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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 12-001

RELATING TO RIGHT-OF-WAY USE PERMITS; REPEALING CHAPTER 6.39; ADDING
NEW SECTIONS TO TITLE 13 SCC; AND AMENDING AND REPEALING SECTIONS OF
TITLE 13 SCC

WHEREAS, Title 6 of the Snohomish County Code ("SCC") generally governs business
licensing, and is implemented by the Snohomish County Auditor's Office (the "Auditor"); and

WHEREAS, chapter 6.39 SCC currently governs permits for parades and runs occurring
within public rights-of-way; and

WHEREAS, Title 13 SCC generally governs activities occurring on or in or otherwise
relating to public rights-of-way located in the county, and is implemented by the Department of
Public Works ("DPW"); and

WHEREAS, the county council desires to amend Titles 6 and 13 SCC to transfer the
authority and responsibility for reviewing and issuing permits for parades and runs occurring
within public rights-of-way from the Auditor to DPW; and

WHEREAS, the county council also desires to amend Title 13 SCC to make Title 13
SCC easier to understand and implement by eliminating unnecessary, conflicting or repetitive
code language, correcting inadvertent errors, and adding certain new clarifying language,
provisions and/or sections to Title 13 SCC; and

WHEREAS, the county council also desires to amend Title 13 SCC to create a new type
of right-of-way use permit to accommodate utility purveyors that are not required by law to
obtain a franchise; and

WHEREAS, pursuant to Section 197-11-800(19) of the Washington Administrative Code
("WAC"), and SCC 30.61.020, the adoption of the proposed amendments is categorically exempt
from review under chapter 43.21C RCW, the State Environmental Policy Act ("SEPA"); and

WHEREAS, after proper notice, the county council held a public hearing on February 15,
2012, to solicit comments from the public and to consider whether to adopt the amendments to
Titles 6 and 13 SCC contained herein; and

WHEREAS, immediately following the public hearing, the county council deliberated on
the proposed code amendments; and

1 WHEREAS, the county council finds it is in the public interest for the Snohomish County
2 Code to be amended as set forth in this ordinance;

3
4 NOW, THEREFORE, BE IT ORDAINED:

5
6 Section 1. The county council adopts the foregoing recitals as findings and conclusions
7 as if set forth in full herein.
8

9 Section 2. Chapter 6.39 of the Snohomish County Code, last amended by Amended
10 Ordinance No. 87-038 on June 3, 1987, is repealed.
11

12 Section 3. A new section is added to Chapter 13.01 of the Snohomish County Code to
13 read:
14

15 **13.01.025 Authority to withhold or condition permits or approvals.**
16

17 (1) The engineer shall have the authority under this title to withhold issuance of a permit
18 when applicable conditions of this title have not been met on other active permits held by the
19 applicant pursuant to this title.

20 (2) The engineer may condition final inspection approval of a permit with the satisfactory
21 completion of other active permits held by the applicant pursuant to this title.
22

23 Section 4. Snohomish County Code Section 13.01.040, last amended by Amended
24 Ordinance No. 96-028 on June 12, 1996, is amended to read:
25

26 **13.01.040 Violations.**
27

28 (1) It shall be unlawful to place or maintain any structure, object or feature within the right-
29 of-way except where done pursuant to a contract with the county, permission granted by the
30 department pursuant to this chapter, or other specific legal authority.

31 (2) It shall be unlawful for anyone other than the department to spill, dump, or otherwise
32 deposit any material upon a county right-of-way except where done pursuant to contract with the
33 county, permission granted by the department as provided in this chapter, or other legal
34 authority. This section shall be supplementary to state law as provided in RCW 70.93.060.

35 (3) It shall be unlawful to abandon or discontinue the use of any structure, object or feature
36 within the right-of-way without the prior written approval of the department. If a structure,
37 object or feature within the right-of-way is abandoned or discontinued, the person who placed
38 the structure, object or feature within the right-of-way shall be solely responsible for its removal
39 and proper disposal, as well as restoration of the county right-of-way to a condition equal to or
40 better than that which existed prior to placement of the structure, object or feature in the right-of-
41 way.

42 (4) Any violation of this section or of any other provision of this title declaring conduct
43 unlawful is a misdemeanor and shall be punishable as provided in SCC 1.01.100. Each person
44 shall be guilty of a separate offense for each and every day any portion of which any violation of
45 this section occurs and shall be punishable accordingly.

Section 5. Snohomish County Code Section 13.01.050, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.01.050 Encroachment--Abatement.

The engineer, with assistance as required from the sheriff or other county official(s), may remove any structure, object, feature or material placed or spilled upon, over, or beneath the surface of any right-of-way by other than the department unless the structure, object, feature or material was installed and is maintained pursuant to either a contract with the county, permission by the department as provided in this chapter, or other specific legal authority. The costs of any removal shall be the sole responsibility of the installer of such structure, object, feature or material, and the successors in ownership of any portion of such structure, object, feature or material. The county may take any steps which it deems appropriate to collect the costs of such removal.

Section 6. A new section is added to Chapter 13.02 of the Snohomish County Code to read:

13.02.085 Condition or conditions.

“Condition or conditions” means language placed on a permit, contract with the county, permission granted by the department as provided in this chapter, or other legal authority, that restricts, limits or establishes criteria or obligations that must be met to fulfill the requirements of county code, and shall mean the same as, and shall be used interchangeably with, the words “term” or “terms” when those words are not referencing a duration of time.

Section 7. Snohomish County Code Section 13.02.100, adopted by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.02.100 County road.

"County road" means every public road as defined by ((13.02.320,))SCC 13.02.350, located outside the limits of incorporated cities and towns and which has not been designated as a state highway as that term is defined in RCW 47.04.010 as now or hereafter amended.

Section 8. A new section is added to Chapter 13.02 of the Snohomish County Code to read:

13.02.155 Easement.

“Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

1 Section 9. A new section is added to Chapter 13.02 of the Snohomish County Code to
2 read:

3
4 **13.02.175 Fence.**

5
6 "Fence" means a structure of any material or combination of materials erected to enclose, screen,
7 or separate areas of land, but does not include retaining walls.

8
9 Section 10. A new section is added to Chapter 13.02 of the Snohomish County Code to
10 read:

11
12 **13.02.177 Float.**

13
14 "Float" means, with respect to parades, a low, flat, decorated vehicle for carrying exhibits,
15 tableaux, etc.

16
17 Section 11. A new section is added to Chapter 13.02 of the Snohomish County Code to
18 read:

19
20 **13.02.193 Haul road.**

21
22 "Haul road" means any county road, bridge, or other structure which is used for extraordinary
23 hauling operations and, as a result, receives an extraordinary amount of heavy use whether
24 through the quantity, frequency, and/or duration of the hauling operations.

25
26 Section 12. A new section is added to Chapter 13.02 of the Snohomish County Code to
27 read:

28
29 **13.02.195 Haul route.**

30
31 "Haul route" means the system of haul roads between a source site and the destination and/or the
32 point on the haul road where the department determines a Type B4 permit is not required.

33
34 Section 13. A new section is added to Chapter 13.02 of the Snohomish County Code to
35 read:

36
37 **13.02.197 MUTCD.**

38
39 "MUTCD" means the manual on uniform traffic control devices published by the U.S.
40 Department of Transportation Federal Highway Administration, as adopted for use in
41 Washington by the Washington State Department of Transportation pursuant to chapter 47.36
42 RCW.

43
44 Section 14. Snohomish County Code Section 13.02.220, adopted by Amended
45 Ordinance No. 96-028 on June 12, 1996, is amended to read:

1
2 **13.02.220 Owner.**
3

4 "Owner" means the owner of real property according to the records of the ~~((office of the))~~ county
5 auditor(~~((of real property))~~).
6

7 Section 15. A new section is added to Chapter 13.02 of the Snohomish County Code to
8 read:
9

10 **13.02.225 Parade.**
11

12 "Parade" means any march or procession consisting of people, animals, bicycles, vehicles in
13 excess of 10 in number, or combinations thereof, except wedding processions and funeral
14 processions, upon any county road, sidewalk or alley which does not comply with normal and
15 usual traffic, regulations or controls.
16

17 Section 16. Snohomish County Code Section 13.02.300, adopted by Amended
18 Ordinance No. 96-028 on June 12, 1996, is amended to read:
19

20 **13.02.300 Primitive road.**
21

22 "Primitive road" means a road within county right-of-way that meets the requirements of RCW
23 36.75.300 and that may be ~~((a county maintained road, unmaintained road))~~ maintained by the
24 county or may be privately maintained(~~((road))~~). A primitive road has a gravel or earth driving
25 surface, and has an average annual daily traffic of one hundred or fewer vehicles. A primitive
26 road must be established by county council ordinance.
27

28 Section 17. A new section is added to Chapter 13.02 of the Snohomish County Code to
29 read:
30

31 **13.02.342 Right-of-way, opened.**
32

33 "Right-of-way, opened," "Opened right-of-way" or "Maintained right-of-way" means county
34 right-of-way that contains improvements maintained by the county constructed for the purpose of
35 public use.
36

37 Section 18. A new section is added to Chapter 13.02 of the Snohomish County Code to
38 read:
39

40 **13.02.345 Right-of-way, unopened.**
41

42 "Right-of-way, unopened," "Unopened right-of-way" or "Non-maintained right-of-way" means
43 right-of-way that is not maintained by the county and may or may not contain improvements
44 constructed for the purpose of public use.
45

1 Section 19. Snohomish County Code Section 13.02.350, adopted by Amended
2 Ordinance No. 96-028 on June 12, 1996, is amended to read:

3
4 **13.02.350 Road(~~-or roadway~~), public.**

5
6 "Road, public" or (~~("roadway")~~) "Public road," used interchangeably with road, roadway or
7 street, means ((an open, generally public way)) improvements in the right-of-way maintained by
8 the county for the passage of vehicles, that where appropriate, may include pedestrian, equestrian
9 and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, paths,
10 walkways, or side ditches, including the (~~(appertaining)~~) associated shoulder and all slopes,
11 ditches, channels, waterways, and other features necessary for proper drainage and structural
12 stability within the right-of-way.

13
14 Section 20. A new section is added to Chapter 13.02 of the Snohomish County Code to
15 read:

16
17 **13.02.352 Road prism.**

18
19 "Road prism" means the driving surface of a road (including constructed roadbed), shoulders,
20 ditches, sidewalk including back slopes, and/or curb, gutter, storm drainage facilities, and
21 bridges.

22
23 Section 21. A new section is added to Chapter 13.02 of the Snohomish County Code to
24 read:

25
26 **13.02.354 Routine maintenance.**

27
28 "Routine maintenance" means maintenance such as, but not limited to, the grading, reshaping,
29 repair and/or modification of the road prism, that is performed on a regular or scheduled basis as
30 indicated in the regular maintenance schedule.

31
32 Section 22. A new section is added to Chapter 13.02 of the Snohomish County Code to
33 read:

34
35 **13.02.357 Run.**

36
37 "Run" means a sponsored, organized procession to contend in a race consisting of people,
38 bicycles, wheelchairs, other non-motorized vehicles, or combinations thereof, containing 10 or
39 more persons, upon a county road, sidewalk or alley. "Run" shall not include any training event
40 or race participated in solely by one or more bona fide school track or cross-country teams.

41
42 Section 23. Snohomish County Code Section 13.02.460, adopted by Amended
43 Ordinance No. 96-028 on June 12, 1996, is repealed.

1 Section 24. Snohomish County Code Section 13.02.470, adopted by Amended
2 Ordinance No. 96-028 on June 12, 1996, is amended to read:

3
4 **13.02.470 Utility.**

5
6 "Utility" means ~~((such public services as gas, electric power, telephone, cable television or other~~
7 ~~telecommunications, water, sewer, whether or not such service is privately or publicly~~
8 ~~owned))the facilities utilized for the delivery of electricity, water, sewer, gas, and, whether~~
9 ~~wireless or hard wired, radio, television, telephone and/or other forms of communication~~
10 utilizing the electromagnetic spectrum.
11

12 Section 25. Snohomish County Code Section 13.02.480, adopted by Amended
13 Ordinance No. 96-028 on June 12, 1996, is amended to read:

14
15 **13.02.480 Utility purveyor.**

16
17 "Utility purveyor" means ~~((a provider of such public services as gas, electric power, telephone,~~
18 ~~eable television or other telecommunications, water, sewer, whether or not such provided is~~
19 ~~privately or publicly owned))a person who constructs, provides and/or maintains one or more~~
20 utilities. The term "utility purveyor" does not include persons meeting the definition of the term
21 "single user utility purveyor" set forth in SCC 13.02.483.
22

23 Section 26. A new section is added to Chapter 13.02 of the Snohomish County Code to
24 read:

25
26 **13.02.483 Utility purveyor, Single user.**

27
28 "Utility purveyor, Single user" or "Single user utility purveyor" means a person using the right-
29 of-way for water and/or sewer facilities that serve not more than 2 dwelling units or a single
30 business, where the facilities at issue do not connect to the facilities of a utility purveyor.
31

32 Section 27. Snohomish County Code Section 13.10.020, adopted by Ordinance No. 85-
33 051 on July 3, 1985, is amended to read:

34
35 **13.10.020 Validation of prior permits.**

36
37 All permits and franchises granted by the department before the effective date of this ~~((aet))~~ title
38 shall continue in full force and effect until their respective expiration dates; PROVIDED, That
39 any such permit or franchise shall be subject to this title except where the ~~((terms))~~ conditions of
40 the permit or franchise are inconsistent herewith. And PROVIDED FURTHER, That this title
41 shall not impair the obligations of any existing franchise. All renewals and extensions of any
42 such permit or franchise are subject to all of the provisions of this title.
43

44 Section 28. Snohomish County Code Section 13.10.030, last amended by Amended
45 Ordinance No. 96-028 on June 12, 1996, is amended to read:

1
2 **13.10.030 ~~((Factors, justification))~~ Permit decision criteria.**

3
4 The requirements for approval of a permit to use right-of-way vary with the type of
5 ~~((transaction))~~ activity involved as provided in this title. In reviewing any application for
6 ~~((justification and))~~ approval, the following ~~((or))~~ and other appropriate ~~((factors))~~ criteria may be
7 considered:

- 8 (1) Length of time of right-of-way use;
9 (2) Disturbance of right-of-way surface;
10 (3) Requirements for public health and safety;
11 (4) Disruptions of usual public use;
12 (5) Risks of damage to right-of-way;
13 (6) Costs to the county for services;
14 (7) Effect on private property;
15 (8) County use of the right-of-way;
16 (9) Risks of spills and debris in the right-of-way; and
17 (10) Condition of existing road and right-of-way.

