

Title 13

PUBLIC UTILITIES

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Chapter 13.05

RIGHT-OF-WAY USE¹

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13.05.010 Public utilities defined.

For the purpose of this chapter, a “public utility” is defined as any person, firm or corporation supplying electricity, water, or gas or distributing the same, or supplying telephone, telegraph or sewer service by the use of pipes, poles, lines, cables or other fixed equipment under, upon, along or above street rights-of-way in the town of Hunts Point; and for the purpose of this chapter any public utility shall be deemed to include any employee, nominee or independent contractor thereof performing work upon such facilities in the streets or in public places of the town whether under contract, direction, request or authority of said public utility. [Ord. 32 § 1, 1959]

13.05.020 Franchise required.

From and after 30 days following the effective date of the ordinance codified in this chapter, it shall be unlawful for any public utility to use the street rights-of-way of the town of Hunts Point without a valid and effective fran-

chise granted by the town or the state of Washington and applicable to town street rights-of-way of said town. [Ord. 32 § 2, 1959]

13.05.030 Map of facilities required.

(1) At the request of the town engineer or other person to whom this responsibility may be delegated any public utility using street rights-of-way within the town of Hunts Point shall supply a map or maps to a uniform scale, if such be specified, showing as near as may be the then nature and location of its facilities within the street rights-of-way or public places and if such facilities be underground, the depth thereof.

(2) Any public utility shall, with or without any request therefor, keep at its office (local office, if any) such an up-to-date map showing its facilities within the streets or public places of the town of Hunts Point. [Ord. 32 § 3, 1959]

13.05.040 Changing nature or location of facilities – Permit required.

(1) Any work affecting the location of its poles, pipes, conduits in, upon, or along town streets by or at the instance of a public utility as herein defined, shall be done only upon permit showing approval by the town engineer or other person to whom this authority may be delegated, and according to any applicable ordinances or resolutions of the town of Hunts Point.

(2) Such applications shall be accompanied by at least two maps to the same scale as the map required under HPMC 13.05.030, if such be requested by the town and such permit shall be in addition to that required where cutting into the surface of, or altering, town streets be involved. [Ord. 32 § 4, 1959]

13.05.050 Public works projects – Public utilities to underground facilities.

Whenever the town undertakes any street improvement or other public works project that impacts facilities of any public utility located in the right-of-way or on other public property, all such facilities shall be placed underground. [Ord. 442 § 1, 2005; Ord. 32 § 5, 1959]

1. See also Ch. 12.10 HPMC for provisions on obstructing public right-of-way.

13.05.060

13.05.060 Franchise conditions.

Franchises granted by the town of Hunts Point for the use of streets shall be uniformly conditioned as set forth in HPMC 13.05.070 through 13.05.130. [Ord. 32 § 6, 1959]

13.05.070 Hold harmless provision.

Any franchise granted a public utility for the use of town streets shall include a provision wherein the grantee holds the town harmless from any liability by reason of the construction, operation or maintenance of its facilities under, upon, along or over street rights-of-way or other public places. [Ord. 32 § 6(a), 1959]

13.05.080 Assumption of risk provision.

Any franchise granted a public utility for the use of town streets shall include a provision wherein the grantee assumes the risk of injury to its facilities within street rights-of-way or other public places by the town. [Ord. 32 § 6(b), 1959]

13.05.090 Police power of the town.

Any franchise granted a public utility hereafter for the use of town streets shall include a provision wherein the grantee by its acceptance thereof acknowledges that all rights conferred thereby are subject to the police power of the town to adopt and enforce general ordinances necessary for the safety and welfare of the people of Hunts Point; and that the grantee agrees to comply with all such general ordinances insofar as applicable to it. [Ord. 32 § 6(c), 1959]

13.05.100 Acceptance time limits.

Any franchise granted a public utility for use of town streets shall include a provision that, if, within 60 days after the granting of such franchise, the grantee shall have failed to file its written acceptance thereof with the clerk of the town then such franchise shall be null and void. [Ord. 32 § 6(d), 1959]

13.05.110 Transfer – Consent required.

Any franchise granted a public utility, which is not also a municipal corporation, for the use of town streets shall include a provision requiring the consent of the town of Hunts

Point to any transfer thereof and shall provide that any transferee be equally bound by the terms thereof. [Ord. 32 § 6(e), 1959]

13.05.120 Breach – Forfeiture.

Any franchise granted a public utility for the use of town streets shall include a provision whereby such franchise may, by the town council be declared forfeited when, after 60 days' notice to the local manager thereof, the grantee shall not have cured a deficiency in its discharge of the obligation created by the franchise and all other applicable laws of the town of Hunts Point. [Ord. 32 § 6(f), 1959]

13.05.130 Right of condemnation unlimited.

Any franchise granted a public utility, which is not also a municipal corporation, for the use of town streets will include a provision that such franchise in no way limits the town in its exercise of the right of eminent domain; and, that in any purchase or condemnation of any of the grantee's property during the term of the franchise, the addition to the sum of all other elements of value of such property by reason of the element which is the right to occupy the public ways evidenced by such franchise, shall be no greater than the actual cost of obtaining such franchise as related to such property. [Ord. 32 § 6(g), 1959]

