

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES*

Chapters:

- 12.03 Public Roads, Public Streets and Storm Drainage**
- 12.04 Sidewalks**
- 12.06 Street and Alley Vacating Procedures**
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- 12.12 Street Names and House Numbers**
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*For statutory provisions authorizing town to establish and maintain public ways, see RCW 35.27.370(4).

Chapter 12.03**PUBLIC ROADS, PUBLIC STREETS AND
STORM DRAINAGE**

Sections:

- 12.03.010 Construction, reconstruction or upgrade of public roads or streets and storm drainage – Procedure.
- 12.03.015 Mailboxes.
- 12.03.020 Purpose of provisions – Scope.

12.03.010 Construction, reconstruction or upgrade of public roads or streets and storm drainage – Procedure.

All public roads or streets, storm drainage, sidewalks or roadway facilities shall be designed, installed, constructed, inspected and approved in accordance with “Town of Eatonville Public Roads or Streets and Storm Drainage Standards.” Three copies of the current standards are on file with the town clerk. (Ord. 92-11 § 4, 1992).

12.03.015 Mailboxes.

Mailboxes, in public rights-of-way or private access easements, shall conform to the requirements of Chapter 18.08 EMC. (Ord. 98-07 § 2, 1998).

12.03.020 Purpose of provisions – Scope.

A. The purpose of these public road, public street and storm drainage standards is to standardize public roads, public streets and storm drainage design elements and to assure, so far as practical, that the minimum requirements of the public are met. These requirements include safety, welfare, convenience, esthetics and economical maintenance.

B. These standards cannot provide for all situations. These standards are intended to assist, but not to substitute for, competent work by professional engineers. It is expected that the professional engineer will bring to each project the best of his/her skills and abilities to see that the project is designed correctly and accurately. (Ord. 92-11 § 5, 1992).

Chapter 12.04**SIDEWALKS***

Sections:

- 12.04.010 Definitions.
- 12.04.020 Construction – Report of necessity.
- 12.04.030 Construction – Council authority.
- 12.04.040 Construction – Resolution required – Contents.
- 12.04.050 Hearing – Notice – Publication.
- 12.04.060 Construction fund.
- 12.04.070 Improvement – Order – Notice – Contents.
- 12.04.080 Construction – By town – Assessment roll.
- 12.04.090 Assessment roll – Hearing – Notice – Council action.
- 12.04.100 Assessment – Lien on property – Collection.
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- 12.04.120 Construction – Compliance with standards – Inspection – Safety.
- 12.04.125 Routine sidewalk maintenance.
- 12.04.130 Driveway, entrance walk, and loading pad maintenance.
- 12.04.140 Curb-to-curb roadway widths.
- 12.04.150 Interference prohibited.
- 12.04.160 Provisions not exclusive.
- 12.04.180 Construction.

*For statutory provisions on town sidewalks, see Chapters 35.68 and 35.70 RCW.

12.04.010 Definitions.

For the purpose of this chapter, the following terms are defined and understood to mean the following:

A. “Abutting property” includes all property having frontage upon the margin of any street or other public place.

B. “Driveway” includes any structure or form of street improvement installed in the public right-of-way for the primary use of vehicles entering a specific abutting property. Where a driveway crosses a sidewalk, the pavement is part of the driveway.

C. “Entrance walk” includes any structure or form of street improvement installed in the public right-of-way for the primary use of pedestrians entering a specific abutting property. Entrance walks may extend from sidewalks or improved streets towards the front door of a house or business on such an abutting property.

D. "Loading pad" includes any structure or form of street improvement installed in the public right-of-way for the primary use of pedestrians exiting vehicles stopped or parked in front of a specific abutting property. Loading pads are typically installed near entrance walks, between an improved sidewalk and an improved street.

E. "Sidewalk" includes any structure or form of street improvement for through pedestrian traffic in the space between the improved roadway and the outside limit of the right-of-way of each public street and public place. Sidewalks do not include driveways, entrance walks, or loading pads. Sidewalks are generally linear, parallel with the street right-of-way, and extending to meet improved streets at designated crosswalks. (Ord. 98-10 § 1, 1998; Ord. 72-3 § 1, 1972).

12.04.020 Construction – Report of necessity.

Whenever in the judgment of the street superintendent or other officer or department having superintendence of streets and public places, public safety and convenience requires the construction, reconstruction, improvement or repair of sidewalks, curbs or driveways, he shall immediately report such facts to the town council. (Ord. 72-3 § 4, 1972).

12.04.030 Construction – Council authority.

Whenever the town council determines that the construction, reconstruction or repair of any sidewalk, curb or driveway across the sidewalks in the town is desirable and necessary for the public safety and convenience, it may cause such improvements to be undertaken and pay the costs thereof from any available funds, or require the abutting property owner to construct the improvement at his own costs or expense, or assess all or any portion of the costs thereof against the abutting property owner. (Ord. 72-3 § 5, 1972).

