

## Chapter 12.30 CITY STREET AND HIGHWAY ACCESS MANAGEMENT, ACCESS PERMITS AND ADMINISTRATIVE PROCESS

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### **12.30.010 Statutory authorization.**

The provisions of this chapter shall be deemed to be an exercise of the power of the City of Airway Heights as provided for under Chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System within the incorporated areas of the City of Airway Heights, thereto adopted by reference the provisions of Chapters 468-51 and 468-52 WAC, together with all future amendments, in order to implement the requirements of Chapter 47.50 RCW. (Ord. C-543 § 2, 2003)

### **12.30.020 Definitions.**

“Access classification” means the classification of a state highway based on factors such as the volume of traffic. The classes are arranged from Class One with the most restrictive access control, to Class Five with the least restrictive access control.

“Application” means an application form supplied by the City and completed by the applicant, payment for the required application fee, and related property site, driveway, roadway and traffic information.

“Average weekday vehicle trip ends (AWVTE)” means the estimated total of all trips entering plus all trips leaving the applicant’s site based on the final state of proposed development.

“City” means the incorporated boundaries of Airway Heights, Washington.

“Conforming connection” means the connection that meets current location, spacing and design criteria.

“Connection” means approaches, driveways, turnouts or other means of providing right of access to or from controlled access facilities on the City’s roadway system.

“Connection category” means a permit category for all roadway connections, in accordance with the type of property served and the estimated traffic generated by the applicant’s site based on rates accepted by the City.

“Connection permit” means a written authorization given by the City for a specifically designed connection to the City’s roadway system at a specific location for a specific type and intensity of

property use and specific volume of traffic for the proposed development of the applicant's property. The actual form used for this authorization will be determined by the Director.

"Controlled access facility" means a transportation facility, excluding limited access facilities as defined in Chapter 47.52 RCW, to which access is regulated by the City. Owners or occupants of abutting lands and other persons have a right of access to and from such a facility at such points only and in such manner as may be determined by the City.

"Department" means the Washington State Department of Transportation.

"Development approval" means an official action by a governmental land use planning authority authorizing the developer or landowner to begin construction of any permanent improvements on the property.

"Director" means the Director of Public Works for the City of Airway Heights or the assigned designee of the Director.

"Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

"Limited access facility" means a roadway especially designed or designated for through traffic, and over, from, or to which occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

"Median" means the portion of a divided roadway separating vehicular traffic traveling in opposite directions; not including speed change lanes, storage lanes for left-turning or U-turning vehicles, or two-way left-turn lanes.

"Median opening" means either a full opening in a continuous median for the specific purpose of allowing vehicles to make a left-turn maneuver into or out of a property abutting the roadway, to facilitate U-turns, or to allow for a vehicle to totally cross the road, or a directional opening allowing for left-turn maneuvers into movements out of the property.

"Nonconforming connection" means a connection not meeting current City location, spacing or design criteria.

"Permit" means written approval issued by the Director subject to conditions stated therein authorizing construction, reconstruction, maintenance or reclassification of a roadway connection and associated traffic control devices on or to the City's right-of-way.

"Right-of-way (R/W)" is a general term denoting land or interest therein acquired for or designated for transportation purposes. More specifically, land in which the City owns as the fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right pursuant to RCW 47.04.040, or lands that have been dedicated for public transportation purposes.

"Roadway(s)" or "roadway system" means, for the purpose of this chapter, all City streets and arterials, as well as all portions of State Route 2 within the Airway Heights City limits.

"Shoulder" means the portion of a roadway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, and for lateral support of base and surface courses and for other uses as allowed by law.

"State highway system" means all roads, streets and highways designated as state routes pursuant to Chapter 47.17 RCW.

"State Route 2" means those portions of the state highway system that are within the Airway Heights City limits which extend from Hayford Road to Craig Road.

"Technical Review Committee" means the committee formed by the City of Airway Heights as defined in the Municipal Code and Public Works Standards of the City of Airway Heights.

