

TITLE 12

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Chapter 12.01 - Addressing and Street Naming

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12.01.010 Purpose

This chapter further implements portions of the City of Richland comprehensive plan and supplements the zoning and subdivision ordinances. Its purpose is to provide the residents of Richland with a uniform and standardized system of street naming and addressing to:

- A. Minimize future street name and addressing conflicts.
- B. Provide a database for City and county records and enhanced 911 service.
- C. Expedite property identification by emergency services.
- D. Comply with U. S. Postal addressing standards. (Ord. 6-96).

12.01.020 Applicability

This chapter shall apply to all property and to all public and private streets in the City of Richland. (Ord. 6-96).

12.01.030 Implementation and Responsibilities

- A. The City of Richland Community and Development Services Group, Planning and Development Services Manager, shall have the responsibility of administering, enforcing, and maintaining an addressing and street naming standard as defined by this chapter. The fire and emergency services department also has enforcement authority for addressing on buildings as specified in the uniform fire code.
- B. In the event that violations of this chapter are not corrected by the date established by the City of Richland, the City may perform the work and bill the property owner(s). In the event the property owner(s) fails to pay said bill, the City may take such action as necessary to collect the debt.
- C. Property owners are responsible for placing alpha-numeric identification in accordance with sections 12.01.130 and 12.01.140, and for erecting private street signs in accordance with section 12.01.150 of this chapter. Posting of addresses and street names must be completed prior to the issuance of a certificate of occupancy.
- D. The City of Richland Public Works Department is responsible for erecting and maintaining public street signs at street intersections within the boundaries of the City. (Ord. 6-96: Ord. 31-03).

12.01 040 Document Protocols

For document clarity, references to all vehicle paths of travel serving three (3) or more properties, residences, or businesses are referred to as "streets." Driveways or other vehicle paths of travel serving less than three (3) properties, residences, or businesses shall not be named to reduce administrative costs, but shall have addresses installed and placed as required herein to minimize the potential for confusion for emergency service providers. (Ord. 6-96).

12.01.050 Address Grid

Defining the address number portion of street addresses will be based on a geographic information system (G.I.S.) address grid keymap. This keymap is used to geographically identify the location of the subject structure or parcel as it correlates to the most favored axis on the grid, thereby defining the number portion of the address. The defined address grid lines will determine the address number(s) for that structure or parcel. The address keymap has two (2) addressing systems areas. They are defined as address system A and B. Addressing system A is the area north of the Yakima River and within the City of Richland urban growth area boundary. Addressing system B is the area south of the Yakima River and within the City of Richland urban growth area boundary. Both addressing systems have the zero address datum line defined along the centerline of the Yakima River. (Ord. 6-96).

12.01.060 Street Designations

Designation of streets within the City of Richland and within the unincorporated areas of the City's urban growth boundary shall be in accordance with the following guidelines, except in the case of existing and recorded street designations.

- A. Streets which have a definite north-south directional course shall be designated as "avenue." Streets which have a definite east-west directional course shall be designated as "street."
- B. Streets which do not have a definite directional course shall be designated as a "road," "drive," "trail," "place" or "lane."
- C. A dead-end street or cul-de-sac less than one thousand (1,000) feet in length, when not an extension of an existing street or a continuation of a proposed street, shall be called a "court."
- D. A street that has its ingress and egress on the same street shall be designated "loop."
- E. A street that circles back upon itself shall be designated as a "circle."
- F. The designation "boulevard" shall be reserved for long, continuous streets characterized by a road right-of-way with tree and turf embellishment, and carrying predominantly non-commercial traffic.
- G. The designation "way" shall be reserved for long, continuous streets with major thoroughfare characteristics.
- H. In those areas being incorporated into the City, all named streets that extend from existing incorporated areas into areas being considered for incorporation shall retain the incorporated name.
- I. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. The Planning and Inspection Manager may allow name changes otherwise prohibited under this section, as follows:
 - 1. In those cases where the new street extension crosses either the north-south or east-west zero-axes of the address grid; or

2. In those cases where the new street extension is the beginning of a new "arterial" or "boulevard," as defined by the City Engineer or this chapter.
- J. A newly established street, which has less than a one hundred twenty-five (125)-foot centerline alignment offset from an existing street, shall continue the same street name. A newly established street, which has more than a one hundred twenty-five (125)-foot centerline alignment offset from an existing street, shall adopt a new name.
- K. New streets shall preserve and continue any alphabetical or numerical sequence and type of name already established in nearby subdivisions. (Ord. 6-96).

12.01.070 Addressing Along Streets

Addressing along City of Richland streets shall be based on the quadrant grid as defined in section 12.01.050. Incorporated areas, areas designated for annexation under growth management guidelines, and other areas requesting annexation shall structure their addressing in the following manner:

- A. Address numbers will run consecutively to the north, south, east, and west from the point of beginning. The expansion or contraction of east/west address numbers will be necessary in some sections.
- B. Odd numbers shall appear on the south and west side of streets, and even numbers on the north and east sides.
- C. If a two (2)-family dwelling or an accessory dwelling unit has a number of entrances and each entrance services a separate occupant, then each entrance shall be assigned an address. If whole numbers are exhausted, then a single building number shall be utilized with sequential letter designations used for each separate occupant. Unit numbering shall be in accordance with sections 12.01.130 and 12.01.040.
- D. A single multi-family dwelling structure shall be assigned one address number for the structure. The addresses for the individual dwellings within the structure shall be three (3)-digit numbers with the first digit representing the floor level of the entrance (example: 2700 George Washington Way, Apt. or Suite 202 - second floor apartment).
- E. Multi-family complexes with multiple structures:
 1. May have an assigned address for each structure with each individual dwelling within the structure(s) numbered as in paragraph (D); or
 2. May use a single street address for the entire complex with:
 - (a) Each structure bearing a building letter designation; and
 - (b) Each dwelling unit shall have a three (3)-digit unit number, the first digit representing the floor level of the entrance (example: 2700 George Washington Way, Bldg. A, Apt. 202 - indicates second floor apartment); and
 - (c) Each dwelling unit shall have a building letter designation and a three (3)-digit unit number affixed adjacent to or on the main entry door (Example: 2700 George Washington Way, Bldg. A, Apt. 202 shall have A202 appropriately affixed).
- F. Business and commercial offices or complexes shall have an assigned address for each building with individual offices within that building assigned a three (3)-digit suite number with the first digit representing the floor level of the entrance to the suite.
- G. In strip malls the businesses shall have individual addresses assigned according to the street on which they front. In those cases where the business does not front on a street, individual addresses shall be assigned according to the closest fronting street, or as approved by the fire and emergency services department.
- H. Mobile home parks shall have either:
 1. One (1) address number assigned to the park with the owner of the mobile home park responsible for the individual numbering of each mobile home space in accordance with sections 12.01.130 and 12.01.140. Streets within the mobile home park shall be signed and addresses installed in accordance with section 12.01.150; or
 2. Each space shall be assigned an address with streets within the mobile home park signed and addresses installed in accordance with sections 12.01.140 and 12.01.150. If whole numbers are exhausted, then a single building number shall be utilized with sequential letter designations used for each separate space.
- I. A diagonal or meandering street shall be assigned numbers depending upon the keymap quadrant and the base axis which it most favors.
- J. Circle and loop street addresses shall be assigned off of the address keymap grid axis that corresponds to the loop or circle's most favored base axis. Numbering shall start at its "beginning"

and shall continue correlating to the grid in a clockwise direction as if the street were straight. "Beginning" is defined as the lowest numerical point on the favored base axis.

- K. Structure(s) shall be assigned an address from the address keymap at the point where a line drawn perpendicular to the facing street intersects with the primary entrance to that structure. Corner lots may be addressed off of the facing street selected by the property owner, however requests to change the address once assigned shall require the approval of the Planning and Inspection Manager.
- L. If a street accesses four (4) or more living units or business structures, it shall be assigned a private street name and the structures shall be addressed in accordance with section 12.01.070.
- M. Properties accessed by a common right-of-way or access easement with three (3) or fewer living units or business structures shall be assigned an address at the point where the right-of-way or easement intersects a public or private street. (Ord. 6-96).

12.01.080 Street Naming Policy

In selecting street names, consideration shall be given to the following:

- A. Centerline alignment street name standards of section 12.01.060(j) shall be observed for non-continuous streets unless there is no possibility for extension of the street to make it a continuation through-street.
- B. There shall be no duplication of existing names in the Tri-City area. The City of Richland Community and Development Services Group, Planning and Development Services, shall assemble and maintain an official list of all street names presently in use within the Tri-City area. Names listed therein shall not be re-used. Planning and Development services shall coordinate with the fire and emergency services department and emergency communications division to ensure compliance with this requirement.
- C. Names of similar pronunciation and/or spelling shall be prohibited (example: Briar Lane, Brier Lane). Planning and Development Services shall coordinate with the Public Safety Group to ensure compliance with this requirement.
- D. Variations of the same name with a different street designation shall be prohibited within the first word of the two (2)-word title or in the street extension (example: Pine Road, Pine Drive, Pine Lane).
- E. No street name shall consist of more than two (2) words or contain more than fourteen (14) letters, excluding the extension (street, lane, court, etc.). Special situations may be established with City Council approval which allow for more words or letters (i.e., Martin Luther King Ave.).
- F. No street shall have more than one name. (Ord. 6-96: Ord. 31-03).

12.01.090 Naming of New Street or Naming of Existing Unnamed Streets

Any new street to be established within the City of Richland and unincorporated areas within the City's urban growth boundary, public or private, or any existing unnamed street, public or private, shall require a street name approved by the City of Richland City Council or by the Community and Development Services Group, Planning and Development Services.