18
19 Section 29. Snohomish County Code Section 13.10.040, last amended by Amended
20 Ordinance No. 96-028 on June 12, 1996, is amended to read:

21
22 **13.10.040 Types of right-of-way transactions.**

23
24 For the purposes of processing, right-of-way transactions are classified as follows:

25 (1) Type A: ~~((Uses permitted under Title 6 SCC and as defined in chapter 13.30~~
26 ~~SCC.))~~ Permits involving, but not limited to, those parts of parades or runs that take place within
27 the public right-of-way. See chapter 13.30 SCC.

28 (2) Type B: Permits involving the movement of vehicles, materials, and structures,
29 commercial hauling, other similar activities, and road closures, which have the potential to
30 disturb existing features, improvements, other vehicles or pedestrians within the right-of-way(~~(;~~
31 ~~as defined in))~~). See chapter 13.40 SCC.

32 (3) Type C: Permits involving the long or short term placement and use of objects or features,
33 or, non land development related construction, with minor or no disturbance of improvements
34 within the right-of-way(~~(;~~ ~~as defined in))~~). See chapter 13.50 SCC.

35 (4) Type D: Permits involving construction activities that disturb the roadway and other
36 features within the right-of-way(~~(;~~ ~~as defined in))~~). See chapter 13.60 SCC.

37 (5) Type E: ~~((Miscellaneous,))~~ Permits involving miscellaneous long-term use of the right-of-
38 way ~~((transactions))~~ including right-of-way leases, deeds and easements, establishments,
39 franchises, vacations, latecomers cost recovery, and road improvement districts(~~(;~~ ~~as defined in))~~.
40 See chapter 13.70 SCC.

41
42 Section 30. Snohomish County Code Section 13.10.050, last amended by Ordinance
43 No. 08-078 on June 25, 2008, is amended to read:

44
45 **13.10.050 Permit exemptions.**

1
2 Right-of-way use Type B through E permits will not be required for:

3 (1) ~~((For activities))~~ Activities requiring a license or permit pursuant to the general business
4 license and regulations ((code,)) of ((Title)) title 6((;)) SCC. ((Applications which are expected to
5 utilize right-of-way shall be reviewed and approved by the engineer before the issuance of any
6 license or permit.))

7 (2) ~~((For franchised utilities))~~ Utility purveyors with a franchise or a Type C10 permit when
8 responding to emergencies that require work in the right-of-way such as repair of water or sewer
9 main breaks, gas leaks, downed power lines or poles, except for when the new pole placement is
10 ((uniquely)) substantially different from the original ((or similar emergencies)); PROVIDED,
11 That ((the department shall be notified by)) the responding utility purveyor shall notify the
12 department, verbally or in writing, as soon as practicable following onset of an emergency and
13 shall apply for an appropriate right-of-way permit ((be applied for)) at that time.

14 (3) ~~((For))~~ The installation of mailboxes or newspaper delivery ((receptacle)) receptacles,
15 PROVIDED, That the engineer may order such facilities moved or removed if ((he/she)) the
16 engineer believes the facilities have been ((such to be)) constructed or located so as to constitute
17 an unsafe condition.

18 (4) ~~((Where a separate agreement and/or approval is granted by the county council through~~
19 ~~the legislative process such as for franchise, establishment or vacation of right-of-way,~~
20 ~~easements or deeds. Application for permission with respect to the foregoing activities shall be~~
21 ~~required, received, and processed the same as one for a required permit.))~~ A traffic control (Type
22 B5) permit is not required for activities performed by a utility purveyor in conformance with
23 SCC 13.60.030(10) or 13.60.030(11) when such activities occur on non-arterial roads and impact
24 only a single lane.

25 (5) ~~((For road))~~ Road maintenance activities and road construction projects undertaken
26 directly by or under contract with the department of public works ((or under contract to the
27 department of public works)), except that the engineer may require right-of-way use permits
28 when the contract is for the construction of improvements proposed by a private land developer.
29 At the discretion of the engineer, relocation of utilities to provide for activities and construction
30 undertaken directly by or under contract ((to)) with the department may also be exempt when
31 review and inspection will be conducted as part of the department's policies.

32 (6) ~~((For temporary))~~ Temporary political signs. As public ((right-of-ways are)) right-of-way
33 is found to be part of a traditional public forum, temporary political signs may be placed within
34 the county right-of-way((-)); PROVIDED, That each of the following conditions is met:

35 (a) ~~((Such signs shall comply with all applicable provisions of the Revised Code of~~
36 ~~Washington (RCW), including Chapter 29.51 RCW and Chapter 42.17 RCW, and the provisions~~
37 ~~of SCC 30.27.070.))~~ Persons placing such signs in the county right-of-way shall comply with all
38 applicable laws, rules and regulations governing political advertising and campaign
39 contributions, including chapter 42.17 RCW, chapter 42.17A RCW, and chapter 390-18 WAC.

40 (b) Such signs shall not create a traffic safety hazard by obstructing sight distance
41 requirements in accordance with the ((Engineering Design and Development Standards-)) EDDS
42 adopted under chapter 13.05 SCC, or block access for vehicles or pedestrians.

43 (c) Such signs shall not be placed on or within the portion of the roadway used for either
44 the passage or parking of vehicles or for pedestrians.

1 (d) ~~((The name, address and telephone number of the persons responsible for sign removal~~
2 ~~and maintenance shall be made known to the department of public works by the registration of~~
3 ~~such person or organizations with the Snohomish County auditor and by the portrayal of such~~
4 ~~information on every sign.))~~ Such signs shall comply with all applicable laws, rules and
5 regulations governing the size, design, location and placement of signs, including, but not limited
6 to, WAC 468-66-050, SCC 30.27.010, the EDDS and SCC 30.27.070.

7 (e) If placed within a right-of-way area maintained by the abutting property owner, or
8 organization, permission must be obtained from such owner or organization prior to sign
9 placement.

10 (f) Such signs shall be freestanding, and not attached to any utility structure or pole;
11 traffic sign, device or guardrail; tree or shrub; or any other structure within the right-of-way.

12 (g) The maintenance, removal, and liability due to placement of such signs shall be the
13 sole responsibility of the person(s) or organizations placing them. The county will assume no
14 responsibility nor liability for such signs, and reserves the right to remove, without notice, signs
15 not complying with this section.

16 (7) ~~((For litter))~~ Litter control or other roadside improvement activities conducted under the
17 department of public works' adopt-a-road program.

18 (8) Trimming, pruning, or removal, by an abutting property owner, of weeds, grass, brush,
19 blackberries and other similar vegetation located on the first 10 feet of an unopened right-of-way
20 abutting the property at issue; Provided, that:

21 (a) Significant trees as that term is defined in title 30 SCC, shall not be removed; and

22 (b) Any landscaping existing in the unopened right-of-way placed pursuant to a Type C,
23 D3 or D4 permit shall not be disturbed.

24
25 Section 31. Snohomish County Code Section 13.10.060, last amended by Amended
26 Ordinance No. 96-028 on June 12, 1996, is amended to read:

27
28 **13.10.060 Limitations on permits.**

29
30 (1) Unless otherwise stated in this title ~~((or noted on the permit))~~, any right-of-way use permit
31 shall expire ((after)) one year from the date of issuance, unless earlier suspended or revoked in
32 accordance with SCC 13.10.170 or renewed in accordance with SCC 13.10.160.

33 ~~((Provided))~~ PROVIDED, That the expiration date ((of land development related permits)) for a
34 Type D permit may be established to coincide with the expiration date of the ((associated-)) title
35 30 SCC land ((development approval)) disturbing activity or construction permit(s) associated
36 with the permitted right-of-way improvements.

37 (2) ~~((Permits))~~ Unless otherwise stated in this title, permits may be renewed in accordance
38 with ((Section)) SCC 13.10.160((-SCC)).

39 (3) Permits may be amended by the engineer at any time to provide for other uses of the right-
40 of-way, in accordance with this title.

41 (4) Unless expressly provided by the ~~((terms-))~~ conditions of the permit, franchise, or
42 applicable law, all permits and franchises shall be((-subject to the public right to travel on the
43 right of way, permissive only, and grant no rights-)):

44 (a) Subject to the public's right to travel on the right-of-way;

45 (b) Permissive only; and

1 (c) Grant no permanent rights.

2 (5) The expiration date for all Type C and E permits shall be determined by the engineer as
3 noted on the permit.

4
5 Section 32. Snohomish County Code Section 13.10.080, last amended by Amended
6 Ordinance No. 96-028 on June 12, 1996, is amended to read:

7
8 **13.10.080 ~~((Application, grant))~~Permit application.**
9

10 (1) Application for any ~~((permits, as))~~ permit required by this chapter shall be on a form
11 provided by the ~~((engineer))~~ department and shall be accompanied by fees as provided in chapter
12 13.110 SCC. ~~((It))~~ By signing and submitting the application, the ~~((permittee))~~ applicant agrees
13 to comply with all pertinent provisions of this title. By submitting an application electronically,
14 the applicant signifies his or her agreement to all pertinent provisions of this title.

15 (2) Applications for the following Types of right-of-way use permits shall expire and become
16 void at the times specified below:

17 (a) For Type A, B or C permits, one year from the date the application is submitted;

18 (b) For Type D permits, except for Type D3 or D4, at the same time as the expiration date
19 of any related title 30 SCC land disturbing activity or construction permit applications;

20 (c) For Type D3 or D4 permits, six months from the date the application is submitted; and

21 (d) For Type E permits, 24 months from the date of application, except that the director
22 may extend the term of the application if the director determines the applicant is actively
23 engaged in procuring the Type E permit at issue.

24 (3) Where required by the engineer, drawings, diagrams and/or construction plans showing
25 the location and detail of any facility to be placed within the right-of-way shall be part of the
26 application. Applications which do not contain all information requested shall not be considered.

27 ~~((3))~~(4) The engineer shall examine each application to assure compliance with the
28 provisions of this chapter and department procedures. The engineer may make such further
29 inquiry or investigate any circumstances with respect to an application ~~((he/she))~~ as the engineer
30 deems appropriate.

31 ~~((4))~~(5) If the engineer, after report from other affected departments and offices as provided
32 elsewhere in this title, concludes that the granting of the application will cause no additional
33 hazard to users of the road involved nor interfere with the rights of the public or others, including
34 abutting owners, and complies with the provisions of this title, ~~((he/she))~~ the engineer shall grant
35 the permit upon such terms and conditions as are necessary to protect the public health, safety,
36 and welfare.

37 ~~((5))~~(6) Granting of a franchise or permit does not imply county responsibility for the
38 design, construction, or operation of the facility or for public safety during the facility's
39 installation, operation, or maintenance.

40
41 Section 33. Snohomish County Code Section 13.10.130, last amended by Amended
42 Ordinance No. 96-028 on June 12, 1996, is amended to read:

43
44 **13.10.130 Inspections.**
45

1 (1) The engineer, with such assistance as is required ~~((of))~~from the sheriff or ~~((any))~~ other
2 ~~((involved))~~ county ~~((official))~~officials, has the right to make inspections of the right-of-way and
3 any work or installation made thereon by the permittee as ~~((he/she))~~ the engineer deems
4 appropriate; and the permittee shall not ~~((deny the engineer the right to make))~~interfere with or
5 prevent such reasonable inspections. Inspection costs are included in the permit fee as provided
6 in chapter 13.110 SCC.

7 (2) At the discretion of the engineer, ~~((inspection frequency as determined))~~inspections to
8 assure compliance with approved plans and/or the conditions of any permit or franchise may
9 ~~((include))~~be conducted in accordance with one or more of the following:

10 (a) ~~((Inspections may be conducted to))~~To assist an applicant in properly defining all
11 permit requirements.

12 (b) ~~((Inspections and surveillance of all sites may be made at))~~At the start of the
13 permitted right-of-way use or work. Permittees are required to notify the department at least 24
14 hours in advance of beginning the ~~((approved))~~permitted use((-)) or work.

15 (c) ~~((Routine periodic inspections and observations may be conducted until))~~Until the
16 permitted use or work is complete. If there are any questions about the use, safety or quality of
17 ~~((permittees'))~~a permittee's actions, additional ~~((inspection efforts))~~inspections may be
18 conducted.

19 (d) ~~((Inspections and observations may occur at))~~At the completion of the ~~((right-of-
20 way))~~ permitted use or work at final inspection. Restoration requirements will be carefully
21 reviewed by the assigned ~~((inspectors))~~inspector(s).

22 (3) ~~((Appropriate))~~As determined appropriate by the engineer, records of ~~((inspections and
23 surveillance))~~inspection activities ~~((as determined by the engineer-))~~will be kept by the
24 department to assure that all permitted right-of-way uses and work are in compliance with county
25 requirements.

26
27 Section 34. Snohomish County Code Section 13.10.140, last amended by Amended
28 Ordinance No. 96-028 on June 12, 1996, is amended to read:

29
30 **13.10.140 Traffic control~~((, detours))~~.**
31

32 (1) Traffic control, including detours required on or approaching any site subject to a permit/
33 franchise, shall be in accordance with the EDDS and the current edition of the MUTCD. The
34 engineer may require an applicant to obtain a ~~((Road Closure))~~traffic control (Type B5) permit in
35 accordance with chapter 13.40 SCC where required to protect vehicular or pedestrian traffic or
36 county property.

37 (2) The department may require an applicant to submit a traffic control plan showing the
38 proposed traffic control and detour routing including location and type of warning lights, safety
39 devices, signs and barricades intended to protect vehicular or pedestrian traffic at the site of the
40 proposed use. The department shall approve the traffic control plan before issuing a permit.

