

ORDINANCE NO. 1877

AN ORDINANCE OF THE CITY OF DAYTON REPEALING CHAPTER 8.7 OF THE DAYTON MUNICIPAL CODE; REPEALING ORDINANCE NO. 1465; AMENDING ORDINANCE NO. 1840; AND ENACTING A NEW CHAPTER 8.7 OF THE DAYTON MUNICIPAL CODE DEFINING THE PERMIT PROCESS AND REQUIREMENTS FOR THE BLOCKING OF CITY STREETS.

WHEREAS, The City Council recognizes that major public utility maintenance projects or smaller private projects are likely to occur within the City of Dayton which would require the blocking of city streets, and

WHEREAS, the Chapter 8.7 of the Dayton Municipal Code does not adequately address major utility maintenance projects and may place an undue hardship on utilities conducting such projects in spite of the benefits the maintenance projects might provide for City residence,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Specific Repeal of Chapter 8.7 of the Dayton Municipal Code. Chapter 8.7 of the Dayton Municipal Code and the subsections of that Chapter are repealed in their entirety.

Section 2. Creation of New Dayton Municipal Code Chapter 8.7. A new Chapter 8.7 of the Dayton Municipal Code is created as follows:

Chapter 8.7 - Street Blocking

8.7.010 Purpose.

It is the purpose of this code to provide for the issuance of street blocking permits in order to regulate blocking activities within street, alley or public right of way in the city of Dayton in the interest of public health, safety and welfare; and to provide for the fees, charges, warranties, and procedures required to administer the permit process.

8.7.020 Permits Required.

It shall be unlawful for any person, firm, or corporation to block, in whole or in part, a city street, alley or right of way in the City of Dayton, Washington for any reason whatsoever, unless a permit is first obtained from the City of Dayton Public Works Director (Director) or designee thereof.

The Mayor or designee reserves the right to wave the fees for street, alley or right of way blocking permit when the Mayor or designee determines that the activity requiring such a permit shall provide a public benefit.

8.7.030 Temporary Street Blocking.

The provisions of this Ordinance shall not apply to a temporary blocking of a City street, alley or right of way to promptly remove debris or to make immediate repairs to utilities occasioned by an act of God or emergency.

8.7.040 - Standard Street Blocking Permit.

1. Any person, firm, or corporation desiring to block a city street, alley or right of way, in whole or in part, for any project or period lasting less than seven (7) days, shall make written application to the Director for a standard permit upon forms provided by the Director.
2. Application for a standard street blocking permit shall be made in writing to the Director at least ten (10) business days prior to the anticipated street blocking(s) unless the Director determines that the application may be accepted less than ten (10) business days prior to the anticipated street blocking.
3. Application for a standard street blocking permit shall include, but not be limited to:
 - a. Intended use for the city's street, alley or right of way during the block.
 - b. Description of the city's street, alley or right of way to be blocked. The Director may request a map representing the proposed blockage.
 - c. Specific date(s) and time(s), that the same shall be blocked. A minimum of one-way vehicular traffic access must be maintained during the hours of 5:00 p.m. to 7:00 a.m. each day on the blocked streets, alleys or right of ways.
 - d. Statement that the permittee shall be responsible for all traffic control and assumes the responsibility to maintain appropriate signage, signals and barricades that protect the public safety, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). At the discretion of the Director, applicant may be required to provide a traffic control plan in accordance with the MUTCD.
 - e. Statement that the applicant agrees to hold the City of Dayton harmless by reason of such blocking.
 - f. Provide proof of liability insurance coverage when requested by the Director or designee.
 - g. Statement that the applicant agrees to repair any damages done to the city's street, alley or right of way and that the area shall be left in a clean condition.

A separate permit may be required for each specific site where a city street, alley or right of way will be blocked, in whole or in part, for a period or project lasting less than seven days.

8.7.050 - Comprehensive Street Blocking Permit.

