champion

2nd Street from Montgomery to Martin

3rd Street from Jackson to Martin

4th Street from Champion to Martin

5th Street running due north from a point between Lots 5 and 6, Saltar's First Addition, to Champion Street

6th Street from Champion to Jefferson

7th Street from Martin to Jefferson
Wallace Street from 5th Street to 7th Street
Gove Street from 1st Street to Union Avenue
Montgomery Street from 5th Street to Union Avenue
Champion Street from 5th Street to Union Avenue
Champion Street from 1st Street to 4th Street
Martin Street from 2nd Street to Union Avenue
Stevens Street from 6th Street to Union Avenue
Commercial Street from Union Avenue to Balch
Balch Street from Rainier to Commercial
Wilkes Street from Rainier to Commercial
Chambers Creek Road Southwest from East Street to Town limits
Lafayette Street from Union Avenue to East Street
Rainier Street from Union Avenue to Puyallup Street
Chambers Street from Commercial to a point midway of Lot 8, Block 5, Balch's Part of Steilacoom
Cincinnati Street from Stevens west to a point midway of Block 8, Bill's Addition
Roe Street from Steilacoom-Tacoma Road to a point two hundred feet south of Shepard Street
Steilacoom-Tacoma Road from Roe to Town limits
All of Military Boulevard
Puyallup Street from a line between Blocks 49 and 50, Balch's Addition, to Starling Street
Pierce Street from Rainier to Starling
Steilacoom Street from Rainier to Starling
All of Starling Street
Main Street from Commercial to Garfield
Nisqually Street from Frederick to a line between Lots 1 and 2, Block 17, Balch's Part of Steilacoom
All of Union Avenue
Frederick Street from a point in the approximate middle of Block 5, Palmer's Second Addition, to Union Avenue
Powell Street from a line between Lots 13 and 14, Block 2, Diggs Addition, to Short Street
Short Street from Sequash to Diggs
Sequash Street from Lexington to Union Avenue
Lexington Street from Sequash to Town limits
Adams Street from Chambers to Blaine
Euclid Street from Chambers, northeasterly to a line between Lots 8 and 9, Block 9, Palmer's Second Addition
Euclid Street from Pierce to Pacific
Pacific Street from Euclid to Lafayette
Washington Street from Pacific Street to Main Street
Olympia Street from Harrison to Wilkes
All of Garfield Street
All of Blaine Street
All of Harrison Street
Shepard Street from Harrison to Stevens
Galloway Street from Shepard to Lexington
Stevens Street from Old Military Road to Lexington
Old Military Road from Town limits to Stevens
Galloway Street from D Street to B Street
D Street from Old Military Road to Galloway
All of C Street

All of B Street
 Chambers Street from Beech Avenue to Nisqually
 Pierce Street from Beech Avenue to Euclid
 All of Beech Avenue
 All of Randolph Court
 All of Briston Lane
 All of Randolph Avenue
 All of Pamela Place
 All of Maple Lane
 Stevens Street from Military Boulevard to B Street
 Stevens Street from Oak Drive to Town limits
 All of Oak Drive
 All of Eleanor Court
 Steilacoom Boulevard from Puyallup Street to Town limits
 Cincinnati Street from Roe to a point three hundred feet west
 All of Birch Avenue east from Stevens Street
 All of Burke Court
 Rowell Street from Union Avenue to Short Street
 All of Natalie Lane
 All of Oxford Court
 All of Cambridge Drive
 All of Cambridge Court
 D Street from Stevens to Old Military Road
 All of Kari Lane
 Short Street extended south six hundred twenty feet from the centerline of Rowell Street
 Roe Street from a point two hundred feet south of Shepard Street to Old Military Road
 Silver Beach Drive from Hewitt Drive north one thousand eighty-five feet
 Bonney Street from Hewitt Drive north one thousand two hundred fifty feet
 Hewitt Drive from Steilacoom Boulevard to Silver Beach Drive
 All of Tye Court
 View Road from Rigney to Marietta Street
 Marietta Street from Rigney Road east one thousand four hundred twenty feet
 All of Isaac Pincus
 All of Concord Lane
 Lexington from a point five hundred seventy-five feet east of Roe to a point nine hundred thirty feet east of Roe
 Pickett Street from Steilacoom Boulevard to Heath Court
 All of Heath Court
 All of Tolmie Court
 Ira Light Street from Steilacoom Boulevard north one thousand for hundred thirty-five feet
 Queets Street from a point six hundred fifteen feet north of Steilacoom Boulevard to a point one thousand six hundred sixty-five feet north of Steilacoom Boulevard
 Manitoba from Ira Light to Queets Street and from Bonney to Silver Beach Drive
 Rigney Road from Steilacoom Boulevard one thousand six hundred eighty feet to the southwest
 Cedar Street from Union Avenue east six hundred ninety feet
 Cedar Street from Lafayette two hundred twenty-nine feet to the southeast.
 (Ord. 603 §§1, 2, 1977; Ord. 401 §4, 1970).