"Temporary connection" means a permitted connection for a specific property use, conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right-of-way to be restored by the permittee to its original condition upon connection closure.

"VPD" means vehicles per day. (Ord. C-543 § 3, 2003)

### **12.30.030 General provisions.**

A. When Connection Permits Are Required. Every owner of property, which abuts a roadway where limited access rights have not been acquired, has a right to reasonable access, but may

not have the right to a particular means of access to the roadway system. The right of access to the roadway may be restricted if, pursuant to local regulation, reasonable access to the roadway can be provided by way of another public road which abuts the property. All new connections including alterations and improvements to existing connections to roadways shall require a connection permit. Such permits, if issued, shall be issued only after issuance of development approval where such approval is required, unless other interagency coordination procedures are in effect. The alteration or closure of any existing access connection caused by changes to character, intensity of development, or use of the property served by the connection or the construction of any new access connection shall not be initiated prior to obtaining a connection permit from the City. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connections in accordance with the permit requirements. If a property owner or permittee holding a valid connection permit wishes to change the character, use or intensity of the property or development served by the connection, the City must be contacted to determine whether a new connection permit would be required.

B. Responsibility for Other Approvals. Connection permits authorize construction improvements to be built by the permittee on City R/W. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the applicant to acquire any property rights necessary to provide continuity from the applicant's property to the City R/W if the applicant's property does not abut the R/W.

C. Cost of Construction.

1. Permittee. The cost of construction or modification of a connection shall be the responsibility of the permittee, including the cost of modification of any connection required as a result of changes in property site use.

2. City. Existing permitted connections impacted by the City's work program and which, in the consideration of the City, necessitate modification, relocation or replacement in order to meet current City connection, location, quantity, spacing and design standards, shall be modified, relocated or replaced in kind by the City at no cost to the permittee. The cost of further enhancements or modification to the altered, relocated or replaced connections desired by the permittee shall be the responsibility of the permittee.

D. City Responsibility. The Director has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections with cause. (Ord. C-543 § 4, 2003)

#### **12.30.040 Permit required.**

No person, firm or corporation shall dig, excavate, modify or penetrate any portion of any City street and/or State Route 2 without first obtaining a City and/or state highway access connection permit; both are issued from the City. (Ord. C-543 § 5, 2003)

#### **12.30.050 Conceptual review.**

Prior to filing a connection permit application and prior to receipt of development approval, all permit applicants, but in particular those applying for Category II and Category III connections shall provide a conceptual review of the site plan and proposed connection locations with the City. The purpose of the conceptual review is to expedite the overall review process by establishing the permit category, number, type and general location of connections to the property early in the planning stages of a proposed development or a proposed significant change in property site use, or to determine that the connection as requested cannot be permitted. The conceptual review does not constitute final City approval of the location and design of the connection. If deemed appropriate, especially on the more complex proposals, the City shall establish the date for a conceptual review meeting to be held within two weeks of the receipt of the written request, unless a later date is requested by the applicant. If a meeting is scheduled, representatives of the local governmental land use planning authority will be invited to attend. Within four weeks following the conceptual review meeting, or receipt of the request if no meeting is scheduled, the City will provide the applicant written notice of the City's conceptual review findings; provided, all needed information to complete the review has been received from the applicant. These findings are nonbinding on the City and developer. Additional detailed

information received during the application process, changes in the proposed development, or changes in the existing or planning operational characteristics of the City's roadway system may necessitate modifications of the connections agreed to in the conceptual approval. The conceptual review findings can be used by the developer in the site plan review/approval process with the local government having jurisdiction over the development as indicating coordination of connection location, quantity and design with the City and of preliminary City findings on the proposed connections. (Ord. C-543 § 6, 2003)

#### **12.30.060 Connection categories.**

All connections, public or private, shall be determined by the Technical Review Committee to be in one of the following categories:

A. Category I – Minimum connection provides connection to the state highway system for up to 10 single-family residences, a duplex, or small multifamily complex of up to 10 dwelling units, which use a common connection. This category shall also apply to permanent connections to agricultural and forest lands, including field entrances; connections for the operation, maintenance and repair of utilities; and connections serving other low volume traffic generators expected to have an average weekday vehicle trip ends (AWVTE) of 100 or less.

