

## **Title 12**

### **STREETS, SIDEWALKS, AND PUBLIC PLACES**

#### **Chapters:**

- 12.04 Street Excavations**
- 12.08 Damaging or Littering Streets**
- 12.12 Utility Undergrounding**
- 12.16 Park and Beach Hours**
- 12.20 Road End Beach**
- 12.24 Town Rights-of-Way**
- 12.26 Public Property Tree Code**
- 12.30 Construction Activities and Parking Plan**
- 12.31 Pagoda Maintenance and Construction**
- 12.32 Construction Vehicle Fee**

## Chapter 12.04

### STREET EXCAVATIONS

#### Sections:

- 12.04.010 Permit required.
- 12.04.020 Conditions of permit.
- 12.04.030 Plans required.
- 12.04.040 Inspection and acceptance.
- 12.04.050 *Repealed.*

#### **12.04.010 Permit required.**

It is hereby declared that any person or utility excavating or boring in or in any manner changing the natural drainage course or obstructing free flow of traffic along any road, right-of-way, or any town property within the town of Yarrow Point shall, prior to the commencement of any such work, secure a permit authorizing such work. (Ord. 610 § 1, 2010; Ord. 377 § 1, 1991)

#### **12.04.020 Conditions of permit.**

All permits issued under this chapter are and shall be subject to the following conditions:

A. Before any person or utility shall engage in work as described in YPMC 12.04.010, he/she shall obtain a license from the State of Washington, Division of Professional Licensing.

B. In performing work under such permits, the applicant shall restore any road, right-of-way, walkway or other town property in or upon which such work is done, to the same condition or better to the satisfaction of the town engineer or his authorized delegate.

C. In performing work under such permits, the applicant agrees to hold the town harmless from any and all liability that might arise by reason of his/her work in, on or about the town rights-of-way or other town property.

D. In performing work under such permits, the applicant and his/her agent agree to hold the town harmless from any damage or injury to their property or facilities in, on or about the town rights-of-way.

E. The applicant or their agent (contractor) shall deliver to the town satisfactory proof that the applicant or their agent has in full force and effect, for the period for which the permit is sought, a liability insurance policy with a reputable insurance company in the minimum limits of \$1,000,000 per individual and \$1,000,000 per accident for bodily injury and \$50,000 per accident for property damage, insuring the applicant and the town against liability for claims or demands for damages that might arise as the result of work done under the permit. Said insurance policy shall name the town of Yarrow Point as an additional insured.

F. Fees for right-of-way use permits shall be established by council resolution.

G. In regard to street openings, the town engineer shall also have the right to require an applicant to furnish the town of Yarrow Point with a cash deposit in a sum to be established by the town engineer, which cash deposit shall guarantee restoration of the street, right-of-way or other town property in accordance with the provisions of this chapter. Said cash deposit shall be delivered to the clerk/treasurer of the town of Yarrow Point prior to the commencement of any activity authorized by permission granted by the town engineer and shall be retained by the town for a period of one year following completion of the work involved. In the event that said work requires special inspection by the town engineer, and said inspection costs exceed the fee as established by the council by resolution, the cost of such inspection shall be deducted from the cash deposit.

H. Permits issued pursuant to this section shall be valid for one year from the date of issuance. (Ord. 610 § 1, 2010; Ord. 377 § 2, 1991)

**12.04.030 Plans required.**

A. The applicant shall submit a site plan as part of the required right-of-way permit. The site plan shall clearly show the proposed impacts to the right-of-way. The town may ask for additional details as deemed necessary to review the application.

B. No complete road closures may occur within the town at any time except in an emergency.

C. Only asphalt driveway approaches are allowed within the public right-of-way.

D. Grading activities proposed within the public right-of-way shall not vary from existing grade by more than one foot.

E. In the case of a new or modified driveway approach made to a public right-of-way, a thickened edge shall be provided to prohibit downstream properties from collecting and/or conveying any runoff from the public right-of-way.