12.04.040 Construction – Resolution required – Contents.

No such improvement shall be undertaken or required except pursuant to a resolution of the town council. The resolution shall state whether the cost of the improvement shall be borne by the town, whether all or a specified portion shall be borne by the town, whether all or a specified portion shall be borne by the abutting property owner, or whether the abutting owner is required to construct the improvement at his own cost and expense. If the abutting owner is required to construction the improvement, the resolution shall specify the time

within which the construction shall be commenced and completed; and further, that if the improvement or construction is not undertaken and completed within the time specified, the town will perform or complete the improvement and assess the cost against the abutting owner. (Ord. 72-3 § 6, 1972).

12.04.050 Hearing – Notice – Publication.

If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the town, and a notice of the date of such hearing shall be given to each owner or reputed owner of abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon, a notice of the date of hearing, such mailing to be at least 10 days before the date fixed for such hearing. Proof of such publication and mailing shall be made by affidavit and filed with the town clerk prior to the hearing. At the time of hearing, the council shall hear persons who appear for or against the improvement and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan and what the changes shall be. This action may be taken by motion ordering such improvements to be made, adopted in the usual manner. (Ord. 72-3 § 7, 1972).

12.04.060 Construction fund.

When all or any portion of the cost is to be assessed against the abutting property owner, the town council may create a "sidewalk construction fund No. ____" to be numbered differently for each improvement. With warrants drawn on this fund, the cost of the respective improvements may be paid. The town may advance, as a loan to the sidewalk construction fund from any available funds, the amounts necessary to pay any costs of the improvement. When any assessments are made for the improvement, payments therefor shall be paid into the particular sidewalk improvement fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants, any advances or loans made to the fund shall be repaid. Whenever warrants are drawn on any such fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest

until called and paid at a rate established by the town council by resolution. (Ord. 72-3 § 8, 1972).

12.04.070 Improvement – Order – Notice – Contents.

A. The notice of the order to make improvements shall contain the following information:

1. Description of each parcel of land abutting upon the portion and side of the street where the improvement is ordered;
2. Specification of the kind of improvement required, its size and dimensions, and the method and material to be used in construction;
3. An estimate of the cost thereof;
4. A statement that, unless the requirements of the notice are carried out within a reasonable time, as stated therein, the improvements therein described will be made by the town and the cost and expense thereof shall be assessed against the abutting property described therein, in accordance with the provisions of this chapter.

B. The notice shall be served:

1. By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners; or
2. By leaving a copy thereof at the usual place of abode of such owner in the town with a person of suitable age and discretion residing therein; or
3. If the owner is nonresident of the town and his place of residence is known, by mailing a copy to the owner addressed to his last known place of residence; or
4. If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of the town. Such notice shall specify a reasonable time within which it must be complied with, which in the case of publication of the notice shall not be less than 60 days from the date of first publication of such notice. (Ord. 72-3 § 9, 1972).

12.04.080 Construction – By town – Assessment roll.

If the notice and order to construct a sidewalk is not complied with within the time therein specified, the officer or department having the superintendence of streets shall proceed to construct said sidewalk and curb or driveway, and shall report to the town council at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof, if known, and

the portion of the cost of the improvement to be assessed against each parcel of such abutting land. The assessment roll shall be filed with the town clerk. (Ord. 72-3 § 10, 1972).

12.04.090 Assessment roll – Hearing – Notice – Council action.

The town council, after receiving the assessment roll, shall by resolution fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the town, or if there is no official newspaper or official publication, in a newspaper of general circulation in the town. The notice shall be mailed and first publication made at least 10 days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the town clerk before the date fixed for the hearing. Following the hearing, the town council shall by ordinance affirm, modify, reject, or order recasting of the assessment roll. (Ord. 72-3 § 11, 1972).

12.04.100 Assessment – Lien on property – Collection.

The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate set by the town council. (Ord. 72-3 § 12, 1972).

12.04.110 Assessment – Payment procedure.

The town council shall by resolution provide whether the full amount of the assessment shall be paid in one payment or whether it may be paid in installments, and shall prescribe the time and amount of such payments; and, if more than one payment is provided for, the town council may by resolution provide for interest on unpaid installments and fix the rate thereof. (Ord. 72-3 § 13, 1972).

12.04.120 Construction – Compliance with standards – Inspection – Safety.

A. All sidewalks, curbs and driveways shall be constructed in accordance with the standard plans and specifications as adopted by the town.

B. Sidewalks, curbs and driveways shall be set to such grades and alignment as the town shall direct. An inspection shall be made by the town street superintendent after the placement of forms and prior to the pouring of concrete to see that such grade and alignment as designated has been adequately carried out. Any improvements not constructed in accordance with instructions from the town street superintendent may be condemned as defective and ordered replaced.