- A. In the case of plats, proposed names shall be specified on the final plat map, and shall be in compliance with requirements set forth in this chapter, subject to the approval of the Community and Development Services Group, Planning and Development Services.
- B. In the case of other new streets or naming of unnamed streets, the owner or owners and/or contract buyers of properties abutting said street, may petition in writing on a form provided by the City, to the City of Richland City Council, a request to officially name a street. The petition shall bear the signatures of the owners of at least fifty-one percent (51%) of the lots, tracts, or parcels of property (excluding federal, state, public utilities and municipal lands) which will be served by the street to be named. The percentage of owners shall be expressed in terms of both number of properties and land area. The City Council shall consider such petition in a regular council meeting. The Planning and Development Services Manager shall notify all property owners along the street by first class mail of such council meeting time and date. Tax assessment records shall be used for owner address information. The City Council shall give due consideration to any and all such street name petitions only after all street naming requirements of this chapter are met. (Ord. 6-96, Ord. 02-01: Ord. 31-03).

12.01.100 Renaming of Existing Duplicated Street Names

The renaming of existing duplicated street names will be required in those cases where the general health and safety of the public is at risk (i.e., rapid property identification by emergency services). Where duplicate names exist, the street serving the largest number of improved properties shall retain its name, unless otherwise decided by the City Council. The other street(s) shall be renamed in accordance with the procedures outlined in section 12.01.110. The planning division shall coordinate with the fire and emergency services department and emergency communications division to ensure compliance with this requirement. (Ord. 6-96, Ord. 02-01).

12.01.110 Renaming of Other Streets

In cases where property owners request to change the name of a street which has an existing approved name, the property owners may petition the City in the same manner as outlined in section 12.01.090(b). Property owner initiated requests under this section shall require sixty-six and two-thirds percent (66-2/3%) super majority approval of property owners along the street. Street names shall not be changed more frequently than once every five (5) years. (Ord. 6-96).

12.01.120 Installation and Replacement of Addresses

Installation and replacement of addresses shall be in compliance with the uniform fire code section 901.4. (Ord. 6-96).

12.01.130 General Display of Addresses

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or roadway fronting the property. Said numbers shall contrast with their background. (Ord. 6-96).

12.01.140 Procedures for Installation and Placement of Addresses

Address numbers shall be installed at a location approved by the Richland fire and emergency services department.

- A. Address numbers shall be located as to be readily visible by emergency responders and shall be positioned to allow exterior illumination of numbers.
- B. Physical address numbers shall be no less than four (4) inches in height, with a stroke of one-half (1/2) inch, and shall contrast with background color pursuant to the uniform fire code.
- C. If a structure is more than seventy-five (75) feet from the street, or is otherwise not clearly visible from the street, its address shall be posted at the intersection of its access street and public or private street, no less than four (4) feet nor more than six (6) feet above the ground on a substantial, maintained support structure.
- D. The view of the address from the street must be unobstructed and maintained. In addition to the numbering described above, private property owners may have their addresses painted in a prominent location on the curb fronting their property, and the address numbers shall conform with the dimensions specified in paragraph (B). The characters shall include the address number. (Ord. 6-96).

12.01.150 Street Name Signs (Private Roads)

All primary letters, numbers, and symbols shall be a minimum of six (6) inches in height, with a one-half (1/2) inch stroke, and shall be reflectorized and contrasting with the background color of the sign in accordance with the manual of uniform traffic control devices. Public street signs shall be a City-approved green background with white letters. Private street signs shall be a City-approved blue background with white letters. In addition, street name signs shall meet the following standards:

- A. Shall be placed between seven (7) and eleven (11) feet above the roadway, clearly visible at intersections.
- B. All private street signs shall be constructed and installed to the standards of the City of Richland Public Works Department and shall include the street name and block numbers derived from the address grid.
- C. It is not the intent of this chapter to cause the immediate replacement of all street signs lacking block numbering; it is the intent that all new and replacement signs meet this requirement. (Ord. 6-96: Ord. 31-03).

12.01.160 Enforcement

Violations - It shall be unlawful for any person to:

- A. Erect or install a street name sign not in accordance with this chapter;
- B. Remove, alter, change or deface a street name sign or address identification erected or installed as provided herein;
- C. Place or post addresses not approved by this chapter; or
- D. Fail to place an address visible from the street. (Ord. 6-96).

12.01.170 Penalties

Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of an infraction punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. 6-96).

12.01.180 Administrative Procedures

The City of Richland may, by resolution, adopt administrative procedures, create fee schedules, etc., to facilitate implementation of the purpose and intent of this chapter. (Ord. 6-96).

12.01.190 Appeals

Appeals concerning interpretation or administration of this chapter may be filed by any affected person. Such appeals shall be filed within a reasonable time of the action being appealed, not to exceed forty-five (45) days, by filing with the Planning and Inspection Manager a notice of appeal specifying the grounds of the appeal. The Planning and Inspection Manager shall transmit to the physical planning commission papers constituting the record upon which the action appealed was taken. The Planning and Inspection Manager shall schedule the item for a hearing before the Commission within sixty (60) days of filing the notice of appeal and shall give legal public notice thereof, as well as due notice to the parties of interest. The physical planning commission shall decide the matter within thirty (30) days. (Ord. 6-96).

12.01.200 Controversial or Disputed Street Names

The Planning and Inspection Manager shall have the discretion to refer any disputed street name, addressing issue, or controversial street name changes to the physical planning commission for approval or resolution. (Ord. 6-96).

12.01.210 Repealing Clause

All existing references in the Richland municipal code that are in conflict with this chapter are hereby amended and superseded by this chapter. (Ord. 6-96).

12.01.220 Severability

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid. (Ord. 6-96).

12.01.230 Amendments

The Richland City Council may amend, supplement, or repeal the regulations and provisions of this chapter in the manner prescribed by RMC 1.01.027. A proposed amendment, supplement or repeal may be originated by the Richland physical planning commission, City Manager, Planning and Inspection Manager or by petition. All proposals not originating with the City Manager shall be referred to him/her for a report thereon before any action is taken on the proposal by the Richland City Council. (Ord. 6-96).

Chapter 12.02 - Street Functional Classification Plan**Sections:**

- 12.02.010 Purpose**
- 12.02.020 Intent**
- 12.02.030 Principal Arterials**
- 12.02.040 Minor Arterials**
- 12.02.050 Arterial Collector Streets**
- 12.02.060 Neighborhood Collector Streets**
- 12.02.070 Local Streets**
- 12.02.080 Implementation**

12.02.010 Purpose

All roads within the City shall be classified as principal arterials, minor arterials, arterial collector streets, neighborhood collector streets or local streets. (Ord. 202 1.01: Ord. 6-96: Ord. 10-01).

12.02.020 Intent

Functional classification is the process by which streets are grouped into classes, or systems, according to the character of the service they are intended to provide. Most travel involves a movement through a network of streets. It becomes necessary then to determine how this travel can be channelized within the network in a logical and efficient manner. Functional classification defines the nature of this channelization process by defining the part that any particular street should play in serving the flow of trips through a street network.

Streets identified in the functional classification system are derived from existing streets and those identified on the City's Transportation Improvement Plan (TIP), which is adopted by the City Council annually. The TIP is a planning document to facilitate the funding and construction of the City's transportation element of the Comprehensive Plan.

Unconstructed portions of streets and corridors as designated on the TIP have been included to provide the long range planning and regulatory control necessary to protect and maintain the function of the street/corridor. (Ord. 202 1.02: Ord. 768 1.01: Ord. 6-96: Ord. 10-01).

12.02.030 Principal Arterials

Principal arterials provide travel service (mobility) for major traffic movements within the City. They serve as major centers of activity, intra-area travel between suburban centers, between larger communities, and between major trip generators. Principal arterials serve the longest trips and carry the major portion of trips entering and leaving the overall area. Typically they are one of the highest traffic volume corridors in the City. They frequently serve as important inter-urban and inter-city bus routes.

The spacing of principal arterials is usually about one (1) mile. Service to abutting land should be subordinate to the provision of travel service for major traffic movements. Desirably it is located on community and neighborhood boundaries or adjacent to but not through major shopping centers, parks and other homogeneous areas. (Ord. 2.02 1.03: Ord. 768 1.03: Ord. 6-96: Ord. 10-01: Ord. 39-04).

12.02.040 Minor Arterials

Minor arterials interconnect with and augment the principal arterial system. Minor arterials connect major arterials to collector streets and small generators. They provide service to medium size generators, such as less intensive commercial development, high schools and some middle/grade schools, warehousing areas, active parks and ball fields and other land uses with similar trip generation potential. They distribute travel to smaller geographic areas and communities than those identified within the principal arterial system. They provide travel service trips of moderate length of a somewhat lower level of travel mobility than principal arterials. The design year ADT is typically in the range of 2,500 to 15,000 vehicles per day.

Spacing of minor arterials is usually less than one (1) mile in fully developed areas. They provide intra-community continuity and are typically a continuous street with a direct rather than meandering alignment. They may carry local bus routes.

Minor arterials allow for more emphasis on land access than the principal arterial system. They usually do not penetrate identifiable neighborhoods. (Ord. 202 1.03: Ord. 768 1.03: Ord. 6-96: Ord. 10-01).

12.02.050 Arterial Collector Streets

Arterial collector streets distribute trips between the principal and minor arterials and the ultimate destination, or may collect traffic from the neighborhood streets and channel it into the arterial system. They carry a low portion of through traffic and a high portion of local traffic with an origin or destination within the area. Arterial collector streets provide both land access service and traffic mobility. Spacing is approximately 1/4 mile. The design year ADT is typically in the range of 1,000 to 4,000 vehicles per day. The allowable traffic volumes on Arterial Collector within the South Richland Collector Street Finance Plan boundary shall be allowed to increase to no more than 8,000 vehicles per day while the Plan is in effect. (Ord. 202 1.04: Ord. 768 1.04: Ord. 6-96: Ord. 10-01: Ord. 39-04).

12.02.060 Neighborhood Collector Streets

Neighborhood collector streets serve as primary access between the development/subdivision and the arterial/arterial collector system. It distributes and/or collects traffic from the local roads in the residential neighborhood and channels it into the arterial system. It directly serves any major traffic generators within the neighborhood such as a church or an elementary school. It usually serves one moderate sized neighborhood or a combination of a few small developments. It serves little or no through traffic generated outside of the neighborhood. The design year ADT is typically in the range of 400 to 1,500 vehicles per day. (Ord. 10-01).

