

**Title 12**

**STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapters:**

- 12.04      Reserved**
- 12.07      Public Improvements**
- 12.08      Street Names**
- 12.12      Cemetery**



**Chapter 12.04****RESERVED**

*Editor's note*—Ord. No. 915, § 2, adopted June 25, 2009, repealed Chapter 12.04, which pertained to development guidelines and public works standards and derived from Ord. No. 533, § 3, 1995.

**Chapter 12.07****PUBLIC IMPROVEMENTS****Sections:**

- 12.07.010 Purpose.**
- 12.07.020 Scope.**
- 12.07.030 Improvements generally.**
- 12.07.040 Procedure.**
- 12.07.050 Criteria.**
- 12.07.060 Deferral of public improvements.**
- 12.07.070 Permit requirements when improvements required.**
- 12.07.080 Permit charges.**
- 12.07.090 Barricades.**
- 12.07.110 Preservation of monuments.**
- 12.07.120 Property lines and easements.**
- 12.07.130 Acceptance by city.**
- 12.07.140 Enforcement.**

**12.07.010 Purpose.**

Purpose of this chapter is to establish:

- A. Authority of the city to require a building permit applicant to make reasonable public improvements, primarily through a no protest LID agreement process;
- B. Procedures that will be used to provide for public improvements by building permit applicants;
- C. Criteria that will be used to determine the nature, extent and location of the required public improvements. (Ord. 379 § 1, 1988)

**12.07.020 Scope.**

This chapter applies to each applicant for a building permit except the following:

- A. An applicant for a permit to make an addition, alteration, repair or to construct a new out building of less than twenty thousand dollars or one-fifth of the property value, whichever is greater;

B. An applicant for a permit to make wholly interior improvements within an existing structure. (Ord. 379 § 2, 1988)

**12.07.030 Improvements generally.**

Based solely on the criteria of Section 12.07.050 of this chapter, the city may require each applicant for a building permit (the property for which a building permit is sought shall hereafter be referred to as "subject property") not otherwise exempted by this chapter to install or otherwise provide for the following public improvements within the public right-of-way:

- A. Paved roadway;
- B. Street lighting systems to provide illumination of not more than two foot candles at the nearest edge of the paved roadway;
- C. Sidewalks on the same side of the street as the subject property;
- D. Concrete curbs and gutters;
- E. Storm drainage systems. (Ord. 379 § 3, 1988)

**12.07.040 Procedure.**

A. General. After consultation with representatives of the departments listed in subsection B of this section, the director of public works or his designate (hereafter, the "director") shall tentatively determine:

- 1. The nature, extent and location of the public improvements that are to be provided;
- 2. The director shall discuss the tentative determination with the applicant in relation to the criteria of Section 12.07.050. After any necessary modification, the director shall inform the applicant of the final determination.

B. Interdepartmental Review. Before making the final determination required by subsection A of this section, the director shall consult with and may incorporate or modify the recommendations of representatives from the following departments of the city:

- 1. The police department;
- 2. The fire department.

These representatives shall use only the criteria of Section 12.07.050 to formulate their recommendations. (Ord. 379 § 4, 1988)

**12.07.050 Criteria.**

The director shall use only the following criteria in making the determinations required by Section 12.07.040:

A. If the city council through an approved plan or policy, has, by ordinance or resolution, established the nature, extent and location of public improvements to be provided in the immediate vicinity of the subject property in question, the director shall require public improvements under this chapter consistent with the nature, extent and location thereof as established by the city council.

B. If the city council has not so established the nature, extent, and location of public improvements in the vicinity of the subject property in question:

1. The director shall require the appropriate public improvements if the director finds that:

a. Similar public improvements already exist or are scheduled in the immediate vicinity of the subject property, or

b. The proposed use of the subject property necessitated the installation of the public improvements, or

c. The subject property is located in close proximity to an activity center, defined as a park, school, commercial center, large employment center, large multi-family development, or any other public or private development where people or activities are concentrated; and that the required improvements will enhance access to this activity center; and that it is in the best interests of the residents of the city to enhance access to this activity center, or

d. Physical characteristics of the subject property, including but not limited to topography, slope, soil type, drainage pattern, or vegetation, necessitate the installation of public improvements, or

e. The public improvements are necessary to maintain water quality, or

f. For any other reason, the public improvements are necessitated by a compelling public interest. If the director requires the provision of public improvements under this subparagraph, the director shall make written findings and conclusions specifying the improvements and the manner in which these improvements will fulfill this public interest;