12.16.080 Street improvement cost liability.

(a) All lots require access to a public or private street that is improved to Town standards prior to construction on the lot.

(b) Owners of vacant lots whose access is an unimproved or substandard dedicated right-of-way shall improve the right-of-way in accordance with the adopted street standards when the owner seeks to improve the lot.

(c) Owners of vacant lots abutting more than one unimproved or substandard dedicated rights-of-way shall improve one right-of-way to provide access.

(d) Streets required to be built under this section shall be improved from the nearest improved right-of-way section across the full frontage of the lot.

(e) Owners may make private contractual agreements, apply for a latecomer agreement under SMC Title 13, or create a local improvement district to meet this requirement. (Ord. 1325 §14, 2002: Ord. 393 §1, 1969).

12.16.090 Approval of street design.

(a) Any person obligated to improve a dedicated right-of-way under this chapter shall apply to the Town for approval of the street design on forms provided by the Town, and pay the fee provided by resolution.

(b) The Town Administrator, with advice from the Director of Public Works, the Department of Public Safety and the Town Planner, shall determine whether the proposal meets the minimum standards as set forth in SMC 12.16.030 through 12.16.036.

(c) Proposed street designs which meet the minimum standards shall be approved by the Town Administrator. (Ord. 1325 §15, 2002: Ord. 393 §2, 1969).

12.16.095 Alternative street design.

(a) The Town recognizes that fully developing all platted rights-of-way may not be in the public's best interest in all cases. Reduction in town maintenance costs, preservation of open space and critical areas, decreased stormwater runoff, and provisions for pedestrian trails are a few of the benefits of alternative street designs. The Town Council shall weigh the benefits of alternative street designs against the need for traffic flow, safe vehicle and pedestrian access and utility connections in determining whether to allow deviations from the standard street improvements.

(b) Any person obligated to improve a dedicated right-of-way under this chapter may petition the Town Council for an alternative street design by filing a request therefore on forms provided by the Town, and paying the application fee provided by resolution. Alternative street design includes, but is not limited to, constructing less than the standard street improvements, constructing a trail in lieu of a street, leaving the right-of-way in a natural state, providing utility connections only, or any combination of the above.

(c) The applicant shall provide the following information:

(1) A detailed map of the right-of-way, applicant's lot and surrounding lots.

(2) A detailed written description of the applicant's proposal including the following issues:

(A) Street Continuity And Property Access. The applicant shall explain how the proposal will provide for vehicular and pedestrian travel while ensuring access to all platted lots.

(B) Utility Plans. The applicant shall explain how the proposal is consistent with current utility and capital facility plans.

(C) Consistency with Adopted Town Plans. The applicant shall explain how the proposal is consistent with the land use and other elements of the Comprehensive Plan, the Trails and Pathways Plan, and other adopted policy documents.

(D) Preservation of Open Space and Critical Areas. The applicant shall explain how the proposal preserves open space and protects known critical areas.

(E) Stormwater Impacts. The applicant shall explain how the proposal impacts stormwater runoff issues.

(3) The names and addresses of the owners of property adjacent to the proposal.

(d) The Town Council shall hold a legislative public hearing on the proposal following notice as provided in SMC 14.16.040. The Town Council shall determine if the applicant's proposal is in the public interest, and should be approved, approved with conditions, or denied. The Council shall issue findings and conclusions regarding the proposal's adequacy of street continuity and property access; consistency with the Town's utility plans; consistency with the Comprehensive Plan, the Trails and Pathways Plan and other adopted policy documents; preservation or protection of open space or critical areas; and impacts on the stormwater system.