41 (3) All decisions of the department shall be final in all matters pertaining to the number, type,
42 locations, installation and maintenance of warning and safety devices or use of detours in the
43 right-of-way during any work or activity for which a duly authorized permit has been issued.
44

Section 35. Snohomish County Code Section 13.10.160, last amended by Ordinance No. 10-014 on April 7, 2010, is amended to read:

13.10.160 Renewals.

(1) ~~((Permits))~~ Type A, Type C and Type D7 permits may not be renewed. All other Types of right-of-way use permits may be renewed as ~~((permitted in))~~ allowed by this title. ~~((Where renewal is permitted, application shall be on a form as provided by the department made within 30 days of the expiration of the prior permit. Fees for permit renewals shall be 50 percent of the original permit fee except that for Type B1, B2, B3 and B4 permits the fees for permit renewals shall be at the engineer's discretion and in an amount not to exceed the fees for a new permit as provided in chapter 13.110 SCC.))~~

(2) Where renewal of a permit is permitted, the renewal shall be:

- (a) Limited to one renewal;
- (b) Applied for within 30 days of the expiration of the original permit on an application form provided by the department;
- (c) For a time period no longer than the duration of the original permit; and
- (d) The duration of the renewal shall be calculated from the expiration date of the original permit.

(3) Fees for permit renewals shall be 50 percent of the total fees as provided in chapter 13.110 SCC; except that the fees for renewal of Type B1, B2, B3 and B4 permits shall be determined at the engineer's discretion but in an amount not to exceed the total fees for the original permit.

(4) Any application to renew a permit shall be reviewed by the engineer, who may approve, deny, or approve with conditions, regardless of whether or not such conditions were contained in the prior permit.

~~((3) A permit renewal, if granted by the engineer, shall expire after one year unless otherwise noted on the permit.))~~

~~((4))~~ (5) In addition to any other conditions imposed by the engineer, an application for a renewal must satisfy the following:

- (a) Continued use of the right-of-way is essential to complete the work or activity previously authorized((-));
- (b) The permit holder has complied with the conditions of the prior permit and all other applicable requirements((-));
- (c) All required fees, charges and performance deposits have been paid by the permittee((-));
- (d) All required insurance certificates and performance security have been filed with the county and will continue to be in effect through the requested renewal period((-)), and, where required, beyond said period; and
- (e) Continuation of the private use of the public right-of-way shall not adversely affect the public health, safety or welfare.

(6) Renewal of a Type D permit whose expiration is tied to related title 30 SCC land disturbing activity or construction permit(s), shall be renewed at the same time, and may have the same expiration date, as the associated title 30 SCC land disturbing activity permit(s).

1 Section 36. Snohomish County Code Section 13.10.170, last amended by Amended
2 Ordinance No. 96-028 on June 12, 1996, is amended to read:

3
4 **13.10.170 ((Revocation))Suspension or revocation.**
5

6 (1) The engineer may suspend or revoke any permit by giving the permittee written notice
7 thereof if:

8 (a) The permit ~~((may))~~ was procured by fraud or misrepresentation ~~((in any particular))~~;

9 (b) Construction or existence of the ~~((approved))~~ permitted activity creates an unsafe
10 condition with respect to the public, public property, any abutting property, or other property,
11 person, or thing lawfully in the right-of-way;

12 (c) The permittee has breached any ~~((term))~~ provision of the permit and has not cured such
13 breach after being given written notice to do so by the engineer;

14 (d) The permittee has failed to comply with any ~~((term))~~ provision of this title or any other
15 applicable law, statute, code provision, or regulation;

16 (e) The permittee has failed to pay any costs, penalties or fees ~~((levied))~~ imposed pursuant
17 to ~~((any terms of))~~ this title; or

18 (f) The permittee has permitted or maintained any nuisance on, in, under or over the right-
19 of-way.

20 (2) Upon ~~((termination))~~ suspension or revocation of any permit, the permittee shall remove
21 any material placed on, over, under or in the right-of-way by the permittee and restore the right-
22 of-way to such condition as existed immediately prior to ~~((entry by the permittee))~~ the permittee's
23 commencement of work under the permit at issue. If after reasonable notice by the engineer, the
24 permittee fails to do so, such restoration work may be performed by the county to the extent
25 deemed appropriate by the engineer at the sole cost of the permittee. The engineer may take any
26 steps ~~((he/she))~~ the engineer deems appropriate to collect such costs and all costs of collection,
27 including reasonable attorney's fees.

28
29 Section 37. A new section is added to Chapter 13.10 of the Snohomish County Code to
30 read:

31
32 **13.10.180 Pavement markings and signage necessitated by private development or**
33 **utility projects.**

34 (1) The installation and removal of pavement markings and signage to open county right-of-
35 way that are necessitated by private development or utility projects, will be performed by the
36 County unless approved otherwise. Scheduling and arrangements shall be made as part of the
37 construction review and approval process.

38 (2) The permittee, prior to the work being started by the county, shall pay a fee determined by
39 the county that is based on the amount of pavement markings or signage to be installed and/or
40 removed.

41 (3) In the event the county collects a fee and cannot install the pavement markings, the county
42 shall reimburse one hundred percent of that portion of the fee that is attributable to the pavement
43 markings.
44

Section 38. Snohomish County Code Section 13.30.010, adopted by Ordinance No. 85-051 on July 3, 1985, is amended to read:

13.30.010 Permitted uses.

Type A transactions ~~((are for those uses which may extend into rights-of-way and are covered by Title 6 SCC including carnivals, circuses, parades, dances, public events/assemblies, and runs))~~ include those parts of an organized parade or run that take place within the public right-of-way. Such uses are of short duration and may involve disruption to pedestrian or vehicular traffic or access and require approval of specific conditions regarding access, locations, route, time, date and safety.

Section 39. Snohomish County Code Section 13.30.020, adopted by Ordinance No. 85-051 on July 3, 1985, is amended to read:

13.30.020 Administration.

Type A transactions are administered ~~((entirely))~~ by the department ~~((of finance))~~ with input from ~~((the department of public works; however, all applications for Type A transactions utilizing any right-of-way shall be reviewed and be subject to protest as provided in SCC 6.01.070. Such activities are of short duration and may involve disruption to pedestrian or vehicular traffic or access and require approval of specific conditions, including locations, route, time and date, as provided in Title 6 SCC))~~ other county departments or jurisdictions when applicable.

Section 40. A new section is added to Chapter 13.30 of the Snohomish County Code to read:

13.30.030 General provisions.

All Type A permits are subject to the following terms and such additional terms as the engineer deems appropriate:

(1) Use of the right-of-way will be restricted to the time of day and date(s) stated on the permit.

(2) The use shall not physically disturb the surface of the roadway, sidewalks, shoulders, ditches, cuts, slopes or other portions of the right-of-way.

(3) The applicant shall provide, to the engineer's satisfaction, routes, locations, dates and time, participation, and provisions for public safety and traffic controls.

(4) The permittee shall provide street, lane and sidewalk closures and other traffic diversions with traffic control signs and devices as designated by the engineer and as required by law.

(5) The materials used in the construction of floats used in a parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the county fire marshal (parades only).

(6) The permittee shall advise the participants in the event of the terms and conditions of the permit prior to the commencement of such parade or run.

(7) Any willful delay or willful stopping of any event, except when reasonably required for the safe and orderly conduct of the event, shall constitute a violation of the permit.

(8) The vehicles and floats used in a parade may be subject to safety inspections by the sheriff and fire marshal, and such vehicles and floats may not participate in the parade or motorcade until they have successfully completed such inspection.

(9) Any permitted activity will be conducted in a lawful manner.

(10) The county assumes no liability by the issuance of any permit; all costs in connection therewith will be paid by the applicant/permittee.

(11) Following completion of use under a Type A permit, the right-of-way must be restored to the satisfaction of the engineer and is subject to periodic inspections by the engineer.

(12) Granting of any Type A permit by the engineer does not relieve the permittee from securing any other necessary county, state, federal or municipal permits or approvals.

Section 41. A new section is added to Chapter 13.30 of the Snohomish County Code to read:

13.30.040 Permit required.

(1) No person or entity shall conduct a Type A transaction upon or within any county road, sidewalk, alley or right-of-way unless or until a Type A permit has been obtained from the department.

(2) If any portion of a Type A transaction will take place outside the county right-of-way on private property or public property not under the control of the Snohomish county parks department, a permit may be required from the department of planning and development services.

(3) If any portion of a Type A transaction will take place outside the county right-of-way on public property under the control of the department of parks and recreation, a permit/license may be required from the department of parks and recreation.

Section 42. A new section is added to Chapter 13.30 of the Snohomish County Code to read:

13.30.050 Event for commercial purposes prohibited.

No Type A permit shall be issued authorizing the conduct of an event, except political parades, which the department finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or events, and is designed to be held for private profit.

Section 43. A new section is added to Chapter 13.30 of the Snohomish County Code to read:

13.30.060 Interfering with or obstructing a Type A permitted activity prohibited.

Persons not participating in the Type A permitted activity shall not interfere with or obstruct in any way persons that are participating in the Type A permitted activity. All persons, except

1 those participating in the Type A permitted activity, shall keep off roads, sidewalks, alleys, and
2 other county property that has been temporarily closed for the Type A permitted activity. It is
3 unlawful for any person to leave any vehicle upon any road, sidewalk, alley, or other county
4 property knowing that the same has been cleared for a Type A permitted activity. It is unlawful
5 for any pedestrian, equestrian or the operator of any vehicle to pass through or drive between the
6 vehicles, units or floats composing a parade authorized by this chapter; PROVIDED, That this
7 section shall not prohibit the operation of emergency vehicles or prevent the passage of such
8 vehicles or persons at intersections where traffic is controlled by a police officer.

9
10 Section 44. A new section is added to Chapter 13.30 of the Snohomish County Code to
11 read:

12
13 **13.30.070 Consent of permit holder required.**

14
15 No person may knowingly join or participate in any Type A permitted activity conducted under a
16 Type A permit without the consent or over the objections of the permit holder, nor in any manner
17 interfere with its progress or orderly conduct.

18
19 Section 45. A new section is added to Chapter 13.30 of the Snohomish County Code to
20 read:

21
22 **13.30.080 Police escort.**

23
24 A Type A permitted activity may be required to provide a police escort which may be appointed
25 by the sheriff.

26
27 Section 46. A new section is added to Chapter 13.30 of the Snohomish County Code to
28 read:

29
30 **13.30.090 Permit fees.**

31
32 The permit fees for a Type A permitted activity are contained in SCC 13.110.020.

33
34 Section 47. A new section is added to Chapter 13.30 of the Snohomish County Code to
35 read:

36
37 **13.30.100 Additional fees.**

38
39 If the sheriff, director of the department of parks and recreation or airport manager conclude that
40 the activity involved will result in increased costs to their respective departments, they shall
41 advise the department of the estimated amount of such costs. The applicant shall pay the
42 estimated costs to the effected departments and provide the department proof of payment prior to
43 the department issuing the Type A permit.

1 Section 48. A new section is added to Chapter 13.30 of the Snohomish County Code to
2 read:

3
4 **13.30.110 Application for permit.**

5
6 An application for a Type A permit shall be made at least 30 business days prior to the event;
7 provided, that applications submitted less than 30 business days prior to the event may be
8 accepted if the department finds there is adequate time to properly process the application. The
9 application for such permit shall be made in writing on a form approved by the department. In
10 order that adequate arrangements may be made for the protection of event participants and the
11 public, the application shall contain the following information:

12 (1) The name of the applicant, the sponsoring organization, the event chairperson, the address,
13 telephone number and email address of each and the event web site;

14 (2) The purpose of the event;

15 (3) The date(s) of the event;

16 (4) The proposed location/route;

17 (5) The portions of any public road, sidewalk, alley, parking lot or other county property to be
18 traversed or otherwise used by such event;

19 (6) The assembly area and time therefore;

20 (7) The starting time and expected duration;

21 (8) The number of expected participants;

22 (9) A description of the individual floats, marching units, vehicles and bands and a
23 description of any sound-amplification equipment to be used (parades only);

24 (10) The minimum and maximum speeds (parades only);

25 (11) Proposed provisions for public safety and traffic controls;

26 (12) The maximum number of units and the maximum and minimum intervals of space to be
27 maintained between the units of such parade;

28 (13) The maximum length of such event in miles or fractions thereof located on county roads;

29 (14) The disbanding area and disbanding time;

30 (15) The number of persons required to monitor the event;

31 (16) The number and type of vehicles involved, if any;

32 (17) The material and maximum size of any sign, banner, placard, or carrying device
33 therefore;

34 (18) A copy of any existing or expected event advertising;

35 (19) Any other information regarding the proposed event the applicant believes would be
36 helpful for the department to have in evaluating the application; and

37 (20) Any other information regarding the proposed event reasonably requested by the
38 engineer.

39
40 Section 49. A new section is added to Chapter 13.30 of the Snohomish County Code to
41 read:

42
43 **13.30.120 Submittal to other county departments.**

1 Upon receipt of any Type A permit application the department shall submit copies to the sheriff
2 and planning and development services departments and, if it appears that such event is to be
3 conducted upon property subject to their control, the airport manager or director of the
4 department of parks and recreation. The sheriff and other officials so notified shall, within 30
5 days, each notify the department in writing of their recommendation for approval or disapproval,
6 together with any conditions including any estimated costs, if any, to be collected prior to the
7 issuance of a permit.

8
9 Section 50. A new section is added to Chapter 13.30 of the Snohomish County Code to
10 read:

11
12 **13.30.130 Denial of permit.**

13
14 The department shall deny a permit if the department concludes:

- 15 (1) The applicant has not satisfied the general provisions contained in this chapter;
16 (2) Such event will interfere with another event for which a permit has previously been issued
17 or requested;
18 (3) The applicant refuses to agree to comply with all conditions of the permit; or
19 (4) Insurance as required by SCC 13.10.100, or performance security when required by SCC
20 13.10.106, has not been fulfilled.