12.02.070 Local Streets

All streets or parts of streets not designated as principal arterials, minor arterials, arterial streets or neighborhood collector streets are classified and designated as local streets.

Local streets provide direct access from abutting property to the collector street. They are typically an internal subdivision road and service to through traffic is deliberately discouraged. Typical ADT is generally less than 1,000 vehicles per day. (Ord. 10-01).

12.02.080 Implementation

Street functional classification shall be as designated on exhibit "A" the City of Richland Street Functional Classification System Map. The City Engineer is directed to implement the street classifications described in this chapter through the use of appropriate street design standards, traffic control devices and access regulations. (Ord. 10-01).

Chapter 12.03 – ROAD IMPACT FEES

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- 12.03.020 Definitions**
- 12.03.030 Imposition of Transportation Impact Fees**
- 12.03.040 Calculation of Impact Fees**
- 12.03.060 Credits**
- 12.03.070 Applicability**
- 12.03.080 Time of Payment of Impact Fees**
- 12.03.090 Adjustments**
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- 12.03.120 Refunds**
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- 12.03.140 Plan Update**
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- 12.03.190 Project List**
- 12.03.200 Implementation**
- 12.03.220 Grant Funds**

12.03.010 Authority and Purpose

The South Richland Traffic Impact Fee Program has been developed pursuant to the City of Richland police powers, the Growth Management Act as codified in Chapter 36.70A of the Revised Code of Washington (RCW), the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

The purpose of the Traffic Impact Fee Program is to:

- A. Develop a program consistent with Richland's Comprehensive Plan, the Six-Year Transportation Improvement Program (TIP) and the Capital Facilities Plan (CFP), for joint public and private financing of transportation improvements necessitated in whole or in part by development within the Program boundary;
- B. Ensure adequate levels of transportation and traffic service consistent with the level of transportation service identified in the Comprehensive Plan and Title 12 of the Richland Municipal Code.
- C. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site transportation facilities directly necessitated by new development; and
- D. Ensure fair collection and administration of such transportation impact fees.

The provisions of the South Richland Traffic Impact Fee Program shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare. (Ord. 39-04: Ord. 03-09)

12.03.020 Definitions

- A. "Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking development and their successors and assigns.
- B. "Development" means the subdivision or short platting of land or the construction or expansion of commercial, industrial, public, or any other non-residential building, building space, or land that generates additional vehicular trips.
- C. "Development permit" means a building permit, special use or other City issued permit required to develop property that will generate additional vehicular trips.
- D. "Off-site transportation improvements" means those transportation capital improvements designated in the Comprehensive Plan or Capital Facilities Plan adopted by the City that serve the transportation needs of more than one development.
- E. "Transportation impact fee" means a monetary charge imposed on new development for the purpose of mitigating off-site transportation impacts that are a direct result of the proposed development.

- F. "Fair market value" means the price that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to local government of land or improved transportation facilities.
- G. "Equivalent Single Family Residential Unit" means a unit of development that generates 10 vehicle trips per day as defined by the latest edition of the ITE Trip Generation Manual.
- H. "Traffic Impact Zone" means an identified traffic shed boundary as depicted on the official plan map with similar travel patterns that will benefit from a group of planned improvement projects.(Ord. 39-04: Ord. 03-09)

12.03.030 Imposition of Transportation Impact Fees

Transportation impact fees imposed in this Program:

- A. Shall only be imposed for system improvements that are reasonably related to the new development;
- B. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
- C. May be collected and spent only for system improvements, which are provided for in the Transportation element of the Capital Facilities Plan and Comprehensive Land Use Plan.
- D. Shall not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to the State Environmental Policy Act (SEPA) or any other law;
- E. Shall not be used to correct existing transportation system deficiencies as of the date of adoption of this plan; and
- F. Shall be collected only once for each development, unless changes or modifications to the development are proposed which result in greater direct impacts on transportation facilities than were considered when the development was first approved. (Ord. 39-04: Ord. 03-09)

12.03.040 Calculation of Impact Fees

The method of calculating the transportation impact fees in this Program incorporate, among other things, the following:

- A. The cost of public streets and roads necessitated by new development;
- B. An adjustment to the costs of the public streets and roadways for past or future SEPA mitigation payments made by previous development to pay for particular system improvements that were prorated to the particular system improvement;
- C. The availability of other means of funding public street and roadway improvements; and
- D. The methods by which public street and roadway improvements were financed.

Each single-family residence unit in Traffic Impact Zone 1 shall be subject to a fee amounting to \$1,519.10. Each single-family residence unit in Traffic Impact Zone 2 shall be subject to a fee amounting to \$543.98. Fees for commercial, industrial, and/or multi-family developments will be calculated based on their peak hour trip generation rates as determined by the City Engineer applying the latest version of the ITE Trip Generation Manual. Pass-by and internally captured trips will be deducted from the total trip generation in determining new development trips. As an example, a commercial building in Traffic Impact Zone 2 generating 150 trips with 50 being pass-by and/or internally captured trips resulting in 100 new peak hour trips will have an impact fee of \$54,398.00. (Ord. 39-04: Ord. 03-09)

12.03.060 Credits

A credit, not to exceed the impact fee otherwise payable, shall be provided for the fair market value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the Financing Plan. The determination of "value" shall be consistent with the assumptions and methodology used by the City in estimating the capital improvement costs. (Ord. 39-04)

12.03.070 Applicability

The requirements of the South Richland Traffic Impact Fee Program apply to all development activity in the City of Richland as depicted on the map titled Exhibit A that is attached to Ordinance No. 03-09 codifying this section. Unincorporated areas within the boundary will not be used in the fee calculations and once annexed into the City will be assigned to the appropriate fee area and shall participate in the Program prior to approval of any development proposal. (Ord. 39-04: Ord. 03-09: Ord.03-09A)

12.03.080 Time of Payment of Impact Fees

All new development within the Program boundary shall pay a transportation impact fee in accordance with the provisions of this Plan at the time that the applicable development permit is ready for issuance. The fee paid shall be the amount in effect as of the date of the permit issuance.

The impact fee amount shall be set as of the date of the development permit application. No development permit shall be issued until the impact fee is paid.

A developer may obtain a preliminary determination of the impact fee before application for a development permit.

Impact fees may be paid under protest in order to obtain a permit or other approval of development activity. (Ord. 39-04: Ord. 03-09)

12.03.090 Adjustments

The amount of fee to be imposed on a particular development may be adjusted by the Public Works Director giving consideration to studies and other data available to the director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter. (Ord. 39-04)

12.03.100 Establishment of Impact Fee Account

Impact fee receipts for the South Richland Traffic Impact Fee Program shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established and maintained for each Traffic Impact Zone. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. (Ord. 39-04: Ord. 03-09)

12.03.120 Refunds

A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted.

The owner must submit a request for a refund to the City in writing within one year of the date the right to claim the refund arises. Any transportation impact fees that are not expended or encumbered within the time limitations established, and for which no application for a refund has been made within this one-year period, shall be retained and expended on any project identified in the South Richland Traffic Impact Fee Program.

In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners as they appear of record with the Benton County Assessor at the time of refund.

When the City seeks to terminate any or all impact fee requirements all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended on projects identified within the South Richland Traffic Impact Fee Program. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated. (Ord. 39-04: Ord. 03-09)

12.03.130 City Use of Collected Funds

The City will establish a separate account for each Traffic Impact Zone in the South Richland Traffic Impact Fee Program into which developer contributions will be deposited. The only eligible costs that would be allowed to draw upon these funds would be for right-of-way acquisition, design engineering, construction, construction management and inspection, or reimbursement of funds expended on approved improvements within the Plan area boundaries. Eligible expenditures would be prioritized based on:

- A. Right-of-way acquisition for a project to reduce the traffic load on a street at or over capacity as defined in the Municipal Code.
- B. Construction costs for a project to reduce the traffic load on a street at or over capacity as defined in the Municipal Code.
- C. Right-of-way acquisition for a project projected to reduce the traffic load on a street projected to exceed the Code capacity based on approved preliminary plats.
- D. Construction costs for an approved improvement that will reduce the traffic load on a collector street projected to exceed the Code capacity based on approved preliminary plats.
- E. Reimbursement of private developer construction costs for an approved street improvement included in an approved Latecomer Agreement.
- F. Reimbursement of private developer right-of-way acquisition costs for an approved street improvement included in an approved Latecomer Agreement.

Transportation impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The Public Works Director may recommend to the Council that the City hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

The Finance Director shall prepare an annual report on the transportation impact fee account showing the source and amount of all moneys collected, earned or received and projects that were financed in whole or in part by transportation impact fees.

The City Council will approve expenditures of South Richland Traffic Impact Fee Program funds in accordance with the above priorities. (Ord. 39-04: Ord. 03-09)

12.03.140 Plan and Fee Update

This Plan may be updated annually to evaluate the consistency of development density assumption, estimated project costs and adjust for awarded grant funding, if any. Plan updates that result in a change in impact fees will be reviewed by City Council. Impact fee changes will only occur through an ordinance requiring Council action. (Ord. 39-04)

12.03.150 Appeals

A developer may appeal the amount of an impact fee determined by the City. The appeal shall be submitted in writing to the Public Works Director. No appeal shall be permitted until the impact fees at issue have been paid.

The developer shall bear the burden of proving:

- A. That the City committed an error in calculating the developer's proportionate share, as determined by an individual fee calculation; or
- B. That the fee was based upon incorrect data.

Appeals regarding the impact fees imposed on any development activity shall only be filed by the fee payer of the property where such development activity will occur.

The fee payer must first file the appeal and request a review regarding impact fees as provided herein:

- A. The request shall be in writing stating the specific reasons for the appeal;
- B. The appeal and request for review shall be filed no later than fourteen (14) calendar days after the fee payer pays the impact fees at issue;
- C. The Public Works Director shall issue a determination in writing within fourteen (14) calendar days after the receipt of the appeal.

