

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04**SIGNS AND POLES**

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- 12.04.030 Advertising sign restriction on street.
- 12.04.040 Violation – Penalty.

12.04.010 Advertisement posting on poles prohibited.

From and after the passage of the ordinance codified in this chapter it is unlawful to paste, tack or nail any sign, handbill or advertisement of any kind or nature to any electric light pole or telephone pole within the corporate limits of the city. (Ord. 60 § 1, 1913)

12.04.020 Hitching animals to poles prohibited.

From and after the passage of the ordinance codified in this chapter it is unlawful to hitch any horse, mule, cow or other animal to any electric light pole or telephone pole on Second Street in the city from the east line of Madison Street to the city bridge across Asotin Street. (Ord. 60 § 2, 1913)

12.04.030 Advertising sign restriction on street.

From and after the passage of the ordinance codified in this chapter it is unlawful to place or maintain any sign, sign board or other advertising device extending more than two feet from any lot line into any public street in the city. (Ord. 60 § 3, 1913)

12.04.040 Violation – Penalty.

Any person, individual or firm breaking any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 89-410 § 1, 1988; Ord. 60 § 4, 1913)

Chapter 12.06**HIGHWAY ACCESS MANAGEMENT**

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12.06.010 Adoption of RCW statutes by reference.

Chapter 47.50 RCW is hereby adopted by reference to provide for the regulation and control of vehicular access and connection points of ingress and egress to and from the state highway system within the incorporated limits of the city of Asotin. (Ord. 08-720 § 1, 2008)

12.06.020 Adoption of WAC statutes by reference.

Pursuant to the requirements and authority of Chapter 47.50 RCW, there is hereby adopted by reference the provisions of Chapters 468-51 and 468-52 WAC, together with all future amendments, in order to implement the requirements of Chapter 47.50 RCW. (Ord. 08-720 § 2, 2008)

12.06.030 Definitions.

For the purpose of this chapter and of the regulations adopted by reference, the term “government entity” means the city of Asotin, Washington. Where there is any reference to “the department” in the administrative and procedural sections adopted by reference, that reference shall be deemed to mean the city for purposes of this chapter. (Ord. 08-720 § 3, 2008)

12.06.040 Fees.

All fees due and payable in connection access permitting shall be paid to the city. (Ord. 08-720 § 4, 2008)

Chapter 12.08

PUBLIC WORKS CONSTRUCTION

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Article I. General Provisions

12.08.010 Construction manual adopted.

The construction manual for municipal public works construction prepared by the Washington State Department of Transportation, the Washington State Chapter of American Public Works Association, 2000 Standard Specifications for Road, Bridge, and Municipal Construction, with amendments or additions thereto, and/or revisions subsequently adopted is hereby designated as the public works construction ordinance of the city, in full, by reference, as provided by law; provided, that not less than one copy of such compilation and amendments and additions thereto, adopted by reference, shall be filed for use and examination by the public, in the office of the clerk-treasurer. (Ord. 03-626 § 1, 2003; Ord. 219 § 1, 1974)

12.08.015 Standard specifications and drawings.

The city council may by resolution adopt standard specifications and drawings for implementation of construction design standards as empowered by the construction manual adopted by AMC 12.08.010. (Ord. 03-626 § 2, 2003)

12.08.020 Purpose.

It is the purpose of this chapter to require uniform development and construction and/or alteration of street, curbs, sidewalks, alleys, storm

drains and all other like public improvements within the city. It shall not alter or affect those improvements presently in existence. In the event, however, any of such presently constructed improvements are to be altered, modified, improved or changed then such alteration, modification, improvement or change shall be done in accordance with the provisions of this chapter. For state law authorizing the construction and maintenance of street, sidewalks, alleys and other public highways and places, see RCW 35.24.290(3). For state law empowering cities to regulate the use of sidewalks within their limits, see RCW 35.21.220, 35.68.075; see also Chapters 35.68, 35.69 and 35.70 RCW. (Ord. 232 § 1.020, 1975)

12.08.030 Definitions.

A. Generally. Except where specifically defined in this section, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular. “Shall” is always mandatory; “may” denotes a use of discretion in making a decision.

“Alley” means a street within the ordinary meaning of “alley” not designated for general travel and primarily used as a means of access to the rear of residences and business establishments, that is not a driveway.

“Apron” means that portion of the driveway approach extending from the gutter flowline to the sidewalk section and lying between the end slopes of the driveway approach.

“City” means the city of Asotin and its appointed or elected officials.

“Contractor” means any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any alley, street, sidewalk, easement or any other public rights-of-way; “contractor” also includes any public utility, natural gas company, or telephone company operating within the city by virtue of franchises or permit granted them by the city.

“Curb cut” means a depressed section of the curb at the street termination of the driveway approach.

“Driveway” means a strip of land which serves or is intended to serve as a primary means of access from a public right-of-way adjacent to a lot or parcel to the interior of that one lot or parcel, and which serves or is intended to serve a maximum of

two dwelling units. An accessway intended to serve more than one lot or parcel is not a driveway.

“Driveway approach” means an area of construction or improvement between the roadway of a public street to a definite area of the private property, such as a parking area, a driveway or a door. It shall be at least 15 feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or the curb return and the sidewalk section.

“End slope” means that portion of the driveway approach which provides a transition from the normal curb and sidewalk elevation to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

“Permittee” means the person, firm or corporation who is applying for a permit or to whom a permit has been issued for an improvement within the town.

“Property owner” means the person, firm or corporation who has legal title to the property on which the improvement fronts or is being made and includes his legal agents.

“Sidewalk” means any thoroughfare, the primary function of which is to serve pedestrian traffic.

“Sidewalk section” means that portion of the driveway approach lying between the back edge of the sidewalk and the apron, plus the end slopes measured at the front edge of the sidewalk.

“Specifications” means the specifications and plans set forth in the Standard Specifications for Municipal Works Construction, dated 1996, published by the Washington State Chapter of American Public Works Association and as subsequently amended, which shall prevail for any construction, alteration, street cuts or obstruction within the city except as may be amended hereafter or by direction of the city council acting within the scope of its authority.

“Standard Specifications” means the standard specification for the Municipal Public Works Construction, prepared by the Washington State Public Works Association, dated 1971, and modifications or amendments thereto.

“Street” means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular travel which is not an alley or a driveway. (Ord. 96-519 § 1, 1996; Ord. 232 § 1.030, 1975)

Article II. Permits

12.08.040 Required.

A. It is unlawful for any person, firm or corporation to dig up, break, excavate, use, occupy, tunnel, undermine, obstruct, construct or disturb any public or private street, alley, driveway, sidewalk, highway, thoroughfare, other public place or public easement, any article, material or thing whatsoever tending to obstruct, or disturb, without first having obtained a construction permit therefor. In the event it is necessary to dig, excavate, tunnel, undermine or in any manner enter the street right-of-way in making a sewer hook-up, a construction permit will be required under this chapter and such work can only be done by a bonded contractor.