21
22 Section 51. A new section is added to Chapter 13.30 of the Snohomish County Code to
23 read:

24
25 **13.30.140 Contents of permit.**

26
27 Each permit shall contain the following:

- 28 (1) Name of permit holder;
29 (2) Address and contact phone number;
30 (3) Name of sponsoring organization if other than permit holder;
31 (4) Duration of the event (i.e. start and end time);
32 (5) Date the event begins and concludes;
33 (6) Conditions that must be addressed either prior to the start or finish of the event; and
34 (7) Signature of permit holder.

35
36 Section 52. A new section is added to Chapter 13.30 of the Snohomish County Code to
37 read:

38
39 **13.30.150 Officials to be notified.**

40
41 Immediately upon the granting of a permit for an event, the department shall send a copy thereof
42 to the following:

- 43 (1) The executive;
44 (2) The fire marshal;
45 (3) The sheriff; and

(4) The director of the department of parks and recreation and/or the airport manager, if such activity is associated with any property under their control.

Section 53. Snohomish County Code Section 13.40.010, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.40.010 General(~~-requirements~~).

Type B permit transactions relate to the movement of vehicles, materials, and structures(~~(-)~~) within the right-of-way ((commercial hauling, other similar activities)), and ((road closures, within the county right-of-way which)) traffic control related thereto. These activities have the potential, if not properly controlled, to disturb the right-of-way surface, ~~((disturb))~~ impact other vehicular and pedestrian traffic, and/or impact access to private property(~~(-if not properly controlled))~~). These activities may also require sheriff assistance, county inspections, restoration and ~~((clean up))~~ cleanup of the right-of-way((-used)). Each activity requires county approval for specific routes, weights, locations, dates and operating times, provisions for public safety and traffic control.

Section 54. Snohomish County Code Section 13.40.020, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.40.020 Permitted uses.

Type B permits are required for the following and similar uses of county rights-of-way, except where exempt under ~~((Section 13.10.050))~~ SCC 13.10.050:

(1) Log tolerance (Type B1 ~~((Permit))~~ permit)—activities involving hauling of logs in excess of the legal gross weight of the involved vehicle(s) all in accordance with RCW 46.44.047.

(2) Overweight load (Type B2 ~~((Permit))~~ permit)—activities that require special use of the right-of-way to move overweight materials and structures at specific times and locations, or when emergency load limitations are posted.

(3) Oversize load (Type B3 ~~((Permit))~~ permit)—activities that require special use of the right-of-way to move oversize load materials and structures at specific times and locations.

(4) Haul route (Type B4 ~~((Permit))~~ permit)—commercial hauling ~~((within the right-of-way for activities involving but not limited to development construction, pit and quarry operations, logging and other commercial operations where such activities are likely to cause extraordinary damage or accelerated damage to county roads))~~ activities that are likely to cause extraordinary damage or accelerated deterioration to county roads, including by way of example, hauling in connection with construction, logging or other commercial activities.

(5) ~~((Road closure (Type B5 Permit)))~~ Traffic control (Type B5 permit)—activities that involve partial or total closures of roads, streets, lanes, shoulders or sidewalks on a temporary basis, and any detours for loading/unloading, new construction or repair, construction storage, or other similar activities. All traffic control measures shall comply with the EDDS and the MUTCD. ~~((Exception: Single lane closures for activities included under a blanket permit, Section 13.60.020(7), and all activities referenced under Sections 13.10.050 and 13.60.030(10); Provided, all traffic signing, cones, barriers and other traffic delineations comply with the EDDS~~

1 and ~~Provided further, that all activities extending beyond one lane width, including tree~~
2 ~~trimming, shall require a road closure (Type B5 Permit).)~~

3
4 Section 55. Snohomish County Code Section 13.40.030, last amended by Amended
5 Ordinance No. 96-028 on June 12, 1996, is amended to read:

6
7 **13.40.030 ((Terms))Conditions – General.**
8

9 All Type B permits are subject to the following ~~((terms))~~conditions and such additional
10 ~~((terms))~~conditions as the engineer deems appropriate:

11 (1) Use of the right-of-way will be restricted to the time ~~((of day))~~and date(s) stated on the
12 permit.

13 (2) The use shall not physically disturb the surface of the roadway, shoulders, ditches, cuts,
14 slopes or other portions of the right-of-way.

15 (3) The applicant/permittee must identify and mitigate any disruption of vehicular and
16 pedestrian traffic caused by the proposed use.

17 (4) The permittee shall provide, to the engineer's satisfaction, routes, locations, dates, and
18 ~~((time))~~times, ~~((participation,))~~associated construction plans including a traffic control plan, and
19 provisions for public safety and traffic ~~((controls))~~control.

20 (5) The permittee shall provide street, lane, and sidewalk closures and other traffic diversions
21 with traffic control signs and devices as designated by the engineer and as required by law.

22 (6) ~~((The))~~By the issuance of any right-of-way use permit, the county assumes no liability for
23 any harm that may arise out of or occur due to acts or omissions of the permittee occurring
24 within the right-of-way pursuant to such permit((by the issuance of any permit)); all costs in
25 connection therewith will be ((paid))borne by the applicant/permittee in accordance with SCC
26 13.10.090.

27 (7) Following completion of the permitted use~~((under these permits))~~, the right-of-way must
28 be restored to the satisfaction of the engineer and is subject to ~~((periodic inspections))~~inspection
29 by the engineer.

30 (8) A copy of any permit issued for commercial hauling under the provisions of this title must
31 accompany each involved vehicle.

32 (9) A copy of any permit issued for ~~((road closure))~~traffic control under the provisions of this
33 title must be kept at the site of the activity for which the ~~((road closure))~~traffic control is required.

34 (10) Granting of any permit by the engineer does not relieve the permittee from responsibility
35 for securing any necessary related state, federal or municipal permits or approvals.
36

37 Section 56. Snohomish County Code Section 13.40.040, last amended by Amended
38 Ordinance No. 96-028 on June 12, 1996, is amended to read:

39
40 **13.40.040 Size, weight, load requirements on county roads.**
41

42 (1) Movements Requiring a Permit. Chapter 46.44~~((;))~~ RCW~~((;))~~ specifies size, weight and
43 load requirements for public streets and highways of the state (including county roads).

44 Movements which involve vehicles in excess of the following dimensions require a special
45 permit since they exceed the limits for weight and size established by law. This special permit

can be either a ~~((type))~~ Type B2 or B3 permit if the movement takes place entirely on county roads. In lieu of issuing a permit, the engineer may endorse a special permit obtained from the state department of transportation if a portion of the movement involves state right-of-way. Movements on county roads under an endorsed state permit are subject to the same conditions that apply to a ~~((type))~~ Type B2 or B3 permit:

- (a) Width: Over 8 1/2 feet (RCW 46.44.010)
- (b) Height: Over 14 feet (RCW 46.44.020)
- (c) Length: (RCW 46.44.030)
 - Single unit: Over 40 feet
 - Single trailer: Over 53 feet
 - Combination:
 - Truck and trailer: Over 75 feet
 - Two trailing units: Over 61 feet
- (d) Weight: (RCW 46.44.041)
 - Single axle: Over 20,000 lbs
 - Tandem axle: Over 34,000 lbs

The maximum load table contained within RCW 46.44.041 shall apply for groups of two or more consecutive axles, except that two consecutive sets of tandem axles may carry 34,000 lbs each~~((;))~~ if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

(2) Non-reducible Loads. To qualify for a permit, the hauler must show that the load cannot reasonably be dismantled or disassembled. If a load can be reduced, even if that would require the use of additional vehicles, no special permit will be issued. (WAC 468-38-050).

(3) Information Required for Permit. Information about the vehicle, the owner, insurance, the load, the route to be traveled, and the need for the move, shall be required when requesting a permit. Misrepresentation of any such information is an infraction. (RCW 46.44.~~((010))~~ 105). An operator who moves an over-legal load without a valid permit may incur a fine as well as other penalties prescribed by law. (RCW 46.44.105).

(4) Liability of Permittee. The person responsible for the movement is liable for any damage to the highway or structures caused by his or his employee's negligence or illegal operation of the vehicle. (RCW 46.44.110).

(5) Operation Under Permit. Only the owner of the hauling vehicle or a person operating it under lease may be issued a permit. Specific limitations may be added regarding highways uses, patrolling, flagging, and hours of operation. These are conditions attached to each permit, and the permit is valid only if the conditions are met. If a state patrol officer, a commercial vehicle enforcement officer, or local law enforcement officer finds a person operating a vehicle in violation of the conditions of the permit, ~~((he/she))~~ the officer may confiscate the permit. (RCW 46.44.105). In addition, if an enforcement officer finds that the load exceeds the permitted size or weight, ~~((he/she))~~ the officer may issue a citation and require some of the load be transferred to another vehicle. (RCW 46.44.~~((100))~~ 105).

(6) Monetary penalties may also be assessed against a carrier who operates a vehicle that does not meet legal requirements or that does not conform to the conditions of the permit.

~~((6))~~ (7) Specific Size, Weight, Load Requirements. In addition to the requirements of this title, ~~((Chapter 46.44,))~~ chapter 46.44 RCW shall be consulted for specific details regarding size, weight and load requirements for movements on county roads.

Section 57. A new section is added to Chapter 13.02 of the Snohomish County Code to read:

13.40.045 Commercial hauling activities requiring a Type B4 permit.

A Type B4 permit shall be required for all commercial hauling activities using county roads when the total amount of material entering or leaving a site is greater than or equal to 10,000 cubic yards; except that commercial hauling in connection with pit and quarry operations conducted pursuant to a county approved conditional use permit may be exempt from needing a Type B4 permit if the conditional use permit so provides. A Type B4 permit may be required for other commercial hauling activities using county roads if the engineer determines that the commercial hauling activity at issue may cause a need for additional maintenance or repair of county roads or portions thereof. For the purposes of this section "additional maintenance" means any grading, reshaping, repair, and/or modification of haul roads in excess of or in addition to the routine maintenance operations performed by the county on such roads on a regular basis.

Section 58. Snohomish County Code Section 13.40.060, adopted by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.40.060 ~~((Terms))~~ Conditions—Log tolerances (B1).

Type ~~((B-))~~ B1 permits for activities involving log tolerances are subject to the following additional ~~((terms))~~ conditions:

(1) Under a log tolerance permit, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred (6,800) pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand (68,000) pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven (37) feet, and the total weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds (33,600).

(2) Permits shall be issued on a yearly basis expiring on March 31st of each calendar year.

(3) Any person, firm, or corporation who uses any county road or street for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a Type ~~((B))~~ B1 ~~((--))~~ log tolerance permit shall be subject to the provisions of ~~((Chapter 13.130 of this title-))~~ chapter 13.130 SCC and any other penalties as prescribed by RCW 46.44.105.

Section 59. Snohomish County Code Section 13.40.070, adopted by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.40.070 ~~((Terms— Oversize, overweight))~~ Conditions – Overweight, oversize (B2, B3).

1 Type ~~((B))~~B2 and B3 permits for activities involving ~~((oversize and/or))~~overweight or oversize
2 vehicles, respectively, are subject to the following additional ~~((terms))~~conditions:

3 (1) The permittee is responsible for providing all pilot cars and traffic control devices
4 determined necessary by the engineer. Pilot cars will be required front and rear unless otherwise
5 determined by the engineer.

6 (2) Where determined necessary by the engineer, the county sheriff will be consulted prior to
7 the issuance of such permit and be advised of the exact times of any movements. The permittee
8 will be required to pay for any necessary patrolling by the sheriff and any work provided by the
9 department associated with the permit in accordance with SCC 13.110.010(3).

10 (3) Arrangements for the disconnection and connection of any utilities or other facilities in the
11 right-of-way shall be the responsibility of the permittee and any expenses in connection
12 therewith or securing of any additional associated permits shall be paid by the permittee.

13 (4) A permit to move a building or other structure shall not be granted if:

14 (a) The building or structure is too large to move without endangering persons or property
15 in the county; or the weight of the building or structure would cause damage to the roadway.

16 (b) The building or structure is in such a state of deterioration or disrepair or is otherwise
17 so structurally unsafe that it cannot be moved without endangering persons and property in the
18 county.

19 (c) The applicant's equipment is unsafe and persons and property would be endangered by
20 its use.

21 (d) ~~((Appropriate))~~If the new site for the building or structure is within the unincorporated
22 county, appropriate approval to locate on the new site ((if within the county,))has not been
23 secured from the department of planning and development services.

24 (5) Notification of all road and lane closures will be made to all interested departments,
25 agencies and news media.

26
27 Section 60. Snohomish County Code Section 13.40.080, adopted by Amended
28 Ordinance No. 96-028 on June 12, 1996, is amended to read:

29
30 **13.40.080 ~~((Terms))~~Conditions—Haul route (B4).**

31
32 Type ~~((B))~~B4 permits for activities involving haul routes are subject to the following additional
33 ~~((requirements))~~conditions:

34 (1) ~~((The engineer may require the permittee to sign a haul route agreement prior to issuance~~
35 ~~of the permit to protect the integrity of the roadway surface and other roadway features within~~
36 ~~the right-of-way.))~~The applicant/permittee shall be responsible for all costs associated with any
37 additional maintenance and/or repair of any damage caused by or resulting from the permittee's
38 use of the right-of-way.

39 (2) ~~((The permittee shall be responsible for any damages caused by the permittee's use of the~~
40 ~~right-of-way. The department will bill the permittee for any necessary repairs and/or services~~
41 ~~necessary to restore the right-of-way to the condition prior to granting the permit.))~~In conducting
42 commercial hauling activities authorized by a Type B4 permit, the applicant/permittee shall at all
43 times comply with all applicable federal, state and local laws. Prior to performing the hauling
44 activities authorized by a Type B4 permit, the applicant/permittee shall obtain any and all other
45 necessary permits or approvals required by this title or by other applicable law.