B. Category II – Minor connection provides connection to the state highway system for medium volume traffic generators expected to have AWVTE of 1,500 or less, but not included in Category I.

C. Category III – Major connection provides connection to the state highway system for high volume traffic generators expected to have an AWVTE exceeding 1,500.

D. Category IV – Temporary connection provides a temporary, time-limited connection to the state highway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forest land clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The Technical Review Committee reserves the right to remove any temporary connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary connection permit does not bind the City in any way to the future issuance of a connection permit at the temporary connection location.

E. Category V – Nonconforming connection designation may be issued for Category I through IV permits after an analysis and determination by the Committee and WSDOT determines that a conforming connection cannot be made and a finding that the denial of a connection would leave the property without a reasonable means of access to the public road system. In such instances, the permit shall be noted as nonconforming and contain specific restrictions and provisions, including limits on the maximum vehicular use of the connection, the future availability of alternate means of access for which a conforming connection permit could be obtained, the removal of the nonconforming connection at the time the conforming access is available, and other conditions as necessary to carry out the provisions of Chapter 47.50 RCW. (Ord. C-543 § 7, 2003)

#### **12.30.065 Access and connection standards.**

All connections shall conform to the latest adopted version of the City's Public Works Standards. For a residential development with greater than 750 VPD on the driveway, it shall use commercial guidelines; if less than 150 feet, right-turn in and right-turn out shall be required. These criteria are constrained by the fronting dimensions of the parcel. Joint driveways are encouraged. Typical street/intersection standard with curb returns shall be required. For commercial uses within an industrial area, small commercial criteria shall apply. For corner clearance at intersections, for speeds less than 35 miles per hour, 125 feet may be used. (Ord. C-543 § 8, 2003)

#### **12.30.070 Permit fees.**

All applicants for a state highway access connection permit shall pay a nonrefundable fee for application processing, review and inspection as specified in the latest adopted fee resolution set forth by the City Council. Full payment of fees must accompany the permit application. Due to the

complexity of Category II and Category III connection proposals, and required mitigation measures that may involve construction of the state highway, the City may require a developer agreement in addition to the connection permit. The developer agreement may include, but is not limited to: plans; specifications; maintenance requirements; bonding requirements; inspection requirements; division of costs by the parties, where applicable; and provisions for payment by the applicant of actual costs incurred by the City in the review and administration of the applicant's proposal that exceed the required base fees outlined in the latest adopted fee resolution. (Ord. C-543 § 9, 2003)

#### **12.30.075 Surety bond.**

Prior to the beginning of construction of any Category II or Category III connection, the City shall require the permittee to provide a surety bond as specified in WAC 468-34-020(3). (Ord. C-543 § 10, 2003)

#### **12.30.080 Connection requirements.**

A. Identification and Signature of Property Owner and Applicant. Names of the property owner (s), developer(s), applicant, the transportation and legal consultants representing the applicant, if any, and the local government representatives responsible for processing the development's approval shall be provided as part of the application. If the property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant is to be provided with the application. When the owner or applicant is a company, corporation, or another public agency, the name, address, and names of the individuals signing the application and their titles shall be typed or printed directly below their signature.

B. Property Uses and Traffic Information. The ultimate planned use shall be indicated sufficient to detail to determine the appropriate permit classification. Estimated average weekday vehicle trips generated by the development, based on the planned property use, consistent with the latest trip generation information provided by the Washington State Department of Transportation, shall be included as appropriate. If local or special trip generation rates are used, the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential developments with 10 or fewer units, 10 trips per day, per unit, may be assumed. The requirement for an average weekday vehicle trip estimate may be waived for agricultural uses where no retail marketing is proposed.

