

ORDINANCE NO. 28-20

AN ORDINANCE of the City of Richland amending Richland Municipal Code Section 12.08.020 related to right-of-way construction permits.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate ambiguity and bring it into alignment with best practices, and

WHEREAS, RMC 12.08.020 requires that any person or entity performing work in the City's right-of-way must first obtain a right-of-way permit; and

WHEREAS, when the City lets contracts for capital improvement projects, the terms and conditions of the contract control the work to be performed in the right-of-way, and may include expectations that are different from or in addition to the terms found in Chapter 12.08 RMC; and

WHEREAS, amending RMC 12.08.020 to exclude capital improvement projects let by the City of Richland from the right-of-way construction permit requirement will eliminate ambiguity and conflict.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Section 12.08.020, entitled Construction permit required, as first enacted by Ordinance No. 119, and last amended by Ordinance No. 28-01, is hereby amended as follows:

**12.08.020 Construction permit required.**

Except as provided in subsection D. of this section, a **A** construction permit is required of any person or entity who performs construction work within existing or proposed city rights-of-way, easements, or on city-owned infrastructure, including, but not limited to:

A. Any attachments to city-owned utility poles that materially changes the clearance, mechanical, structural or electrical characteristics of any joint pole installation;

B. Dig up, break, excavate, tunnel, undermine or to make or cause to be made any excavation in, under or above any right-of-way for any purpose or to place, deposit or leave upon any right-of-way any earth or other excavated material obstructing or tending to interfere with the free use of the right-of-way; or

C. Installation of any new city-owned infrastructure or private utilities. Construction work does not include routine maintenance, water, sewer or irrigation service repairs, new telecommunications, power, phone or cable service connection drops to customers, unless such maintenance, repairs or service connection drops are new pole attachments, disturb the other joint pole users, disturb the roadbed or other public infrastructure, or in any substantial manner obstruct the flow of traffic.

D. Capital improvement projects in which the City executes a construction contract with a contractor are exempt from the right-of-way construction permit requirement.

Notwithstanding any other provision of this title, the city must act on a request for a construction permit by a service provider of telecommunicating services within 120 days of receipt of a completed application, unless the applicant consents to a different time period or the applicant has not obtained all other permits requested by the city.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

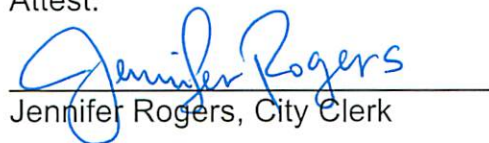
Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

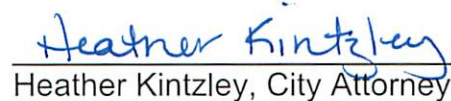
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 15<sup>th</sup> day of September, 2020.

  
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Ryan Lukson, Mayor

Attest:

  
\_\_\_\_\_  
Jennifer Rogers, City Clerk

Approved as to form:

  
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Heather Kintzley, City Attorney

Date Published: September 20, 2020