- D. The developer may appeal the Public Works Director's determination to the City Council. (Ord. 39-04)

12.03.160 Existing Authority Unimpaired

Nothing in this chapter shall preclude the City from requiring the applicant for a building permit, or certificate of occupancy if no building permit is required, to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c). (Ord. 39-04)

12.03.170 Relationship to SEPA

All development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.

Payment of the impact fee shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the project list.

Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.

Nothing in this chapter shall be construed to limit the City's authority to deny development permits when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact. **(Ord. 39-04)**

12.03.180 Relationship to Concurrency

Development proposals that are submitted in general conformance with the assumptions made for land uses and scale/density will be deemed to meet the concurrency requirements of the Growth Management Act by paying the appropriate transportation impact fee. A Development proposal not meeting such may require additional review and studies to determine concurrency. (Ord. 39-04)

12.03.190 Project List

The improvements included in the Traffic Impact Fee Program are:

Traffic Impact Zone 1

- A. Queensgate Dr. – Keene Road to the Shockley Road
- B. Queensgate Dr./Keene Road Signal Improvements (4th leg system only)
- C. Heritage Hills Dr. – Sundance Ridge to Keene Road
- D. Gage Blvd. – Morency Dr. to UGA Boundary
- E. Shockley Road/Keene Road Signal Improvements
- F. Westcliffe Blvd. – Keene Road to KID Canal
- G. Englewood Street – Keene Road to existing Englewood
- H. Westcliffe Blvd./Keene Road Signal Improvements
- I. Unnamed Street (parallel to Brantingham) – Westcliffe Blvd. To KID Canal
- J. Sequoia – Melissa Street – Gage Blvd. To Unnamed Street
- K. Unnamed Street – Heritage Hills Dr. to Columbia Park Trail
- L. Queensgate Drive (Phase 2) – Westgate Way to Rachel Road
- M. Steptoe Street Extension – Gage Boulevard to South City Limits
- N. Rachel Road Extension – Leslie Road to Steptoe Street (extended)
- O. Bellerive Drive Extension – Broadmoor Street to Rachel Road (extended)
- P. Keene & Elementary Traffic Signal

Traffic Impact Zone 2

- A. Keene Road Improvements (Phase 3) – Tomich Avenue to Queensgate Drive
- B. Queensgate & Columbia Park Trail Intersection Improvements
- C. Queensgate & Eastbound I-182 Ramps Improvements
- D. Queensgate & Westbound I-182 Ramps Improvements
- E. Queensgate & Duportail Intersection Improvements

F. Unnamed Street #2 – Tomich Avenue (extended) to Arena Road(Ord. 39-04: Ord. 03-09)

12.03.200 Options for Implementation

As defined in the South Richland Traffic Impact Fee Program, the impact fee will be designed to accomplish the following scope of work:

- A. Right-of-way acquisition.
- B. Traffic signal and intersection improvements.
- C. Rural road section improvements (32-foot wide asphalt pavement only) Curb, gutter, sidewalk, street lighting, and storm drainage would remain the responsibility of the underlying owner.

Improvement costs are divided into two elements:

- A. Right-of-way acquisition; and
- B. Design and construction of 32-foot wide rural street section with traffic signal improvements, but excluding storm drain system, street lights, curb, gutter, and sidewalk. (Ord. 39-04: Ord. 03-09)

12.03.220 Grant Funds

Grant funds acquired for identified improvements in the Program will be applied to the public share of the project, if any, and then to the new development share and may result in a reassessment of required plan funding, with properties developing after the grant was acquired benefiting from lower per trip costs. (Ord. 39-04: Ord. 03-09)

Chapter 12.04 - Driveways**Sections:**

- 12.04.010 Purpose**
- 12.04.020 Definitions**
- 12.04.030 Permit-Required**
- 12.04.040 Permit-Application-Fee**
- 12.04.045 Permit-Fee Exceptions**
- 12.04.050 Compliance with Ordinances**
- 12.04.060 Specifications**
- 12.04.070 Location of Driveways**
- 12.04.080 Existing Utilities**
- 12.04.090 Width of Driveways-Residential**
- 12.04.095 Width of Driveways-Non-Residential**
- 12.04.100 Width of Driveways-Non-Residential-Exceptions**
- 12.04.110 Abandoned Driveways**
- 12.04.120 Modification of Existing Driveways**
- 12.04.130 Separate Units of Operation**
- 12.04.140 Construction-Materials**
- 12.04.150 Paved or Hard-Surfaced Areas Served by Driveways**
- 12.04.160 Driveways Across Drainage Ditches**
- 12.04.170 Maintenance of Improvements**
- 12.04.180 Application to Local Improvement Districts**
- 12.04.190 Inspection-Notice to Public Works Director**
- 12.04.200 Violations-Penalties**
- 12.04.210 Severability**

12.04.010 Purpose

The purpose of this chapter is to establish standards for and to regulate the location, size, and construction of driveways in order to provide safe and efficient entry onto and exit from roadways and for the protection of pedestrian traffic on the sidewalk area. Any access from a public roadway to private property hereafter provided, constructed, altered, or repaired shall be by means of driveways which comply with the provisions of this chapter. (Ord. 166 1.01).

12.04.020 Definitions

The following words and phrases shall, when used in this chapter, have the meanings attributed to them in this section.

"Change of use" means any change of purpose for which any land, building, or structure is occupied, maintained, arranged, designed, or intended.

"Driveway" means any area, construction, or facility between the roadway of a street and private property to provide access for vehicles from the roadway of a street to private property.

"Person" means any person, firm or corporation.

"Parking strip" means the area between the roadway and the property line, excluding the sidewalk, if any.

"Public Works Director" means the Director of Public Works of Richland or his duly authorized representative or delegate.

"Roadway" means the paved, improved, or proper driving portion of a street, designed or ordinarily used for vehicular travel.

"Sidewalk" means that portion of the space lying between the street roadway or curb line and the property line which is reserved for sidewalks, either existing or proposed.

"Street" includes any street, alley, or other public place within the City of Richland. (Ord. 166 1.02: Ord. 40-83 1.01).

12.04.030 Permit-Required

No person shall commence work on the construction, alteration, repair or removal of any driveway or the paving of any parking strip on any street or other public way in the City of Richland without having first obtained a written permit issued pursuant to this chapter. (Ord. 166 1.03: Ord. 40-83 1.01).

12.04.040 Permit-Application-Fee

Any person requesting such permit shall file written application therefor with the Public Works Director. Such application shall be made on a form provided by the Public Works Director for that purpose, and shall contain the following information:

- A. The name and address of the applicant;
- B. The name and address of the owner of the property abutting the street where the work is proposed;
- C. The exact location of the proposed work giving the street address or legal description of the property involved;
- D. A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features within the limits of the frontage of said property;
- E. The plan shall also show the location of the buildings, loading platforms or off-street parking facilities being served or to be served by such driveways.

The fee for each permit shall be forty dollars which shall accompany the application. The permit shall be valid for a period of one hundred twenty days. If work is not commenced within such period, a new permit will be required. (Ord. 166 1.04: Ord. 16-79 1.02: Ord. 40-83 1.01).

12.04.045 Permit-Fee Exceptions

The Public Works Director may waive the permit fee in those cases where an existing driveway is being extended to an existing curb cut and sidewalk, where existing sidewalks are being repaired or removed and replaced, or the work being performed is so minor that, in the opinion of the Public Works Director, a fee is not warranted. (Ord. 40-83 1.01).

12.04.050 Compliance with Ordinances

No permit shall be issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this chapter or any other ordinance of the City of Richland, nor shall the issuance of a permit be construed as a waiver of the requirements of any other ordinance of the City which applies to the proposed work. (Ord. 166 1.05).

12.04.060 Specifications

All construction outlined in this chapter shall be performed in accordance with the City of Richland's specifications issued by the Department of Public Works in effect at the time construction is performed.

All residential and non-residential driveways shall be constructed in accordance with the design standards set forth on the drawings entitled "Residential Driveway" and "Non-Residential Driveway," dated January 1, 1983 and the City of Richland standard specifications on file in the office of the Public Works Director. (Ord. 40-83 1.01).

12.04.070 Location of Driveways

No driveway shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements. Unless otherwise approved by the Public Works Director for good cause, all driveways including any radius returns shall be confined within lines perpendicular to the curb line and passing through the property corners.

No driveway shall be located closer to the intersection of two streets than twenty-five feet, measured from the nearer boundary of the right-of-way of the street which intersects with the street the driveway enters to the start of the radius of the curb on the street side for the driveway.

If a driveway would impede the flow of traffic at an intersection, the Public Works Director may restrict the direction of traffic movement to and from the driveway.

There shall be not more than two driveways on one street for any one ownership except as provided in Section 12.04.130. The Public Works Director may require common access points for separate ownership, if in the opinion of the Public Works Director, separate access for each ownership onto the street will jeopardize motorists and pedestrians or impede the flow of traffic on the street. (Ord. 166 1.06: Ord. 40-83 1.01).

12.04.080 Existing Utilities

No driveway shall be constructed in such manner as to be a hazard to any existing street lighting standard, utility pole, traffic regulating device, or fire hydrant. The cost of relocating any such street structure, when necessary to do so, shall be borne by the permit holder. Said relocation of any street structure shall be performed only through the department of the City having responsibility for the particular structure involved. (Ord. 166 1.08).

12.04.090 Width of Driveways-Residential

The width of any driveway at the curb shall not exceed thirty feet, nor be less than ten feet, both exclusive of the transitions in the curb sections except as otherwise provided in this chapter. If no curb has been installed, then the width of the driveway shall be measured at the line where a curb would be required to be placed under ordinances of the City then in force governing the location of curbs. Except as provided in Section 12.04.120, the total width of all driveways for any one ownership along the street shall not exceed fifty percent of the frontage of that ownership along the street, unless the frontage is less than sixty feet. If the frontage is less than sixty feet, then there may be one driveway not more than thirty feet in width. (Ord. 166 1.09: Ord. 40-83 1.01).