B. Failure to obtain a construction permit prior to commencing work shall be deemed a violation of this chapter and shall be cause for the clerk-treasurer to issue a stop work order until an application for the permit has been received and a permit issued. A 50 percent penalty may be added to the cost of such late permit. (Ord. 96-519 § 2, 1996; Ord. 232 § 1.151, 1975)

12.08.050 Sidewalks.

Whenever a building permit is applied for, for a commercial structure in excess of \$3,500 within the city, the person seeking such commercial structure shall also make application for a permit as provided for under this chapter for the construction of sidewalks and as a portion of such construction, there shall be built sidewalks and curbs on all sides of such property that may adjoin a street, in conformance with this chapter, and such sidewalks and curbs shall extend the full distance that such property is sought to be occupied as a building site or parking area for commercial construction and may adjoin property dedicated as public street. It is contemplated that the sidewalk and curbs will be constructed as part of the basic improvement, if not so constructed work must be completed within 30 days after written notice by the city council. (Ord. 89-413 § 1, 1989; Ord. 232 § 1.152, 1975)

12.08.060 Denial.

A. No permit will be issued for any such work upon any street, alley, sidewalk or other public thoroughfare within the city when the grade has not been properly established, or after the city council has adopted a resolution to improve the street or alley in question by the formation of a local improvement district and no permit shall be issued if, in the judgement of the city council, the

improvement proposed to be made is not a suitable one or will not be uniform with and conform to existing or proposed improvements of streets or uniform with and conform to existing or proposed improvements of streets or alleys in the immediate vicinity of such proposed improvement.

B. No permit shall be issued for work within the street right-of-way lines or public utility easements to anyone who is not a licensed contractor and bonded to the city.

C. No permit shall be issued to any persons, firm or corporation who is delinquent in the payment of any fees or charges fixed by this chapter or who refuses or neglects to comply with any of the provisions of this chapter. (Ord. 232 § 1.153, 1975)

12.08.070 Application content.

The clerk-treasurer shall grant permits only upon compliance with the following terms and conditions: the party requesting such permit shall make application therefore in writing and, if requested to do, will file with the clerk-treasurer drawings showing the location and plan of the excavation, cutting or other thing desired to be done, and the street, alley or easement to be so used, together with the full description of the nature of such work. The clerk-treasurer and building inspector shall thereupon examine such application and drawings and if the same are approved and bond filed as hereinafter provided, shall issue a permit therefor. Such permit shall specify the place where such acts are to be performed and done, together with a description of the proposed work or act to be done under such permit and the length of time allowed for the completion thereof, and shall require the replacement to its former condition or better, of whatever portion of the street, alley, pavement or improvement which may be disturbed or affected in any way. (Ord. 232 § 1.154, 1975)

12.08.080 Fees.

The permit fee shall include the costs to the city for making necessary surveys and for the inspection of all public improvements. Such fees and costs shall be paid by the tenth of the month following the billing by the clerk-treasurer. (Ord. 232 § 1.155, 1975)

12.08.090 Records required.

It shall be the duty of the clerk-treasurer or his designated assistant to keep a record of all permits issued for construction under the provisions of this chapter, which records shall show the date of issue

thereof, to whom issued, a description of the property in front of which the improvement is to be made, the nature of the improvement and an estimate of the quantity of work and the cost thereof, fees collected and when accepted by the clerk-treasurer and building inspector or his designated assistant the date of such acceptance. (Ord. 232 § 1.156, 1975)

12.08.100 Construction – Notification of fire chief and police chief.

Before performing any construction, alteration or repair of any street, alley, highway or public thoroughfare in the city, notice thereof must be given to the chiefs of the fire and police departments by the permittee. Notification shall also be given upon completion of the act or acts allowed under such permit when the affected areas are returned to original condition. Failure to do so will constitute a violation of this chapter. (Ord. 232 § 1.157, 1975)

12.08.110 Construction – Interference with other services prohibited.

The work shall be conducted so as not to interfere with access to fire stations, fire hydrants and the U.S. Postal Service. Material or obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire escapes shall be kept free of material piles or other obstructions. Access shall be maintained at all times for all types of emergency vehicles and equipment. (Ord. 232 § 1.158, 1975)

12.08.120 Construction – Barricades and lights required.

In case any public street, alley, sidewalk, highway or public place shall be dug up, excavated, undermined, disturbed or obstructed or any obstruction placed thereon, the person, firm or corporation causing the same shall erect, and so long as the conditions exist and any danger may continue, maintain around that portion of the street, sidewalk or other public place, 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 building inspector. In the event the permittee is not immediately available, the building inspector may install, at the permittee's expense, additional barricades, lights and or safety devices to protect the public. (Ord. 232 § 1.159, 1975)

12.08.130 Construction – Supervision.

All construction of street improvements, sewers, drains, sidewalks, service walks, curbs and gutters by private contractor shall conform to the city standards and the applicable section of the standard specifications and shall be constructed under the immediate supervision of the building inspector, or his designated assistant. In the event a contractor does any work whatsoever on a public right-of-way it shall be his final responsibility to see that a proper permit has been secured therefor from the city prior to commencing such work. (Ord. 232 § 2.160, 1975)

12.08.140 Contractor's guarantee.

Any work done under a permit authorized by this chapter and which work involves excavation through or undermining of, any sidewalk, curb or paving shall have such excavation backfilled, tamped and settled in such manner that the sidewalk, curb or paving may be replaced and should the patched sidewalk, curb or paving settle within a period of one year, it shall be repaired at the expense of or under the bond of the original contractor. (Ord. 232 § 2.161, 1975)

12.08.150 Monuments to be preserved.

The permittee shall not disturb any survey monuments or hubs found within the boundaries of the improvements unless authorized to do so by the building inspector. In the event that such monuments or hubs are to be removed because of the improvement they must be replaced under the supervision of the building inspector at the permittee's or his agent's expense. (Ord. 232 § 2.162, 1975)

12.08.160 Property lines and easements.

It shall be the permittee's responsibility to confine his construction activities within the street rights-of-way lines and limits of easements described on permit. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee. (Ord. 232 § 2.163, 1975)

12.08.170 Obstruction prohibited.

A. No fence, structure or other obstruction shall be placed within the limits of any street, alley, lane or public road whereby public travel may be impeded or inconvenienced except for safety devices which must have flares or warning lights.

B. It is unlawful to dump, pile, deposit or otherwise leave any accumulation of garbage, cans,

leaves, grass clippings or prunings and other debris on the traveled portion of any public street, public utility easement, sidewalk, alley or highway within the city. Burning of any such debris on improved roadway or sidewalk surfaces is expressly prohibited. (Ord. 232 § 2.164, 1975)

Article III. Bonds and Insurance**12.08.180 Required for permit.**

Before any permit as provided in this chapter shall be issued, the contractor performing such work shall execute and deliver to the city and file with the clerk-treasurer a bond of at least \$1,000 or equal to the cost of the improvement, whichever is greater, to be valid at least one year from the completion of all work covered by the permit, with sureties to be approved by the clerk-treasurer and the city attorney, conditioned that he will keep and save harmless the city from all claims, liabilities, judgement, costs, damages and expenses arising from any acts which he may do under the permit or which may be done by any of his agents, servants or employees, or from any negligence from his agents, servants, contractors or any of them, in disturbing such street, alley, pavement or other improvement or by reason of a violation of any of the street, alley, pavement, improvement or other place affected and to place the same in its former condition as near as may be, and within the time specified by the building inspector, and to include all fees, or other costs to the city as a result of activity by the permittee in the execution of the contract for which the permit was issued. (Ord. 232 § 1.161, 1975)