C. Any person granted permission by the town council to make his own improvement shall be required to assume the full responsibility for the protection of the public during the construction of said improvement. (Ord. 72-3 § 14, 1972).

12.04.125 Routine sidewalk maintenance.

Abutting property owners should provide routine removal of snow, debris, vegetation, and other obstructions to pedestrian access to public sidewalks. Abutting property owners should remove any debris or vegetation that obstructs a sidewalk, within 30 days of written notice. Such notice shall be delivered to the owner's address of record. (Ord. 98-10 § 2, 1998).

12.04.130 Driveway, entrance walk, and loading pad maintenance.

Abutting property owners shall maintain driveways, entrance walks, and loading pads in a condition that does not present a hazard to the public. Abutting property owners should repair such driveways, walks, and pads within 30 days of written notice stating that a hazard exists. Such notice shall be delivered to the owner's address of record. (Ord. 98-10 § 3, 1998).

12.04.140 Curb-to-curb roadway widths.

All roadway widths shall be constructed in accordance with the standard plans and specifications as adopted by the town. (Ord. 92-11 § 2, 1992; Ord. 72-3 § 3, 1972).

12.04.150 Interference prohibited.

Any person who interferes with or hinders the progress of, or damages the improvement by walking, driving, moving stakes, marking, or throwing any object on or over the improvement, or who permits any child or animal in his control or charge to do so, shall be guilty of a misdemeanor. (Ord. 72-3 § 15, 1972).

12.04.160 Provisions not exclusive.

This chapter shall not be construed as repealing or amending any provision relating to the improvement of streets or public places by special assessments commonly known as local improvement districts, but shall be considered as additional legislation and auxiliary thereto. (Ord. 72-3 § 17, 1972).

12.04.180 Construction.

A. Whenever an application for a building permit is made for any new construction on a vacant real property, or repair or reconstruction of existing improvements on real property involving a cost of 25 percent or more of the current county assessed improvement value, and if there are no sidewalks abutting the real property on which the construction is to take place, then as a condition to issuing the building permit, the applicant shall be required to construct new sidewalks along all street frontages, except alleys. The town council has authority to waive this requirement for hardship upon the applicant filing an application setting forth the basis of the request for the waiver a filing fee of \$125.00. If the request for a waiver is filed, no building permit shall be issued until the town council determines whether or not to grant the waiver request.

B. This section is not governed by the requirements currently set forth in EMC 12.04.020 through 12.04.110.

C. All sidewalks shall be completed and accepted by the town prior to the issuance of a certificate of occupancy for the improvements on the real property, provided a temporary certificate of occupancy may be issued provided the applicant post a sufficient bond acceptable to the town to cover the cost of completing the cost of the sidewalk. (Ord. 99-05 § 1, 1999).

Chapter 12.06

STREET AND ALLEY VACATING PROCEDURES

Sections:

- 12.06.010 Definition.
- 12.06.020 Petition by owners.
- 12.06.030 Petition – Filing fee.
- 12.06.040 Public hearing.
- 12.06.050 Limitations on vacations of streets abutting bodies of water – Procedure.
- 12.06.060 Title to vacated street or alley.

12.06.010 Definition.

The term “owner of an interest in real estate” means the owners of fee title, mortgagors, and contract vendees. (Ord. 2005-07, 2005).

12.06.020 Petition by owners.

A. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the town council to make vacation, giving a description of the property to be vacated, or the town council may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the town clerk.

B. For the purpose of determining the sufficiency of signatures of owners of private property on the petition or consent to vacate, the following rules shall govern:

1. The signature of owner, as determined by the records section of the Department of Records and Elections.

2. In the case of property subject to a contract of purchase, the signatures of the contract vendor and vendee shall be required.

3. In the case of ownership by corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors shall be sufficient when evidenced by an excerpt of the bylaws of the resolution, certified by the secretary of the corporation, granting such authority.

4. In the case of property owned by the estate of a decedent or incompetent, the signature of the duly qualified administrator or executor or guardian shall be equivalent to the signature of the owner of the property.

C. A petition will be deemed sufficient if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

D. No petitioner may withdraw his petition or consent after the town council has set a time for hearing, although the petitioners may be heard at the public hearing to present any information which bears upon the public advantage to be served or harmed by the proposed vacation. (Ord. 2005-07, 2005).