12.04.095 Width of Driveways-Non-Residential

All driveways other than a single residence driveway shall be considered non-residential and be installed where customer, visitor and/or tenant parking areas are involved. The minimum width for two-way operation shall be thirty-five (35) feet and fifteen (15) feet for one-way operation. Standards for driveway installation shall be as follows:

- A. Construction shall be per current City of Richland Standard Details Drawing.
- B. Maximum driveway slope between parking lot and street shall be ten percent (one and one-fourth inch per foot).
- C. The curb crossing the driveway shall be a drop type curb in which the face of the curb shall be a maximum of 1/2-inch and back of curb 1-1/2 inches maximum. Drop curb shall slope to drain and match standard curb and gutter in street.
- D. Curb drops shall be provided for the handicapped on each side of the driveway. (Ord. 28-78 1.01: Ord. 40-83 1.01: Ord. 11-07).

12.04.100 Width of Driveways-Non-Residential-Exceptions

The Public Works Director may issue a permit for driveways deviating from the standards set forth herein, provided the safety of pedestrians and motorists are not jeopardized or traffic flow is not impaired by the deviation. The Public Works Director may issue a permit for the following deviations:

To allow a residential type driveway constructed to non-residential width standards where the number of parking spaces required in 23.74.100 is twenty (20) or less and the anticipated peak hour traffic and trip generation can be shown through standard traffic engineering practices to be forty (40) vehicles or less. Peak hour traffic shall be defined as the combined number of vehicles entering and exiting a piece of property within the busiest sixty (60) minutes on the busiest day of the week.

If the parking and peak hour traffic conditions in paragraph (A) are met and the physical boundaries and configuration of the property makes the construction of the standard width or curb radius impractical, the width excluding the radius of the curb return for non-residential driveways and the transition for residential driveways may be reduced to thirty (30) feet. The radius of the curb returns and any modifications in the construction of the curb section to improve access shall be determined by the Public Works Director but in no case shall the radius be less than ten (10) feet. The driveway width for secondary driveways on non-arterial streets, where in the opinion of the Public Works Director a wider driveway cannot be constructed, may be reduced to twenty-four (24) feet.

A two-way driveway may be widened from thirty-six (36) feet to a maximum of sixty (60) feet.

A one-way driveway may be widened from fifteen (15) feet to a maximum of twenty (20) feet. Delete the concrete curb returns on streets without curb and gutters and in which there is no future requirement for curbs and gutters on the street. (Ord. 166 1.10: Ord. 40-83 1.01).

12.04.110 Abandoned Driveways

When any driveway is abandoned or is no longer used as the result of a change of use, or for any other reason has become unnecessary, it shall be closed. If there is a curb at the particular location, the owner shall replace the driveway with a standard curb constructed according to the City's standard specifications for curbs. If there is a sidewalk, the owner shall replace the driveway with a sidewalk constructed according to the City's standard specifications for sidewalks. (Ord. 166 1.11).

12.04.120 Modification of Existing Driveways

Whenever in a single ownership the total width of existing driveways on a street is over fifty percent of the frontage of the ownership on that street, or any driveway is more than thirty feet in width, such existing driveway or driveways shall be made to conform to the provisions of this chapter in the event of any of the following changes:

- Any widening of any such existing driveways, if such widening is otherwise permitted by this chapter;
- Any alteration or repair, other than ordinary maintenance, of such existing driveways in excess of twenty-five percent of the frontage of the ownership on that street;
- Any construction of additional driveways by the owner entering that street;
- Any change of use of the ownership.

Notwithstanding the foregoing, the Public Works Director may issue a permit for the proposed change if the strict application of this section would result in a substantial hardship on the owner and the proposed change does not impede the better movement of traffic or increase the hazard to pedestrians and vehicular traffic. (Ord. 166 1.12: Ord. 40-83 1.01).

12.04.130 Separate Units of Operation

Where a single ownership is developed into more than one unit of operation each sufficient in itself to meet the code requirements for parking in Chapter 23.74 or the necessity for additional access to the street is evident, additional driveways may be allowed by the Public Works Director. The minimum spacing of additional driveways shall be three hundred (300) feet. (Ord. 166 1.13: Ord. 40-83 1.01).

12.04.140 Construction-Materials

Where standard curbs and gutters of portland cement concrete are existing or to be constructed in conjunction with driveways, the following provisions shall apply to the driveway construction:

When portland cement concrete combination curb and gutter exist, or combination curb, gutter and sidewalk, said curb, gutter and sidewalk shall be completely removed to the width of the desired driveway plus radius of the curb returns and any curb to be cut, and the driveway, gutter and return shall be constructed according to the standard drawings. Where curbs are to be removed, they shall be removed to the nearest joint outside the proposed driveway or shall be saw cut at the beginning of new radius of the curb return for non-residential driveways or transition for residential driveways. The driveway from gutter to the edge of the sidewalk facing the property line shall be constructed of portland cement concrete. The driveway from a sidewalk to the property line shall be paved with concrete or asphalt.

Where unimproved streets exist, the driveway may be constructed of concrete or asphalt to the general shape of the standard drawing. Such driveways shall be considered temporary and subject to removal and replacement at the expense of the abutting property owner at such time as standard curbs and gutters or sidewalks are constructed. (Ord. 166 1.14: Ord. 28-78 1.02: Ord. 40-83 1.01).

12.04.150 Paved or Hard-Surfaced Areas Served by Driveways

Whenever any area in connection with a service station, parking lot or similar place served by one or more driveways is to be paved or hard-surfaced, a plot plan of the entire area to be improved shall be submitted to the Public Works Director. In addition to the information required for application for a driveway permit, the plot plan shall show the details of grading, drainage and surfacing, including the surfacing material to be used. Developers of public parking areas shall also meet the requirements of the Richland Comprehensive Zoning Ordinance.

All such paved or hard-surfaced areas shall be provided with means of disposing of all water that may fall upon such areas either by connection with a storm sewer or by other means of disposal approved by the Public Works Director. (Ord. 166 1.15: Ord. 40-83 1.01).

12.04.160 Driveways Across Drainage Ditches

Where any driveway is to be constructed across an existing drainage ditch, a suitable culvert or other drainage structure as determined by the Public Works Director shall be provided at the expense of the abutting property owner. (Ord. 166 1.16: Ord. 40-83 1.01).

12.04.170 Maintenance of Improvements

All driveway paving, drainage structures, or any other improvements within the space between the property line and the roadway shall be maintained in a safe and usable condition at the expense of the abutting property owner. (Ord. 166 1.17).

12.04.180 Application to Local Improvement Districts

The provisions of this chapter shall apply with equal force and effect to similar construction in connection with local improvement districts. (Ord. 166 1.18).

12.04.190 Inspection-Notice to Public Works Director

An inspection shall be requested of the Public Works Director after forms have been placed and prior to the paving of any concrete on a permit issued under this chapter. (Ord. 166 1.19: Ord. 40-83 1.01).

12.04.200 Violations-Penalties

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment. (Ord. 166 1.21: Ord. 40-83: Ord. 17-84).

12.04.210 Severability

The invalidity of any section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 166 1.20).

Chapter 12.05 – State Highway Access Management

Sections:

12.05.010 Authority

12.05.020 Adoption of State Statutes by Reference

12.05.030 Additional Definitions

12.05.040 Access Permits – Administrative Process – Adoption of State Statutes by Reference

12.05.050 Access Control Classification System and Standards – Adoption of State Statutes by Reference

12.05.010 Authority

The City of Richland adopts this policy under the State Highway Access Management Act, Chapter 47.50 RCW and the rules and standards set forth in Chapters 468-51 and 468-52 WAC. This chapter contains the City's policies and procedures for the regulation and control of vehicular access and connection points of ingress to and egress from the state highway system within the incorporated area of the City.

12.05.020 Adoption of State Statutes by Reference

The City of Richland adopts the following sections of Chapter 47.50 RCW, as now existing or hereafter amended, by reference:

RCW

- 47.50.010 Findings – Access
- 47.50.020 Definitions – Access
- 47.50.030 Regulating connections
- 47.50.040 Access permits
- 47.50.050 Permit fee
- 47.50.060 Permit review process
- 47.50.070 Permit conditions
- 47.50.080 Permit removal

12.02.030 Additional Definitions

In addition to those definitions contained within RCW 47.50.020, WAC 468-51-020 and WAC 468-52-150, when used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

- A. "Department" means the Public Works Department of the City of Richland.
- B. "Permitting Authority" means the city Richland.
- C. "Government Entity" means the City of Richland.

12.05.040 Access Permits – Administrative Process – Adoption of State Statutes by Reference

The City of Richland adopts the following sections of Chapter 468-51 WAC, except for section 468-51-070, as now existing or hereafter amended, by reference:

WAC

- 468-51-010 Purpose
- 468-51-020 Definitions
- 468-51-030 General Provisions
- 468-51-040 Connection Categories
- 468-51-050 Conceptual Review
- 468-51-060 Application Requirements and Procedures
- 468-51-080 Application Submittal, Review, Conditions
- 468-51-090 Construction Requirements
- 468-51-100 Nonconforming Connection Permits
- 468-51-110 Changes in Property Site Use
- 468-51-120 Permit Modification, Revocation, Closure of Permitted Connections
- 468-51-130 Closure of Unpermitted Connections

468-51-140 Department Construction Projects
468-51-150 Adjudicative Proceedings

12.05.050 Access Control Classification System and Standards – Adoption of State Statutes by Reference

The City of Richland adopts the following sections of Chapter 468-52 WAC, as now existing or hereafter amended, by reference:

WAC

468-52-010 Purpose
468-52-020 Definitions
468-52-030 General
468-52-040 Access Control Classification System and Standards
468-52-050 Application of Access Control Classification System Standards

(Ord. 01-08)

Chapter 12.08 - Right-of-Way Construction

Sections:

- 12.08.010 Definitions**
- 12.08.020 Construction Permit Required**
- 12.08.030 Construction Permit Application**
- 12.08.040 Construction Permit Fees**
- 12.08.050 Notice Required**
- 12.08.060 Construction Standards**
- 12.08.070 Damage to Existing Improvements**
- 12.08.080 City's Right to Restore Right-of-Way/Easements**
- 12.08.090 Insurance-Evidence**
- 12.08.100 Insurance-Exception**
- 12.08.110 Indemnification and Hold Harmless**
- 12.08.120 Penalties**
- 12.08.130 Severability**

12.08.010 Definitions

For the purposes of this chapter the following terms, phrases and words shall have the meaning given herein.