12.08.190 Bond or certified check required for subdivisions.

Before approval of a final plat or a subdivision the council must be satisfied that all required improvements have been constructed as certified by the planning commission. In lieu of the completion of the improvements, a bond executed by a company based on an estimate by the planning commission shall be furnished by the developer in an amount equal to the cost of completing construction of such improvements for the area immediately under development. The surety will be subject to the condition that the improvement will be completed within one year after approval of the final plat and in the event they are not completed, the city shall proceed with the work and hold the owner and the bonding company jointly responsible for the construction thereof. As an alternate and

at the discretion of the subdivider a cashier's check may be deposited with and payable to the city in lieu of the surety bond. (Ord. 232 § 1.162, 1975)

12.08.200 Continuous bonds.

Any contractor, normally operating with the city may file with the clerk-treasurer a bond with sureties as provided in AMC 12.08.180 in the amount of \$1,000 or more and that such filing of a bond will be due evidence of good faith for any permit obtained during the life of the bond. The bond shall continue in force for at least one year following the last improvement made under permit in the city. In the event the cost of any and all improvements performed exceeds in the total value of the bond on file by the permittee, it shall be the permittee's responsibility to increase the value of the bond to equal the total cost of the several improvements, but not more than \$5,000 before further permits will be issued. (Ord. 232 § 1.163, 1975)

12.08.210 Exemption.

In lieu of bond arrangements provided in AMC 12.08.180 and 12.08.200, a contractor at the time of requesting a permit can present current evidence of compliance with bond regulations of Chapter 18.27 RCW, Registration of Contractors. (Ord. 232 § 1.164, 1975)

12.08.220 Insurance required.

The contractor must also furnish the city a certificate of insurance or duplicate copy of his bodily injury liability insurance policy with minimum limits of \$100,000 per person and \$200,000 per accident and property damage insurance with minimum of 25,000 per occurrence to include injury to or destruction of wires, conduits, pipes, mains, sewers or other similar property or any apparatus in connection therewith, below the surface of the ground, if such injury to or destruction is caused by and occurs during the use of mechanical equipment for the purpose of grading of land, paving, excavating or drilling or injury to or destruction of property at any time resulting therefrom, and keep the same in force. It will be the contractor's responsibility to keep and save harmless the city from all claims, liability, judgement, costs, damages and expenses arising from any acts which he may do under the permit or which may be done by any of his agents, subcontractors, employees or any of them, in making or constructing such improvements or by reason of violation of any of the provisions of this chapter. (Ord. 232 § 1.165, 1975)

Article IV. Streets and Alleys

12.08.230 Surfacing materials.

All public streets and alleys hereafter constructed in the city shall be constructed in accordance with the standard specifications. The type of surfacing shall be cement concrete pavement or asphaltic concrete pavement, a minimum thickness of two inches, as specified in the standard specifications. (Ord. 97-523 § 1, 1997)

12.08.240 Installation of underground utilities.

A. All necessary underground utilities with connections to the private property lines shall be installed prior to the surfacing of any street with permanent type pavement. No subsequent street cuts will be permitted in permanent type surface streets unless an overlay of the complete roadway in the area involved, including transition sections, is included; and for necessary repairs to existing lines.

B. All underground electric, telephone and television cables beneath present or future areas of permanent type surfaced roadway shall be encased in approved conduit or duct. (Ord. 232 § 1.172, 1975)

12.08.250 Street width.

The minimum normal width of streets in the city shall be 36 feet from face of curb and the minimum normal width of right-of-way shall be 50 feet for all new construction. (Ord. 232 § 1.173, 1975)

12.08.260 New street requirements.

New streets may be constructed by:

A. Developers of land areas at their own expense; or

B. Abutting property owners by cash or private contracts; or

C. By creation of local improvement districts; or

D. By action of the city council, any of which construction shall be in accordance with the requirements of this chapter. (Ord. 232 § 1.174, 1975)

12.08.270 Improvement by private contract.

Prior to the granting of a permit for any street or surfacing work on public street right-of-way to be done by private contract, the party or parties requesting the improvement shall provide all necessary surveys, grades, engineering, design data, plans, specification and subsequent to issuance of the permit, all necessary construction staking all of

which shall be certified by an engineer or land surveyor registered in the state. However, as an alternate to using such registered engineer or land surveyor the city may elect in its sole discretion to do this work at cost for the party or parties if mutually agreed. The permittee or contractor actually doing the work and subsequent to issuance of the permit shall notify the clerk-treasurer in writing at least 24 hours in advance of commencing operation or commencing any construction phase. The building inspector or designated assistant shall check the work as to line and grade and inspect the work until same is completed and it shall be unlawful for work to commence until the grades and alignment have been so checked and an inspector placed upon the location of the work at the time the work is actually commenced. Subsequent to completion of the work but before acceptance of the completed work by the city, the permittee shall furnish the clerk-treasurer an acceptable transparent tracing or drawing indicating the "as built" condition of the work which shall show final grades and other engineering data all of which shall be certified by the engineer or land surveyor who is registered in the state who was responsible for the work. The city may refuse to maintain any street which has not been built in compliance with nor accepted by the building inspector. (Ord. 232 § 1.175, 1975)

12.08.280 Arterial streets.

Construction of arterial streets will be initiated by action of the city council in accordance with the six-year comprehensive street program or upon approval by the voters of special bond improvement projects. (Ord. 232 § 1.176, 1975)

Article V. Sidewalks and Curbs

12.08.290 Construction standards.

All sidewalks and curbs hereafter constructed in the city shall be constructed in accordance with Division II of the Standard Specifications. (Ord. 240 § 1, 1976; Ord. 232 § 1.181, 1975)

12.08.300 Construction details.

Unless otherwise ordered by the city all sidewalks and curbs hereafter constructed upon any public right-of-way within the city shall be built in compliance with appropriate city standards. (Ord. 240 § 1, 1976; Ord. 232 § 1.182, 1975)

12.08.310 Inspection required.

No improvements will be accepted until the building inspector is satisfied that the work has

been performed according to the requirement of this chapter and to the lines and grades as established and staked. (Ord. 232 § 1.183, 1975)

12.08.320 Maintenance of sidewalks and driveways.

A. It is unlawful for any person, firm or corporation to keep or retain a public sidewalk or driveway area fronting his, her or their property, in a state of disrepair and which is dangerous for use by the public. Any such sidewalk which is in a state of disrepair and/or dangerous for use by the public shall be repaired or reconstructed by the fronting owner in accordance with the terms of this chapter.

B. It is illegal to paint upon, deface or mark in any manner a public sidewalk without permission of the city council.

C. Any day any sidewalk or driveway is permitted to remain in a condition contrary to the terms of this chapter shall be considered and shall constitute a separate and distinct violation hereof. (Ord. 89-404 § 1, 1989; Ord. 232 § 1.184, 1975)

Article VI. Driveways and Approaches

12.08.330 Construction standards.

All paved driveways and approaches on public right-of-way hereafter constructed in the city shall be constructed in accordance with Division II of the Standard Specifications. (Ord. 232 § 1.191, 1975)

12.08.340 Grades.

All driveways or approaches hereafter constructed or reconstructed in areas where walks, curbs or curbs and gutters do not exist shall be built to the lines, grades and to allow the width of roadway established for the street. (Ord. 232 § 1.192, 1975)

12.08.350 Permits.

A single permit may authorize one or more driveways or approaches to be constructed along the frontage of any one ownership or lease holder. However, no permit shall be issued if in the judgment of the city the proposed driveway or approach may impair the use of the street or be unduly dangerous to traffic or is not in accordance with the provisions of this chapter. (Ord. 232 § 1.193, 1975)

12.08.360 Design requirements.

Except for specific conflicting provisions for driveways for service stations, the following shall apply:

A. An accessway intended to serve more than one lot or parcel is not a driveway, but rather a street or alley.

B. A driveway shall serve a maximum of two dwelling units. An access serving more than two dwelling units shall conform to the standards of streets or alleys.