F. There shall be no more than two driveways for entry and exit from a lot.

G. No driveway shall exceed 30 feet in width where it abuts a public right-of-way. (Ord. 610 § 1, 2010; Ord. 377 § 3, 1991)

**12.04.040 Inspection and acceptance.**

The town engineer shall promulgate specifications and standards for work in, on or about the town property, shall inspect such work, and, if in conformity with those standards and specifications, accept the project upon completion. (Ord. 610 § 1, 2010; Ord. 377 § 4, 1991)

**12.04.050 Violation – Penalties.**

*Repealed by Ord. 610. (Ord. 377 § 5, 1991)*

**Chapter 12.08****DAMAGING OR LITTERING STREETS**

## Sections:

12.08.010 Damaging street or littering – Correction of condition.

12.08.020 Notice to repair or abate.

12.08.030 Spiked and cleated wheels prohibited.

12.08.040 Violation – Penalty.

**12.08.010 Damaging street or littering – Correction of condition.**

Any persons or corporation who deposits foreign matter of any kind or creates a condition dangerous to public health and safety upon the streets, roads, or sidewalks in the town, either personally or by an agent shall, upon notice given them by an official of the town and within 48 hours after receipt of such notice, remove the offending material or correct the condition complained of so that the street, road, or sidewalk is left in its prior condition. (Ord. 610 § 1, 2010; Ord. 17 § 1, 1959)

**12.08.020 Notice to repair or abate.**

Any person or corporation damaging any street, road, or sidewalk in the town upon receipt of notice of such damage given by any official of the town shall fully and completely repair and replace the street, road or sidewalk and restore them to the condition in which they were prior to the damage. Such repair and replacement is to be effected within seven days from the time such notice is directed to such party. (Ord. 610 § 1, 2010; Ord. 17 § 2, 1959)

**12.08.030 Spiked and cleated wheels prohibited.**

The use, operation or movement of any spiked or cleated wheeled or powered vehicle is prohibited on the streets or roads of the town. (Ord. 610 § 1, 2010; Ord. 17 § 3, 1959)

**12.08.040 Violation – Penalty.**

Any person or corporation violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a civil infraction with a penalty of \$500.00 per day for each and every day the damage continues past the time set forth in YPMC 12.08.020. (Ord. 610 § 1, 2010; Ord. 17 § 4, 1959)

**Chapter 12.12****UTILITY  
UNDERGROUNDING**

## Sections:

- 12.12.010 Applicability.
- 12.12.020 Requirement established.
- 12.12.030 Permit required.
- 12.12.040 Penalties and appeals.

**12.12.010 Applicability.**

The requirements set forth in this chapter shall apply to all electrical and/or communication facilities privately owned or otherwise, including but not limited to wires or cable, incidental to use and/or occupancy of any area of real property within the town. (Ord. 631 § 1, 2011)

**12.12.020 Requirement established.**

Existing overhead electrical and/or communication facilities shall be converted to underground facilities prior to any system modification. New electrical and/or communication facilities shall be installed underground. (Ord. 631 § 2, 2011)

**12.12.030 Permit required.**

Prior to commencement of any electrical construction work within the town a permit therefor must be obtained from the Washington Department of Labor and Industries Electrical Division. All electrical work performed within the town shall be in accordance with the National Electric Code and all applicable laws of the state. (Ord. 631 § 3, 2011)

**12.12.040 Penalties and appeals.**

A. It shall be unlawful for any person, firm, corporation or association to violate the provisions of this chapter. Any violation of this chapter shall be deemed a civil infraction and shall be punished by a penalty not to exceed \$300.00 for each day or portion of a day that a violation is continued or maintained.

B. Notices of violation shall be issued by the town building official. Any person who receives a notice of violation shall take corrective action within 15 days from the date the notice is served. Persons wishing to contest the notice of violation or who wish to explain mitigating circumstances shall file a request for a variance hearing within 15 days of the date the notice of violation is served.

C. The determination of the hearing examiner shall be final, binding and conclusive unless a judicial appeal is filed with the King County superior court within 21 days of the date of issuance of the hearing examiner's written determination. Failure to timely appeal the notice of violation shall result in the notice becoming the final binding order of the town.

D. In those instances where a civil penalty has been imposed for failure to install underground facilities, any development permits associated with the work shall not be issued or shall be withdrawn until such time as the civil penalty has been paid and all other requirements of the building official and/or town engineer have been met. (Ord. 631 § 4, 2011)

**Chapter 12.16****PARK AND BEACH HOURS**

Sections:

12.16.010 Hours designated.

**12.16.010 Hours designated.**

Closed hours for both Morningside Park and Road End Beach will be from 10:30 p.m. until 5:30 a.m. During these hours, it will be illegal for users to be in either Morningside Park or at Road End Beach. (Ord. 610 § 1, 2010; Ord. 567 § 2, 2007)

**Chapter 12.20****ROAD END BEACH**

Sections:

12.20.010 Prohibited uses.

12.20.020 Penalties.

**12.20.010 Prohibited uses.**

It shall be unlawful for any person to do any of the following in Road End Beach located at NE 47th Street:

- A. Dive from the pier.
- B. Run on the pier.
- C. Skateboard, roller blade, or bicycle beyond the paved end of NE 47th Street.
- D. Possess or consume alcoholic beverages.
- E. Possess or use gasoline or other fuels.
- F. Start fires; use barbecues or other cooking instruments.
- G. Have unleashed dogs or other animals, except when beach area is unoccupied by others, or fail to remove deposited animal feces.
- H. Moor a boat, motor vessel, or personal watercraft at the pier except to pick up or drop off passengers.
- I. Tow or otherwise assist anyone on water skis, surfboard, or other similar contrivance from any area including the pier or waterfront.
- J. Produce any unreasonable loud, disturbing, continuous, irritating, or unnecessary noise whether emanating from human, animal, or mechanical source. (Ord. 610 § 1, 2010; Ord. 567 § 1, 2007)

**12.20.020 Penalties.**

It shall be a misdemeanor to violate any provision of YPMC 12.20.010 and shall be punishable by imprisonment up to 90 days and/or a fine of \$1,000. (Ord. 610 § 1, 2010; Ord. 567 § 3, 2007)

## Chapter 12.24

### TOWN RIGHTS-OF-WAY

#### Sections:

- 12.24.010 Encroachments – Permit – Agreement.
- 12.24.020 Existing encroachments.
- 12.24.030 Permit.
- 12.24.040 Appeal.

#### **12.24.010 Encroachments – Permit – Agreement.**

A. An “encroachment” is any intrusion, irrespective of height or size, into a sidewalk, street, or other public right-of-way and includes, but is not limited to, fill material, retaining walls, rockeries, plants and trees either deliberately planted or growing from adjacent property, rocks, concrete, asphalt, impervious surfaces or structures and any other natural or manmade material. For purposes of this definition, grass and gravel are not considered encroachments of the town’s rights-of-way.

B. An encroachment into a public right-of-way is not allowed without an encroachment agreement.

C. A land owner seeking an encroachment agreement shall submit an application for a permit for encroachment into the public rights-of-way to the town and pay the applicable fee for such permit.

D. A permit to encroach into the public rights-of-way will be granted to an applicant that executes an encroachment agreement and establishes that the proposed encroachment meets or exceeds the criteria hereinafter set forth.

E. The criteria used by the town to either grant, deny or grant with modifications a permit to encroach into the public rights-of-way shall consist of:

1. Impact on operations and maintenance of existing and future public/franchise utilities.

2. Extent the improvements may interfere with existing or future street improvements.

3. Impact to sight distance of vehicles and pedestrians.

4. Impact to roadside shoulder parking.

5. Impact to health and safety.

6. How far the improvements will extend into the rights-of-way.

7. How permanent the improvements will be.

8. The extent the improvements give the general public the impression that they are excluded from using the rights-of-way.

9. The extent the improvements may interfere with future private development.

10. Impervious surface, walls/fences, boulders and large trees are not allowed.

11. What impact the encroachments would have on views of neighbors and the general public.

F. Prior to issuance of an encroachment permit, an encroachment agreement shall be signed and recorded by the applicant and/or owner of the property adjacent to the town rights-of-way and shall be recorded with the King County Records and Elections Office. An encroachment agreement shall:

1. Specify the type and location of materials, plants or structures allowed in the rights-of-way;

2. Specify the rights and responsibilities of the town and the adjacent land owner for maintenance and eventual removal of the encroachment;

3. Make provisions for reasonable public access, including view, to the rights-of-way and to any adjacent public property;

4. Make provisions for future access to the rights-of-way for utilities, drainage, vehicles, and pedestrians;

5. Protect the public health and safety;

6. State that the town shall be entitled to revoke an encroachment agreement at any time, with or without cause and without pen-

alty or liability, and that the property owner shall return the property to the same or better condition than existed prior to the encroachment; and

7. Contain any other criteria deemed necessary by the town.

G. No construction of encroachments shall be allowed until an encroachment permit is issued and an encroachment agreement has been signed and recorded.