13.05.140 Violation – Penalty.

Violation of any of the provisions of this chapter shall be a misdemeanor, and shall be punishable by a fine not to exceed \$300.00 or by imprisonment not to exceed 90 days, or both. [Ord. 32 § 7, 1959]

Chapter 13.10**SANITARY FACILITY CONNECTIONS**

Sections:

13.10.010 Purpose.

13.10.020 Required.

13.10.030 Unconnected structures prohibited.

13.10.040 Violation – Penalty.

13.10.010 Purpose.

It is hereby declared to be in the interest of the public health and welfare that all sanitary facilities within the limits of the town of Hunts Point shall be connected to the facilities of the Bellevue sewer district within a reasonable time after their establishment and availability in order to avoid pollution of the land and of Lake Washington surrounding the town. Therefore, in exercise of its police power and in furtherance of those objectives, the ordinance codified in this chapter is enacted. [Ord. 37 § 1, 1959]

13.10.020 Required.

Every owner, lessor, or possessor of any dwelling, building or other structure within the limits of the town of Hunts Point shall, within 180 days of the facilities of the Bellevue sewer district being made available to such property, connect all sinks, toilets, household drains and other sanitary facilities to said sewer facilities. Service shall be presumed available from the time the Bellevue sewer district first makes a service charge to said property. [Ord. 37 § 2, 1959]

13.10.030 Unconnected structures prohibited.

It shall thereafter be unlawful for any person, corporation, association or other lawful entity to own, lease, rent, maintain or use any such dwelling, building or other structure having in or on it a sanitary facility unconnected to the sewer district facility which discharges waste, household water, garbage, human or animal waste, or other sewage into septic tanks or into the waters of Lake Washington or its tributaries either directly or by percolation. The existence of any sanitary facility uncon-

nected to available facilities of the Bellevue sewer district shall be presumed to violate this section unless rebutted by competent evidence to the contrary. [Ord. 37 § 3, 1959]

13.10.040 Violation – Penalty.

Every day during which HPMC 13.10.020 is violated shall be a separate and distinct offense and violation of this chapter, and every day that HPMC 13.10.030 is violated shall be a separate and distinct offense and violation of this chapter, for which separate and distinct offense violators may be punished by a fine of not to exceed \$100.00 or imprisonment for not more than 30 days or both such fine and imprisonment. [Ord. 37 § 4, 1959]

Chapter 13.15

SEWER CONTRACTORS

Sections:

- 13.15.010 Definitions.
- 13.15.020 License – Required.
- 13.15.030 License – Conditions.
- 13.15.040 Town engineer duties.
- 13.15.050 Violation – Penalty.

13.15.010 Definitions.

As used in this chapter, “sewer contractor” means any person, corporation, partnership or other entity, and their agents and employees, engaged in the location, excavation, installation, maintenance and removal of sewer facilities and appurtenances thereto, including backfilling and paving or surfacing of excavation areas, all of which is included with the term “work” as used herein, or soliciting or offering to do such within the town limits. [Ord. 35 § 1, 1959]

13.15.020 License – Required.

Before any sewer contractor shall solicit contract to do or engage in work within the limits of the town of Hunts Point, he shall obtain a license from the town engineer. The fee for said license shall be \$50.00 per annum. License shall become effective at date of issue and shall remain in effect for one year from date of issue. [Ord. 38, 1960; Ord. 35 § 2, 1959]

13.15.030 License – Conditions.

The following shall be the uniform conditions of the sewer contractor’s license:

(1) Before soliciting or commencing any work all or partially upon town right-of-way or other town property, the applicant shall post with the town clerk a surety bond of an acceptable corporate surety in the penal sum of \$10,000, effective for one year from and after completion and acceptance by the town engineer of all such work with the town as obligee, conditioned upon full restoration of all town streets and full recompense of all damage to persons or property arising from the work.

(2) The license shall be conditioned that work on private property and in town right-of-

way or other town property shall be done only under permit showing approval by town engineer.

(3) Any license application shall include a provision where the licensee holds the town harmless from any liability by reason of his work in, on or about town right-of-way or other town property. It shall also contain a provision wherein the licensee assumes the risk of injury to his property or facilities in, on or about the town right-of-way or property by the town.

(4) Any license shall be subject to cancellation by the town engineer for cause, upon notice to the licensee of any deficiency and licensee’s failure to cure the same within 10 days. [Ord. 35 § 3, 1959]

13.15.040 Town engineer duties.

The town engineer, or his designated delegate, shall promulgate specifications and standards for all sewer work in, on or about town property, shall supervise said work, periodically inspect such work and, if in conformity with his standards and specifications, accept the same in writing. [Ord. 35 § 4, 1959]

13.15.050 Violation – Penalty.

Violation of any of the provisions of this chapter shall be a misdemeanor, and shall be punishable by a fine not to exceed \$300.00 or by imprisonment not to exceed 90 days, or both. [Ord. 35 § 5, 1959]