"Applicant" is any person making written application to the Director for a construction permit hereunder.

"City" is the City of Richland.

"Construction permit," also known as a use permit or a right-of-way permit, is the authorization granted by the City for an applicant to work in a specified right-of-way or easement to conduct the agreed upon work.

"Construction work" is the excavation and other above ground construction work permitted under a construction permit and required to be performed under this chapter.

"Director" means the Public Works Director for the City of Richland or designated representative.

"Easement" means any City held easement for access and public utilities.

"Improvement" is any public or private improvement, including the property of public utilities.

"Permittee" is any person who has been granted and has in full force and effect a construction permit issued hereunder.

"Person" is any person, firm, corporation or service provider as defined under Title 28.

"Public Infrastructure" is any necessary construction, performed within the City right-of-way or on private property, to install City facilities, including streets, sidewalks, storm drainage, street lights, sanitary sewers and/or water lines and necessary appurtenances, as identified within City standards.

"Right-of-Way" or "Public Way" means all property in which the City has any form of ownership or title and which is held for public street or utility purposes, regardless of whether or not any street or utility exists thereon or whether it is used, improved or maintained for public use.

"Street" is any street, highway, sidewalk, alley, avenue or other public way, easement, or other public place in the City. (Ord. 119 1.01: Ord. 40-83 1.02: Ord. 7-98: Ord. 28-01).

12.08.020 Construction Permit Required

A construction permit is required of any person who performs construction work within existing or proposed City rights-of-way, easements, or on City owned infrastructure, including, but not limited to:

1. Any attachments to City owned utility poles that materially changes the clearance, mechanical, structural or electrical characteristics of any joint pole installation,

2. Dig up, break, excavate, tunnel, undermine or to make or cause to be made any excavation in, under or above any right-of-way for any purpose or to place, deposit or leave upon any right-of-way any earth or other excavated material obstructing or tending to interfere with the free use of the right-of-way, or
3. Installation of any new City owned infrastructure or private utilities. Construction work does not include routine maintenance, water, sewer or irrigation service repairs, new telecommunications, power, phone or cable service connection drops to customers, unless such maintenance, repairs or service connection drops are new pole attachments, disturb the other joint pole users, disturb the roadbed or other public infrastructure, or in any substantial manner, obstructs the flow of traffic.

Notwithstanding any other provision of this title, the City must act on a request for a construction permit by a service provider of telecommunicating services within one hundred twenty (120) days of receipt of a completed application, unless the applicant consents to a different time period or the applicant has not obtained all other permits requested by the City. (Ord. 119 1.02: Ord. 40-83 1.02: Ord. 7-98: Ord. 20-99: Ord. 28-01).

12.08.030 Construction Permit-Application

No construction permit shall be issued unless a written application for the issuance of a construction permit is submitted to the Director. The application shall be provided by the City. The following additional material shall be required within the application:

Construction plans certified by a professional engineer registered in the State of Washington, and A copy of the contractor's and all subcontractor state licensing and bonding compliance, and current City of Richland business licenses. (Ord. 119 1.03: Ord. 40-83 1.02: Ord. 7-98: Ord. 20-99: Ord. 28-01).

12.08.040 Construction Permit Fees

A permit fee shall be charged by the Director for the issuance of a construction permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work.

The construction permit fee shall consist of one of the following components:

Single Family Residential Improvements: An application fee to cover administrative and inspection costs shall be one hundred fifty dollars (\$150.00).

For Utility Trenching: An application fee to cover administration and inspection costs shall be fifty cents (\$0.50) per linear foot for trenching within existing roads and rights-of-way. The minimum fee shall be two hundred fifty dollars (\$250.00).

For Public Infrastructure: An application fee to cover the administrative and plan review costs shall be submitted with the Construction Permit application. The application fee shall be 0.75% of the estimated construction costs of the City infrastructure with a minimum application fee of two hundred fifty dollars (\$250.00). Prior to the issuance of the construction permit, a permit fee to cover the inspection costs shall be paid in the amount of 5% of the estimated construction cost of City infrastructure. The cost estimate shall be prepared and stamped by a licensed engineer.

For City Pole Attachments: An application fee to cover the administrative and plan review costs shall be two hundred fifty dollars (\$250.00). Prior to issuance of the construction permit, the applicant must identify, in writing, the professional engineer that will certify the construction of the pole attachments per Section 14.31.030(A) of the Richland Municipal Code. (Ord. 28-01).

12.08.050 Notice Required

The permittee shall give to the Director notice not less than forty-eight (48) hours before any work under a construction permit is commenced and shall notify the Director upon completion of the work. In the event of an unexpected repair or emergency, a permittee may commence work as required under the circumstances, provided the permittee obtains a construction permit within forty-eight (48) hours after work is commenced. Unexpected repairs and emergency work shall comply with all other requirements of this title. (Ord. 28-01).

12.08.060 Construction Standards

All work within the City right-of-way shall be in accordance with adopted City standards in effect at the time of the application for the construction permit. (Ord. 28-01).

12.08.070 Damage to Existing Improvements

All damage done to existing public or private improvements during the progress of the construction work shall be repaired by the permittee to an equal or better condition. Methods and materials for such repair shall conform with adopted City standards. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the Director shall have the authority to cause said necessary labor and materials to be furnished by the City and the cost shall be charged against the permittee and the permittee shall also be liable on his or its bond therefor. (Ord. 28-01).

12.08.080 City's Right to Restore Right-of-Way and Easements

If the permittee shall have failed to restore any City right-of-way or easement to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the right-of-way construction work covered by such permit or if the work of the permittee is defective and the defect is discovered within one (1) year from the completion of the right-of-way construction work, the Director, if he deems it advisable, shall have the right to do all work and things necessary to restore the right-of-way and/or easement and to complete the right-of-way construction work. The permittee shall be liable for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided and the City shall also enforce its rights under the permittee's surety bond, if any, provided pursuant to this chapter. No additional permits shall be granted until the invoice for City-performed work has been paid. (Ord. 28-01).

12.08.090 Insurance - Evidence

A permittee, prior to the commencement of construction hereunder, shall furnish the Director satisfactory evidence in writing that the permittee has in force during the performance of the construction work, commercial general liability insurance of not less than three hundred thousand dollars (\$300,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) general aggregate duly issued by an insurance company authorized to do business in this state. In addition, the policy shall name the City as an additional named insured for the job. (Ord. 28-01).

12.08.100 Insurance - Exception

Any owner of real estate building or repairing or engaging another to build or repair a sidewalk abutting on his property shall not be required to provide evidence of public liability insurance, where no other work is involved. Insurance established under City right-of-way licenses, master permits or facilities leases may be substituted for the insurance required by Section 12.08.090, provided the insurance coverage equals or exceeds that required by Section 12.08.090. (Ord. 28-01).

12.08.110 Indemnification and Hold Harmless

The permittee shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from any and all claims, injuries, damages, losses or suits, including attorney fees, arising or issuing out of the granting of permits under this section, except as may be caused by the negligence or willful conduct on the part of the City of Richland. (Ord. 28-01).

12.08.120 Penalties

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five thousand dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both such fine and imprisonment.

For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense. (Ord. 28-01).

12.08.130 Severability

The invalidity of any section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 28-01).

Chapter 12.10 - Installation of Sidewalks, Curbs and Gutters**Sections:**

- 12.10.010 Sidewalks for New Construction**
- 12.10.020 Sidewalks for Existing Improved Property**
- 12.10.030 Standards of Construction**
- 12.10.035 Sidewalks for New or Improved Streets**
- 12.10.040 Permits**
- 12.10.050 Waiver**

12.10.010 Sidewalks for New Construction

Whenever a building permit application is made for construction of a new residential or commercial structure within the City, the person seeking such permit shall also make application for a permit as provided for under this chapter, and as a portion of such construction there shall be built sidewalks, curbs and gutters on all sides of such property that may adjoin property dedicated as a public street, in conformance herewith, and such sidewalks, curbs and gutters shall extend the full distance that such property is sought to be occupied as a building site for residential or commercial construction, or as parking area for commercial construction, that may adjoin property dedicated as a public street; provided, that, the provisions of this section may be waived temporarily by the Public Works Director when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street did not include sidewalks or curbs and gutters on the effective date of the ordinance codified herein.

In determining whether the provisions of this section will be waived temporarily, the Public Works Director shall consider the number and proximity of developed lots abutting such street, whether those developed lots include sidewalks or curbs and gutters, and whether waiver of this section would adversely affect the uniform construction of sidewalks, curbs and gutters in the general area in which the new construction application is made. (Ord. 390 1.01: Ord. 781 1.01: Ord. 40-83 1.03).

12.10.020 Sidewalks for Existing Improved Property

Within two years from the effective date of this chapter, sidewalks, curbs and gutters shall be installed on all improved property in commercial zones in the same areas as are set forth in Section 12.10.010. (Ord. 390 1.01).

12.10.030 Standards of Construction

All sidewalks required to be constructed under the provisions of this chapter shall be of Portland cement concrete, and sidewalks, curbs and gutters shall otherwise conform to City of Richland Standard Specifications. All sidewalks required to be constructed pursuant to the provisions of this chapter shall be five feet in width; provided, that C-2 and C-3 zones adjacent to a Principal or Minor Arterial shall be eight feet in width if the sidewalk is constructed directly adjacent to the curb or six feet in width if constructed with a minimum of two feet separation from the curb; and all sidewalks within the CBD zone shall be at least eight feet in width, except Guyer Avenue, Corondolet Drive, Stevens Drive north of Marjorie Sutch Greenway and Harding Street, which shall be five feet in width. (Ord. 390 1.01: Ord. 781 1.02: Ord. 40-83 1.03: Ord. 11-07: Ord. 04-09).