C. No single driveway shall exceed 50 feet in width measuring parallel to the curbline.

D. Total width of all driveways along a single street and single ownership or leasehold frontage shall not exceed 50 percent of the total frontage along that street.

E. The approach angle of any driveway shall not be less than 70 degrees measured from the curbline. (Ord. 96-519 § 3, 1996; Ord. 232 § 1.194, 1975)

Article VII. Sanitary Sewers and Storm Drains

12.08.370 Construction standards – Permits.

A. All sewers, trunk lines, manholes, cleanouts and catch basins hereafter constructed in the city and extensions thereof shall be constructed in accordance with Division III of the Standard Specification. Construction of side sewers and connection must meet with the approval of the building inspector.

B. All transactions concerning sewer connections shall be made through the office of the clerk-treasurer. (Ord. 232 § 2.111, 1975)

12.08.380 Construction by private contract.

A. Prior to the issuing of a construction permit a connect order must be obtained by the party or parties seeking such improvement. Prior to the granting of a permit for the construction of any sanitary sewers or storm drains on public street right-of-way to be done by private contract, the permittee requesting the improvement shall provide all necessary surveys, grades, engineering design data plans, specifications; and subsequent to issuance of the permit all necessary construction staking all of which shall be certified by an engineer or land surveyor registered in the state. The permittee or contractor actually doing the work and subsequent to issuance of the permit shall notify the clerk-treasurer in writing at least 24 hours in advance of commencing operation or commencing any construction phase.

B. In the event engineering is performed by a registered engineer or land surveyor and subsequent to completion of the work, but before acceptance of the completed work by the city, the

permittee shall furnish the clerk-treasurer acceptable transparent tracing or drawing indicating the “as built” condition of the work which shall show final grades and other engineering data all of which shall be certified by the engineer or land surveyor who is registered in the state who was responsible for the work. The city may remove the connection to the system or refuse to maintain any sanitary sewers or storm drains which have not been built in compliance with this chapter.

C. Roof areas, down spouts and surface drainage areas shall not be drained into sanitary sewers. (Ord. 232 § 2.112, 1975)

12.08.390 Sewer connections.

No person or persons, firm, association or corporation shall make or cause to be made any connection to any sewer or part of the sewerage system of the city, except by a person or persons regularly licensed to perform that class of work, or approved by the city and such work shall be inspected prior to and upon completion of backfilling to the satisfaction and approval of the building inspector. (Ord. 232 § 2.113, 1975)

12.08.400 Improvement requirements generally.

A. For general conditions, see this article.

B. For bonds and insurance, see Article III.

C. Acceptance by City. No improvement will be accepted until the building inspector is satisfied that the work has been performed according to the requirements of this chapter and to the lines and grades as established and staked. (Ord. 232 § 2.114, 1975)

Article VIII. Violation – Penalty

12.08.410 Designated.

Any persons, firm or corporation that shall fail to comply with or violate any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500.00 or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment. Each day in violation of this chapter shall be considered a separate offense. (Ord. 232 § 2.121, 1975)

Chapter 12.10

STREET AND HOUSE NUMBERING

Sections:

- 12.10.010 Purpose.
- 12.10.020 Applicability.
- 12.10.030 Authority for designation of streets and house numbers.
- 12.10.040 Assignment of addresses.
- 12.10.050 Changes to names and/or numbers.
- 12.10.060 Newly annexed areas.
- 12.10.070 Official map.
- 12.10.080 Street and road signs.
- 12.10.090 Signage.
- 12.10.100 Violation – Penalty – Corrective action.

12.10.010 Purpose.

This chapter further supplements the building, zoning, and subdivision ordinances. Its purpose is to provide the residents of the city 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. (Ord. 05-665 § 1, 2005)

12.10.020 Applicability.

This chapter shall apply to all property and to all public and private streets in the city of Asotin, whether currently existing, hereafter annexed, or hereafter constructed. (Ord. 05-665 § 1, 2005)

12.10.030 Authority for designation of streets and house numbers.

A. The Asotin County building and planning department, in conjunction with the city engineer, shall retain primary authority for designating new street names and house numbers. The department shall be responsible for ensuring that proposed street names are in conformance with this chapter and do not duplicate existing street names.

B. The building department of the city shall on all building permits for new residences, buildings, structures or places of business, excepting sheds and accessory buildings, assign an address number consistent with this chapter. On building permits other than new construction, the building department shall ensure that the address listed thereon is

consistent with this chapter. (Ord. 05-665 § 1, 2005)

12.10.040 Assignment of addresses.

A. The department shall assign addresses at the time of issuance of building permits. The department shall then notify Whitcom, the city fire department, and other appropriate agencies.

B. Should the department find that any building, structure or premises is not provided with an address, is not correctly addressed, or is not using the correct address, the department shall notify the owner, agent or renter of the building, structure or premises of the correct address. The address shall be properly placed in accordance with the provisions of this chapter by the effective date shown on the notice. It shall be unlawful for any owner, agent or renter to display, advertise or use the wrong address after notification by the department.

C. Whenever there is a doubt or difference of opinion as to the correct road designation or correct address, the road designation or address shall be determined by the department. (Ord. 05-665 § 1, 2005)

12.10.050 Changes to names and/or numbers.

A. Minor changes or corrections to numbers may be made administratively by the department following the written request of a residential or commercial occupant or when in the interest of public safety.

B. Major changes, such as block renumbering or street name changes, may be initiated by a written request from a residential or commercial occupant, or by the department in the interest of public safety and/or public benefits. In either case, the department shall convene a review committee to include, but not be limited to, the city engineer and representatives of the police and fire departments.

C. If the committee determines that a change should be made, a proposed plan shall be prepared and the affected neighborhood or commercial area notified for comment. The committee shall review any comments received and determine if the public safety interest is best served by the proposed change. Such determination must be made prior to any such change being effected. (Ord. 05-665 § 1, 2005)

12.10.060 Newly annexed areas.

All newly annexed areas will be re-addressed if it is determined that the existing addressing is inconsistent with the standards set forth in this

chapter or street names duplicate existing city street names. (Ord. 05-665 § 1, 2005)

12.10.070 Official map.

The city engineer shall be responsible for the development and maintenance of maps indicating street names and house numbers. (Ord. 05-665 § 1, 2005)

12.10.080 Street and road signs.

All new street and road signs in the city shall display street names and block numbers in conformance with the provisions of this chapter. (Ord. 05-665 § 1, 2005)

12.10.090 Signage.

A. The owner, occupant or renter of any addressed building, structure or premises shall conspicuously display the address of each building or each front entrance immediately above, on or at the side of the proper door so the number can be plainly seen from the adjacent way-of-travel.