12.06.030 Petition – Filing fee.

A. The petition properly signed shall be filed with the town clerk upon payment of a filing and appraisal fee, which shall be paid into the general fund of the town to aid in defraying expenses incurred by the town in appraising the property, checking the sufficiency of such petition and investigating or reporting the facts and shall not be returned to the petitioners, regardless of the town council’s action on such petition. The amount of the fee shall be determined as follows:

1. One to five separate ownerships abutting the proposed vacation: a minimum fee of \$150.00.

B. The minimum appraisal fee shall be \$1,000.

C. In the event that the filing and appraisal fee, computed on petitioner’s estimate, proves to be insufficient, as evidenced by the town’s investigation, the balance of the fee shall be paid by the petitioner before notices of hearing are mailed. (Ord. 2005-07, 2005).

12.06.040 Public hearing.

A. Once the petition is determined to be sufficient, the town council by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than 60 days nor less than 20 days after the date of the passage of such resolution.

B. Upon the passage of the resolution the town clerk shall give 20 days’ notice of the pending petition by a written notice posted in three of the most public places in the town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the town council or similar town council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least 15 days before the date fixed for the hearing,

a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown; provided, that if 50 percent of the abutting property owners file a written objection to the proposed vacation with the clerk, prior to the time of hearing, the town shall be prohibited from proceeding with the resolution.

C. The hearing on such petition may be held before the town council, or before a committee thereof, upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the town council, which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before the town council. If the town council determines to grant said petition or any part thereof, the town shall be authorized and have authority by ordinance to vacate such street or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate the town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for 25 years or more, or if the subject property or portions thereof were acquired at public expense, the town may require the owners of the property abutting the street or alley to compensate the town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the town retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the town and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects. (Ord. 2005-07, 2005).

12.06.050 Limitations on vacations of streets abutting bodies of water – Procedure.

A. If any portion of a street or alley abuts a body of fresh or salt water it shall not be vacated unless:

1. The vacation is sought to enable the acquisition of 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;

2. By resolution, the town 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

3. The vacation is sought to enable the implementation of 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.

B. Before adopting a resolution vacating a street or alley under subsection (A)(2) of this section, the town shall:

1. Compile an inventory of all rights-of-way within the town that abut the same body of water that is abutted by the street or alley sought to be vacated;

2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the town for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

3. 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

4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under subsection (B)(2) of this section, and that the vacation is in the public interest.

C. 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 town 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. 2005-07, 2005).

12.06.060 Title to vacated street or alley.

If any street or alley in any city or town is vacated by the town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each, unless otherwise provided by law. (Ord. 2005-07, 2005).

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Chapter 12.08

OBSTRUCTIONS

Sections:

- 12.08.010 Obstruction permit – When required.
- 12.08.011 Permit process.
- 12.08.012 Notice to police and fire departments.
- 12.08.013 Barrier erection.
- 12.08.014 Bond requirement.
- 12.08.015 Inspections.
- 12.08.016 Deposit and cleanup.
- 12.08.017 Penalty.
- 12.08.020 Notice to improve – Compliance required.

12.08.010 Obstruction permit – When required.

A. No person, firm or corporation shall grade, pave, level, alter, construct, repair, remove or excavate any pavement, sidewalk, crosswalk, curb, driveway, gutter, sewer, watermain or any other structure or improvement located over, under or upon street, alley or other public place in the town or fill in, place, construct, leave or deposit over, under or upon any street, alley or other public place any structure, building material, earth, gravel, rock, garbage, debris or any other material or thing tending to obstruct, disturb, or interfere with the free use thereof or cause a dangerous condition thereon, without first obtaining a permit in writing from the public works superintendent to do so, except that such permit shall not be required in the case of emergency work which will be performed by the town.

B. That no underground utility shall be constructed across streets by open cutting of the streets, unless first approved by the public works superintendent. (Ord. 90-27 § 1, 1990; Ord. 54 § 1, 1913).

12.08.011 Permit process.

The permit shall require the person to whom the permit is issued to give the public works superintendent 24 hours' notice of the commencement of such work; to carry on such work to the satisfaction of and subject to the approval of the public works superintendent; to diligently prosecute the same to completion; to leave the street in a good, clean and safe condition; to at all times keep signal lights or other proper warnings displayed sufficient to give anyone going on the street, alley or public place such warning as may be necessary to prevent injury; and to comply with such additional provi-

sions and conditions as may be prescribed by the public works superintendent. If the acts desired to be done require the disturbing of any improvement on the street, alley or other public place, the permit shall require the permittee to restore such improvement to its original and proper condition, and if the permittee fails to do so, the public works superintendent may cause the necessary restoration to be made at the expense of the permittee. (Ord. 90-27 § 2, 1990).

12.08.012 Notice to police and fire departments.

The public works superintendent shall give written notice to both the chiefs of the fire and police departments immediately upon the issuance of a permit wherein the improved portion of any street commonly used as a thoroughfare is to be obstructed to vehicular traffic, and shall further notify the chiefs of the fire and police departments upon completion of the work. (Ord. 90-27 § 3, 1990).