1. A comprehensive street blocking permit must be obtained by any person(s), firm, or corporation desiring to block any city street, alley or right of way, in whole or in part, for a period lasting more than seven (7) days.
2. Application for a comprehensive street blocking permit shall be submitted to the Director ten (10) days prior to the anticipated street blocking(s), on forms provided by the City of Dayton.
3. Applicants for comprehensive street blocking permits shall include, but not be limited to:
 - a. Intended use for the city's street, alley or right of way during the block.
 - b. Description of the city's street, alley or right of way to be blocked. If applicant proposes to block multiple streets, the Director may request a map summarizing the areas to be blocked.
 - c. Specific date(s) and time(s), that the same shall be blocked. A minimum of one-way vehicular traffic access must be maintained during the hours of 5:00 p.m. to 7:00 a.m. each day on the blocked streets, alleys or right of ways.
 - d. Statement that the permittee shall be responsible for all traffic control and assumes the responsibility to maintain appropriate signage, signals and barricades that protect the public safety, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). At the discretion of the Director, applicant may be required to provide a traffic control plan in accordance with the MUTCD.
 - e. Statement that the applicant agrees to hold the City of Dayton harmless by reason of such blocking.
 - f. Provide proof of liability insurance coverage for the minimum amount of \$1,000,000 (One Million Dollars).
 - g. Statement that the applicant agrees to repair any damages done to the city's street, alley or right of way and that the area shall be left in a clean condition.

Applicant shall be required to provide a report each day listing the likely time, location, and severity, of the blockings in the forthcoming workday. Such report shall be delivered to the Director, Fire District 3 and the Columbia County Sheriff's Office prior to commencing work for the day.

8.7.060 Issuance-Fees.

1. A standard street blocking permit shall be issued if the following criteria is met:
 - a. The Director determines that the applicant submitted a complete application in accordance with section 8.7.040 of this Code.
 - b. Payment by the applicant to the City Clerk-Treasurer of the sum of \$25.00 (Twenty-Five Dollars) plus the sum of \$ 5.00 (Five Dollars) per day for each day of blockage more than three (3) days.

2. A comprehensive street blocking permit shall be issued if the following criteria is met:

- a. The Director determines that the applicant submitted a complete application in accordance with section 8.7.050 of this Code.
- b. Payment by the applicant to the City Clerk-Treasurer of the sum of \$75.00 (Seventy-Five Dollars).

8.7.070 Denial of Street Blocking Permit.

The Director or designee may refuse to grant any street blocking permit, if for any reason the Director or designee deems the application to be inconsistent with chapter 8.7 DMC and/or the health, safety or welfare of Dayton. Upon said denial, the applicant may appeal the denial of the application at the next regular meeting of the City Council. The City Council may grant or deny the permit as the City Council deems proper, if it finds the application to be in compliance with Chapter 8.7 DMC.

Copies of issued permits shall be furnished to the City Public Work's Department, Columbia County Sheriff's Office, Fire District 3, City Planning Department and City Clerk-Treasurer's Office.

A minimum of one-way vehicular traffic access must be maintained during the hours of 5:00 p.m. to 7:00 a.m. each day on the blocked streets, alleys or right of ways.

8.7.090 Violations and penalty.

Any person violating any of the provisions of this chapter, upon conviction, shall be deemed guilty of having committed a misdemeanor punishable by a fine up to \$1,000.00, and imprisonment in the county jail for a period of up to 90 days.

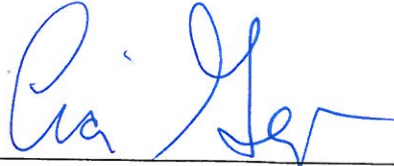
Section 3. Repeal. Ordinance No. 1465, passed the 10th day of , January, 1989, codified in Dayton Municipal Code as Chapter 8.7 shall be, and the same hereby are repealed.

Section 4. SEVERABILITY. If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 5. EFFECTIVE DATE. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City,

and shall take effect and be in full force five (5) days after the date of its publication.

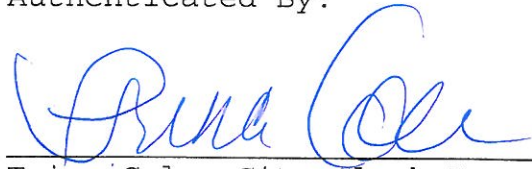
PASSED by the City Council of the City of Dayton this 9TH day of MARCH, 2015.



Craig George, Mayor

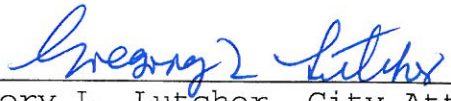


Authenticated By:



Trina Cole, City Clerk-Treasurer

Approved as to form:



Gregory L. Lutch, City Attorney