B. If the building is not clearly visible from an adjacent way-of-travel, the numbers shall be displayed at the main entrance from the way-of-travel and each branch of private ways-of-travel.

C. Numbers shall be easily legible against a contrasting background and shall be at least three inches in height if a residential use or individual multifamily unit, and at least five inches high if a commercial use. (Ord. 05-665 § 1, 2005)

12.10.100 Violation – Penalty – Corrective action.

A. Any person failing to comply with the provisions of this chapter, or affixing to or displaying upon any house or building any numbers other than those assigned to the house or building, is guilty of an infraction punishable by a fine not to exceed \$100.00 for each violation.

B. When the city determines that a violation exists, the city may issue or cause to be issued a notice of violation to the person responsible for the violation. The notice shall include:

1. The name and address of the person responsible for the violation;

2. The street address or other description of the building, structure or premises affected by the violation;

3. A description of the violation and the required corrective action;

4. A statement indicating that an infraction citation will be issued on a date not less than 10 days from the date of the notice; and

5. A statement indicating that the citation will not be issued and no monetary penalty assessed if the city approves the completed corrective action at least 48 hours prior to the date designated for issuance of the citation.

C. The city shall serve or cause to be served the notice of violation upon the person to whom it is directed, either personally or by mailing a copy of the notice to such person at their last known address. If the person to whom the notice is directed cannot after due diligence be so served, the notice shall be served by posting a copy of the notice conspicuously on the affected property or structure.

D. Payment of the infraction pursuant to this chapter does not relieve the person to whom the infraction was issued of the duty to correct the violation. (Ord. 05-665 § 1, 2005)

Chapter 12.12**CHIEF LOOKING GLASS PARK**

Sections:

Article I. Marina

- 12.12.010 Established.
- 12.12.020 Rules and regulation adoption.
- 12.12.030 Liability.
- 12.12.040 Use of mooring facility at owner's risk.

Article II. Parking

- 12.12.050 Parking areas approved.
- 12.12.060 Plat filing.
- 12.12.070 No parking zone use prohibited.
- 12.12.080 Parking in unmarked areas prohibited.
- 12.12.085 Parking while park closed prohibited.
- 12.12.090 Responsibility for violation.
- 12.12.100 Violation – Penalty.

Article III. Other Rules

- 12.12.110 Hours of park closure – Penalty.

Article I. Marina**12.12.010 Established.**

The city, in the exercise of its police power and pursuant to RCW 35.23.455, establishes the boat basin in Chief Looking Glass Park in the city, together with the docks and moorages therein and appurtenant thereto as a public boat harbor, marina and dock for the purposes of commerce, recreation and navigation. (Ord. 222 § 1, 1975)

12.12.020 Rules and regulation adoption.

The city council will, from time to time, make and adopt all rules and regulations necessary for use and enjoyment by owners of boats and other watercraft of the city marina established and constructed by the city pursuant to this article. (Ord. 222 § 2, 1975)

12.12.030 Liability.

The city shall not assume any liability for any injury that any person receives while in, on or about the city marina, nor shall the city be liable for the way in which boats are moored or any damage to boats while at the moorings, nor shall the city be liable for any loss resulting from theft, fire or other

casualty, not directly attributable to negligence on the part of the city, its agents, servants or employees. (Ord. 222 § 3, 1975)

12.12.040 Use of mooring facility at owner's risk.

All persons mooring at and using the facilities of the city marina shall do so at their own risk. (Ord. 222 § 4, 1975)

Article II. Parking**12.12.050 Parking areas approved.**

The parking areas and no parking zones as now established in the Chief Looking Glass Park are approved and adopted as the official parking plan for Chief Looking Glass Park. (Ord. 248 § 1, 1976)

12.12.060 Plat filing.

The street superintendent of the city is directed to file with the clerk-treasurer a map or plat showing the parking areas and no parking zones in Chief Looking Glass Park as now located. Such map or plat should be drawn to a convenient scale, and sufficiently detailed to provide working instruction to city street crews so that lines and markings may be established or relocated with reasonable consistency. (Ord. 248 § 2, 1976)

12.12.070 No parking zone use prohibited.

Parking in a no parking zone so established and designated by appropriate signs is prohibited. (Ord. 248 § 3, 1976)

12.12.080 Parking in unmarked areas prohibited.

Parking in any location or manner other than in areas and within spaces as marked on the ground pursuant to this chapter is prohibited. (Ord. 248 § 4, 1976)

12.12.085 Parking while park closed prohibited.

Parking in any location or manner within Chief Looking Glass Park during the hours of park closure designated in AMC 12.12.110 is prohibited. (Ord. 05-663 § 1, 2005)

12.12.090 Responsibility for violation.

The registered owner of any vehicle shall be deemed prima facie to be the person responsible for the parking thereof. (Ord. 248 § 5, 1976)

12.12.100 Violation – Penalty.

Any person violating any of the provisions of this article shall, for each such offense, be punished by a fine of not more than \$25.00. (Ord. 248 § 6, 1976)

Article III. Other Rules**12.12.110 Hours of park closure – Penalty.**

Chief Looking Glass Park shall be closed to public access nightly between 10:00 p.m. and 5:00 a.m. Violation of this section is an infraction punishable by a fine of \$75.00. (Ord. 05-663 § 1, 2005)

Chapter 12.16**CLEAR VISION AREAS**

Sections:

- 12.16.010 Clear area vision requirements.
- 12.16.020 Measurement of clear vision areas.
- 12.16.030 Violation – Penalty.

12.16.010 Clear area vision requirements.

A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear vision area shall contain no planting, fence or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb or where no curb exists, from the established centerline grade of the street, except the trees exceeding three feet may be permitted if all branches and foliage to a height of eight feet above the top of the curb or established centerline grade are removed. (Ord. 92-448 § 1, 1992)

12.16.020 Measurement of clear vision areas.

A clear vision area shall consist of a triangular area, two sides of which are street lines and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of a clear vision area is determined by the distance from the intersection of the two street lines to the third side measured along the street. The size shall be as follows:

A. In a residential zone the distance determining the size of a clear vision area shall be 20 feet.

B. In all other zones the distance determining the size of a clear vision area shall be 15 feet, except that where the angle of an intersection between streets is less than 30 degrees the city may require a greater distance. (Ord. 92-448 § 2, 1992)

12.16.030 Violation – Penalty.

A violation of this chapter shall be a misdemeanor in accordance with Chapter 1.12 AMC. (Ord. 92-448 § 3, 1992)

Chapter 12.20**ASOTIN CITY CEMETERY**

Sections:

- 12.20.010 Definitions.
- 12.20.020 Rules, regulations and purpose.
- 12.20.030 Applicability.
- 12.20.040 Cemetery hours.
- 12.20.050 Perpetual care graves.
- 12.20.060 Cemetery fund.
- 12.20.070 General regulations.
- 12.20.080 Malicious mischief.
- 12.20.090 Interments.
- 12.20.100 Disinterments.
- 12.20.110 Headstones, monuments, markers, graves, etc.
- 12.20.120 Copy of regulations to purchaser.

12.20.010 Definitions.

As used in this chapter:

A. “Burial” means the placement of human remains in a grave.

B. “Cemetery” means any one, or combination of more than one, of the following, in a place used, and dedicated for cemetery purpose:

1. A burial place for earth interment.

C. “Committal” means that part of the funeral service, which commits the remains of the deceased to their final resting place.