2. The director shall require any public improvement pursuant to this chapter to be in accordance with the latest provisions of the American Public Works Association Standard Specifications for Public Works Construction as revised by the city. (Ord. 379 § 5, 1988)

#### **12.07.060 Deferral of public improvements.**

A. The determination of the director shall be final unless a request, by the applicant, to defer installation of the public improvements required by the director under this chapter is made to the city council within fourteen days after the director's determination. The request shall be in writing to the city council and filed with the public works department.

B. The request must be considered by the city council prior to the time the building permit is issued. If the city council deems that such public improvement installation as determined by the director will be economically or physically unfeasible in the time construction takes place, the city council may defer installation of public improvements required by the director under this chapter. For those deferred improvements, the city council requires the applicant to:

1. Sign an agreement not to protest the formation of or assessments under a future local improvement district (LID), and/or

2. Execute and record a covenant document that insures the participation of the subject property's owner in any local improvement district (LID) formed for the construction of such improvements. The applicant, under state law, has the right to protest assessments at the time of the final assessment roll public hearings if unacceptable. (Ord. 379 § 6, 1988)

#### **12.07.070 Permit requirements when improvements required.**

A. The applicant shall file with the engineering department drawings showing the location and plan of the public improvement to be constructed to a scale and plan size as directed by the engineering

department. If appropriate to the nature of the improvement the plan shall consist of cross-section together with a plan and profile designed by a licensed civil engineer.

B. The permit shall specify the place where the improvement is to be constructed, together with a description of the proposed construction to be done under the permit and the length of time allowed for the completion thereof.

C. Performance bond with the amount to be determined by the director for the total cost of construction of the required public improvements, shall be posted with the city, by the owner of the subject property or its legal agents, prior to commencement of construction.

D. An insurance policy acceptable to the city attorney and naming the city as an additional insured shall be submitted and be on file with the city. (Ord. 379 § 7, 1988)

#### **12.07.080 Permit charges.**

A. The permit fee shall include the actual labor cost to the city for making the necessary surveys and for the inspection of all public improvements required pursuant to this chapter, and miscellaneous administration cost. The fee shall be actual labor costs as detailed on the permit.

B. Engineering Fees. The fees shall be paid monthly (or as invoiced) as the work progresses. All engineering, administration, and inspection fees shall be paid before final acceptance of the work by the city. (Ord. 379 § 8, 1988)

#### **12.07.090 Barricades.**

The person, firm or corporation constructing the public improvements pursuant to the terms of this chapter shall erect, and so long as the conditions exist and any danger may continue, maintain along the property upon which the public improvements are to be constructed a good and substantial barrier, and shall cause to be maintained during every night from sunset to sunrise around the obstruction sufficient warning lights or flares, including any requested by the city engineer. In the event the person, firm

or corporation constructing the public improvements is not immediately available, the director may install, at the applicant's expense, additional barricades, lights, and/or safety devices to protect the public. (Ord. 379 § 9, 1988)

#### **12.07.110 Preservation of monuments.**

The applicant shall not disturb any survey monuments or hubs found within the boundaries of the public improvement to be constructed unless authorized to do so by the city engineer. In the event that such monuments or hubs are to be removed because of construction, they must be replaced under the supervision of the city engineer at the applicant's or his agent's expense. (Ord. 379 § 11, 1988)

#### **12.07.120 Property lines and easements.**

It shall be the applicant's responsibility to confine his construction activities within the street right-of-way lines and limits of easements described on the permit. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the applicant. (Ord. 379 § 12, 1988)

#### **12.07.130 Acceptance by city.**

No public improvement constructed pursuant to the terms of this chapter will be accepted until the director is satisfied that the work has been performed according to the requirements of this chapter. (Ord. 379 § 13, 1988)

#### **12.07.140 Enforcement.**

A. General. No protest LID agreements, covenants required pursuant to Section 12.07.060, or installation of public improvements required by the director under this chapter shall be listed as a condition of and shall become part of the approved building permit.