(e) If the Council approves the applicant's alternative street design, the section of right-of-way shall be improved in accordance with the approval and any conditions imposed. If the Council denies applicant's proposal, the right-of-way section shall be constructed using standard street improvements. (Ord. 1325 §16, 2002).

12.16.100 Street dedication required when. If the lot lies at the end of a dedicated public street, the owner must dedicate to the Town for street purposes such portion of his property as lies within the natural or planned extension of such street, and must further improve the dedicated street to its current termination, and if sound engineering practice requires, shall improve the portion of the extended street as dedicated by him, such determination to be made within the sole discretion of the Town Administrator. (Ord. 1325 §17, 2002: Ord. 393§3, 1969).

12.16.110 Back lot, access strip—Defined. As used in this chapter, the following terms shall have the following meanings:

(1) A "Back lot" is a lot, no boundary of which is adjacent to a public right-of-way, separated from an improved street by a lot which has at least eighty feet of frontage on the improved street.

(2) An "access strip" is land across which vehicular traffic moves to and from a back lot and an improved street. (Ord. 1325 §18, 2002: Ord. 713 §2, 1979)

12.16.120 Back lot--Regulations

(a) Single family dwellings and duplexes may be constructed on back lots served by an access strip meeting the requirements of this section. Back lots shall meet the minimum lot size requirements of SMC Title 18.

(b) No part of an access strip shall be included in determining the site area of any back lot.

(c) Adjacent back lots may share an access strip.

(d) Access strips shall be a minimum twenty feet wide.

(e) Access strips greater than one hundred fifty (150) feet in length shall include an area for turning around fire apparatus as approved by the Director of Public Safety.

(f) An access strip may be owned in fee as a portion of the back lot, or be a recorded easement across another lot or lots. (Ord. 1325 §19, 2002: Ord. 712 §2, 1979).

Chapter 12.20

STREET WORK PERMITS

Sections:

- 12.20.010 Permit—Required when—Emergency exception.**
- 12.20.020 Permit—Terms and conditions.**
- 12.20.030 Permit— Fee—Furnishing of restoration specifications**
- 12.20.040 Permit—Issuance—Notice of work completion—Bond forfeiture.**
- 12.20.050 Inspection authorized— Fee.**

- 12.20.060 Performance bond required.**
- 12.20.070 Liability insurance cover.**
- 12.20.080 Permit–Form.**
- 12.20.090 Safety devices required.**
- 12.20.100 Notification of intent to pave–Excavation restrictions.**
- 12.20.110 Pavement cutting– Administrative variance.**
- 12.20.120 Violation–Penalty.**

12.20.010 Permit–Required when–Emergency exception. It is unlawful for any person, firm, or corporation to cut up, dig up, undermine, break, excavate, tunnel, or in any way disturb or obstruct any street, alley, or any street pavement or improvement, or owned-owned property in the Town without first having obtained written permission as provided in this chapter; provided however, that in case of an emergency occurring outside of regular office hours, whenever an immediate excavation may be necessary for the protection of life or public or private property, such matter shall be reported immediately to the Public Works Director, who may thereupon grant permission to make the necessary excavation upon the express condition that an application for a permit shall be made in the manner provided in this chapter on or before 12:00 noon of the next following business day. (Ord. 1314 §1(part), 2002).

12.20.020 Permit–Terms and conditions. Such permit shall be granted only upon compliance with the following terms and conditions:

(A) The party requesting such permit shall make application in writing and simultaneously therewith file with the Town a plat showing the location and plan of the excavation, cutting, or other work desired to be done, and the street, alley, or place to be so used, together with a full description of the nature of the work. The Public Works Director shall thereupon examine such application and plat, and if the same shall be approved and proper performance bond filed, as hereinafter provided, permits may be issued.

(B) Such permit shall specify the place where such acts are to be performed and done, together with a description of the proposed work to be done under such permit and the length of time allowed for the completion thereof. The permittee shall further be required to replace to its former condition whatever portion of the street, alley, pavement, or improvement that may have been disturbed or affected in any way during such work, and such permit may further specify whether the Town elects to do the work of restoring the surface as provided in this chapter.

(C) In making any excavation, cut, or break in any public street, avenue, or alley, the materials thus excavated from the trenches thereof not otherwise suitable for backfilling shall be disposed of as directed by the Town. All such excavations shall be backfilled with approved materials and shall be compacted to a minimum of 95%.