D. “Cremated remains” means a human body after cremation in a crematory.

E. “Funeral” means a memorial service for a deceased person.

F. “Grave” means a space of ground in a cemetery used or intended to be used for burial.

G. “Companion grave” means two single graves side by side or one double depth grave.

H. “Grave owner” or “owner” means any person in whose name an interment plot stands of record as owner, in records of the cemetery authority.

I. “Human remains” or “remains” means the body of deceased person, and includes the body in any stage of decomposition except cremated remains.

J. “Interment” means the disposition of human remains by cremation and interment, entombment or burial in a cemetery.

K. “Marked and/or memorial” means any grave marked, headstone, or monument that is intended to permanently mark any grave.

L. “Plot” means grave, niche or crypt.

M. "Vault" or "liner" means any container which is buried in the ground and into which human remains are placed in the burial process. (Ord. 99-571 § 1, 1999)

12.20.020 Rules, regulations and purpose.

A. The rules and regulations continued in this chapter are made only for the benefit of the grave owners and are designed to limit their rights insofar as such limitations are for the benefit of all. If rules and regulations are not made the exercise by certain ones interferes with the rights and enjoyment of others, as well as destroy the general scheme and beauty of the property. No rule has been adopted except as is necessary to preserve the rights of all whom the city considers itself the trustee.

B. These rules and regulations may be changed or amended at any time by the city council, and will be so changed and amended when any rule is found to be detrimental to the best interest of the grave owners, as a whole, or when new conditions require the adoption of other or further regulations. Copies may be had upon request to the city clerk-treasurer. (Ord. 99-571 § 1, 1999)

12.20.030 Applicability.

The city owns, operates, and cares for the city cemetery as a part of its general government services to the citizens of Asotin. This chapter governs operations of the cemetery and is in addition to other city ordinances and regulations for property under the management of the city. (Ord. 99-571 § 1, 1999)

12.20.040 Cemetery hours.

Visitor hours during which the cemetery roads are open are from 7:00 a.m. to 8:00 p.m. or dusk (whichever is earlier) daily and normal burial hours shall be restricted during the week to the hours of 8:00 a.m. and 7:00 p.m. without special permission of the cemetery designee. (Ord. 99-571 § 1, 1999)

12.20.050 Perpetual care graves.

A. All graves within the city cemetery used for the cemetery purpose are designated for perpetual care.

B. Price of Graves and Service.

1. The fees charged for graves and services are established by the city council by resolution and/or adoption.

2. The grave sale price, upon adoption of the ordinance codified in this chapter, shall be added 20 percent of such sales, which amount shall be

deposited in the cemetery funds use for perpetual care. (Ord. 99-571 § 1, 1999)

12.20.060 Cemetery fund.

A. The cemetery fund is established with money received from the amount set forth from grave sales and from any property devised, bequeathed or given in trust to the cemetery.

B. The income from investments of the cemetery fund will be used for care and operation of the cemetery, for capital improvement, or embellishment within the cemetery. These funds will reserve the allowance of 20 percent for perpetual care only. The cemetery committee recommends that the perpetual care fund be placed in an interest bearing account.

C. Other cemetery funds may be used for memorials within the city limits for those buried in the city cemetery or to commemorate those persons who have perished that are/were considered part of the community. This will include, but not be limited to, the planting of trees, development of parks, sculptures or other monuments to honor those persons. (Ord. 99-571 § 1, 1999)

12.20.070 General regulations.

A. The rules and regulations set out in this chapter and subsequent chapters are determined by motion, adoption, or resolution of the city council, by recommendation of the cemetery committee or chairperson, and shall govern all cemeteries now owned or hereafter acquired by the city. The city expressly reserves the right to make, from time to time, such additional rules and regulations as may be deemed desirable in the public interest.

B. No tree, shrub or plant shall be planted, placed or kept on any lot or in any part of the cemetery except in areas designated by the city for planting or keeping therefor. Any tree, shrub or plant planted or kept or maintained in violation heretofore shall be summarily removed, or ordered for removal, by the cemetery chairperson, or cemetery committee member with such other city help as is necessary, and the cost of removal shall be paid by the offending person or persons.

1. This section will not, in general, apply to plantings prior to this resolution. However, it will be within the discretion of the cemetery committee chairperson, cemetery maintenance manager, or the cemetery committee to determine a need to remove, replace, or prune present plantings. All city employees will confer with a member of the cemetery committee prior to removal of any planting.

C. No monument, structure, effigy, inscription, sign, placard or thing shall be placed, kept or maintained upon any lot or other cemetery area except as specifically authorized by the ordinances, rules and regulations of the city. If anything is placed, kept or maintained in violation thereof the cemetery chairperson or member of the cemetery committee shall, with such other city help as necessary, summarily remove the same, and the cost of removal shall be paid by the offending person or persons if so deemed necessary.

D. No fences, coping or curbing of any kind, and no other monuments, stones, objects or things of any kind projecting above the surface of the ground will be permitted, except as specifically authorized by the ordinances, rules and regulations of the city or approval by the city council.

1. Family plots, being designated by purchase and recorded by the city clerk-treasurer, may be excluded in fencing regulations providing the family notifies the city clerk-treasurer and the designated area is confirmed and approved by a member of the cemetery committee. This reduces the possibility of mismeasured plots and encroachment upon other plots.

E. Heavily loaded vehicles and other heavy or sharp objects or things which will mark or tear up the ground shall not be allowed within the cemetery areas without written permission of the cemetery chairperson or by mutual committee agreement.

F. Every person entering the city cemetery shall be responsible for all damages done by that person or by any vehicle, person, or animal, or thing in that person's charge.

G. No animal shall be taken into or allowed to enter any cemetery area without being restrained (leashed) and kept upon the designated roadways.

H. Any person disturbing the quiet and good order of the cemetery by noises or disorderly or improper conduct, or who shall violate any of the rules or regulations pertaining to the cemetery, will be ejected from the cemetery.

I. No vehicle shall: (1) be driven in any part of the cemetery except on the driveways laid out for that purpose; (2) be driven in the cemetery at a speed exceeding five miles per hour; (3) be driven or parked in the cemetery between the hours of 10:00 p.m. and 7:00 a.m., except law enforcement vehicles or city maintenance vehicles.

J. Signs and advertisements of every description are strictly prohibited in the cemetery, except as necessary for cemetery regulations by the cemetery committee or approved by the city council.

K. No person shall take any firearm or gun inside the cemetery. This restriction shall not apply to those participating in military funerals; special occasions honoring those involved with the military, to law enforcement officers or special funerals whose tradition it is to salute by firearm. (Ord. 99-571 § 1, 1999)

12.20.080 Malicious mischief.

A. The following acts are prohibited, as every person is guilty of malicious mischief who unlawfully or without right wilfully does any of the following:

1. Destroys, cuts, mutilates, effects, or otherwise injures, tears down, any tomb, plot, monument, memorial, or marker in the city cemetery, or any gate, door, fence, wall, post, or railing or any enclosure for the protection of the cemetery or any property therein;

2. Destroys, cuts, breaks, removes, or injures any building, statuary, ornamentation, tree, shrub, flower, or plant within the cemetery.