B. Procedure. The provisions required by the director under subsection A of this section shall be enforced as part of the approved building permit. (Ord. 389 § 14, 1988)

## **Chapter 12.08**

### **STREET NAMES**

#### **Sections:**

- 12.08.010** Street naming map adopted.
- 12.08.020** Purpose of provisions.
- 12.08.030** Road designation scheme.
- 12.08.040** Building addresses—  
Assignment guidelines.
- 12.08.050** Determination of road  
designations or addresses.
- 12.08.060** Maintenance of address  
numbers.
- 12.08.070** Redesignation of  
streets—Council authority.
- 12.08.080** Records of current addresses.
- 12.08.090** Enforcement authority.
- 12.08.100** Severability.

#### **12.08.010 Street naming map adopted.**

It is ordained in the ordinance codified in this section that the city council enter into, agree upon and establish and adopt street names for the streets, avenues, drives and roads in the city, all as set forth in the map of Edward J. Stair, consulting engineer, which is attached to the ordinance codified in this section and by reference incorporated in this section as to all the particulars set forth. (Ord. 123 § 1, 1970)

#### **12.08.020 Purpose of provisions.**

The purpose of this chapter is to grant the building and land development division, hereafter called the "division," the authority to assign road names and numbers, and address the principal entrances of all buildings or other uses in conformance with the grid system adopted by King County Resolution 16622. (Ord. 457 § 1, 1992)

**12.08.030 Road designation scheme.**

A. Public or private roads shall be designated within the guidelines of the grid system as determined by the division. Named roads can only be assigned when the numbered grid is determined and feasible by the division. The division may redesignate existing private roads if such roads are determined to be inconsistent with the surrounding road designation system.

B. All roads shall carry a geographic suffix or prefix. Roads designated as avenues shall carry a geographic suffix and be in a north-south direction, and roads designated as streets shall carry a geographic prefix and be in an east-west direction. Diagonal roads are treated as being either north-south or east-west roads. Names such as "place," "way," "court" and "drive" may be used on a road running either direction.

C. Appeals of designations shall be heard directly by the council. (Ord. 457 § 3, 1992)

**12.08.040 Building addresses—Assignment guidelines.**

A. The assignment of addresses for new buildings will occur in conjunction with the issuance of a building permit.

B. The assignment of addresses shall be based on the following criteria: even numbers shall be used on the northerly side of roads named as east-west and on the easterly side of roads named as north-south. Odd numbers shall be used on the southerly side of roads named as east-west and on the westerly side of roads named as north-south. Addresses shall be assigned whole numbers only.

C. Should the division find that any building, structure or premises is not provided with an address, is not correctly addressed, or is not using the assigned address, it shall notify the owner, agent or renter of the correct address. The address number shall be properly placed in accordance with the provisions of this section, by the effective date shown upon the notice. It shall be unlawful for any owner, agent or renter to display, advertise or use the wrong address after notification by the division. (Ord. 457 § 4, 1992)

**12.08.050 Determination of road designations or addresses.**

Whenever there is doubt or difference of opinion as to the correct road designation or correct address, the road designation or address shall be determined by the division and shall be guided by the specific provisions of this chapter to carrying out the intent of this chapter. (Ord. 457 § 5, 1992)

**12.08.060 Maintenance of address numbers.**

A. The owner, occupant or renter of any addressed building or other structure shall maintain the address in a conspicuous place over or near the principal entrance or entrances, or in such other conspicuous place as is necessary for visually locating such address.

B. The address number shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the building or structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective so they are easily seen at night. (Ord. 457 § 5, 1992)

**12.08.070 Redesignation of streets—Council authority.**

A. Notwithstanding the provisions of Sections 12.08.020 and 12.08.030 of this chapter, the city council reserves the option of changing street names or changing numbered streets to named streets. Applications to the council for street renaming shall contain the signatures of the majority of persons having ownership and properties addressed on the street to be renamed. Notice of proposed name changes shall be mailed to all property owners whose addresses would be changed at least twenty days prior to council action. A change of street names shall be accomplished by the adoption of an ordinance directing the change.