(D) The maximum length of any open trench during such work shall at no time exceed 200 lineal feet, except when otherwise granted by special written permission from the Public Works Director. No open ditches shall be left overnight or on weekends.

(E) All existing storm sewer facilities and other utilities that were moved or disconnected during such work shall be cleaned thoroughly and swept immediately after backfilling and after completion of compaction. All cuts shall be continuous and shall be made with saws specifically equipped for this purpose. No skip cutting will be allowed. Any pavement that is damaged outside the allowable trench widths, shall be repaired entirely at the contractor's expense.

(F) If the Public Works Director so elects, all excavated materials at intersections shall be removed and disposed of, and steel driving plates placed over trenches so as to provide safe and adequate passage for vehicular and pedestrian traffic at all times.

(G) In excavating any public street, avenue, or alley, the surface material and earth removed must be kept separate and deposited in a manner that will occasion the least inconvenience to or interference with the public, with adequate provision for proper surface drainage and safe

passage for the traveling public. Such surface or pavement, after refilling, shall be placed in as good condition as it existed immediately prior to the excavations. If the permittee shall fail to complete such work and restore such street, alley, pavement, or improvement before the expiration of the time fixed by such permit, the Public Works Director shall, if he deems it advisable, cause such work to be done by the Town or any other party in order to return such street, alley, pavement, improvement, or place to its original and proper condition as it existed immediately prior to such excavation; in such case the permittee shall be liable unto the Town for any and all work performed, and the Town shall have the right to proceed against the performance bond filed by said permittee as provided in this chapter. The Town shall have a right of action against such permittee for all fees, expenses, and costs paid out and incurred in connection with such work, not otherwise covered by said bond.

(H) The permittee, as a further condition to the issuance of such permit, shall warrant and guarantee unto the Town the work performed and the restoration of the premises for a period of two years from the date of completion of such work.

(I) The Town shall have the right to elect, and to specify such election on the permit to be issued, that the refilling of all trenches made in a public street, alley, or highway, and the repaving or resurfacing thereof, may be done by the Town and any and all costs and expenses in connection therewith be charged to and paid by the permittee and/or the sureties of his/her performance bond. Such bond shall be in an amount not less than one hundred twenty-five percent of the anticipated cost of the work to be done.

(J) The Town will not be responsible for locating and/or exposing town-owned or private utilities, storm drains, or any underground facility, except as provided through requests for coordinated underground utility location services organizations; the Town will, however, attempt to the best of its ability to reference, in general, underground facilities. It shall be the sole responsibility of the permittee to use whatever proper precautions are necessary in all excavations with respect to all underground facilities to ensure the prevention of any damage whatsoever, to include the use of hand labor if necessary. (Ord. 1564 §1(part), 2017: Ord. 1314 §1(part), 2002).

12.20.030 Permit-Fee-Furnishing of restoration specifications. Each application for a permit shall be accompanied by a permit fee, to compensate the town administrative and inspection costs attributable to issuance of the permit. The permit fee shall be in the sum of seventy-five dollars (\$75) that includes up to one hour of inspection time. Any inspection time in excess of one hour for any permit shall be charged at forty-five dollars (\$45) per hour rounded to the next highest one-half hour. Any work done under a valid permit that requires the cutting of asphalt or concrete will be charged an additional four dollars (\$4.00) per square foot of asphalt or concrete cut and patched to defray the future maintenance impacts due to the cut. The Public Works Director shall furnish specifications for street alley, and roadway restoration to the permittee. (Ord. 1314 §1(part), 2002).

12.20.040 Permit--Issuance--Notice of work completion--Bond forfeiture. Such permit shall be issued in duplicate and one copy shall be filed with the Public Works Receptionist and one copy with the Public Works Director. Immediately upon the completion of the acts or work allowed under such permit, written notice thereof shall given to the Town by permittee. (Ord. 1314 §1(part), 2002).

12.20.050 Inspection authorized--Fee. The Public Works Director, may, if in his/her judgment the nature and type of work are such as to require inspection thereof, either during the progress of such work or after the premises affected have been restored to its original condition, or at both said times, inspect the same at the expense of the permittee, and said permittee shall

pay an inspection fee of \$45.00 per hour for each hour in excess of one hour, rounded to the next highest one-half hour. (Ord. 1314 §1(part), 2002).