1 (3) ~~((The engineer and permittee shall make joint pre-activity and post-activity inspections of~~
2 ~~the proposed haul route. Conditions of the road, prior to the anticipated activity, will be~~
3 ~~documented and agreed upon by the parties prior to issuance of the permit.))~~An applicant for a
4 Type B4 permit must supply the department with a haul road use plan containing the following
5 information:

6 (a) Name(s) and section(s) of county roads to be used, identified by county road log
7 and/or milepost numbers;

8 (b) Projected vehicle trips per day of travel;

9 (c) Gross weight loadings;

10 (d) Dates, hours and duration of proposed hauling operations; and

11 (e) Quantities of materials, goods and/or equipment to be transported.

12 ~~((The engineer may require insurance and performance security compliance in accordance~~
13 ~~with this title prior to final signing of a haul route agreement.))~~Prior to the start of hauling
14 operation(s), representatives of the department and the permittee shall make a joint pre-
15 inspection to determine the existing condition of the road prism along the haul route. The
16 department shall complete a pre-inspection report indicating the condition of the road prism to
17 which the route applies. The pre-inspection report may include photographs, video logs or other
18 recording devices showing the condition of the existing road prism.

19 (5) The engineer may restrict the size, weight, or speed of the permittee's vehicles below the
20 legal limits applicable to such roads for any of the following reasons:

21 (a) Permanent or temporary road closure;

22 (b) Permanent or temporary weight restrictions posted on county roads or bridges;

23 (c) Where continued use of roads under the permit will endanger public health, safety or
24 welfare; or

25 (d) As otherwise provided in this title.

26 (6) The engineer may deny an application for a Type B4 permit if the engineer determines
27 any of the following are true:

28 (a) The proposed hauling operations would endanger public health, safety or welfare;

29 (b) Any portion of the haul route would experience extraordinary damage and/or
30 accelerated deterioration to such a degree that full restoration would be required and the
31 applicant does not agree to perform said restoration; or

32 (c) Any portion of the haul route is posted with permanent or temporary weight
33 restriction.

34 (7) At any time during the life of a Type B4 permit, the department may require the permittee
35 to modify the haul route from that indicated in the application or originally approved in the
36 permit where modification of the haul route would facilitate maintenance and repair, prevent
37 damage, or reduce impacts on health, safety and welfare.

38 (8) Upon expiration, suspension or revocation of a Type B4 permit, the permittee shall
39 immediately discontinue all hauling operations authorized by the permit.

40 (9) At any time while a Type B4 permit is in effect, and for a period of 90 days after the
41 permit expires, the department may perform periodic inspections of the haul route. If any
42 inspection reveals that the permittee's hauling operations have caused damage to county roads
43 such that additional maintenance and/or repairs are needed, the department will notify the
44 permittee of the extent of the work required and the date by which the work must be completed.
45 All such work must be completed in a timely manner and to the satisfaction of the engineer.

1 (10) In the event the permittee fails to satisfactorily complete any maintenance or repair work
2 required in accordance with subsection (9) above, the county may (but need not) elect to perform
3 such work on behalf of the permittee. In such event the permittee shall reimburse the county for
4 the cost of completing the work within 30 days from the date of billing. Reimbursement for such
5 additional maintenance and/or damage repairs shall be limited to the actual cost to the
6 department of all labor (including fringe benefits), equipment, and materials, plus fifteen (15)
7 percent for administration and engineering.

8 (11) Prior to issuance of a permit, the engineer may require the applicant to provide a
9 performance security in accordance with chapter 13.10 SCC. The amount of the performance
10 security will be determined by the department.

11 (12) Prior to issuance of a permit, the engineer may require the applicant to provide proof of
12 insurance in accordance with SCC 13.10.100.

13 (13) Within 7 days of completing the hauling activities authorized by a Type B4 permit, the
14 permittee shall notify the department that such activities have been completed.

15 (14) Should the permittee desire to make changes to the haul route established by a Type B4
16 permit, the permittee must obtain the department's approval of such changes in advance of
17 implementing the changes.

18 (15) In addition to the circumstances described in SCC 13.10.170, the county engineer may
19 also revoke or suspend a Type B4 permit if the permittee fails to timely pay an invoice from the
20 county for additional maintenance and/or repairs as and when required by subsection (10) above.

21
22 Section 61. A new section is added to Chapter 13.40 of the Snohomish County Code to
23 read:

24
25 **13.40.090 Conditions – Traffic control (B5).**

26
27 (1) A Type B5 permit authorizes traffic control measures during specified dates and time
28 periods. A Type B5 permit does not authorize physical disturbance of the surface of the
29 roadway, shoulders, ditches, cuts, slopes or other portions of the right-of-way; instead, such
30 disturbance may be authorized by a Type D permit pursuant to chapter 13.60 SCC.

31 (2) A Type B5 permit may be revised to include multiple date and time periods during the life
32 of the permit.

33 (3) The traffic control activities identified in a Type B5 permit are authorized only during
34 those specific dates and times listed in the permit, including any revisions to or extension of such
35 permit.

36 (4) A permittee must submit a request to revise a Type B5 permit to add an additional date
37 and/or time period at least 2 days in advance of the date and time requested. A longer period of
38 advance notice may be required by the department depending on the extent of the requested
39 revision.

40 (5) Should a permittee desire an alteration to or extension of an approved date and time period
41 listed in a Type B5 permit, the permittee must obtain department approval of such change in
42 advance of the original date and time specified in the permit.

43 (6) All traffic control measures shall comply with the EDDS and the MUTCD.
44

1 Section 62. Snohomish County Code Section 13.50.010, last amended by Amended
2 Ordinance No. 96-028 on June 12, 1996, is amended to read:

3
4 **13.50.010 General.**

5
6 Type C ~~((transactions))~~ permits relate to constructing, placing~~((and))~~, using or maintaining
7 physical objects or features, ~~((or non-land))~~not associated with land development ~~((related~~
8 ~~))~~construction or work, within the right-of-way, with minor or no disturbing of improvements
9 within the right-of-way. These types of activities may involve the disruption of pedestrian and
10 vehicular traffic or access to private property. Sheriff assistance, inspection by county staff,
11 approval for specific locations, special provisions for safety and traffic control measures may
12 also be required.

13
14 Section 63. Snohomish County Code Section 13.50.020, last amended by Amended
15 Ordinance No. 96-028 on June 12, 1996, is amended to read:

16
17 **13.50.020 Permitted uses.**

18
19 Type C permits are required for the following and similar uses of county rights-of-way, except
20 where exempt under ~~((Section))~~SCC 13.10.050:

21 (1) ~~((Bus))~~Public transportation bus stops/shelters/shelter pads/loading zones (Type C1
22 permit)--Special uses of right-of-way for transportation and traffic purposes.

23 (2) Construction site structures (Type C2 permit)--~~((Structures))~~Temporary structures related
24 to construction sites such as scaffolds, barricades, buildings, walls, elevators, etc. that are on,
25 over or impacting public right-of-way.

26 (3) Decorative landscaping/fences/permanent signs (Type C3 permit)--Special uses of the
27 right-of-way for private decorative plantings, gardens and fences, gates, permanent signs, or
28 other similar features.

29 (4) Recycling-waste facilities (Type C4 permit)--Structures for collection and/or sales
30 purposes for extended time periods.

31 (5) Newspaper sales, stands, or drop boxes (Type C5 permit).

32 (6) Temporary signs (Type C6 permit)--and other signs which can be moved easily.

33 (7) Temporary sales (Type C7 permit)--from portable or moveable carts, stands or vehicles.
34 Sales of only flowers, food or beverages will be permitted.

35 (8) Business patrons or customers (Type C8 permit)--Where a structure is erected, or a
36 business is maintained or established adjoining the right-of-way, the nature of which requires or
37 tends to invite patrons or customers to use the right-of-way.

38 (9) Tree cutting (Type C9 permit)--Use of the right-of-way for the cutting of trees, trimming
39 of trees, or other similar vegetation maintenance, except when exempt in accordance with SCC
40 13.10.050.

41 (10) Utilities (Type C10 permit)--Use of the right-of-way for utilities, whether above or
42 below ground, when such utilities are associated with a single user utility purveyor or with a
43 utility purveyor that does not have and is not required to obtain a franchise pursuant to chapter
44 13.80 SCC.

1 Section 64. Snohomish County Code Section 13.50.030, last amended by Ordinance No.
2 10-087 on October 20, 2010, is amended to read:

3
4 **13.50.030 ((Terms))Conditions – General.**

5
6 Type C permits are granted ~~((on))~~pursuant to the following ~~((terms))~~conditions and such
7 additional ~~((terms))~~conditions as the engineer deems appropriate:

8 (1) All ~~((terms))~~conditions contained in SCC 13.40.030 except SCC 13.40.030(1).

9 (2) Where the permit is issued for the placing or use of physical objects or features within the
10 right-of-way that are of a permanent nature, the engineer may require that the permittee enter
11 into an agreement that requires continued maintenance of the objects or features by the
12 permittee, and may require that such agreement be recorded against any real property associated
13 with the objects or features. The engineer may also require that continued protection and
14 security be provided to the county in accordance with SCC 13.10.090, SCC 13.10.100 and SCC
15 ~~((13.10.106))~~13.10.108.

16 (3) Aesthetic effects will be considered except with respect to construction site structures.
17 The engineer may determine what landscaping if any, is desirable to screen any structure, which
18 landscaping shall be installed and maintained by the permittee.

19 (4) All facilities shall be maintained in good condition and repair and in a neat and
20 presentable manner by the permittee. ~~((At the))~~Upon expiration, suspension or revocation of the
21 permit all facilities shall be removed and the premises cleaned up and restored to their condition
22 prior to the issuance of the permit.

23 (5) Any construction of containers, movable stands and structures upon the right-of-way shall
24 be of an approved design, size, color and construction. All structures shall be painted or stained
25 for aesthetic purposes. The location of such structures or stands shall be determined by the
26 department. Such structures shall be placed and oriented in such fashion as to minimize their
27 exposure to nearby residential areas or public streets or places.

28 (6) The permittee using a structure shall be responsible for the cleanup of the area around it.
29 If the area around such structures or the structure itself becomes unsightly or littered with debris,
30 caused either by vandalism or negligent use, the county shall have the privilege, but not the
31 responsibility, of causing the same to be cleaned, and the cost thereof charged to the permittee
32 using the same. It is the responsibility of the ~~((permittees))~~permittee to maintain the structure and
33 the area around the location by keeping it clean from debris, litter, glass, and paper, etc.

34 (7) The use shall not be materially detrimental to the immediate vicinity, to other existing or
35 future uses of the right-of-way, or, obstruct access, light, air, or view of any abutting owner other
36 than the applicant.

37 (8) The provisions of Subtitles 30.2 and 30.3 SCC as applicable to the zoning of adjacent
38 property will be considered. The engineer may determine that certain provisions such as size or
39 placement of objects or features will apply.

40 (9) The need for stump removal will be considered in conjunction with tree cutting within the
41 right-of-way. The engineer may determine what stumps, if any, are to be removed.

42 (10) Approval and issuance of a Type C permit does not negate the need to obtain other
43 permits required by this title or by other applicable law.

Section 65. Snohomish County Code Section 13.50.040, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.50.040 ~~((Terms—Bus stops/shelters/shelter pads/loading zones))~~Conditions – Public transportation bus stops/ shelter stations/ pads/ associated loading zones (C1).

Type C1 permits authorizing use of the right-of-way for public transportation bus stops, shelter stations, including associated shelter pads and loading zones, are subject to the following additional conditions:

~~(1) ((Public transportation shelter stations, including shelter pads and loading zones may be permitted on public rights of way, other than in the roadway, if the engineer determines that the location and the structure is safe and will best serve the need for a station or zone in the area. Public transportation shelter stations shall be located so as to provide required setback meeting sight distance requirements.))~~A Type C1 permit shall not be issued unless the engineer determines that the proposed location will not present a hazard to vehicles or pedestrians utilizing the right-of-way.

~~(2) ((Permits may be issued for the purpose of allowing vehicles using portions of the roadway to load or unload passengers, equipment or goods exclusively at locations where parking, stopping, or standing is prohibited subject to the terms and conditions of such permit. All costs of striping, signing or other necessary traffic control devices as required by the engineer, whether installed by the county or not, shall be at the sole expense of the permittee.))~~The proposed structure will meet all applicable EDDS requirements.

~~(3) ((The engineer shall consider safety with respect to both pedestrian and vehicular traffic, and requisite traffic control devices before granting a permit for public or private loading zones.))~~All costs of striping, signing or other traffic control devices required by the engineer, whether or not installed by the county, shall be installed at the sole expense of the permittee.

~~(4) ((At the engineer's discretion, a single permit may be issued for multiple bus stops/shelters/ loading zones. Each location must be listed on the permit. Failure of the applicant to comply with all requirements for such structures will result in the loss of this privilege.))~~The proposed location for the structure will best serve the need for the proposed station, zone or other transportation-related structure in the area.

~~(5) At the engineer's discretion, a single Type C1 permit may be issued for multiple bus stops/ shelters/ loading zones. Each structure and location must be individually listed on the permit.~~

Section 66. Snohomish County Code Section 13.50.050, last amended by Amended Ordinance No. 07-084 on September 5, 2007 is amended to read:

13.50.050 ~~((Terms))~~Conditions -- Construction site structures (C2).

~~((Permits))~~Type C2 permits for building construction, demolition, repair ((and)) or scaffolding, are subject to the following additional ((terms)) conditions:

(1) The use of acids or chemicals or any cleaning material which, if deposited in the street would cause injuries to persons or animals, or damage to property, or adversely effect water quality, is prohibited.

(2) A substantial canvas tarpaulin or approved equivalent shall be attached to the underside of scaffolding erected in the right-of-way in such a manner as to stop any spray, dirt, or other materials from spreading on the ~~((street))roadway~~ below.

(3) If building cleaning is done with steam, the steam boiler and all of its appliances, including piping, hose and nozzle, shall comply with the provisions of the law regulating the operations of steam boilers in the county.

(4) During operations, a suitable portion of the sidewalk or other public thoroughfare shall be barricaded in an approved manner. Specified hours of operation and additional construction may be required to protect the public's exposure to the work.

(5) Contractors shall comply with all requirements of the ~~((construction codes))~~ EDDS, MUTCD and the applicable building code for protection of pedestrian traffic in the public right-of-way during building construction, remodeling, demolition, or repair.