12.08.013 Barrier erection.

Any person who obstructs or makes dangerous any street, alley or public place shall erect and maintain around said portion of the street, alley or public place a good and sufficient barrier, and shall cause to same to be posted and during the nighttime to show sufficient warning lights to warn of the danger. (Ord. 90-27 § 4, 1990).

12.08.014 Bond requirement.

No permit shall be issued under the provisions of this chapter until the applicant therefor executes and delivers to the town a bond in the sum of \$5,000, in a form to be approved by the town attorney, and with a surety approved by the town clerk, conditioned on the faithful performance of the provisions of this chapter. Such bond shall further be conditioned to indemnify and save harmless the town from any and all judgments, costs or expenses arising from the injuries or damages to any person or property on account of such work. Such bond shall further be conditioned that the applicant acting under the permit shall restore the street, alley or public place to its former condition within the time specified by the public works superintendent. Such bond shall be enforced for a period of one year from the date of the completion of the work and be conditioned to cover all permits which may be issued to the applicant during such period. In lieu of a bond, the applicant may pledge cash in a bank

account by the use of a form approved by the town attorney. (Ord. 90-27 § 5, 1990).

12.08.015 Inspections.

The public works superintendent, if in his judgment the nature of the work is such as to require inspection on behalf of the town, either during the progress of the same or after the completion thereof, or both, may inspect the same and charge a reasonable sum therefor. (Ord. 90-27 § 6, 1990).

12.08.016 Deposit and cleanup.

No permit shall be issued under the provisions of this chapter in any instance in which the applicant will store, use, mix or process building materials on the paved portion of any street, alley or other public place until the applicant shall deposit with the town clerk the sum of \$250.00. No mortar, cement, plaster, asphalt or similar material shall be mixed, used or processed on any paved portion of any street, alley or public place unless such is done in a suitable machine, box or container, and in such a manner that none of the material spills or in any manner comes in contact with the street, alley or other public place or any part thereof is washed into the gutters or sewers. Should the permittee fail to properly clean the street, alley or public place of any and all debris and other materials occasioned by the work done by the permittee, the public works superintendent shall cause such debris or other materials to be removed, and the cost of such removal shall be deducted from the deposit. Should the amount of the deposit be insufficient to meet the cost of restoring the street to a good and clean condition, the applicant's bond shall be liable therefor. (Ord. 90-27 § 7, 1990).

12.08.017 Penalty.

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a misdemeanor and punished in accordance with EMC 1.12.010. (Ord. 90-27 § 8, 1990).

12.08.020 Notice to improve – Compliance required.

The owner or owners of any tract or parcel of land abutting on any road, street, avenue or alley whose buildings, fences or structures of any kind heretofore erected extend or encroach upon such road, street, avenue or alley that has been dedicated to the public but has not been improved by the town, or that is in use by the public, shall improve the same within 10 days after written notice not do so from the town clerk delivered to the owner or

occupant of such land, and failure to remove any such obstruction or encroachment after notice so given shall constitute a misdemeanor on the part of such owner of the person responsible or occupying or maintaining any such encroachment or obstruction. (Ord. 54 § 2, 1913).

Chapter 12.12

STREET NAMES AND HOUSE NUMBERS

Sections:

- 12.12.010 Uniform system – Adopted.
- 12.12.020 Uniform system – Compliance required – Time limit.
- 12.12.030 Numerals – Required where – Specifications.
- 12.12.040 Uniform system – Conflict in numbering.
- 12.12.050 Subdivision – Street names – Approval required.
- 12.12.060 Existing streets – Renaming – Authority.
- 12.12.070 Administration – Responsibility – Authority.
- 12.12.080 Building permit – Inclusion on map – Assignment of number required.
- 12.12.090 Numbers – Recordkeeping.

12.12.010 Uniform system – Adopted.

A uniform system of naming streets and avenues and numbering properties and principal buildings, as shown on the maps identified by the titles “Address Map, Town of Eatonville” dated 5/13/96, which are filed in the office of the town clerk and by reference made a part of this chapter as if fully set forth herein, is adopted for use and as the basis for the naming and numbering of streets and avenues and properties and buildings within the town. (Ord. 96-08 § 1, 1996; Ord. 180 § 2, 1957).

12.12.020 Uniform system – Compliance required – Time limit.

All properties or parcels of land within the corporate limits of the town shall hereafter be identified by reference to the uniform numbering system provided in this chapter; provided, that all existing numbers of properties and buildings not now in conformity with the provisions of this chapter shall be changed to conform to the system herein adopted within 60 days of the adoption of the ordinance codified in this chapter. (Ord. 180 § 3(a), 1957).