C. Site Plan. The applicant shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable on Category I permit only), the location of the property, and existing conditions and the character and extent of work proposed. The location of existing and proposed driveway location(s) and the highway shall be shown. Minimum information of the plan shall include:

1. Roadway Information.

- a. State route number.
- b. County or local road name.
- c. Highway pavement type.
- d. Cross section showing lane widths, shoulders, and side slopes.
- e. Posted legal speed limit.

f. Locations of any existing or future public or private roads abutting or entering the property.

g. The horizontal and vertical curvature of the road(s) noting the location of existing and proposed connections and any other pertinent information.

2. Property Information.

a. Location of all existing and proposed buildings, and other structures such as street lights, trees, etc., with respect to right-of-way lines.

b. Adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and indicate whether these properties will be accessed by means of the proposed connection.

c. Boundary survey (this survey may be waived to Category I at the discretion of the Technical Review Committee).

d. Existing or proposed parcels segregated from the applicant's property for separate

development shall be clearly designated on the plan.

3. Connection Location Information.

- a. Proposed milepost and/or highway engineer's station.
- b. Highway centerline with respect to property lines.
- c. Distance of the proposed access to intersecting roads, streets or railroads.
- d. Existing or proposed median openings and connections on all sides of the highway and other roads within 660 feet of the proposed location and 1,320 feet in rural areas.
- e. Existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures, traffic control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, and wetlands, that could affect the access location.
- f. It shall be the responsibility of the applicant to physically identify the location of the proposed connection by means of flags or stakes.

4. Connection Information.

- a. Proposed connection width, radii, angle to the highway, and auxiliary pavement.
- b. Existing and proposed grading or contouring that affects the natural drainage pattern of the highway.
- c. Drainage calculations and other pertinent data.
- d. Approach, auxiliary lanes, and crossover pavement design including subgrade, base, surface materials, and thickness.
- e. Specific requirements for design information on individual Category I permit applications may be relaxed or waived at the discretion of the Technical Review Committee.

5. Joint Driveway Use.

- a. If approach is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence between property owners.
- b. Joint access serving adjoining properties is encouraged on all highways and may be required. (Ord. C-543 § 11, 2003)

**12.30.090 Category II and Category III permits.**

A. Additional Information Required for Category II and Category III Permits. Prior to the submittal of the application, the applicant shall coordinate with the Technical Review Committee on the level of detail and analysis technique to be used.

1. All parking, interior drives, and internal traffic circulation.
2. All internal and external adjacent parcels which will use the requested access. All existing and proposed connecting roadways and potential means of alternate access through the final buildout stage of development.
3. Proposed traffic control devices and lighting locations.
4. Analysis of horizontal and vertical sight distance.
5. All traffic data submitted by the applicant shall be signed and sealed by a qualified professional engineer, registered in accordance with Chapter 18.43 RCW. The following traffic data may be required:
  - a. Vehicle turning movements for present and future traffic conditions.
  - b. Amount and type of traffic that will be generated by the proposed development including a breakdown of anticipated peak hour traffic and an analysis of the impact on the level of service of the highway.
  - c. Analysis of off-street parking and traffic circulation, including distances to secondary access points and their impact on the operation of the highway.
  - d. If traffic signals are requested, signal permits are required, and the following studies may be necessary: traffic signal warrants; phasing and timing analysis; signal progression analysis; signing and lighting plans in conformance with Department standards.
  - e. Traffic analysis to determine the need for off-site related roadway and geometric improvements and mitigation requirements.
  - f. Traffic control plan conforming to current Department standards set forth in the "Manual on Uniform Traffic Control Devices" detailing how the permittee will provide for safe and efficient traffic flow during construction of the connection. (Ord. C-543 § 12, 2003)

**12.30.100 Category IV permits.**

A. Additional Information Required for Category IV Permits. Permit applications must contain the specific dates that the approach is to be open, acceptable to the Technical Review Committee that the shoulder, curbing, sidewalks, bikeways, ditch, right-of-way, and any other amenities will be restored to their original condition at the permittee's expense upon closure of the temporary connection. (Ord. C-543 § 13, 2003)

**12.30.110 Construction requirements.**

A. Preconstruction Conference. The Director shall require a preconstruction conference prior to any work being performed on the City's R/W. When required by provisions in the permit, the Director will schedule a preconstruction conference. The preconstruction conference should be attended by the necessary personnel to assure compliance with the terms and provisions of the permit.

