

ORDINANCE NO. 151

AN ORDINANCE, regulating the opening and restoration of streets and curbs and sidewalks; requiring permits and setting fees; providing penalties and repealing Ordinance No. 20.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN  
AS FOLLOWS:

Section 1. DEFINITIONS. As used in this ordinance, the following words shall have the meaning ascribed to them herein:

(a) "Public Street" The term public street used herein shall mean any street, alley or other way, or portion thereof, within the City of Bellevue dedicated to the public use and accepted by the city or generally used by the public for travel or transportation of public services and utilities.

(b) "Service Driveway" The term service driveway used herein shall mean any driveway entering any street from a garage, parking lot, gasoline station, factory, store, warehouse, or any other private business intended for use and used by the public and located between the curb or other outer margin of improved ~~service~~ of the street and the abutting property line.  
*Surface*

(c) "Inspector" The term inspector used herein shall mean the person or persons designated by the City Manager, or ordinance of the city, to supervise and inspect street openings and restorations.

Section 2. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to open a public street, install culverts or to construct or maintain a service driveway in the City of Bellevue without first obtaining a permit therefor and without having first paid the permit fee required by Section 9 hereof, ~~and the posting of a bond as required by Section~~ hereof.

Section 3. APPLICATION FOR PERMIT. Any person, firm or corporation required to obtain a permit for a service driveway, street opening, curb cutting or culvert installation shall file an application therefor with the City Engineer. The application shall be in writing and upon forms provided by the City of Bellevue and shall contain information showing the type of construction, the length, the exact location, the purpose and any other information which may be required by the City Engineer concerning the proposed street opening, curb cutting, culvert or driveway. The provisions of this Section shall apply to public utilities or quasi-municipal corporations qualified for and seeking permits for street openings for use under a franchise granted by the City under Ordinance No. 31, as amended.

Section 4. SERVICE DRIVEWAYS: SIZE AND LOCATION. The City Engineer shall limit the length of the curb cuttings and width of service driveways to a reasonable length necessary to provide for safe turning and vehicular travel to and from the street and to provide a reasonable minimum of area for vehicular traffic across any sidewalk or pedestrian way and such service driveway shall in no event be less than twenty (20) feet in width at the curb line nor more than

thirty (30) feet in width at the sidewalk. Not more than two (2) such service driveways shall be permitted per one hundred (100) feet of frontage and not less than twenty (20) feet of curb shall separate such service driveways. No service driveway shall be located so as to disturb the curb within four (4) feet of a regular street crosswalk nor shall a service driveway pass through any bus loading zone, nor shall a curb be disturbed within four (4) feet of any bus loading zone.

**Section 5. SERVICE DRIVEWAYS: CONSTRUCTION OF.**

(1) All service driveways must be constructed according to the specifications of this ordinance and under the direction of the City Engineer.

(2) All service driveways shall be constructed of Class C concrete, at least six (6) inches thick.

(3) Curb returns and expansion joints shall conform with the standard specifications of the City Engineer.

(4) All service driveways shall cross the outer parking strip and the sidewalk at an angle of not less than thirty (30) degrees to the curb line.

(5) All service driveways must be provided with a drainage depression placed directly behind the back edge of the sidewalk and be connected through suitable drains with the sewer system; aforesaid construction to be approved by the City Engineer.

**Section 6. REFUSAL OF APPLICATION--APPEAL.** Wherever the opening of a service driveway within the City of Bellevue will create an exceptional traffic hazard or will unreasonably restrict the use of city streets, will create an impediment to the free movement of vehicles upon aforementioned streets, or an uneconomic distribution of parking space at the curb of aforementioned streets, or a hazard to the travel or safety of pedestrians thereon, the City Engineer, at his discretion, may refuse any application to construct or maintain any service driveway or driveways. In case of such refusal, the applicant may appeal the Engineer's decision to the Board of Adjustment.

**Section 7. STREET OPENINGS.** No excavation in a public street shall be undertaken within twenty-four (24) hours of issuance of the permit therefor unless the Inspector shall have noted his approval on the applicant's copy of the permit and shall have prescribed the manner of excavation. Provided, however, that no excavation or trench shall be dug by a hoe or bucket having a width of more than twelve (12) inches unless authorized by the City Engineer. Cribbing and bracing shall be installed in those cases where the applicant reasonably believes the same to be necessary to avoid sloughing or caving of walls or ceiling and cribbing and bracing shall be installed in all cases where the permit expressly so requires.

**Section 8. STREET BACKFILLING AND RESTORATION.** The permittee shall furnish and lay a bed, for any pipe, cable, sleeve or tunnel installed in the street, of a material specified by the City Engineer, to a point six inches (6") above the top of such installation, or to such other point specified in the permit. The remainder of the backfill shall be accomplished and compacted and the surface of the street restored by the city with the expense thereof to be paid from the street restoration fund. All portions of a trench lying below that portion of a street paved or otherwise improved for vehicular traffic shall be back filled with sand or other material approved by the Engineer. Where the permit does not authorize the use

of any portion of the excavated material, the excavated material shall be removed from the street by the permittee.

Section 9. **PERMIT FEES.** Permits required hereunder, specifying the authorized work, shall be issued by the City Engineering Department upon proper application therefor and upon payment of the fees required, to-wit:

- |  |         |
|--|---------|
| (a) Street Excavation                            | \$ 6.00 |
| (b) Driveway installation and<br>shoulder paving | 4.50    |
| (c) Culvert Installation                         | 1.00    |

Section 10. **EXCEPTIONS.** No permit fee shall be required in the following cases, notwithstanding the provisions of Section 9 hereof:

- (a) For excavating in a granted or dedicated but unimproved and unaccepted street, where such excavating and backfilling is done under the supervision and inspection of a duly franchised utility and where a bond for the construction and performance of the street is provided by the land developer prior to the acceptance of said street.
- (b) For a driveway construction incidental to a new structure.
- (c) For a culvert installation incidental to a driveway installation or shoulder paving.