12.12.030 Numerals – Required where – Specifications.

Numerals indicating the official numbers for each building or each front entrance to such buildings shall be posted in a manner as to be visible from the street on which the property is located. These numerals must be at least three inches high

and be of a color which contrasts to the background. These visible numbers are required for health and safety requirements regarding emergency responses from the fire and police departments and other health agencies. (Ord. 90-17 § 1, 1990; Ord. 180 § 3(b), 1957).

12.12.040 Uniform system – Conflict in numbering.

Any conflict in numbering shall be resolved by the public works director. (Ord. 96-08 § 2, 1996; Ord. 90-17 § 2, 1990; Ord. 180 § 3(c), 1957).

12.12.050 Subdivision – Street names – Approval required.

Any new subdivision submitted to be incorporated into the town must first be platted and shall show proper street names. The platting and new street names must be approved by the planning commission and the council of the town. (Ord. 180 § 3(d), 1957).

12.12.060 Existing streets – Renaming – Authority.

The council may by resolution change, rename or name existing or new streets and thereafter the same shall properly be recorded on the official maps of the town. (Ord. 90-17 § 3, 1990; Ord. 180 § 3(e), 1957).

12.12.070 Administration – Responsibility – Authority.

The public works director shall be responsible for maintaining the numbering system. In the performance of this responsibility, he/she shall be guided by the explanations on the official maps and the provisions of this chapter. (Ord. 92-11 § 3, 1992; Ord. 180 § 4(a), 1957).

12.12.080 Building permit – Inclusion on map – Assignment of number required.

No building permit shall be issued until the building is properly recorded on the “Address Map,” dated 5/13/96, and a number or numbers assigned to the new structure. This also applies to modified or remodeled structures. (Ord. 96-08 § 3, 1996; Ord. 180 § 4(b), 1957).

12.12.090 Numbers – Recordkeeping.

The town clerk shall keep a record of all numbers assigned under this chapter, and shall be responsible for submitting all approved changes or new addresses to the appropriate governmental agency responsible for the 911 telephone emer-

agency system in effect in the county and the town.
(Ord. 90-17 § 4, 1990; Ord. 180 § 4(c), 1957).

Chapter 12.16

AIRPORT

Sections:

12.16.010 Persons or vehicles prohibited on
runway – Exceptions.

12.16.020 Animal at large on runway prohibited.

**12.16.010 Persons or vehicles prohibited on
runway – Exceptions.**

It is unlawful for any person or vehicle to be on the runway of the municipal airport of the town, except for the purpose of entering or exiting aircraft, unless said person has obtained the permission of the airport manager. (Ord. 78-3 § 1, 1978).

**12.16.020 Animal at large on runway
prohibited.**

It is unlawful for the owner of any animal to permit said animal to be at large on the runway of the municipal airport of the town. (Ord. 78-3 § 2, 1978).

Chapter 12.18**PLANTING OR REMOVING
TREES AND SHRUBS**

Sections:

- 12.18.010 Planting requires pre-approval.
- 12.18.020 Permit required for removal.
- 12.18.030 Permit process.

12.18.010 Planting requires pre-approval.

No person or persons shall plant any tree or shrub on public property without first obtaining written approval from the mayor. (Ord. 90-25 § 1, 1990).

12.18.020 Permit required for removal.

It is unlawful for any person or persons to destroy or remove any tree or shrub of any kind from any property owned by the town, or under its control or management, without first obtaining a written permit from the town authorizing the removal of such tree or shrub. (Ord. 90-25 § 2, 1990).

12.18.030 Permit process.

The procedure for application and consideration of permits for the purpose of this chapter shall be as follows:

A. Any person desiring a permit under the provisions of this chapter shall file a written application with the town clerk no later than five business days before the next regularly scheduled town council meeting. The application shall set forth the location of the tree(s) or shrub(s) to be removed, the number to be removed, and the purpose of the removal.

B. An application fee of \$25.00 per tree or shrub must be submitted to the clerk at the time the application is made.

C. The applicant must also execute an agreement to repair any damage done to sidewalks, streets, curbs, gutters, or utilities due to the removal.

D. Consideration of the application by the town council shall be at the next regularly scheduled meeting of the council following the filing of the application. The granting or denying of the permit shall be based upon the best interest of the citizens of the town. (Ord. 90-25 § 3, 1990).

Chapter 12.20**PARKS**

Sections:

- 12.20.010 Definitions.
- 12.20.020 Permits – Assemblies, speeches, entertainment, etc.
- 12.20.030 Permits – Generally.
- 12.20.040 Abnormal noise.
- 12.20.050 Disorder forbidden.
- 12.20.055 Profanity prohibited.
- 12.20.060 Intoxicating liquors.
- 12.20.065 Skateboarding, inline skating, bicycle use.
- 12.20.070 Selling, advertising, soliciting.
- 12.20.080 Damage or removal of plants prohibited.
- 12.20.090 Disposal of trash.
- 12.20.100 Animal control.
- 12.20.110 Damage by animals.
- 12.20.120 Firearms, fireworks.
- 12.20.130 Closing hours.
- 12.20.140 Smoking prohibited.
- 12.20.150 Unauthorized vehicles.
- 12.20.160 Violations – Penalty.