B. The council shall consider technical input from the division, locational and development characteristics relative to the street, and the impact of

the change on existing business and residences, as well as on emergency vehicle responsiveness, in determining whether the change should be made. Only entire street lengths or distinct major portions of streets shall be separately renamed by the city. For the purposes of this chapter, "distinct major portions" shall mean a separate portion of a street identifiable by either a directional shift of a least forty-five degrees, or an interrupted interval of at least one-quarter mile. (Ord. 457 § 8, 1992)

**12.08.080 Records of current addresses.**

The division shall maintain the official record of current addresses. (Ord. 457 § 6, 1992)

**12.08.090 Enforcement authority.**

Administration of the city shall be permitted to seek civil remedies to enforce the provisions of this chapter against any person, firm or corporation failing to comply with the requirements of this chapter. (Ord. 457 § 7, 1992)

**12.08.100 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 457 § 9, 1992)

**Chapter 12.12**

**CEMETERY**

**Sections:**

**ARTICLE I. REGULATIONS**

- 12.12.010 Cemetery established.**
- 12.12.020 Intent.**
- 12.12.030 Maintenance and improvement.**
- 12.12.040 Board—Membership.**
- 12.12.050 Board—Duties.**
- 12.12.060 Sale of lots and burial grounds.**
- 12.12.070 Abandoned lots.**
- 12.12.080 Special care or operating fund established.**
- 12.12.090 Trust fund.**
- 12.12.100 Violation—Penalty.**

**ARTICLE II. FEES**

- 12.12.110 Cemetery costs and expenses.**

**ARTICLE I. REGULATIONS**

**12.12.010 Cemetery established.**

There is established the Black Diamond cemetery, the site thereof to be the present site of the cemetery, at one time operated and maintained by the Black Diamond cemetery association, with full power of acquisition of additional land for burial purposes when the same is deemed necessary. This shall be a nonendowment care cemetery pursuant to RCW 68.40.080. (Ord. 210 § 1, 1978)

**12.12.020 Intent.**

It is the intent of the ordinance codified in this article to comply with the provisions of RCW Chapter 68.40 regarding the creation of a nonendowment care cemetery. All purchasers of cemetery lots since the passage of Ordinance No. 185\* shall, therefore,

\* Editor's Note: Ordinance No. 185, an earlier enactment concerning cemetery provisions, was passed by the city council on May 20, 1976. It was subsequently repealed by Ordinance No. 366.

be reimbursed that portion of the sales price which was deposited into an endowment fund, or in the alternative, shall be allowed to have the proportionate money deposited into the trust fund established in this article. (Ord. 210 § 9, 1978)

**12.12.030 Maintenance and improvement.**

It is the purpose and policy of the city council to maintain the cemetery as a public burial ground with care thereof, and the grave lots therein, and to keep the same as a burial tract with grass, shrubs and trees as shall be provided by the city council through the agency of its cemetery board. (Ord. 210 § 2, 1978)

**12.12.040 Board—Membership.**

There is created a cemetery board consisting of five members, all of whom shall be appointed by the mayor, and who shall hold office at his pleasure, with the provision that two members shall serve for one year, one member for two years, one member for three years and one member for four years, but the members of any cemetery board in operation on the effective date of the ordinance codified in this article may be retained by the mayor, and their members added to if so desired, and that the members may be appointed by the mayor from the members of the city council, the qualified voters of the city or freeholders of the city, or residents of adjacent territory. (Ord. 210 § 3, 1978)

**12.12.050 Board—Duties.**

A. It shall be the duty of the cemetery board:

1. To organize and hold meetings at least monthly, and immediately thereafter to render a report thereon at the next regular meeting of the city council;

2. To maintain the cemetery in a manner befitting the solemnity of the ground;

3. To employ a superintendent, or a caretaker, and to enumerate and prescribe his powers and duties;

4. To contract for the purchase of equipment, shrubs, flowers, grass seed, trees, and such labor, material, machine operations or other matter as may be required in the necessary operation of the cemetery, all of which is subject to the confirmation, ratification and approval of the city council;

5. To make all necessary rules and regulations as may be necessary and/or required relative to monuments, headstones, markers, flowers, grass, trees and shrubs, and/or buildings, that are permitted on the burial grounds;

6. To arrange for the proper keeping of all financial records in books of account to account for all funds or moneys received, and to keep all burial lots properly registered, and satisfactory books for identification of all burial places;

7. To check and approve all expenditures of moneys belonging to the cemetery;

8. To do and perform every other act, matter and thing necessary and/or required to be done for the complete performance and maintenance of the care, improvement, operation and solemnity of the grounds.