(6) No materials, fence or shed related to building construction shall obstruct the approach to a fire hydrant, manhole, fire alarm box, catch basin, inlet, vault, valve chamber, or any other public utility or traffic facility which is within an area being used by a permittee.

(7) A substantial protective frame, boarding, sand bags, etc., shall be placed or built around every street light pole, power pole, fire hydrant, and other utility or traffic facility that may be damaged by work being done on the adjacent property.

(8) It is unlawful to mix mortar or concrete in any public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement or any similar material.

(9) In using the street area or driving over walks and curbs, the contractor shall keep such walk and pavement reasonably clean, properly protected with planks during working hours and safe for public travel.

(10) A fence or enclosure shall be erected at any location where a building is to be erected, razed, repaired or altered and a hazard to pedestrian traffic is created (a) within 10 feet of a walk or roadway, (b) in a business district, or (c) in any case determined by the engineer, or stated in conditions imposed by the engineer on the permittee. Compensation of the department for such use of the right-of-way may be required.

(11) Earth taken from excavations and rubbish from building shall not be stored on the sidewalk or other street area, except as specifically stated in conditions imposed by the engineer on the permittee. Compensation of the department for such use of the right-of-way may be required.

(12) Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing the same. When likely to produce dust, the chutes must be provided with means of wetting waste to prevent the wind from blowing it about.

(13) All scaffolding erected in the public right-of-way shall be properly barricaded to protect pedestrian and vehicular traffic from debris, spray and related hazards.

Section 67. A new section is added to Chapter 13.50 of the Snohomish County Code to read:

13.50.055 Conditions – Landscaping, fences, gates and other special uses (C3).

Type C3 permits for landscaping, fences, gates or other special uses of the right-of-way for private features are subject to the following additional conditions:

(1) All features to be located in the right-of-way shall be installed in accordance with plans and specifications approved with the Type C3 permit.

(2) All approved landscaping, fences or other features installed in the right-of-way shall be maintained by the permittee and the permittee's successor(s).

(3) The engineer may require that permitted features be modified or removed from the right-of-way if they interfere with drainage, obstruct sight distance, create a safety hazard or conflict with plans for improvement of the right-of-way. The permittee shall be responsible for modification or removal of the permitted features upon notification by the county. If the permittee does not comply with the county's request, the county may modify or remove the features at the permittee's expense.

(4) All fences and freestanding walls located in a portion of the right-of-way adjacent to corner lots must meet the vision clearance requirements of SCC 30.23.100.

(5) Gates shall not be used to control or limit access on a public road except when approved by the county council or the engineer in accordance with chapter 48.47 RCW. Gates approved inside the right-of-way shall be located outside the motor vehicle clear zone.

(6) An applicant for a permit to install a private gate in the right-of-way may be required to analyze the need for and provide additional facilities to accommodate the gate, such as a vehicle turnaround and queuing area in front of the gate or turn pockets on the public road, depending on the proposed gate location and expected traffic volume.

(7) All landscaping installed within the right-of-way shall comply with the EDDS and SCC 30.25.015 (General Landscaping Requirements).

Section 68. Snohomish County Code Section 13.50.060, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.50.060 ~~((Terms))~~Conditions -- Recycle structures (C4).

Type C4 permits for recycle box structures are subject to the following additional ~~((terms))~~ conditions:

(1) Structures authorized by a Type C4 permit shall be placed a minimum of 10 feet from the edge of the traveled ~~((lane))~~way and shall not block or hinder the sight distance for driveway or intersections. The area between the traveled ~~((lane))~~way and the structure shall be a gravel or paved shoulder and extend full shoulder width at least 20 feet on each side of the structure with a 10:1 taper back to the edge of the traveled lane. The location must have an adequate stopping sight distance for approaching vehicles.

(2) Structures authorized by a Type C4 permit must be emptied regularly to prevent overflow and possible rodent infestation.

(3) A number will be assigned to each approved application for a Type C4 permit. This number will be attached permanently to the recycling structure and will be used to identify the owner of the structure to authorized departments for contacting them to clean up the area or ~~((or))~~for other problems.

1 (4) At the engineer's discretion, a single Type C4 permit may be issued for multiple recycle
2 box structures. Each recycle box location must be listed on the permit. If the
3 ~~((applicant))~~permittee desires to move a recycle box to ~~((another))~~a different location,
4 ~~((he/she))~~the permittee must ~~((notify))~~submit a request for approval of the new location to the
5 department at least 48 hours prior to the intended move.

6 (5) Failure of the ((applicant))permittee to comply with all requirements for such structures
7 ((will))may result in the ((loss of this privilege))suspension or revocation of the Type C4 permit.
8

9 Section 69. Snohomish County Code Section 13.50.070, last amended by Amended
10 Ordinance No. 96-028 on June 12, 1996, is amended to read:

11
12 **13.50.070 ~~((Terms))~~Conditions – Newspaper sales, stands or drop boxes (C5).**
13

14 Type C5 permits for newspaper stands or drop boxes are subject to the following additional
15 conditions:

16 (1) At the engineer's discretion, a single Type C5 permit may be issued for multiple stands or
17 drop boxes. Each stand or box location must be listed on the permit.

18 (2) If the ((applicant))permittee desires to move a stand or box to ((another))a different
19 location, ((he/she))the permittee must ((notify))submit a request for approval of the new location
20 to the department ((forty-eight))at least 48 hours prior to the intended move.

21 (3) Failure of the ((applicant))permittee to comply with all requirements for such structures
22 ((will))may result in the ((loss of this privilege))suspension or revocation of the Type C5 permit.
23

24 Section 70. Snohomish County Code Section 13.50.080, adopted by Amended
25 Ordinance No. 96-028 on June 12, 1996, is amended to read:

26
27 **13.50.080 ~~((Terms))~~Conditions--Temporary sales (C7).**
28

29 Type ((C))C7 permits for temporary sales from portable or movable carts, stands or vehicles
30 shall be subject to the following additional ((terms))conditions:

31 (1) ((The sale is to be conducted in a))A Type C7 permit shall only be issued when the type of
32 temporary sale proposed is a permissible use in the land use zone ((where such sale is a
33 permissible use))of the proposed location for the temporary sale, as determined by the
34 department.

35 (2) A specific area must be designated ((and sales confined))in the Type C7 permit as the
36 location for the temporary sales activity. The permittee shall confine the temporary sales activity
37 to that area.

38 (3) The permittee shall keep the temporary sales area ((must be kept-))neat and clean at all
39 times and the temporary sales area shall be left in a neat and clean condition following the close
40 of the temporary sale. Where any rubbish, wrappings or other materials may be dropped
41 incidental to the temporary sale, at least one waste receptacle must be provided by the permittee.
42 The ((area will be))department may periodically ((policed))inspect the temporary sales area for
43 waste materials.

44 (4) Where a temporary sale is conducted on a sidewalk, the temporary sale area, including
45 stands, etc. must be located so as to provide at least five feet of clear pedestrian traffic from the

1 curb line or edge of roadway, whichever is further from the roadway; otherwise the temporary
2 sales area must be located to provide at least five feet of clear pedestrian traffic from the
3 sidewalk, curb line, or edge of roadway, whichever is furthest from the roadway.

4 (5) No mechanical or electrical devices or portable signs may be displayed to attract attention
5 to the temporary sale.

6 (6) Any structure placed at the location of the temporary sale must be readily moveable and
7 not obstruct vision.

8 (7) The ~~((permitted use will create no))~~ temporary sale activity shall not create a hazard for
9 vehicular or pedestrian traffic.

10 (8) The temporary sale ~~((area-))~~ activity shall not obstruct access to any users or owners of
11 adjacent abutting property.

12 (9) The temporary sale activity, including any required parking, ~~((will))~~ shall not obstruct
13 vehicular traffic.

14 (10) The ~~((applicant))~~ permittee will comply with all regulations of the Snohomish health
15 district and any other involved public agency.

16
17 Section 71. A new section is added to Chapter 13.50 of the Snohomish County Code to
18 read:

19
20 **13.50.090 Conditions - Tree removal and replacement (C9).**
21

22 (1) A Type C9 permit shall be obtained before any tree in the county right-of-way is trimmed,
23 removed or replaced by other than county personnel; except a permit is not required if the
24 removal is associated with construction authorized under another permit.

25 (2) The county engineer may require that a tree be removed from the right-of-way under any
26 of the following circumstances:

27 (a) If a tree is dead or dying or is damaged by storm, accident or disease as to be beyond
28 the point of recovery.

29 (b) If a tree has damaged the roadway facilities (including but not limited to the sidewalk,
30 curb, culvert and pavement) and further damage cannot be prevented by reasonable tree
31 maintenance procedures, such as root pruning or sidewalk/curb realignment.

32 (c) If a tree constitutes a hazard to the public welfare.

33 (d) If a tree constitutes an impediment to the approved development of adjacent property.

34 (3) The county engineer may approve the removal of a tree from the county right-of-way in
35 conjunction with an approved roadway improvement project.

36 (4) When the county engineer requires removal of a tree pursuant to subsection (2) above, and
37 the tree at issue was planted by a current or previous owner of the property adjacent to the right-
38 of-way, removal of the tree shall be the responsibility of the current owner of the property
39 adjacent to the right-of-way, who shall bear all costs of the removal and the associated
40 restoration of the right-of-way. In the event that a property owner fails to respond to a request
41 for removal or fails to remove the tree, the county engineer shall have the authority to perform
42 such removal at the property owner's expense.

43 (5) When a tree has been removed from the county right-of-way without a permit, the
44 engineer shall have the authority to require the responsible property owner to replace that tree
45 with another comparable tree at the owner's sole expense. The planting of the replacement tree

1 may require a Type C3 permit and shall comply with SCC 30.25.015 (General Landscaping
2 Requirements) and the EDDS.

3 (6) The need for stump removal will be considered in conjunction with tree cutting within the
4 right-of-way. The engineer may determine what stumps, if any, must or may be removed.

5
6 Section 72. Snohomish County Code Section 13.60.010, last amended by Amended
7 Ordinance No. 96-028 on June 12, 1996, is amended to read:

8
9 **13.60.010 General.**

10
11 Type D (~~((transactions are relative))~~)permits relate to construction activities associated with land
12 development approved in accordance with title 30 SCC which will disturb or impact the roadway
13 and other related features, including construction associated with above and below ground
14 utilities. (~~((Post construction use may require a))~~)In the event construction is not completed
15 properly or prematurely fails, reapplication or renewal of a right-of-way use permit may be
16 required to correct deficiencies. Site locations, time, traffic control, safety devices,
17 (~~((warranties))~~)security devices, and access for county inspections are required elements of a
18 Type D permit.

19
20 Section 73. Snohomish County Code Section 13.60.020, last amended by Amended
21 Ordinance No. 96-028 on June 12, 1996, is amended to read:

22
23 **13.60.020 Permitted uses.**

24
25 Type D permits are required for the following and similar uses of county rights-of-way, except
26 where exempt under (~~((Section))~~)SCC 13.10.050:

27 (1) Drive access/culvert enclosure/curb cut (Type D1 permit)--(~~((authorizing))~~)authorizes
28 residential access (single-family or duplex), modification or repair of an existing driveway, or
29 temporary access to a county road for short term activities such as construction or logging((, to a
30 county road)). The permittee shall be responsible for repairing any damage to an existing
31 driveway resulting from permitted activity.

32 (2) Subdivision driveway access (Type D2 permit)--(~~((authorizing))~~)authorizes residential
33 access (single-family or duplex) to a county road where a combined review to establish lot
34 access requirements has previously been conducted as part of the subdivision review process,
35 and the subdivision developer is established as responsible for requirements related to driveway
36 access.

37 (3) Temporary trail access (Type D3 permit)--(~~((authorizing))~~)authorizes construction and
38 temporary, non-exclusive use of an unopened or primitive county road right-of-way for short
39 term activities such as construction or logging.

40 (4) Trail access (Type D4 permit)--(~~((authorizing))~~)authorizes the construction and permanent,
41 non-exclusive use of a privately maintained road within county right-of-way.

42 (5) Major construction (Type D5, D5P, D5C or D5S permits)--(~~((authorizing))~~)authorizes
43 major land development related construction (((not including franchised utilities)))within county
44 right-of-way performed by persons other than utility purveyors. These activities range from
45 developer financed frontage improvements and road restoration to developer financed and built

comprehensive road improvements, access for development of abutting industrial, commercial property~~((and))~~, major private road/county road intersections and private sewage effluent and water lines.

(6) Minor construction (Type D6, D6P, D6C or D6S permits)—authorizes minor land development related construction ~~((not including franchised utilities) including))~~ within county right-of-way performed by persons other than utility purveyors. These activities include, but are not limited to, paved aprons, minor shoulder work, modification of roadside features, and minor private road/county road intersections. Construction activities and associated thresholds eligible to be included under a minor construction permit shall be detailed in department procedures. Construction activities exceeding minor construction permit thresholds shall be processed as a major construction (Type D5, D5P, D5C or D5S permit) and fees charged accordingly as detailed in chapter 13.110 SCC.

(7) Blanket utility construction (Type D7 permit)—~~((a single Type D permit granted))~~ authorizes a ((franchised-))utility purveyor to ((eever-))perform a series of construction activities in county rights-of-way under a single Type D permit. Such construction activities are of a less disruptive nature than normal utilities construction. Construction activities and associated thresholds eligible to be included under a blanket permit shall be detailed in department procedures. Construction activities exceeding blanket utility permit thresholds shall be processed as a major utility construction (Type D8 permit) and fees charged accordingly as detailed in chapter 13.110 SCC.

(8) Major utility construction (Type D8 permit)—~~((involving))~~ authorizes a utility purveyor to perform major construction, disturbance and restoration of the affected county ((road))right-of-way.

Section 74. Snohomish County Code Section 13.60.030, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.60.030 ~~((Terms))~~ Conditions--General.

Type D permits are granted ~~((on))~~ subject to the following ~~((terms))~~ conditions and such additional ~~((terms))~~ conditions as the engineer deems appropriate:

(1) All items contained in SCC 13.40.030 except 13.40.030(1) and (2).