12.20.010 Definitions.

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

“Off-leash area” means an area where licensed dogs excluding dangerous dogs as listed in EMC 6.30.240 may be allowed to be accompanied by their owner in town parks without being tethered to a leash.

“On-leash area” means an area of town parks where all pets must be kept on a leash no longer than eight feet in length at all times.

“Park” means and includes all parks, squares, drives, parkways, boulevards, rivers, playgrounds and recreation areas and facilities of the town.

Whenever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other; and words in the singular number shall be construed to include the plural. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 1, 1988).

12.20.020 Permits – Assemblies, speeches, entertainment, etc.

It is unlawful for any person to conduct or participate in any organized entertainment, demonstration, or public gathering, or make any address,

in any park without the written permission of the town council. The procedure for application and consideration of permits for this purpose shall be as follows:

A. Any person desiring a permit under provisions above shall file a written application with the town clerk no later than three days before the next regularly scheduled council meeting. The application shall state the purpose for which the park would be used, the date and time of the proposed use, and the area thereof that would be used, the anticipated number of persons who would be present and such other information reasonably relating to the contemplated use as the town council may require; provided, however, said council may, for good cause shown, waive the three-day requirement for filing said application.

B. In reviewing an application under this section, the council shall consider the following conditions and standards:

1. The size of the park and any specialized purpose for which it is normally used, and for which specialized facilities have been provided;

2. The location of the park, its aesthetic character and physical characteristics and the character of the area surrounding it;

3. The anticipated size of the proposed use and assemblage;

4. Policing problems that may arise from the intended use;

5. The effect of the intended use, including consideration of the noise to be expected, upon the adjacent area and its occupants; and

6. Other activities scheduled for the parks at the anticipated time and place.

C. If, under the conditions set forth in subsection (B) of this section, the town council finds after an investigation that the safety, comfort and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, the council may deny the application or may impose restrictions upon the permit or may issue a permit for a different day, time, park or park area so as to alleviate such burden. The council may issue a permit for use of the park during hours when the park is closed if it approves the application. Consideration by the council shall be completed at the next regularly scheduled meeting of said council after the application is filed. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 2, 1988).

12.20.030 Permits – Generally.

Permits when required by this chapter shall be applied for through the town clerk unless otherwise

provided. The granting or denying of permits shall be based upon the policies and standards set forth in this chapter and the town policies, written or unwritten, regarding use of the parks. When fees are required by the council for the issuance of permits, payments of these fees shall be required before permits shall be issued. All permits issued by the council shall be subject to other applicable town ordinances and regulations. The persons to whom such permits are issued shall be bound by said rules, regulations and ordinances as fully as though the same were inserted in such permits. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 3, 1988).

12.20.040 Abnormal noise.

Any abnormal noise of mechanical, electrical, or human origin is prohibited. The use of public address systems or other sound-amplifying devices must be approved by specific permit. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 4, 1988).

12.20.050 Disorder forbidden.

It is unlawful for any person to damage or destroy any part or portion, or furniture or fixture, located therein in any manner whatsoever, or to loiter about or push, crowd or otherwise act in a disorderly manner; or to interfere with any attendant in the discharge of his or her duties. It is unlawful for any person to blow, spread or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, except directly into the particular fixtures provided for that purpose. Nor shall any person place any bottle, can, cloth, rags, or metal, wood or stone substance in any of the plumbing fixtures in any such station. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 5, 1988).

12.20.055 Profanity prohibited.

The use of profanity or obscene language within town parks is prohibited. (Ord. 2008-20 § 1, 2008).

12.20.060 Intoxicating liquors.

The display or consumption of whiskey, wine, beer, or other intoxicating liquors in any park is prohibited, except in particular areas or facilities as may be expressly designated from time to time by the council. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 6, 1988).

12.20.065 Skateboarding, inline skating, bicycle use.

Skateboarding shall be prohibited in all parks except for the skateboard park. Bicycle and inline skate use shall be prohibited in all parks except on designated trails and paths. (Ord. 2008-20 § 1, 2008).

12.20.070 Selling, advertising, soliciting.

No person shall sell or offer for sale in any park any goods, refreshments, photographs, or other articles, except duly authorized concessionaires, and those having a specific permit. Advertising by the distribution, carrying, erection, attachment or use of a handbill, sign or device of any kind in any park is prohibited. It is unlawful to place or erect a structure of any kind in any park. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 7, 1988).

