

ORDINANCE NO. 2022-36

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING RICHLAND MUNICIPAL CODE SECTION 12.08.010
RELATED TO THE DEFINITION OF RIGHT-OF-WAY.**

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate ambiguities; and

WHEREAS, right-of-way that is acquired by or dedicated to a municipality often requires the use of the land above and below the surface; and

WHEREAS, amending the definition of “right-of-way” under RMC 12.08.010 to clearly include subsurface and air rights will eliminate ambiguity surrounding the City’s use of those spaces to support street, pedestrian or utility purposes.

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

Section 1. Richland Municipal Code Section 12.08.010, entitled Definitions, as first enacted by Ordinance No. 119, and last amended by Ordinance No. 2022-05, is hereby amended as follows:

12.08.010 Definitions.

For the purposes of this chapter the following terms, phrases and words shall have the meaning given herein:

“Applicant” is any person making written application to the director for a construction permit hereunder.

“City” is the city of Richland.

“City engineer” is a professional civil engineer licensed in the state of Washington who establishes the infrastructure improvement standards for the city. This is the same person as the public works director.

“Construction permit,” also known as a “use permit” or a “right-of-way permit,” is the authorization granted by the city for an applicant to work in a specified right-of-way or easement to conduct the agreed upon work.

“Construction work” is the excavation and other aboveground construction work permitted under a construction permit and required to be performed under this chapter.

“Director” means the public works director for the city of Richland or designated representative.

“Easement” means any city-held easement for access and public utilities.

“Improvement” is any public or private improvement, including the property of public utilities.

“Pavement condition index,” also known as “PCI,” is a numerical index between zero and 100 used to indicate the condition of the pavement in a section of street. PCI is determined by the city.

“Permittee” is any person who has been granted and has in full force and effect a construction permit issued hereunder.

“Person” is any person, firm, corporation or service provider as defined under RMC Title 28.

“Public infrastructure” is any necessary construction, performed within the city right-of-way or on private property, to install city facilities, including streets, sidewalks, storm drainage, street lights, sanitary sewers and/or water lines and necessary appurtenances, as identified within public works standards.

“Public works standards” means the city’s engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city’s engineering design standards include, but are not limited to, documents establishing infrastructure standards as authorized by the director and published on the city’s website.

“Right-of-way” or “public way” means all property in which the city has any form of ownership or title and which is held for public street, [pedestrian](#) or utility purposes, [including the air rights and subsurface rights](#), regardless of whether or not any street or utility exists thereon or whether it is used, improved or maintained for public use.

“Street” is any street, highway, sidewalk, alley, avenue or other public way, easement, or other public place in 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.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 18th day of October, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: October 4, 2022
Second Reading: October 18, 2022
Date Published: October 23, 2022