H. An encroachment agreement does not constitute a surrender by the town of any property rights to the town rights-of-way. (Ord. 610 § 1, 2010; Ord. 586 § 1, 2008; Ord. 557 § 1, 2006)

#### **12.24.020 Existing encroachments.**

Existing encroachments at the time of the passage of the ordinance codified in this section shall be allowed to remain until such time as an application for construction activity (new construction or remodel construction) is filed with the town or when existing encroachments are modified or changed. Upon the filing of an application for construction activity or when existing encroachments are modified, all encroachments must be brought into compliance with YPMC 12.24.010 and encroachment agreement must be signed and recorded. Failure to comply with this section will require all encroachments to be removed. (Ord. 610 § 1, 2010; Ord. 586 § 2, 2008; Ord. 557 § 1, 2006)

#### **12.24.030 Permit.**

No permits will be issued for new construction or remodel construction where encroachments exist in public rights-of-way until such time as an encroachment agreement is signed and recorded that shows compliance with YPMC 12.24.010. (Ord. 610 § 1, 2010; Ord. 586 § 3, 2008; Ord. 557 § 1, 2006)

#### **12.24.040 Appeal.**

A. Only a denial of an application for encroachment into public rights-of-way may be appealed.

B. The appeal shall be to the planning commission. The decision of the planning commission shall be final. (Ord. 610 § 1, 2010; Ord. 557 § 1, 2006)

## Chapter 12.26

### PUBLIC PROPERTY TREE CODE

#### Sections:

- 12.26.010 Title, purpose, and intent.
- 12.26.020 Definitions.
- 12.26.030 Tree board.
- 12.26.040 Arbor Day.
- 12.26.050 Public tree care.
- 12.26.060 Citizen/property owner request for maintenance and removal of hazardous trees within the town-owned rights-of-way.
- 12.26.070 Penalty for unpermitted tree removal.

#### **12.26.010 Title, purpose, and intent.**

A. Title. This chapter shall be known as the public property tree code of the town of Yarrow Point, Washington.

B. Purpose and Intent. The general purpose and intent of the public property tree code is to protect and preserve certain vegetation (“protected tree”) within the town-owned rights-of-way and other public property, in order to promote the public health, safety, and general welfare of the citizens of the town, and to retain the existing character of the town.

C. Interpretation. In the interpretation and application of the public property tree code, its provisions shall be construed to be the minimum requirements. (Ord. 612 § 1, 2010)

#### **12.26.020 Definitions.**

“Hazardous tree” means any tree deemed a risk to public safety by a qualified professional. The standard for rating tree hazard shall be the International Society of Arboriculture 12-point rating system.

“Protected tree” means any tree within the town-owned rights-of-way or other public property, either planted by the town or having a diameter of four inches or larger measured at four and one-half feet above the ground, but not to include hazardous trees.

“Qualified professional” means an individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists (ASCA). A qualified professional must possess the ability to perform tree risk assessments. (Ord. 612 § 2, 2010)

#### **12.26.030 Tree board.**

The town of Yarrow Point tree board is hereby established for the purpose of managing the town’s public trees and for evaluating all requests for tree maintenance and/or removal for all trees on town-owned property. The tree board is composed of an arborist appointed by the mayor and any town staff appointed by the mayor to act in that capacity. (Ord. 612 § 3, 2010)

#### **12.26.040 Arbor Day.**

The town shall prepare an annual proclamation recognizing Arbor Day. The proclamation shall establish the date for the Arbor Day Celebration, which may be set at the town’s discretion. The Arbor Day Celebration shall include the planting of at least one tree. (Ord. 612 § 4, 2010)

#### **12.26.050 Public tree care.**

A. The town shall have the right to plant, prune, maintain, and remove trees, shrubs, and plants within all town-owned rights-of-way and other public property as may be necessary to ensure public safety, including but not limited to the removal of hazardous trees and any vegetation that interferes with pedestrian or vehicular transportation, public utilities, or compromises any structures lawfully constructed within the town.

B. The town hereby adopts the American National Standards Institute (ANSI) A300 standards and the International Society of

Arboriculture's (ISA) Best Management Practices for the care of all vegetation within the town-owned rights-of-way and other public property, especially measures describing best practices, policies, techniques, and methods and procedures for pruning trees. Such information shall be available to all town residents for their personal use in the care of trees on private property.

C. Existing plantings, other than protected trees, may be maintained by the adjacent property owner without any notification to the town. Such care shall be at the adjacent property owner's expense. (Ord. 612 § 5, 2010)

**12.26.060 Citizen/property owner request for maintenance and removal of hazardous trees within the town-owned rights-of-way.**

A. Any property owner immediately adjacent to a protected tree within the right-of-way may present to the town a request for the maintenance, or evaluation of the condition, of said tree. The request shall be on a form provided by the town and shall be accompanied by a report prepared by a qualified professional presenting an evaluation and recommendation for further action to be taken regarding the tree.