12.20.080 Damage or removal of plants prohibited.

Unauthorized cutting, removal or destruction of any turf, tree, plant, shrub or flower on park property is prohibited. While inside any park, having in one's possession any newly plucked branch, tree, flower, plant or shrub without specific permission shall be presumptive evidence of such cutting, removal or destruction. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 8, 1988).

12.20.090 Disposal of trash.

No person shall deliberately break glass in any park, or throw or leave litter on the grass, walks, roads, benches or pools; or distribute any circulars, cards, or other written or printed matter in any park. Bottles, cans, papers, foods, rags, or trash of any kind shall be placed in receptacles provided for that purpose. Dumping garbage or trash on town property is prohibited. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 9, 1988).

12.20.100 Animal control.

A. Off-Leash Areas. Smallwood Park has been designated as an off-leash dog park. Dog owners shall be responsible for both the conduct of their animal and for removing from the park feces deposited by such animal. Dog owners shall have a leash on their person at all times while their dog is not on a leash.

B. On-Leash Areas. All parks except those listed in subsection (A) of this section are on-leash areas. Dogs and cats must be on a leash no longer than eight feet, or else secure inside a vehicle. Any person with a dog or other pet in his possession in

any on-leash park shall be responsible for both the conduct of the animal and for removing from the park feces deposited by such animal. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 10, 1988).

12.20.110 Damage by animals.

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to impounding fees and the penalty imposed for violation of these provisions. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 11, 1988).

12.20.120 Firearms, fireworks.

It is unlawful to shoot, fire or explode any firearms, fireworks or explosions of any kind in any park. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 12, 1988).

12.20.130 Closing hours.

Eatonville parks shall open and close in accordance with the following schedule unless otherwise permitted by the town council or mayor or his/her designee:

Skateboard Park: 9:00 a.m. to 9:00 p.m.

Community Center: As authorized by lease or arrangement with the mayor or his/her designee.

All Other Parks: Dawn to dusk. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 13, 1988).

12.20.140 Smoking prohibited.

The use of tobacco or any smoking products in any town park is prohibited and subject to a civil fine up to \$50.00. The chief of police is authorized to erect "no smoking \$50.00 fine" signs at prominent locations in each town park. The mayor may designate temporary smoking areas in town parks for special events. (Ord. 2008-20 § 1, 2008; Ord. 2007-20, 2007).

12.20.150 Unauthorized vehicles.

No vehicles shall drive or park outside of designated roads, driveways, or parking lots in town parks without expressed authorization from the mayor or his/her designee. (Ord. 2008-20 § 1, 2008).

12.20.160 Violations – Penalty.

Unless enforcement is otherwise specified within this chapter, any person who violates, disobeys, omits or neglects or refuses to comply with or resists the enforcement of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction be punished by fine not to exceed

\$100.00 or imprisonment for not more than 30 days or may be punished by both fine and imprisonment. (Ord. 2008-20 § 1, 2008).

Chapter 12.24

**PRIVATE ROAD AND EMERGENCY
VEHICLE ACCESS STANDARDS**

Sections:

- 12.24.010 County standards adopted.
- 12.24.020 Purpose of standards.
- 12.24.030 Applicability of standards.

12.24.010 County standards adopted.

The Pierce County private road standards as set forth in Pierce County Code Sections 12.52.020 through 12.52.310, as adopted by Pierce County Ordinance No. 91-46 Section 2, are adopted as the private road standards for the town of Eatonville, and three copies of the standards are one file with the town clerk; provided, however, a minimum geometric criteria as set forth in Exhibit C, attached to Ordinance 92-8 and on file with the town clerk, shall supersede and replace minimum geometric criteria established by the Pierce County Code. (Ord. 92-8 § 1, 1992).

12.24.020 Purpose of standards.

A. The purpose of these road standards is to standardize private-road design elements and to assure, so far as practical, that the minimum requirements of the public are met. These requirements include safety, welfare, convenience, aesthetics, and economical maintenance.

B. These standards cannot provide for all situations. These standards are intended to assist, but not to substitute for, competent work by professional engineers. It is expected that the professional engineer will bring to each project the best of his/her skills and abilities to see that the project is designed correctly and accurately. (Ord. 92-8 § 2, 1992).

12.24.030 Applicability of standards.

These standards shall apply to the review of all proposed divisions of land. All private roads and easements which serve as accesses to and within all divisions of land, including short subdivisions, shall meet these standards. A private road which serves a division of three or less parcels of real property may receive a variance from the full street width, if it appears that it is not likely that the street will provide access to other parcels of real property, and provided a lesser width would provide for sufficient public access, parking, utilities and sidewalks, in the opinion of the town public works director. The standards shall also be applicable to

any road which gives access to facilities open to the public. These standards shall not apply to drive-ways which give access over a single parcel of land to a single-family residence on the land. (Ord. 92-8 § 2, 1992).