B. Time Limit. Substantial construction of the connection shall begin within 90 days of the effective date, unless a longer time is approved by the Director or a time extension is requested by the applicant and approved by the Director. Construction shall be completed within 120 days of the date of issuance of the permit, unless a time extension is approved by the Director. As a condition of the permit, the Director may further limit construction if the Director determines that such limitation is warranted. Failure to comply with the time limits specified in the permit shall result in an automatic expiration of the permit following written notification to the permittee. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the Director shall require a new application, including the payment of the required application fee, prior to the initiation of any construction.

C. Posting of Permit. The approved connection permit shall be displayed in a prominent location, protected from the weather, within the vicinity of the connection construction.

D. Disruption of Traffic. All construction and/or maintenance within the City's R/W shall conform to the provisions of the connection permit, the Manual on Uniform Traffic Control Devices (MUTCD), the Department's current Design Manual, the current Standard Specifications for Road, Bridge, and Municipal Construction and City construction standards. The City may require or restrict hours of construction to minimize disruption of traffic on the City roadway system. If construction activity within the City's R/W causes undue disruption of traffic or creates safety hazards on a roadway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the Director shall advise the permittee or the permittee's contractor of the need for immediate corrective action, and may order immediate suspension of all or part of the work if deemed necessary. Failure to comply with this provision may result in permit modification or revocation.

E. Traffic Signals and Other Traffic Control Devices. Traffic signals and other traffic control devices installed by permittee shall conform to MUTCD and City and/or Department design and construction standards. The permittee is responsible for securing any state permits needed for traffic signalization and regulatory signing and marking.

F. Connection Construction Inspection. For Category II and Category III connections, the City shall require the permittee, the developer, or landowner to provide inspection of construction and certification that connection construction is in accordance with permit provisions and appropriate Department standards by a professional engineer, registered in accordance with Chapter 18.43 RCW, or the Director may do the inspection or cause inspection to be done at the applicant's expense as provided in the developer agreement. (Ord. C-543 § 14, 2003)

**12.30.120 Nonconforming connection permits.**

The Director may issue a permit for a connection not meeting City location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable means of connection to the City's roadway system. The Director may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the City for restoring or maintaining the operation efficiency and safety of the City's roadway system. Nonconforming connection permits shall specify conditions or limits including:

A. Traffic Volume. The maximum vehicular usage of the connection shall be specified in the

permit.

B. Future Alternate Access. The permit shall specify that a conforming connection be constructed when future alternate means of access become available, and that the nonconforming connection be removed at the permittee's sole expense.

C. Users. The permit shall specify the properties to be served by the connection; and any other conditions as necessary to carry out the provisions of Chapter 47.50 RCW or any applicable City ordinances. (Ord. C-543 § 15, 2003)

### **12.30.130 Changes in property site use.**

The connection permit is issued to the permittee for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the permittee, their assignee, or property owner to contact the Director to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection. An engineering study, signed and sealed by a professional engineer registered in accordance with Chapter 18.43 RCW, shall be required to document the extent of the change. If modification of existing connection is required, based on a significant change as determined by the Director, the permittee shall acquire a new permit prior to the initiation of any on-site construction to the connection or to the property.

A. Significant Change. A significant change is one that would cause a change in the category of the connection permit or one that causes an operational, safety or maintenance problem on the City's roadway system.

B. Notification. Failure to contact the Director to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation or property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner of intent to revoke the existing permit and closure of the connection to the property.