B. Upon receipt of such request, the tree board shall review the request and shall either approve or deny the request. The determination shall be based on evidence that the tree is hazardous or not. The decision of the tree board shall be final.

C. The expense for the property owner's qualified professional report shall be paid by the property owner. In the event that tree removal or maintenance is required, the town shall reimburse the property owner for the qualified professional's report, in an amount not to exceed \$200.00.

D. As an alternative to subsection A of this section, the property owner may request, through the town, to have the arborist appointed by the mayor prepare the initial

report. Payment for the report shall be as described in subsection C of this section. (Ord. 612 § 6, 2010)

**12.26.070 Penalty for unpermitted tree removal.**

A. Any person or entity found to have removed a protected tree within any town right-of-way, without the written permission of the town, shall be in violation of this code. Such action shall be a civil infraction and any person or entity found guilty thereof shall be punished by a fine of \$5,000 per tree. It shall be a separate offense for each and every tree removed.

B. In addition to any monetary penalties assessed under the public property tree code, replanting of trees equal in value to those removed or destroyed without town approval shall be required, at a location designated by the town. The value of the removed trees shall be determined by the arborist appointed by the mayor using the methodology published in the then-current edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture. Such expense shall be borne by the violator. All replanting of trees shall be under the direction of town personnel.

C. Any fines collected by town shall be deposited into a tree mitigation account and shall be used by the town for acquiring, maintaining, and preserving trees within the town-owned rights-of-way or other public spaces. (Ord. 612 § 7, 2010)

## **Chapter 12.30**

### **CONSTRUCTION ACTIVITIES AND PARKING PLAN**

Sections:

- 12.30.010 Development and construction activities – Permit.
- 12.30.020 Development and construction activities – Supervision.
- 12.30.030 Development and construction activities – Hours of work.
- 12.30.040 Development and construction activities – Parking.
- 12.30.050 Development and construction activities – Maintenance, restoration, and cleaning.

#### **12.30.010 Development and construction activities – Permit.**

It is hereby declared that any person or entity engaging in construction, excavation, material hauling, demolition or other related site- or structure-altering activity shall secure a site permit, including any and all other permits required by the town code, authorizing the same from the town prior to initiating the activity. (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

#### **12.30.020 Development and construction activities – Supervision.**

All work associated with site development or construction activity shall be managed and supervised by the owner of the property, his authorized agent duly appointed in writing, or, unless otherwise authorized, the permit applicant. The project supervisor shall be responsible to coordinate the work and all construction activities and vehicle parking and serve as the project contact on a 24-hour basis, including emergency work, and shall be responsible to resolve public complaints. Contact information for the project supervisor shall be provided on site with a 24-hour phone number and email address according to town of Yarrow

Point requirements for notification and posting. (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

#### **12.30.030 Development and construction activities – Hours of work.**

All site development and construction activities causing noise that is plainly audible within 50 feet or the nearest property line from the activity, including, but not limited to, project staging or the starting and operation of equipment, are permitted only during the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and from 9:00 a.m. through 5:00 p.m. on Saturdays. No construction-noise-generating activities are allowed on Sundays or holidays. A violation of this section shall be an infraction punishable by a fine as set forth in YPMC 12.30.040(B) and (C). (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

#### **12.30.040 Development and construction activities – Parking.**

A. Parking on the public right-of-way or way open to the public, whether improved or unimproved, is prohibited by the owners and the operators of all site development and construction-related vehicles and equipment, including personal vehicles operated by site development and construction-related workers commuting to and from the development or construction site. Parking for such workers shall be provided on site by the owner of the property. Parking at locations other than on site shall be arranged prior to the issuance of permits by securing approval for an alternate designated parking area, staging area, delivery area, or equipment or materials storage area from the town building official through an approved building, demolition, mechanical, or site development permit. If adequate parking or staging area is not available, it shall be the responsibility of the property owner or his authorized agent to provide sufficient staging, storage, or transportation to and from the site

from a location outside of the town limits, or to make other arrangements not inconsistent with this section. Demolition and construction activity parking regulations and parking plan shall be provided on site for review on a 24-hour basis according to town of Yarrow Point requirements for noticing and posting.