(2) All construction within the right-of-way shall conform to the most current edition of the EDDS. The permittee shall keep the road right-of-way in a condition that is safe to the public and further, will not adversely impact the environment with debris, dirt, dust, or other pollutants, or cause erosion.

(3) The location of all openings, changes, or attachments to the surface of the right-of-way must be approved by the engineer.

(4) At the discretion of the engineer, one or more of the following requirements may be specified when conditions require their use. Whenever such special conditions are required, they shall be set forth in the permit at the time of issuance or as an amendment to the permit where conditions requiring their use become known after the permit has been issued.

(a) Installation within the right-of-way shall be made in a manner and by a method approved by the engineer. All improved or unimproved areas within the right-of-way shall be restored to the satisfaction of the engineer.

(b) Signs, cones, barricades, and all other traffic control devices to protect and control pedestrian and vehicular traffic in the construction area shall be used as prescribed by the engineer and in accordance with the EDDS and the MUTCD. A ~~((road-closure))~~traffic control (Type B5) permit shall be required in accordance with chapter 13.40 SCC for use of such devices ~~((unless excepted under Section 13.40.020(5)))~~, except where exempt under SCC 13.10.050.

(c) One or more traffic lanes shall be kept open at all times except where approved by the engineer. Moving traffic shall be properly controlled by flagmen and/or patrol cars if specified. Hours of operation during construction and restoration shall be limited to those contained in the permit. A ~~((road-closure))~~traffic control (Type B5) permit shall be required in accordance with chapter 13.40 SCC for such traffic control ~~((unless excepted under Section 13.40.020(5)))~~, except where exempt under SCC 13.10.050.

(d) Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times except as approved by the engineer.

(e) Backfill and ~~((replacement))~~restoration of pavement surface shall be done in accordance with the EDDS and to the satisfaction of the engineer.

(f) All construction of structures within the right-of-way shall be ~~((done))~~performed in accordance with the EDDS and to the satisfaction of the engineer.

(5) Site inspections will be made by the engineer to determine need for culvert pipe, size and length of pipe, type of pipe acceptable, end sections, catch basins, backfill materials to be used, and other construction requirements.

(6) ~~((Earth-hauling contractors, builders or anyone else))~~A permittee and any contractor of a permittee utilizing vehicles upon a right-of-way pursuant to a Type D permit shall provide persons or equipment to keep the right-of-way clean at all times to the satisfaction of the engineer. Upon failure to do so, the engineer may issue an immediate stop work order for the operation and the responsible person or persons shall be directed to immediately clean the right-of-way ~~((or places--))~~to the satisfaction of the engineer.

(7) Permittee will be responsible, before commencing any excavation within county right-of-way, to provide notice of the scheduled commencement of excavation to all owners of underground facilities, through the one-call locator service. In addition the permittee shall be familiar with and comply with Chapter 19.122 RCW.

(8) Following completion of any construction in the right-of-way under a Type D permit, the site must be maintained as required by the engineer and be subject to periodic inspections by the engineer.

(9) Utility activities conducted pursuant to a Type D permit are subject to the requirements of chapters 30.63A and 30.63B SCC, with exemptions as provided in SCC 30.63A.200 and 30.63B.070, respectively. Utility purveyors applying for a blanket utility construction (Type D7) permit or a major utility construction (Type D8) permit shall propose erosion and sedimentation control best management practices for all permitted activities at the time of application.

(10) ~~((Utility companies holding a valid franchise with Snohomish County and))~~Utility purveyors meeting the insurance and other applicable requirements of this title, may conduct certain minor activities in county rights-of-way without a permit. Such minor activities shall consist of inspection, repair and maintenance of existing structures in the same location, tree trimming and((;)) activities historically not requiring a permit as determined by the engineer, and not falling in the category of a Type D7 blanket permit as detailed in this chapter and not involving cutting of hard road surface.

1 ~~((10))~~(11) Before any work is performed under a Type D permit, the permittee shall
2 establish two or more reference marks to all monuments and markers of every nature relating to
3 subdivisions, plats, rights-of-way and all other surveys within the permitted area. The reference
4 points shall be so located as to not be disturbed during the permittees' operations under the
5 permit. The permittee shall also be responsible to comply with State Department of Natural
6 Resources regulations such as the "Application for Permit to Temporarily Remove or Destroy
7 Section Corner or other Land Boundary Mark or Monument" (Ref WAC 332-120), where
8 applicable. Such forms shall be available at the department.

9 ~~((11))~~(12) Permits for access in connection with development will only be approved if the
10 development and access are in compliance with applicable land development codes and
11 standards.

12 ~~((12))~~(13) A construction site structures (Type C2) permit in accordance with chapter 13.50
13 SCC shall be required for placement of construction site structures within the right-of-way.

14
15 Section 75. Snohomish County Code Section 13.60.040, last amended by Amended
16 Ordinance No. 96-028 on June 12, 1996, is amended to read:

17
18 **13.60.040 ~~((Terms))~~Conditions--Driveway access/culvert enclosure/curb cut and**
19 **subdivision driveway access (D1 and D2).**

20
21 (1) A Type D1 or D2 permit will be required for applicants proposing any driveway access,
22 including modification or repair of an existing driveway, culvert enclosure and/or curb cut
23 installation in a county right-of-way for the purpose of residential access (single-family or
24 duplex) or temporary access. ~~((Type D1 and D2 permits are subject to the following additional~~
25 terms:))

26 ~~((1) At the engineer's discretion, the permittee shall post bond or other security as provided~~
27 ~~by Chapter 13.10, SCC. The bond or security may be a blanket deposit to cover the permittee at~~
28 ~~various lots or other locations within the county. The director of planning and development~~
29 ~~services may withhold building permit approval for any lot or lots not covered by said surety.))~~

30 ~~((2) ~~The bond or other performance security shall cover any construction or restoration~~~~
31 ~~within the right-of-way including but not limited to driveway, culvert enclosure, curb cut, and~~
32 ~~surface restoration construction. If any of these or other conditions of the bond or other~~
33 ~~performance security are not satisfactorily performed to EDDS standards, the engineer may:))~~
34 The engineer may require a performance or maintenance security in accordance with chapter
35 13.10 SCC.

36 ~~((a) Request the surety involved to perform the work; or))~~

37 ~~((b) Request the department to perform the work or contract out performance of the~~
38 ~~work. The engineer may, prior to or after such work, foreclose on the bond or other performance~~
39 ~~security.))~~

40 (3) The director of the department of planning and development services may withhold
41 building permit final approval and/or certificates of occupancy in the event a Type D1 or D2
42 permit is not secured or is violated in any manner.

43
44 Section 76. Snohomish County Code Section 13.60.050, last amended by Ordinance No.
45 02-098 on December 9, 2002, is amended to read:

1
2 **13.60.050 ~~((Terms))~~Conditions--Temporary trail access and trail access (D3 and D4).**
3

4 All Type D3 (temporary trail access) and Type D4 (trail access) permits are subject to the
5 following additional ~~((terms))~~conditions:

6 (1) Construction of trail access improvements shall be in accordance with the EDDS.

7 (2) Prior to issuance of any building permit or temporary use requiring access via an
8 unopened right-of-way, a trail permit must first be ~~((issued))~~obtained.

9 (3) When the subject county right-of-way has been classified and designated by the county
10 council as a primitive road, construction and use shall not exceed the limits for primitive roads
11 contained in RCW 36.75.300, and amendments thereto.

12 (4) ~~((Permittee's))~~A permittee's use of county right-of-way pursuant to a Type D3 or D4
13 permit shall be confined to direct or indirect access to properties ~~((to))~~for which ~~((it))~~the
14 permittee has a right of possession and which were identified in the permit application. Access
15 shall be for uses that are consistent with applicable land use controls.

16 (5) ~~((The))~~The issuance of a Type D3 or D4 permit does not and shall not diminish public
17 ownership of the right-of-way or grant any exclusive privileges to the permittee. ~~((The))~~No
18 permittee using county right-of-way pursuant to a Type D3 or D4 permit will ~~((not-))~~prevent or
19 restrict simultaneous use of the ~~((road-))~~right-of-way by the general public, except where the
20 prevention or restriction of public use is expressly approved by the engineer because the
21 permittee's use creates a hazard to the public.

22 (6) If primitive road signs are required at the connection with any public road, the department
23 of public works will provide such signs conforming to the EDDS and the MUTCD. Initial
24 installation of such signs shall be by the department of public works at the permittee's expense.
25 Subsequent maintenance of such signs will be performed by the department of public works.

26 (7) The engineer may require the permittee to provide additional surfacing material or other
27 construction measures to safeguard the integrity of the existing ~~((road-))~~right-of-way to which
28 the permittee desires access.

29 (8) ~~((The))~~Each Type D3 or D4 permit issued by the department shall contain the tax parcel
30 number of each lot or parcel to be served by the permitted access.

31 (9) The responsibility for construction and maintenance of the permitted road rests jointly and
32 equally upon the permittees. Maintenance of the permitted road shall be to the mutual
33 satisfaction of all permittees.

34 (10) A covenant shall be ~~((attached to))~~ executed and recorded for each applicable parcel of
35 land prohibiting the subdivision of any parcel served by a Type D3 or D4 permit without first
36 obtaining a new trail access permit for any lots or parcels created by such action.

37 (11) Construction of trail permit road improvements shall be completed within one year of the
38 date on which the applicable Type D3 or D4 permit was issued, unless approved otherwise by
39 the engineer.

40 (12) The permittees shall obtain all other required permits and approvals including
41 environmental review as specified in chapter 30.61 SCC.

42 (13) If not used in the construction of roadway improvements, any timber, soil, rock,
43 vegetation, or other materials found within the right-of-way shall be disposed of by the permittee
44 to the satisfaction of the engineer. Any affected fences located within the right-of-way shall be
45 disposed of or relocated by the permittee to the satisfaction of the engineer.

1 (14) Where ~~((specified))~~required by the engineer, ~~((the permittees, at their))~~a permittee shall,
2 at the permittee's own expense, ~~((shall))~~have the right-of-way surveyed by a licensed land
3 surveyor and ~~((will))~~shall record the survey. The recorded survey shall meet the requirements of
4 the Survey Recording Act, Chapter 58.09 RCW.

5 (15) Where ~~((specified))~~required by the engineer, ~~((the permittees, at their))~~a permittee shall,
6 at the permittee's own expense, ~~((will have prepared))~~prepare road construction plans, and a
7 ~~((full drainage))~~stormwater site plan in accordance with the EDDS and chapter 30.63A SCC.

8 (16) At the ~~((permittees))~~permittee's expense, appropriate signs shall be posted by the
9 department as required by the engineer.

10 (17) The engineer may require a legal description and supporting title report for any
11 additional right-of-way dedicated or deeded to the county to provide the necessary right-of- way
12 for construction of a trail permit access road.

13 (18) Within 5 working days of filing an application for a Type D3 or D4 permit, the applicant
14 shall post a sign which meets county standards in a conspicuous location within the open public
15 right-of-way where it abuts the access proposed in the application. At a minimum, the sign shall
16 contain the following information: type of permit requested, assigned county file number, project
17 description, and county contact person. The sign shall remain posted until the permit is either
18 issued or denied by the department. The applicant shall provide evidence of posting by
19 submitting to the department a verified statement regarding the date and location of posting. If
20 verification of posting is not returned to the department within 15 days of the date on which the
21 application was submitted, the department shall discontinue processing of the permit application
22 until such verification is received.

23
24 Section 77. A new section is added to Chapter 13.60 of the Snohomish County Code to
25 read:

26
27 **13.60.055 Conditions—Major construction, minor construction, and major utility**
28 **construction (D5, D6, and D8).**

29
30 All major construction (Type D5), minor construction (Type D6), and major utility construction
31 (Type D8) permits are subject to the following additional conditions:

32 (1) Construction of road, frontage or access improvements shall comply with any applicable
33 conditions of any associated land development construction permits, the EDDS, title 30 SCC and
34 any other applicable standards, such as the MUTCD.

35 (2) Where required by the engineer, the permittee, at the permittee's own expense, shall have
36 the right-of-way surveyed by a licensed land surveyor and shall record the survey. The recorded
37 survey shall meet the requirements of the Survey Recording Act, chapter 58.09 RCW.

38 (3) Where required by the engineer, the permittee, at the permittee's own expense, shall
39 prepare road construction plans, including a stormwater site plan, in accordance with the EDDS
40 and chapter 30.63A SCC.

41 (4) The permittee shall provide street, lane and sidewalk closures and other traffic diversions
42 with traffic control signs and devices as specified by the engineer and as required by law.

43 (5) Following completion of the permitted use, the right-of-way shall be restored to the
44 satisfaction of the engineer and is subject to inspection by the engineer.
45

Section 78. Snohomish County Code Section 13.60.060, last amended by Amended Ordinance No. 96-028 on June 12, 1996, is amended to read:

13.60.060 ~~((Terms))~~Conditions—Blanket utility permit (D7).

All blanket utility (Type D7) permits are subject to the following additional conditions:

(1) A Type D7 permit may be granted for utility installations or relocations in the right-of-way to utility purveyors ~~((holding a valid franchise under Chapter 36.55 RCW and chapter 13.80 SCC))~~ whose installations or relocations are not, in the opinion of the engineer~~((do not))~~, likely to cause major disruptions in the public use of the right-of-way or create ~~((hazard))~~ hazards which cannot be guarded against by moderate controls.

(2) ~~((Permitted activities by franchised utility purveyors under the blanket permit shall be detailed in department))~~ Department procedures shall detail the types of construction activities that may be performed by a utility purveyor under a Type D7 permit.

(3) Any necessary backfill of utility trenches and/or restoration of the pavement surface shall be performed by the permittee in accordance with the EDDS and to the satisfaction of the engineer.

~~((4) A ((blanket utility))Type D7 permit shall be valid for a term ((as specified by the engineer and included in department procedures. Prior to expiration, a new blanket permit must be applied for to assure renewal))of one year from the date on which the permit is issued, unless a different term is specified on the face of the permit. Type D7 permits shall not be renewable.~~

~~((4) Each holder of a blanket utility))~~ (5) A permittee using the right-of-way under a Type D7 permit must ((notify))provide advance notice to the department of each ((blanket permit))installation, relocation or other construction activity the permittee intends to perform under the Type D7 permit, as specified in department procedures.