12.20.060 Performance bond required. The applicant for any such permit, the issuance thereof as provided in this chapter, shall execute and deliver unto the Town and file with its Clerk a performance bond in such amount as shall be fixed by the Public Works Director, which bond, or any additional bond and/or separate liability insurance coverage elsewhere provided in this chapter shall also provide that the applicant will keep and save the Town harmless from any and all claims, liabilities, judgments, losses, or damage expenses arising from any acts which said permittee may do under the permit, or which may be done by any of his/her agents, servants, representatives, or employees in excavation or disturbing any such alley, street, pavement, or improvement, or by reason of the violation of any of the provisions of this chapter, and to otherwise fully warrant the work and acts required hereunder for a period of two years. (Ord. 1314 §1(part), 2002).

12.20.070 Liability insurance cover. The applicant shall furnish satisfactory evidence of liability insurance in the amounts of \$1,000,000, \$2,000,000, and \$1,000,000. The applicant shall obtain and keep in force during the term of the permit, public liability and property damage insurance in companies and in form to be approved by the Public Works Director. Said insurance shall provide coverage to the applicant, any subcontractor performing work provided by the permit, and the Town. The Town shall be named as an additional insured on said policy insofar as the work and obligations performed under the permit are concerned. The coverage so provided shall protect against claims for personal insurance and injuries, including accidental death, as well as claims for property damages that may arise from any act or omission of the applicant or the subcontractor, or by anyone directly or indirectly employed by either of them. The minimum policy limits of such insurance shall be as follows: bodily injury liability coverage with limits of not less than \$1,000,000 for bodily injury, including accidental death, to any one person, and subject to that limit for each person, in an amount not less than \$2,000,000 for each accident; and property damage coverage in an amount of not less than \$1,000,000 for each accident. (Ord. 1314 §1(part), 2002).

12.20.090 Safety devices required. In case any public street, alley, pavement, improvement, or place shall be dug up, excavated, undermined, cut or disturbed, the permittee shall cause to be erected and maintained around the portion of the street, alley, pavement, improvement, or place so disturbed, such barriers, lights, signs, flagmen, and other safety devices as may be required by the latest, revised *Manual on Uniformed Traffic Control Devices* and Public Works Director and failure to do so shall constitute a violation of this chapter. (Ord. 1314 §1(part), 2002).

12.20.100 Notification of intent to pave—Excavation restrictions. Whenever the Town Council takes action providing for the construction, paving or resurfacing of any street, the Public Works Director shall promptly mail a written notice thereof to each person or firm owning any utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons or firms that no excavation permit shall be issued for openings, cuts, or excavations in said streets for a period of five years after the date of Council action. Such notice shall also notify such persons or firms that applications for excavation permits, for work to be done prior to such construction, paving, or resurfacing, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than (60) days from the date of Council action.

Within said sixty (60) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this chapter, as may be

necessary to install or repair conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said 60 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts, or excavations in said street shall be forfeited for a period of five years from the date of Council action. During said five-year period, no excavation permit shall be issued to open, cut, or excavate in said street unless in the judgment of the Director an emergency as described in this chapter exists which makes it absolutely essential that the excavation permit be used. Every town department or official charged with responsibility for any work that may necessitate any opening, cutting, or excavation in said street is directed to take appropriate measures to perform such excavation work within said sixty (60) day period so as to avoid the necessity for making any openings, cuts, or excavations in the new pavement in said Town street during said five year period. (Ord. 1314 §1(part), 2002).

12.20.110 Pavement cutting–Administrative variance. No pavement types shall be cut for a period of five (5) years after the pavement has been constructed or resurfaced. In cases of emergency or construction failures or if all alternatives to pavement cutting have been exhausted, provisions to allow cutting of the pavement may be obtained if approved by the Town. Provisions shall be conditioned on providing a standard asphalt patch and a minimum 150 linear foot full-width overlay for asphalt concrete pavement and bituminous surface treatment pavement or standard cement concrete restoration for cement concrete pavements. (Ord. 1314 §1(part), 2002).

12.20.120 Violation–Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as set forth in Chapter 1.04. (Ord. 1314 §1(part), 2002).