Section 11. **COST OF BACKFILLING<sup>filling</sup> DEPOSIT:** The Engineer shall require, as a condition precedent to the issuance of a permit for street excavation, that the applicant advance or deposit cash or equivalent security to pay the city's cost of street restoration, to be estimated on the amount of material to be used in such backfilling and resurfacing. The amount of said deposit shall be determined by the engineer as the aggregate of the sums computed as follows:

- (a) A basic charge of \$ 2.00 to cover the cost of assembling material and transportation of labor and equipment.
- (b) An additional sum computed on the Engineer's estimate of the material to be replaced, compacted or restored, as follows:
  - \$ 5.50 per cubic yard or portion thereof of excavation.
  - \$ 6.75 per <sup>cu</sup> ~~square~~ yard of gravel resurfacing.
  - \$ 6.75 per <sup>cu</sup> ~~square~~ yard of gravel surfacing with oil cap.
  - \$ 15.00 per <sup>cu</sup> ~~square~~ yard of concrete <sup>furnished</sup> ~~paving in place~~.
  - \$ 5.00 per lineal foot for curb and gutter restoration.
  - \$ 12.50 per <sup>ton</sup> ~~square yard~~ of asphaltic paving in place.
- (c) A sum equal to 20% of the deposit computed under Item (b) as security to cover the cost of additional labor or equipment used by the city to cure any defect or omission of the permittee. The permittee shall be billed and charged for the labor and equipment furnished by the city to cure such defects as follows:

\$ 2.25 per man hour of labor.

\$ 3.35 per hour of truck, together with the actual cost of any material supplied and used in connection with such extra work.

**Section 12. STREET RESTORATION FUND.** There is created a street restoration fund into which the deposits required of the permittee under section 11 hereof shall be paid and out of which the cost of materials for backfilling and paving, the cost of labor and the cost of operation and maintenance of equipment used in such restoration and the refunds due any permittee, if any, shall be paid. Payments from said fund shall be processed as other demands and claims against the city.

**Section 13. PURPOSE OF THE FUND.** Said street restoration fund and the payments thereto are required to provide a uniform regulation and cost of street restoration to property owners and land developers in all parts of the city and is not intended as a revenue measure.

**Section 14. REPORTS.** The Engineer shall make monthly reports on the condition of the street restoration fund to the City Council and include therein such data as is essential to the analysis of the costs of street restoration so as to provide information for such revision or modification of the restoration charges or deposits as shall be necessary to keep the fund sufficient to render the restoration service, together with a reasonable surplus for contingencies. No part of said funds shall be diverted or transferred or loaned to other city uses.

**Section 15. RECORDS-REFUNDS.** The foreman of the restoration crew, or the Inspector, shall make an accurate notation on forms provided by the Engineer for each separate backfilling or restoration, as to the number and membership of the restoration crew, the dimensions of the excavation to be backfilled, the dimensions of the surfacing to be restored, the character of the materials used and the time of labor and equipment employed and any failure of the permittee to properly perform his obligations under this or other ordinances of the city and to make note of the time devoted by the city crew to complete or perform the permittee's work. The Engineer's office shall use such data to compute the actual cost of backfilling, restoration and extra work and shall charge the account of the permittee therefor, issuing a bill for sums due to the city in excess of permittee's deposit, if any, or issuing a voucher for refund of sums deposited in excess of the actual cost of backfilling restoration and extra work, if any.

**Section 16. PENALTY.** In addition to any civil remedies that the city may have, any person convicted of violating any of the provisions of this ordinance shall be punished by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment in the city jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

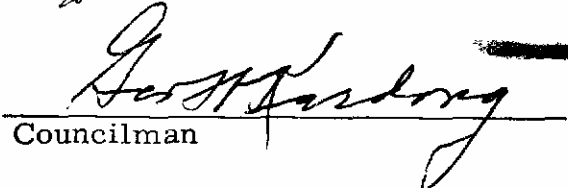
**Section 17. ORDINANCE NO. 20 - REPEALED.** Ordinance No, 20 passed on the 9th day of June, 1953, is repealed.

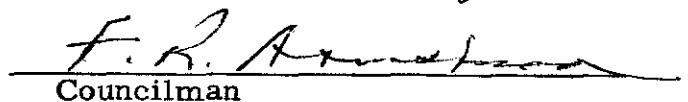
**Section 18.** This ordinance shall take effect and be in force five (5) days after its passage, approval, and legal publication.

PASSED by the City Council this 13 day of March,

1956, and signed in authentication thereof this 13 day of March, 1956.

  
Mayor

  
Councilman

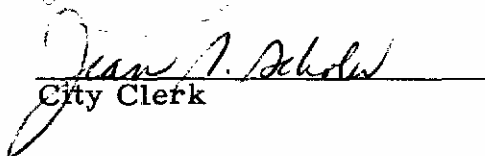
  
Councilman

Approved as to form:

  
City Attorney

(SEAL)

Attest:

  
City Clerk

Date of Publication:

March 15, 1956.

FILED  
CITY OF BELLEVUE  
DATE March 14, 1956.  
CITY CLERK 