B. A violation of this chapter by any owner or operator of site development equipment and/or construction-related vehicles and equipment, or by the operator of any personal vehicle operated by site development and construction workers, shall be an infraction, punishable by a fine of \$500.00 for each offense.

C. Any owner or operator of site development equipment and/or construction-related vehicles, including privately owned vehicles of construction works, who violates subsection A of this section shall be deemed to be an acting agent of the owner of the property or prime contractor. The owner or prime contractor shall be subject to the penalty as set forth in subsection B of this section.

D. The building official of the town of Yarrow Point and the Clyde Hill police are hereby authorized to issue uniform infraction violations for any violation of subsection A or B of this section. (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

**12.30.050 Development and construction activities – Maintenance, restoration, and cleaning.**

A. Any person or entity engaging in site development construction, excavation, material hauling, or demolition activities is required to prevent street damage and to keep streets free of dirt, mud, or other debris pursuant to this chapter and Chapter 12.04 YPMC.

B. Any person or entity engaged in site development construction, excavation, material hauling, or demolition activities is required to take all appropriate and necessary measures, in consultation with the town building official, to prevent damage to the public right-of-way,

street surfaces or subsurfaces, and to keep the street surfaces and ways open to the public free of dirt, mud, or other debris. Depending on the extent of the site development construction, excavation, material hauling, or demolition work, the town building official may require measures including, but not limited to: pre-activity photographs, a cash deposit to guarantee cleaning and restoration of street surfaces and ways open to the public, temporary sheeting, special haul route designations, temporary wheel washing stations or vehicle cleaning methods before a vehicle enters the public right-of-way, covering of loads, temporary erosion and sedimentation control, temporary storm water runoff control, street vacuum sweeper cleaning, and/or other measures that are deemed to be necessary to preserve public streets, public rights-of-way or ways open to the public.

C. A \$3,000 deposit for street cleaning or repairs may be required at the time a construction, excavation, material hauling, or demolition permit is issued and prior to the beginning of any construction activities, if, in the opinion of the town building official, the construction activity will likely result in damage or dirt, mud, or other debris on the streets. The deposit balance shall be replenished to \$3,000 following any town draws pursuant to subsection D of this section.

D. In the event that any person or entity violates subsection A of this section and fails to take corrective action within a reasonable time, the town building official is authorized to sweep the street or accomplish the street repair. One hundred fifty percent of this cost shall be borne by the person or entity that furnished the deposit to cover administration and any contracting costs, and the amount shall be drawn from the deposit.

E. The balance of any cleaning deposits shall be refunded to the depositing person or entity following 180 days after the completion of the project or work, and only then upon

approval by the town building official that all damage or repairs to the public right-of-way or ways open to the public are satisfactorily repaired or restored. (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

## **Chapter 12.31**

### **PAGODA MAINTENANCE AND CONSTRUCTION**

#### Sections:

12.31.010 Pagoda addition or modification.

12.31.020 Location determinations.

#### **12.31.010 Pagoda addition or modification.**

Any proposed pagoda addition or modification shall be subject to review in accordance with the pagoda construction standards and specifications policy as adopted by the town. Copies of these documents are available at Town Hall upon request. (Ord. 610 § 1, 2010)

#### **12.31.020 Location determinations.**

The town engineer shall determine the safest location for all new pagodas in and adjacent to the public right-of-way. The property owner shall submit to the town engineer for review all plans associated with installing any new mailbox and/or pagoda(s). Review, construction and inspection activities related to this task will be borne solely by the property owner seeking to install a pagoda. (Ord. 610 § 1, 2010)

**Chapter 12.32****CONSTRUCTION VEHICLE FEE\***

Sections:

12.32.010 Construction vehicle fee.

**12.32.010 Construction vehicle fee.**

A. All applicants for the following town permits shall pay a construction vehicle fee equal to one percent of the value of the proposed project to offset and repair the damage done to town streets by the vehicles transporting materials associated with that project:

1. Demolition permits;
2. Building permits for which the town engineer has determined, based on the permit application materials, that fill, gravel, concrete, asphalt, lumber or other similar bulk material will be transported to or from the site; and
3. Site development permits.

B. This fee shall be waived for any applicant who can document to the town engineer's satisfaction that the materials associated with the applicant's project that would otherwise necessitate construction vehicle trips on the town streets will be transported into and out of the town via barge or other method not requiring use of the town streets. (Ord. 620 § 1, 2010)

\*Code reviser's note: Ordinance 620 added this chapter as Chapter 12.31. It has been editorially renumbered to avoid duplication.