12.10.035 Sidewalks for New or Improved Streets

Whenever any street is constructed or improved in any area of the City zoned residential or commercial, whether such construction be by local improvement or otherwise, as a part of such construction or improvement there shall be included therein, on both sides of any such street, that may abut on previously developed property, sidewalks, curbs, and gutters constructed in conformity with requirements of this chapter.

Provided, however, that the provisions of this section may be waived, in whole or in part, by the City Council, upon a determination by the Public Works Director, the sidewalk requirement herein would unduly restrict usage of private property abutting such sidewalk.

In determining whether the provisions of this section will be waived, the Public Works Director shall consider the setback of the existing development from the street, the setback that would exist by requiring

sidewalks, curbs and gutters pursuant to this section, and whether waiver of this section would adversely affect any uniform construction of sidewalks, curbs and gutters in the general area of the construction or improvement. (Ord. 781 1.03: Ord. 40-83 1.03).

12.10.040 Permits

Before constructing sidewalks, curbs and gutters a permit shall be obtained in the same manner as is provided in Chapter 12.08 for obtaining permits for excavations. (Ord. 390 1.01).

12.10.050 Waiver

The Public Works Director or his duly authorized representative may waive the requirements of this chapter in those areas which are scheduled for widening under the six-year street improvement program. (Ord. 390 1.01: Ord. 40-83 1.03).

Chapter 12.11 - Intersection Sight Distance**Sections:****12.11.010 Purpose****12.11.020 Sight Distance Required****12.11.030 Requirements for the Establishment of a Vision Clearance Triangle****12.11.040 Requirements for Property Owner****12.11.050 Penalty****12.11.010 Purpose**

This chapter is intended to insure that all intersections and non-residential driveways shall have an "unobstructed sight distance" along all approaches creating a vision clearance triangle sufficient to avoid vehicle conflicts for all approaching or departing vehicles traveling at or less than the maximum speed limit. (Ord. 10-86 1.11).

12.11.020 Sight Distance Required

The required vision clearance triangle shall be a sight distance as specified in Chapter IV, at-grade intersections, of the American Association of State Highway and Transportation Officials (AASHTO) edition of "A Policy on Geometric Design of Highways and Streets" in the minimum dimensions listed in Table 1 (Exhibit "A" made a part hereafter by this reference), Vision Clearance Triangle Minimum Dimensions. Copies of the AASHTO publications are available for review at the office of the Richland City Engineer. The minimum standard in Table 1 may be increased by the City of Richland Director of Public Works for locations where it has been determined by an engineering report that the minimum standards listed do not provide a safe sight distance. (Ord. 10-86 1.11).

12.11.030 Requirements for the Establishment of a Vision Clearance Triangle

Between a height of two (2) feet and ten (10) feet, as measured from the edge of the adjoining roadway, a required vision clearance triangle shall be free of all structures, fences, vegetation, signs, retaining walls, cut slopes, parked vehicles and any other sight obstruction, which either individually or collectively obscure an area in excess of eighteen (18) inches in width.

Variances to this requirement may be granted by the Richland Director of Public Works if an item proposed to be located within the vision clearance triangle is determined by him to not constitute a sight obstruction, however, no variances may be granted within the first fifty (50) feet of the vision clearance triangle as measured along distances C or E as set forth in Table 1. (Ord. 10-86 1.11).

12.11.040 Requirements of Property Owner

The City may require an owner of property to remove any and all sight obstruction necessary to meet the required unobstructed sight distance as specified. In the event an owner of property refuses to remove the sight obstruction upon request, the City may remove the sight obstruction with City forces and bill the owner of the property for any and all expenses incurred. The City shall be under no obligation to reimburse the owners of said property for any loss or damage resulting from said removal. (Ord. 10-86 1.11).

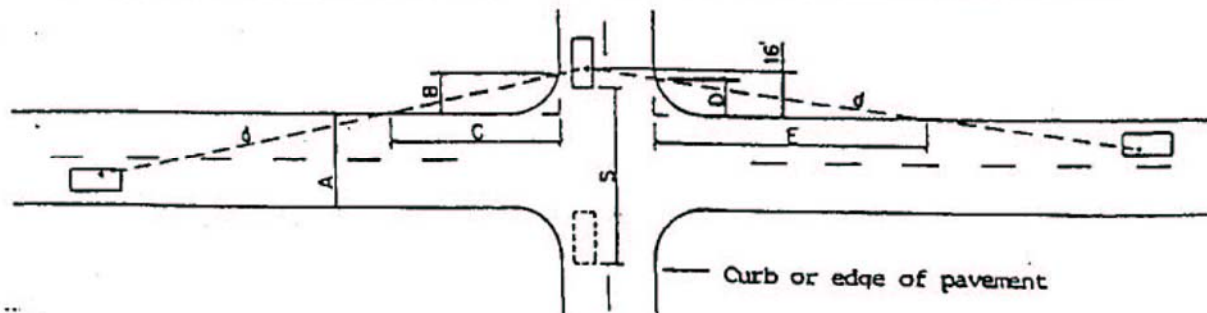
12.11.050 Penalty

Violations of this chapter shall be punished as provided in the general penalty section of the Richland Municipal Code. (Ord. 10-86 1.11).

EXHIBIT "A" - TABLE I

VISION CLEARANCE TRIANGLE - MINIMUM DIMENSIONS

MPH	STREET WIDTH	VISION CLEARANCE TRIANGLE DISTANCE (FEET)			
	A	B	C	D	E
25	30	15	95	15	140
	36	15	90	15	125
	40	15	85	15	115
	48	15	85	15	165
	56	15	80	15	145
30	30	15	115	15	170
	36	15	110	15	155
	40	15	105	15	145
	48	15	105	15	200
	56	15	100	15	180
35	30	15	135	15	205
	36	15	130	15	185
	40	15	125	15	175
	48	15	125	15	240
	56	15	120	15	215
40	30	15	160	15	235
	36	15	150	15	215
	40	15	145	15	205
	48	15	145	15	275
	56	15	135	15	250



- Note: 1) V.C.T. based on passenger car.
 2) V.C.T. based on stop controlled sight distance, with sighting driver 3.5' above roadway and sighted vehicle 4.25' above roadway.
 3) V.C.T. based on flat grade and straight alignment. Adjustments shall be made for grades of more than 3% and curves.
 4) Dimension E may be reduced by a maximum of 15% calculating one-half vehicle crossing distance.
 5) $d = 1.47 v (J+ta)$
 $v =$ velocity (M.P.H.)
 $j =$ perception/reaction time
 $ta =$ time to accelerate and travel distance S.

Chapter 12.12 - Retaining Walls**Sections:**

- 12.12.010 Permit Required**
- 12.12.020 Application**
- 12.12.030 Refusal of Permit**
- 12.12.040 Removal of Retaining Wall**
- 12.12.050 City Not Liable**
- 12.12.060 Violations-Penalties**

12.12.010 Permit Required

It is unlawful for any person, firm or corporation to construct a retaining wall in any street right-of-way in the City without first having obtained from the Public Works Director a permit for the construction of a retaining wall. The fee for each permit shall be forty dollars. (Ord. 139 1.01: Ord. 16-79 1.03: Ord. 40-83 1.04).

12.12.020 Application

Application for a permit for the construction of a retaining wall shall be made on forms provided by the Public Works Director and shall show the type and location of the retaining wall to be constructed, the dates of commencement and completion of the work and such other data as may be reasonably required by the Public Works Director. The application shall contain an undertaking on the part of the applicant to at all times protect and hold harmless the City from any liability to any person or expense resulting from the construction, maintenance or failure to maintain in a safe condition such retaining wall. (Ord. 139 1.02: Ord. 40-83 1.04).

12.12.030 Refusal of Permit

The Public Works Director shall refuse to issue a permit to construct a retaining wall in any of the following causes:

When the street in front of the property to be served by the proposed retaining wall is not fully improved unless the Public Works Director finds that such retaining wall will not interfere with the subsequent improvement of the street;

When the proposed retaining wall will create a traffic hazard by obstructing visibility;

When the street in front of the property to be served by the proposed retaining wall is improved but there is no sidewalk abutting said property, no permit shall be issued for a retaining wall closer than four feet to the curb. (Ord. 139 1.03: Ord. 40-83 1.04).

12.12.040 Removal of Retaining Wall

The City may require the owner of the property served by the retaining wall to remove the retaining wall at any time that it is necessary in order to improve the street or to gain access to a public utility system. If the owner fails to remove such retaining wall within thirty days after notice so to do, the City may remove the wall at the owner's expense. (Ord. 139 1.04).

12.12.050 City Not Liable

If it becomes necessary to remove all or part of a retaining wall to improve a street or to gain access to a public utility system, the City shall be under no obligation to reimburse the owners of the property for any loss or damage resulting from such removal. (Ord. 139 1.05).

12.12.060 Violations-Penalties

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five thousand dollars or by imprisonment of not more than one year, or by both such fine and imprisonment. (Ord. 139 1.06: Ord. 40-83 1.04: Ord. 17-84).

Chapter 12.16 - Cleaning Sidewalks**Sections:****12.16.010 Keeping Sidewalks Clean and Maintained****12.16.020 Snow and Ice Removal****12.16.030 Violations-Penalties****12.16.010 Keeping Sidewalks Clean and Maintained**

It shall be the duty of the person having charge or control of any premises within the City to keep the public sidewalks or sidewalks along such property in the street or streets adjacent thereto cleaned and maintained in a reasonable and safe condition. (Ord. 157: Ord. 10-86 1.09).