~~((5))~~ (6) A ((franchisee))utility purveyor who fails to ((conform))comply with the provisions and conditions of its franchise or C10 permit, this title, and all applicable standards and regulations will not be eligible for a ((blanket utility))Type D7 permit((or renewal thereof)).

Section 79. Snohomish County Code Section 13.60.075, adopted by Amended Ordinance No. 93-158 on December 29, 1993, is repealed.

Section 80. Snohomish County Code Section 13.80.010, last amended by Amended Ordinance No. 96-028, on June 12, 1996, is amended to read:

13.80.010 ~~((Franchises))~~Franchise required.

~~((Franchises))~~ A franchise shall be required by the engineer as provided in this chapter for ((persons or municipal corporations))any utility purveyor using any right-of-way, bridge, trestle or other structure of the county for the placement, construction and maintenance of ((waterworks, gas pipes, telephone, telegraph, television, electric light and communications lines, sewers and other such facilities thereon))one or more utilities, unless exempted by law. ((Such franchises))A franchise shall also be required where a ((utilities))utility easement is reserved as provided by RCW 36.87.140 and SCC ((13.80.100))13.100.100. ((Exception: Single user utilities—franchises will not be required for the construction and maintenance of waterworks and

sewers serving one single family residence where such facilities will cross the right-of-way perpendicular to the right-of-way line, plus or minus ten degrees. The need for a franchise for other single use and minimal use facilities will be determined by the engineer on a case-by-case basis. Where it is determined that a franchise is not required, permits will be required under SCC 13.40.020(5) and SCC 13.60.020 as applicable.))

Section 81. Snohomish County Code Section 13.80.120, adopted by Amended Ordinance No. 96-028, on June 12, 1996, is amended to read:

13.80.120 Violations.

(1) It shall be unlawful for any ~~((person or persons, private or public))~~ utility purveyor, ~~((private or municipal corporation))~~ single user utility purveyor, or other person, to make, or use any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with a part of a franchise system within this county for the purpose of enabling such ~~((person,))~~ utility purveyor, ~~((or corporation or others))~~ single user utility purveyor, or other person to receive or use any service without payment to the owner of said system.

(2) It shall be unlawful for any ~~((person or persons, private or public))~~ utility purveyor, ~~((private or municipal corporation))~~ single user utility purveyor, or other person, without the consent of the owner, to willfully tamper with, remove or injure any equipment or facilities used for the distribution of the franchisee's services.

Section 82. Snohomish County Code Section 13.90.030, adopted by Amended Ordinance No. 96-028, on June 12, 1996, is amended to read:

13.90.030 Freeholders' petition.

Ten or more freeholders may petition the council for the establishment of a county road in the vicinity of their residences, setting forth and describing the general course and terminal points of the proposed improvement and stating that the same is a public necessity.

(1) The petition must show the land owned by each petitioner and set forth that the proposed road is a public necessity and should be part of the county transportation system and that the public will be benefited by the establishment of the road.

(2) The petition shall be accompanied by an application fee in the amount specified in chapter 13.110 SCC.

(3) The engineer may require the petitioners to secure statutory warranty deeds and waivers of damages for the right-of-way from the landowners, and, in such case, the statutory warranty deeds and waivers shall be filed with the engineer prior to completion of the Engineer's Report as specified in ~~((Section))~~ SCC 13.90.040 ~~((SCC))~~.

(4) Subsequent to receipt of the petition and application fee, and upon being satisfied that the petition has been signed by valid freeholders of Snohomish County, the engineer shall proceed with the establishment process as specified in ~~((Section))~~ SCC 13.90.020 ~~((SCC))~~.

Section 83. Snohomish County Code Section 13.110.010, last amended by Amended Ordinance No. 00-079, on November 21, 2000, is amended to read:

1
2 **13.110.010 Fees to be charged.**
3

4 The following fees shall be charged by the county:

5 (1) Application Fee. Where applicable, this fee shall be charged to compensate the
6 department for preliminary application screening, ~~((and))~~ the establishment or administration of
7 the permit application file, and verification that any required plans comply with the applicable
8 county requirements and conditions. Application fees shall be collected at the time of permit
9 application, and ~~((will))~~ are not ~~((be))~~ eligible for refund.

10 (2) Permit Fee. A permit fee shall be charged to compensate the department and other county
11 departments for the costs and expenses incurred in performing field investigations, inspections,
12 additional plan review, hearings, and all other tasks and proceedings pertaining to the right-of-
13 way use permit at issue. Permit fees are eligible for refund to the extent they exceed costs and
14 expenses incurred by the county.

15 (a) ~~((For Type B, C and D permits, this fee shall be charged to compensate the department~~
16 ~~for the cost of field investigation, plan review and inspection for conformance to the conditions~~
17 ~~of the permit. Permit fees shall be collected at the time of permit application. Permit fees are~~
18 ~~eligible for refund to the extent they are not required to compensate for costs and expenses~~
19 ~~incurred.))~~ Permit fees shall be collected at the time of application submittal unless the permit at
20 issue is of a Type described below.

21 (b) ~~((For))~~ Permit fees for Type B2, B3, B4, D3 and D4 permits shall be collected at the
22 time of permit issuance.

23 (c) Permit fees for Type E permits ~~((, this fee shall be charged to fully compensate the~~
24 ~~department and other county departments for costs and expenses in excess of the application fee,~~
25 ~~incurred in the examination, report, appraisal and all proceedings pertaining to a petition or~~
26 ~~application. Permit fees))~~ shall be paid in accordance with SCC 13.80.070, SCC 13.90.070, SCC
27 13.95.060, SCC 13.100.070 or SCC 13.140.030 as applicable.

28 (3) Overweight/Oversize Load Fee. Where application is for a building or other overweight
29 or oversized move pursuant to SCC 13.40.040, the department may charge the applicant an
30 additional fee to compensate for costs incidental to the move involved, including road
31 maintenance crews, signal crews, and sheriff's personnel.

32 (4) Franchise Fee—Cable TV. Cable television companies doing business within the county
33 shall be charged five percent of their gross revenue in accordance with SCC 13.80.092, as ~~((a))~~ an
34 annual franchise fee. This fee can be modified by the county council at any time to reflect
35 changes in applicable federal, state or local law or regulation. This fee is in addition to the other
36 fees within this section.

37 (5) Repair and Replacement Charge. If the department incurs any costs of repairing and
38 replacing any right-of-way or county facility thereon, which has not been paid for under any
39 other fee, the permittee shall be charged and shall pay the actual costs of repair and/or
40 replacement incurred by the department, regardless of whether work is performed by the
41 department or by a contractor hired by it.

42 (6) Footage Fee. Lineal footage fees shall be ~~((charges))~~ charged as part of the application fee
43 for Type ~~((E major construction and major utility construction))~~ D5 and D8 permits as provided
44 in SCC 13.110.020.

(7) Road Cut Fee. Fees for road shoulder ~~((cuts and))~~ or road asphalt/concrete cuts shall be charged as part of the application fee for a Type D8 permit as provided in SCC 13.110.020.

~~((Where applicable, this fee shall supplement the permit fee by the length and type of road cuts.))~~

(8) Private Right-of-Way Lease Fee. The lessee of any county right-of-way shall be charged an annual fee reflecting the fair market value of the leased land. This fee is in addition to the other fees within this section

Section 84. Snohomish County Code Section 13.110.020, last amended by Amended Ordinance No. 08-122 on November 10, 2008, is amended to read:

13.110.020 Fee schedule.

((Transae tion)) Per mit Type	Description	Application Fee ⁽¹⁾	Permit Fee ⁽¹⁾	Total ⁽¹⁾
<u>A</u>	<u>Parade / Run</u>			
	<u>Application filed more than 60 days prior to the event:</u>	<u>\$ 75.00</u>	<u>\$90.00</u>	<u>\$165.00</u>
	<u>Application filed between 30 to 59 days prior to the event:</u>	<u>\$125.00</u>	<u>\$90.00</u>	<u>\$215.00</u>
	<u>Application filed less than 30 days prior to the event:</u>	<u>\$160.00</u>	<u>\$90.00</u>	<u>\$250.00</u>
B1	Log tolerances	\$5.00	\$ --	\$5.00
B2	Overweight	\$50.00	Costs per SCC 13.110.010	\$50.00 plus permit fee
	<u>Add an Overweight/Oversized load charge as required when county staff are required to assist the permittee</u>	<u>Actual hourly costs of labor, required for the department to determine the extent of county staff needed to assist the permittee, with a 3-hour minimum</u>		<u>Actual hourly costs of labor, and equipment if required, for county staff to assist the permittee, with a 3-hour minimum charge at \$50.00 per</u>

		<u>charge at \$50.00 per hour</u>		<u>hour</u>
B3	Oversize	\$50.00	Costs per SCC 13.110.010	\$50.00 plus permit fee
	<u>Add an Overweight/Oversized load charge as required when county staff are required to assist the permittee</u>	<u>Actual hourly costs of labor, required for the department to determine the extent of county staff needed to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour</u>		<u>Actual hourly costs of labor, and equipment if required, for county staff to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour</u>
B4	Haul Route	\$50.00	Costs per SCC 13.110.010	\$50.00 plus permit fee
B5	Road closure	\$50.00	\$120.00	\$170.00
C1	Bus stops/shelters/pads loading zones	\$50.00	\$90.00	\$140.00
C2	Construction site structures	\$50.00	\$90.00	\$140.00
C3	Decorative landscaping fences	\$50.00	\$90.00	\$140.00
C4	Recycling—waste facilities	\$50.00	\$90.00	\$140.00
C5	Newspaper sales, stands, drop boxes	\$50.00	\$90.00	\$140.00
C6	Temporary signs	\$50.00	\$90.00	\$140.00
C7	Temporary sales	\$50.00	\$90.00	\$140.00
C8	Business patrons or customers	\$50.00	\$90.00	\$140.00

C9	Tree cutting	\$50.00	\$90.00	\$140.00
<u>C10</u>	<u>Non-franchised or Single User Utility Purveyor</u>	<u>\$50.00</u>	<u>\$90.00</u>	<u>\$140.00</u>
D1	Driveway access/Culvert/curb cut	\$25.00	\$55.00	\$80.00
D2	Subdivision driveway access	\$25.00	--	\$25.00
D3	Temporary trail access	\$125.00	\$420.00	\$545.00
D4	Trail access	\$125.00	\$540.00	\$665.00
D5	Major construction – ((other:)) <u>Other</u> Add per road front foot:	\$125.00 \$1.00 <u>per foot</u>	\$340.00	varies
D5P	Major construction – Plat Add per road front foot:	\$125.00 \$1.00 <u>per foot</u>	\$540.00	varies
D5C	Major construction – ((commercial)) <u>Commercial</u> Add per road front foot:	\$125.00 \$1.00 <u>per foot</u>	\$540.00	varies
D5S	Major construction – ((short plat)) <u>Short Plat</u> Add per road front foot:	\$125.00 \$1.00 <u>per foot</u>	\$540.00	varies
D6	Minor construction - Other	\$35.00	\$60.00	\$95.00
D6P	Minor construction - Plat	\$90.00	\$130.00	\$220.00
D6C	Minor construction - Commercial	\$90.00	\$130.00	\$220.00
D6S	Minor construction - Short Plat	\$90.00	\$130.00	\$220.00
D7	Blanket utility construction per each construction activity	None	\$80.00	\$80.00

D8	Major utility construction:			
	Open trench <u>in road</u> ((, road shoulder cut)) : ((add)) <u>Add per foot if road shoulder cut:</u> <u>or</u> ((Road)) <u>Add per foot if road asphalt / concrete cut((,))</u> ((--add per foot))	\$130.00 \$0.35 <u>per foot</u> (((\$130.00)) <u>\$1.00 per foot</u> (((\$1.00))	\$390.00 (((\$390.00))	Varies ((varies))
	Plowed cable road: add per foot: 0' to 2,000' 2,001' to 7,000' 7,001' and more	\$130.00 \$0.15 <u>per foot</u> \$0.10 <u>per foot</u> \$0.05 <u>per foot</u>	\$390.00	varies
E1	Private leases / right-of-way	\$100.00		\$100.00
E2	Road establishment	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E3C	Franchises--CATV	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E3U	Franchises--Utility	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E4	Road/right-of-way vacations	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E5	Latecomers cost recovery	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E6	Road improvement district	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee

Note: All costs, including in excess of the above, associated with road establishments, right-of-way vacations, utility franchises, CATV franchises, road improvement district formation, or latecomers cost recovery programs will be itemized and presented as part of the associated ordinance for county council approval.

⁽¹⁾ Pursuant to SCC 30.86.030, a ~~((technology surcharge of three percent of each Type D fee transactions is required in addition to the fees listed in the fee schedule))~~three percent

1 technology surcharge will be imposed in addition to the fees listed in SCC 13.110.020 for each
2 Type A, B, C and D application or permit.

	((Add Overweight/Wide load charge))	((Actual hourly costs of county crews labor, and equipment if required to assist the operation_a 3 hour minimum at \$50.00 per hour))	((Varies))
	((Repair and replacement charge))	((Actual cost of work performed by the county or contractors employed by the county to repair or replace damages))	((varies))

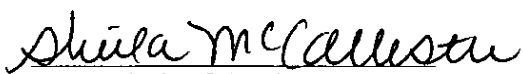
4 *[The remainder of this page is intentionally left blank.]*
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1 PASSED this 15th day of February, 2012.
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3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6
7 
8 Vice-Chairperson

9 ATTEST:

10
11 
12 Asst. Clerk of the Council
13


14 (☒) APPROVED
15 (☐) EMERGENCY
16 (☐) VETOED
17

18 DATE: 2/16/12

19
20 
21 for: County Executive

22 ATTEST:

23 **GARY HAAKENSEN**
24 **Deputy County Executive**

25 
26 Approved as to form only:
27

28 _____
29 Deputy Prosecuting Attorney

D-19