B. The foregoing provisions relating to malicious mischief do not apply to the removal or unavoidable breakage or injury, by the city agents or employees, of any thing placed in or upon any portion of the city cemetery in violation of any of the rules and regulations of the city, nor to the removal of any thing placed in the cemetery by or with the consent of the city which has become in a wrecked, unsightly or dilapidated condition. (Ord. 99-571 § 1, 1999)

12.20.090 Interments.

A. No interments shall be allowed or made in any lot for which the city has not been paid the full purchase price prior to interment. Exception can be made under special circumstances with permission from the cemetery chairman, city mayor, or majority of the cemetery committee.

B. Burial for the indigent will be located in what is historically known as "Potters Field." The cemetery committee and/or the city council will determine cost of such burial site and/or establish a payment agreement with the heir(s) or assignee(s).

C. Lots are sold for the purpose of burial of the human only. Permission to bury pets with human remains must be given by the cemetery committee and/or city council.

D. Lots will be purchased and recorded at the office of the city clerk-treasurer.

E. No burial will be permitted in the cemetery without the proper burial permits as required by the laws of the state of Washington and those of the

city, as well as Asotin County. All burials will be required to follow the guidelines of the state of Washington and Asotin County. These guidelines will include, but not be limited to burial vaults and/or liners.

F. No burial will be permitted in the cemetery without a written permit from the office of the city clerk-treasurer. At time permission is requested, the name, age, place and date of birth, place and date of death, sex, explanation of death, and last address of the person to be interred shall be given to the city clerk-treasurer. See final attachment for an example of the recommended document of record.

G. A record shall be kept of all remains interred or cremated. In each case, the date of interment or cremation and the name and address of the funeral director, in addition to the information mentioned above, shall be kept as part of the record of interment.

H. Upon the death of any owner of a lot, or lots, in the cemetery, the heirs, assignees, or devisees of such descendent must furnish to the city satisfactory proof of ownership of any such lot or lots, before further interments can be made.

I. No transfer of any lot or any interest therein, will be valid without the notification to the city clerk's office and endorsed upon such transfer, and a record therefor entered on the books of the city.

J. Within the cemetery area, all funerals will be subject to control and direction of a member of the cemetery committee, who will have the entire control of the digging of graves, and all other matters relating to burials.

K. No grave shall be dug less than six inches from the boundary line of the lot and graves on lots shall be pre-arranged as to not present a crowded or irregular appearance. This part is subject only to unused lots as of the adoption of the ordinance codified in this chapter.

L. Mounds over new graves must be kept low, not over five inches in height. (Ord. 99-571 § 1, 1999)

12.20.100 Disinterments.

No disinterments will be allowed without a written permit from the registrar of the district in which the city cemetery is located, as well as without the written permission of the city and the lot owner or assignee. Additional permission must be given by the nearest kin of the deceased. All such disinterments shall be under the direction and supervision of a member of the cemetery committee, or a designate by the cemetery chairman, except that disin-

terments will be allowed when made pursuant to an order of a court of record, in which case receipts for the remains must be given. (Ord. 99-571 § 1, 1999)

12.20.110 Headstones, monuments, markers, graves, etc.

A. In order to secure the best general appearance the city requires that all plantings of shrubs and plants in the cemetery shall be done only in accordance with the established plan under the direction of the cemetery committee, with the approval of the committee, and in such places only as they may designate pursuant to such plan.

B. A list of allowed and/or suggested plantings shall be provided upon request to a committee member or the city clerk's office, as well as upon receipt of a burial permit or purchase of a burial lot. (Ord. 99-571 § 1, 1999)

12.20.120 Copy of regulations to purchaser.

A copy of these rules and regulations shall be given to those persons purchasing a lot, upon receipt of a burial permit, purchase of a burial lot, or upon request to the city clerk's office. (Ord. 99-571 § 1, 1999)

Chapter 12.24**ASOTIN CITY PARK**

Sections:

- 12.24.010 Establishment.
- 12.24.020 Rules and regulations.
- 12.24.030 Reservations and use fees.

12.24.010 Establishment.

The city, in the exercise of its powers, had established Asotin City Park for the purpose of recreation and public use. (Ord. 00-574 § 1, 2000)

12.24.020 Rules and regulations.

The city council may from time to time make and adopt all rules and regulations necessary for use and enjoyment of Asotin City Park. (Ord. 00-574 § 2, 2000)

12.24.030 Reservations and use fees.

A. The city shall no longer accept reservations for use of the park or its structures for private functions. The park structures, including the gazebo and cook shack, shall be used only for sanctioned community events.

B. All reservation policies and regulations adopted pursuant to earlier enactments of this chapter are hereby specifically repealed.

C. Fees for overnight camping shall be set at \$25.00 per night. (Ord. 06-687 § 1, 2006; Ord. 05-672 § 1, 2005; Ord. 00-574 § 3, 2000)

Chapter 12.28**STREET AND ALLEY
VACATION PROCEDURES**

Sections:

- 12.28.010 Definitions.
- 12.28.020 Statement of purpose.
- 12.28.030 Initiation of vacation.
- 12.28.040 Petition for vacation.
- 12.28.050 Petition fees.
- 12.28.060 Survey, vicinity map, plat map and legal description.
- 12.28.070 Setting of hearing.
- 12.28.080 Staff report.
- 12.28.090 Notice of hearing.
- 12.28.100 Protest.
- 12.28.110 Hearing and committee report.
- 12.28.120 City council decision.
- 12.28.130 Limitation on vacations of streets abutting bodies of water.
- 12.28.140 Requirements prior to resolution regarding vacation of streets abutting bodies of water.
- 12.28.150 Vacation by ordinance.
- 12.28.160 Compensation for vacation.
- 12.28.170 Appraisals.
- 12.28.180 Payment of compensation of conveyance.
- 12.28.190 Recording of ordinance.

12.28.010 Definitions.

A street or alley “vacation” means that the public is letting go of, or “vacating,” the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access. (Ord. 04-644 § 1, 2004)

12.28.020 Statement of purpose.

The purpose of this chapter is to establish procedures, notice requirements and fees for the vacation of streets and alleys within the city. This chapter is intended to implement the authority granted to the city by Chapter 35.79 RCW and RCW 35A.47.020 and to conform to their provisions. In case of conflict between this chapter and those statutes, the statutory provisions shall be controlling. (Ord. 04-644 § 2, 2004)

12.28.030 Initiation of vacation.

The owners of an interest in any real property abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council. In the alternative, the city

council may itself initiate a vacation by resolution. The petition or resolution shall be filed with the city clerk-treasurer. (Ord. 04-644 § 3, 2004)

12.28.040 Petition for vacation.

The petition shall be in a form prescribed by the clerk-treasurer or designee and shall contain a name, address and telephone number of a representative for the petitioners. The petition shall also discuss the criteria set forth in SMC 12.28.120. The sufficiency of the petition shall be governed by RCW 35A.01.040. (Ord. 04-644 § 4, 2004)

12.28.050 Petition fees.

Every petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by resolution of the city to defray the administrative costs incurred in processing the petition and publishing, posting and mailing notices, plus any consulting costs incurred by the city during the review process. The fee shall not be refunded under any circumstances. (Ord. 04-644 § 5, 2004)

12.28.060 Survey, vicinity map, plat map and legal description.

A. Every petition shall be accompanied by: (1) a survey, (2) a vicinity map showing the general area of the proposed vacation, (3) a plat map prepared and sealed by a professional land surveyor, registered in the state of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated, and (4) an exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the state of Washington.

B. Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted. (Ord. 04-644 § 6, 2004)

12.28.070 Setting of hearing.

Upon receipt of the petition, the fee and all required documents, the city clerk-treasurer shall forward the petition and required documents to the mayor or designee who shall determine whether the petition has been signed by the owners of more than two-thirds of the property abutting the part of the street or alley to be vacated. If the petition has been signed by the required percentage of such owners, the mayor or designee shall bring the petition before the city council within 30 days of receipt of the petition, and the city council shall, by resolution, find a time when the petition will be heard and determined by the city council, or com-

mittee of the city council, which time shall not be more than 60 days nor less than 20 days after the date of adoption of the resolution. Where the city council initiates the vacation by resolution, that resolution shall fix a time when the proposed vacation will be heard by the city council or a committee of the city council. (Ord. 04-644 § 7, 2004)

12.28.080 Staff report.

The mayor or designee shall prepare a report concerning the proposed vacation, which report shall address the criteria (see AMC 12.28.120) to be considered by the city council in determining whether to vacate the street or alley, and such other information as deemed appropriate by the mayor or designee. In preparing the report, the mayor or designee shall solicit comments from law enforcement, public works and other departments of the city, and may solicit comments from other governmental agencies and utility service providers operating within the boundaries of the city, including fire districts. The report shall be submitted to the city council, or the city council committee hearing the matter, and to the representative of the petitioners, not less than five days before the hearing. (Ord. 04-644 § 8, 2004)

12.28.090 Notice of hearing.

Upon the passage of the resolution fixing the time for hearing the petition or proposal for vacation, the city clerk-treasurer shall give not less than 20 days' notice to the time, place and purpose of the hearing by (1) publishing written notice once in the city's official newspaper, (2) posting a placard in a conspicuous place at each end of the street or alley sought to be vacated, and (3) mailing written notice to all petitioners at the address on the petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Asotin County assessor. In addition, notice shall be given to the owners of property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. The mayor or designee shall send the same written notice to the representative of the petitioners at the address on the petition. The placards shall be highly visible and at least 11 by 14 inches in size, and shall include a map showing the location of the street or alley proposed to be vacated. (Ord. 04-644 § 9, 2004)

12.28.100 Protest.

If 50 percent or more of the owners of the abutting property file written objections to a city coun-

cil-initiated vacation with the city clerk-treasurer, prior to the time of the hearing, the city shall be prohibited from proceeding with the vacation. (Ord. 04-644 § 10, 2004)

12.28.110 Hearing and committee report.

The hearing on the petition proposal shall be held before the city council, or a committee of the city council, upon the day fixed by resolution or at the time to which a hearing may be adjourned. Following the hearing, the committee shall report its recommendation on the petition or proposal to the city council, which may adopt or reject the recommendation. If a hearing is held before a committee, it shall not be necessary to hold a hearing before the city council. (Ord. 04-644 § 11, 2004)

12.28.120 City council decision.

Following the hearing and receipt of committee report, if applicable, the city council shall determine whether to vacate the street or alley. The determination shall include, but not be limited to, consideration of the following criteria:

- A. Whether a change of use or vacation of the street or alley will better serve the public good;
- B. Whether the street or alley is no longer required for public use or public access;
- C. Whether the substitution of a new and different public way would be more useful to the public;
- D. Whether conditions may so change in the future as to provide a greater use or need than presently exists;
- E. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the general public. (Ord. 04-644 § 12, 2004)

12.28.130 Limitation on vacations of streets abutting bodies of water.

If the street or alley to be vacated, or any portion of the street or alley to be vacated, abuts a body of fresh water, the city shall not vacate such street or alley unless the following additional criteria and requirements are met:

- A. The vacation is sought to enable the city to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;
- B. The city, by resolution, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: port, beach or water

access, boat moorage, launching sites, park, public view, recreation, or education; or

C. The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated. (Ord. 04-644 § 13, 2004)

12.28.140 Requirements prior to resolution regarding vacation of streets abutting bodies of water.

Before adopting an ordinance vacating a street or alley under AMC 12.28.130(B), the city shall:

- A. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;
- B. Conduct a study to determine if the street or alley to be vacated is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
- C. Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and
- D. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under subsection (B) of this section, and that the vacation is in the public interest.

No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites. (Ord. 04-644 § 14, 2004)

12.28.150 Vacation by ordinance.

If the city council determines to grant the vacation, the action shall be made by ordinance in conformance with AMC 12.28.120 and with such conditions or limitations as the city council deems necessary and proper to preserve any desired public

use or benefit. The ordinance may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services. (Ord. 04-644 § 15, 2004)

12.28.160 Compensation for vacation.

A. Where a vacation has been initiated by petition, the owners of the property abutting the area vacated shall pay to the city, prior to the effective date of the ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated plus the full cost of physical closure and road repairs as required by the mayor or designee; provided, that where the vacation was initiated by the city or was required by the city as a condition of a permit or approval, the owners of property abutting the area vacated shall not be required to pay such sum; and provided further, that where the area vacated was acquired at public expense, the owners of property abutting the area vacated shall pay to the city a sum equal to the full appraised value of the area to be vacated.

B. Conveyance of other property acceptable to the city may be made in lieu of the required payment, whether required to mitigate adverse impacts of the vacation or otherwise. When the conveyance is made for street purposes, one-half of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.

C. When the value of the in-lieu parcel is less than the required payment, the petitioners shall pay the difference to the city. When the value of the in-lieu parcel exceeds the required payment, the city shall pay the difference to the petitioners. (Ord. 04-644 § 16, 2004)

12.28.170 Appraisals.

A. The mayor or designee shall determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. To obtain such appraisal, the mayor or designee shall present to the representatives of the petitioners a list of three such certified and designated appraisers from which the representatives of the petitioners shall select one appraiser. The petitioner shall pay for the appraisal if the mayor or designee is not satisfied with the appraisal. The mayor or designee may order a second appraisal from a state-certified real estate

appraiser who has an MAI or SRA designation from the Appraisal Institute. The city shall pay for the second appraisal.

B. The mayor or designee shall use the appraisal having the highest value for the area vacated. The mayor or designee shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the city in lieu of cash payment under AMC 12.28.120 in accordance with the appraisal procedure in subsection (A) of this section. (Ord. 04-644 § 17, 2004)

12.28.180 Payment of compensation of conveyance.

After determining the appraisal of the value of the street or alley to be vacated, pursuant to AMC 12.28.040, the mayor or designee shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the mayor or designee who, upon receipt of the payment, shall transmit it to the city finance department for deposit in the street fund and shall make a written report of the payment to the city council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the city a parcel or parcels of land in lieu of cash payment, as contemplated in AMC 12.28.160, the mayor or designee, at the petitioner's expense, may obtain either a policy of title insurance insuring title of property in the city, or a certificate of title as to the title thereof, and, upon receipt of such policy or certificate, shall transmit it to the city council. (Ord. 04-644 § 18, 2004)

12.28.190 Recording of ordinance.

A certified copy of the ordinance vacating a street or alley or part thereof shall be recorded by the city clerk-treasurer in the office of the Asotin County auditor. (Ord. 04-644 § 19, 2004)