C. Costs. The permittee is responsible for all costs associated with connection removal, relocation or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property. (Ord. C-543 § 16, 2003)

### **12.30.140 Permit modification, revocation, closure of permitted connections.**

A. Revocation Criteria. The Director may initiate action to revoke any permit if significant changes have occurred in the use, design or traffic flow of the property requiring the relocation, alteration or closure of the connection; if the connection was not constructed at the location or to design specified in the permit; or if the permit provisions were not met; or if the connection causes a safety or operational problem on the City's roadway system. The process to be followed by the Director in the revocation of permits shall be consistent with the requirements of this chapter. The notification process is as follows:

1. Notification, Correction of Deficiencies. The Director shall serve notice to the permittee, permittee's successors or assigns, or property owner with a copy to the occupant for any connection found to be in noncompliance with the conditions of the permit or this chapter. The notice will identify and request that the deficiencies be corrected within 30 days of service of the notice. The notice shall further advise that the Director's determination on noncompliance or deficiencies shall become final and conclusive 30 calendar days following service of the notice unless the violations are corrected or the permittee submits a schedule for correcting said violations in a timely manner that is acceptable to the Director.

B. Costs. The permittee, assignee or property owner shall be responsible for the costs of closure due to revocation of a connection permit pursuant to this chapter.

C. Emergency Action. This chapter shall not restrict the Director's right to take immediate remedial action, including the closure of a connection, if there is an immediate and serious danger to the public health, safety and welfare, pursuant to Chapter 47.32 RCW. (Ord. C-543 § 17, 2003)

### **12.30.150 Closure of unpermitted connections.**

The Director may require that a permit be obtained if a significant change occurs in the use, design or traffic flow of the connection or of the City's roadway system to which it provides access. If a permit is not obtained, the Director shall initiate action to close the unpermitted connection point pursuant to RCW 47.50.040 or any applicable City ordinances. The notification process is as follows:

A. Notification. The Director shall serve notice, in accordance with rules adopted under this chapter, upon the property owner of a connection to the City's roadway system which is found by the Director to be unpermitted. This notice shall clearly describe the roadway connection violation and shall establish a 30-day time limit for either applying for a connection permit or requesting an extension of the 30-day time limit which must be approved by the Director. The notice will further advise the property owner that failure to act in either of the prescribed ways will result in the City closure of the unpermitted connection.

B. Permit Application. If a permit application is filed within the 30 days, and the application is denied, the City shall notify the property owner of the denial. The property owner may then proceed with the permit application revision process set forth in this chapter. Failure to act in this prescribed way within the time period set forth in the rules will result in the City closure of the unpermitted connection. If the location and design of the connection in the permit application are acceptable to the Director, the existing connection may continue to be used for a specified period of time or until the connection specified in the permit application is constructed.

C. Approval Conditions. Modifications, relocation or closure of unpermitted connections may be required by the Director as a requirement of permit approval, subject to the adjudicative proceedings provisions of this chapter. (Ord. C-543 § 18, 2003)

#### **12.30.160 Street access closure appeal process.**

A. Any party aggrieved by a decision of the Director of Public Works ordering the closure of an unpermitted access or any condition imposed in a final order approving an access permit shall have the right to appeal to the City Council.

B. The City Council may hear the appeal en banc, assign one or more members of the Council to hear the appeal, or appoint a Hearing Examiner to make findings of fact and conclusions of law to be forwarded to the Council on a closed record for final action.

C. These appellate rights shall govern all notices of closure already promulgated by the Director and any party aggrieved by a notice of closure issued prior to the effective date of the ordinance codified in this section shall be accorded these same rights of appellate review.

D. A notice of appeal is timely if it is filed with the City Clerk-Treasurer not later than the close of business on Wednesday preceding the regularly scheduled Council meeting; provided, that if there are less than seven calendar days between the date of the certified letter ordering closure and the Wednesday preceding a Council meeting, the petition for review is deemed timely if filed on or before the Wednesday preceding the next Council meeting. (Ord. C-543 § 19, 2003)