B. All actions of the board as provided in this section shall be subject to the confirmation, ratification and approval of the city council. (Ord. 210 § 4, 1978)

**12.12.060 Sale of lots and burial grounds.**

A. Any person(s) owning lot(s) in the cemetery will not be permitted to sell the lot(s) except to the city, for which lot(s) the city agrees to pay the original purchase price; the size of the lots to be determined by the cemetery board.

B. Funds received from the sale of lots will be paid to the city clerk-treasurer, who shall keep a record thereof, and who will deposit such portions to the current cemetery maintenance or operating fund or to other special care funds, as the board of directors shall from time to time direct, all for the purpose of maintaining and improving the cemetery. (Ord. 210 § 5, 1978)

**12.12.070 Abandoned lots.**

A. As provided in the laws of the state, the ownership of or right in or to unoccupied space in the cemetery shall, upon abandonment, be subject to forfeiture and sale by the city, as having the ownership and/or management of the cemetery, for the purpose of providing for endowment care.

B. The continued failure by an owner to maintain or care for an unoccupied cemetery lot, unoccupied part of a lot, unoccupied lots or parts of lots for a period of five years creates and establishes a presumption that the same has been abandoned. The city council, through its cemetery board, has the necessary power and authority to take the necessary action for forfeiture and sale of any such lots according to and as provided by law. (Ord. 210 § 6, 1978)

**12.12.080 Special care or operating fund established.**

There is established a special care or operating fund for the city cemetery, into which fund shall be placed such money or moneys as may be properly done by law and the direction of the board of directors of the cemetery, and the same shall be expended therefrom only upon properly signed and approved vouchers, and warrants drawn thereon, signed by the mayor and countersigned by the city clerk-treasurer. (Ord. 210 § 7, 1978)

**12.12.090 Trust fund.**

It is the intent and purpose of this article to create a nonendowment, nonperpetual care cemetery due to lack of availability of lots for sale and consequently, the inability to obtain sufficient money to properly fund an endowment care cemetery. However, it is the intent of the council to provide a fund or trust fund for the purpose of accepting public donation, bequests or other gifts to maintain the cemetery. There is therefore established a fund which shall be kept by the city clerk-treasurer and shall be open for public inspection and audited by such committee as the city council shall from time

to time direct for the purpose of accepting public donations, bequests and other gifts for the betterment of the cemetery. Both principal and interest may be used from this trust fund as the cemetery board directs (subject to the approval of the city council) for the benefit of the cemetery. When possible, the moneys in the trust fund shall be invested by the city clerk-treasurer in interest bearing accounts. The expenditure of interest and/or principal from the fund shall be made only on claims filed with the city clerk-treasurer and approved by the cemetery board, and council, on vouchers drawn by the city clerk-treasurer and paid by the city clerk-treasurer, after having been countersigned by the mayor and clerk-treasurer. (Ord. 210 § 8, 1978)

**12.12.100 Violation—Penalty.**

Any person, firm or corporation who (i) violates any of the provisions of this article; (ii) violates any of the rules or regulations adopted by the cemetery board for the beautification, maintenance and/or upkeep of the cemetery; (iii) wilfully damages or destroys any tombstone, monument or marker or wilfully damages or destroys any of the cemetery property; (iv) permits any livestock within the cemetery grounds; or (v) violates any portion of this article, shall be punished by a fine not to exceed one hundred dollars or by thirty days' imprisonment in the city jail, or by both such fine and imprisonment. (Ord. 210 § 10, 1978)

**ARTICLE II. FEES**

**12.12.110 Cemetery costs and expenses.**

A. There are established costs as follows regarding cemetery expenses:

Opening and Closing Grave	\$275.00
Single Lot,	
Forty-four Inches by Eight Feet	150.00
Double Lot,	
Eighty-eight Inches by Eight Feet	300.00
Opening and Closing Grave, Cremation	75.00
Cremation Lot, Two Feet by Two Feet	75.00

Any work required on a Saturday shall incur an extra expense of forty dollars.

B. It is the desire of the city council and mayor that future rates regarding cemetery expenses be established pursuant to resolutions and not by amending ordinances. All future amendments to cemetery expenses, whether increases or decreases, shall be established by resolution of the city council of the city. (Ord. 208, 1978)