12.16.020 Snow and Ice Removal

It shall be the duty of every person having charge or control of any premises located within the City to remove or cause to be removed from the public sidewalk or sidewalks along said property in the street or streets adjacent thereto all snow or ice which has been deposited or formed thereon within a reasonable time after the snow or ice have been deposited or formed. (Ord. 157 1.02: Ord. 10-86 1.09).

12.16.030 Violations-Penalties

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five thousand dollars or by imprisonment of not more than one year, or by both such fine and imprisonment.

Each day's violation of any provision of this chapter shall constitute a separate offense and shall subject the offender to the above penalties for each offense. (Ord. 157 1.03: Ord. 17-84).

Chapter 12.20 - Moving Buildings**Sections:**

- 12.20.010 Permit Required**
- 12.20.020 Regulation of Moving Method**
- 12.20.030 Bond Required**
- 12.20.040 Application of Chapter**
- 12.20.050 Violation-Penalty**
- 12.20.060 Severability**

12.20.010 Permit Required

It shall be unlawful for any person, firm or corporation to move any building or structure over, along or across any street or alley in the City of Richland without first having obtained a permit so to do from the City Engineer. The fee for such permit shall be two dollars. (Ord. 37 1.01: Ord. 317 1.01).

12.20.020 Regulation of Moving Method

The applicant shall leave the street or alley over, along or across which any building or structure shall be moved in as good condition as the same was before such moving. If it is necessary to take out temporarily and then reset poles and wires owned by the City, and the City Engineer approves, the work of taking out and resetting such poles and lines shall be done by the City at the expense of the applicant, who shall promptly pay to the City the amount of such expense. The applicant shall proceed with the moving continuously from day to day until completed, Sundays and holidays excepted, with the least possible obstruction to streets or alleys. He shall keep a watchman at the building while on any street or alley from sundown to sunrise, during each night the same shall remain thereon and, during such time, shall keep signal lights displayed on all sides of such building or structure and give anyone going upon such street or alley such warning as will be necessary to prevent injury to persons and property.

The applicant shall comply with such additional provisions and conditions as may be prescribed by the City Engineer in the permit.

The permit shall prescribe the mode of moving such building or structure and the street or alley over which such moving may be made, and such moving shall at all times be subject to the control or direction of the City Engineer. (Ord. 37 1.02).

12.20.030 Bond Required

No permit shall be issued under the provisions of this chapter until the applicant therefor shall execute and deliver to the City of Richland bond in the penal sum of five thousand dollars with surety approved by the Director of Finance, conditioned for faithful compliance with the provisions of this chapter and of any permits which may be issued to such applicant, and to indemnify and save harmless the City of Richland from any and all damage to persons or property arising by reason thereof. Such bond may be given for the period of one year and be conditioned to cover all permits which may be issued to the applicant during such period. (Ord. 37 1.03).

12.20.040 Application of Chapter

Nothing in this chapter shall be deemed to modify or qualify the provisions of any existing or future ordinances of the City as to the kind of building or structure which may be moved, or the prohibition against moving frame buildings within the fire limits, or the provisions covering the removal of overhead wires, when their removal is made necessary for the purpose of moving any building or structure upon any street or alley. (Ord. 37 1.04).

12.20.050 Violation-Penalty

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined not to exceed five thousand dollars or imprisoned for not more than one year, or both such fine and imprisonment. (Ord. 37 1.05: Ord. 17-84).

12.20.060 Severability

The invalidity of any article, section, subsection, provision, clause or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 37 1.06).

Chapter 12.24 - Parades, Dances and Processions**Sections:**

- 12.24.010 Parade Defined**
- 12.24.020 Street Dance Defined**
- 12.24.030 Permit for Parade or Street Dance**
- 12.24.040 Special Parades-Waiver of Requirements**
- 12.24.050 Authority of City Manager**
- 12.24.060 National Flag Required at Head of Parade**
- 12.24.070 Flags and Banners-Requirements for Carrying**
- 12.24.080 Flags and Banners-Exceptions**
- 12.24.090 Throw-Aways Prohibited**
- 12.24.100 Advertising Commercial Products Limited**
- 12.24.110 Police Escort Required**
- 12.24.120 Terms of Permit**
- 12.24.130 Public Liability Insurance**
- 12.24.140 Hours When Parades Permitted**

12.24.010 Parade Defined

"Parade" means any number of persons marching or walking or any number of vehicles moving as a formal or semiformal body or unit on any street, public place, alley or sidewalk, except funeral and wedding processions and groups required by law to be so assembled. (Ord. 69 1.01).

12.24.020 Street Dance Defined

"Street dance" means any dance of three or more couples on any public street, public alley or public sidewalk. (Ord. 69 1.02).

12.24.030 Permit for Parade or Street Dance

It shall be unlawful to conduct or take part in any parade or street dance on any street, alley or sidewalk in the City of Richland without first obtaining a permit. The permit shall be issued by the City Manager. Request for a parade permit shall be made in writing and shall state the purpose of such parade, the place and hour of formation; the approximate number of cars, floats, marching units or bands to take part in the parade, the proposed order of the parade, the proposed line of march, and the names of the person, persons or organization having charge of such parade, and approximate duration of the parade. Request for a street dance permit shall be made in writing and shall state the purpose of the street dance, place and hour of formation, the approximate number of dancers to participate, the type of music to be used, and the approximate duration of the street dance. All applications for permits shall be filed with the City Clerk at least fifteen days prior to the time of the parade or street dance. (Ord. 69 1.03).

12.24.040 Special Parades-Waiver of Requirements

The time limitation for making a request for any permit hereunder may be lessened or the permit entirely waived, at the discretion of the City Manager, for any unexpected occasion or in the case of a parade of visitors arriving in the City within less than the described period preceding the desired hour of the parade. (Ord. 69 1.04).

12.24.050 Authority of City Manager

The City Manager may direct such modification of the place of formation, of the line of march, and other details of any such parade or street dance, as traffic conditions and public safety may require, and may stop any parade or street dance whenever deemed necessary for the preservation of the public peace, health, safety or morals. (Ord. 69 1.05).

12.24.060 National Flag Required at Head of Parade

It is unlawful to march in any parade upon any street or sidewalk unless there is carried unfurled at the head of such parade a flag of the United States of America. The flag shall be carried in accordance with federal statutes relating thereto; provided, however, that this requirement shall not apply in the case of a parade by any military or naval force of a friendly nation who, as visitors or guests, may parade with their own national colors or ensigns. (Ord. 69 1.06).

12.24.070 Flags and Banners-Requirements for Carrying

It is unlawful to march in any parade upon any street or sidewalk carrying any flag or banner except the flags, colors or ensigns of the United States of America or any of its military or naval organizations, including the National Guard, or the recognized flag or emblems of any friendly foreign nation or country, unless such flag or banner bears some distinct name in letters clearly legible at a distance of at least one hundred feet, or legend, design or insignia clearly designating or descriptive of or identifying it as the emblem of the persons, society, association or organization marching in such parade; provided, however, that this requirement shall not apply to any flag, banner, pennant or other device used for any purely decorative or spectacular effect in any parade having no direct or indirect political purpose or object. In no case shall any American flag be carried which shall bear any lettering, advertisement or other defacement. (Ord. 69 1.07).

12.24.080 Flags and Banners-Exceptions

The provisions of Sections 12.24.060 and 12.24.070 shall not apply to a religious, wedding or funeral procession. (Ord. 69 1.08).

12.24.090 Throw-Aways Prohibited

It is unlawful for any person, firm, corporation, or organization, who participates in any parade, public exhibit, display or any similar public function or activity, on the streets, avenues or other public ways in the City of Richland to disburse, throw, hand or give any matter or thing to the public in such manner as to cause, directly or indirectly, children to enter the lanes of traffic and is further prohibited from encouraging people to enter upon the lanes of traffic. (Ord. 69 1.09).

12.24.100 Advertising Commercial Products Limited

No parade or street dance will be permitted where the purpose thereof is primarily devoted to advertising and promotion of any commercial products. (Ord. 69 1.10).

12.24.110 Police Escort Required

All parades shall have a police escort, which shall be appointed by the chief of police. (Ord. 69 1.11).

12.24.120 Terms of Permit

Any permit issued hereunder may contain such reasonable terms and conditions as are consistent with the public health, safety and morals. (Ord. 69 1.12).

12.24.130 Public Liability Insurance

No permit shall be issued until the permittee shall have filed with the Director of Finance a public liability insurance policy issued by an insurer authorized to do business in the state of Washington providing coverage to the permittee and to the City of Richland with limits of not less than one hundred thousand dollars per person and three hundred thousand dollars per occurrence insuring against liability for damages which may be caused to a person or persons arising from any acts, or failure to act, of the permittee, his agents, employees, members of the parade or the City. In addition thereto, such policy of insurance shall provide coverage to the permittee and to the City of Richland, with limits of not less than one hundred thousand dollars, insuring against liability for damage to property arising from any acts or failure to act of the permittee, his agents, employees, members of the parade or the City. These requirements shall apply to parades requiring exclusive use of streets over the parade route. (Ord. 69 1.13: Ord. 68-76 1.01).

12.24.140 Hours When Parades Permitted

Parades may only be held at such times as specified in the permit and provided they shall not be held during the peak traffic hours as determined by the chief of police of the City of Richland. (Ord. 69 1.14).

HISTORICAL CHRONOLOGY OF ORDINANCES

Ord. 37
Ord. 53
Ord. 60
Ord. 69
Ord. 124
Ord. 139
Ord. 157
Ord. 166
Ord. 202
Ord. 317
Ord. 324
Ord. 347
Ord. 390
Ord. 768
Ord. 781
Ord. 02-74
Ord. 68-76
Ord. 78-77
Ord. 28-78
Ord. 16-79
Ord. 40-83
Ord. 10-86
Ord. 06-96
Ord. 07-98
Ord. 20-99
Ord. 02-01
Ord. 10-01
Ord. 31-03
Ord. 39-04
Ord. 11-07
Ord. 01-08
Ord. 03-09
Ord. 03-09A
Ord. 04-09