



Instructions: If your jurisdiction has adopted the required access permitting standards described in the enclosed letter, please complete Section A. If not, please complete Section B. Please submit the completed form with original signatures no later than November 30, 2007 to: Karena Houser, WSDOT Policy Development & Regional Coordination, PO Box 47370, Olympia, WA, 98504-7370. Thank you!

**SECTION A**

**CONFIRMING ADOPTION OF REQUIRED ACCESS PERMITTING STANDARDS:**

I, Chris Searcy confirm by my signature below that  
Name of City Representative  
City of Enumclaw has adopted standards for access permitting on  
City or Town  
streets designated as state highways in Ordinance 1832 adopted October 10, 1994 and  
Number Month and Day Year  
that these standards meet or exceed the access standards adopted by the Washington State Transportation in Chapters 468-51 and 52 of the Washington Administrative Code (<http://apps.leg.wa.gov/wac>).

Chi Searcy  
Signature of City Representative  
Public Works Director  
Title of City Representative

10/17/07  
Date

**SECTION B**

**DETAILING PROGRESS TOWARD ADOPTING REQUIRED STANDARDS:**

Please briefly describe (1) why your jurisdiction has not yet adopted the required access permitting standards for managed access state highways within city boundaries, (2) where your jurisdiction is in the process of adopting the required standards, and (3) what date you anticipate the required standards will be adopted.

## Title 12 STREETS AND SIDEWALKS

### Chapters:

- 12.04 Repealed
- 12.08 Mowing and Debris Removal
- 12.12 Obstructing Streets
- 12.16 Debris in Streets
- 12.18 Dedication, Improvement and Maintenance
- 12.20 Removal of Overhanging or Obstructing Vegetation
- 12.21 Street Trees
- 12.24 Right-of-Way Vacations
- 12.28 Access Management for State Highways
- 12.36 Repealed

### Chapter 12.04 GRADES

(Repealed by Ord. 1980)

### Chapter 12.08 MOWING AND DEBRIS REMOVAL

#### Sections:

- 12.08.010 Vacant lots – Mowing required.
- 12.08.015 Occupied lots – Mowing required.
- 12.08.020 Vacant lots – Clearing near property line required.
- 12.08.030 Hay fields – Mowing required.
- 12.08.040 Notice to property owner.
- 12.08.050 Violation – Penalty.

#### **12.08.010 Vacant lots – Mowing required.**

All vacant properties under one acre in size shall be mowed at least twice between May 1st and September 30th of each year, once not later than June 1st and the second time no earlier than July 31st. (Ord. 1516 § 1, 1986; Ord. 1408 § 2, 1983).

#### **12.08.015 Occupied lots – Mowing required.**

All occupied properties shall be kept mowed such that the height of the grass and vegetation shall not exceed 12 inches, except for cultivated trees and shrubs. (Ord. 1499 § 1, 1985).

#### **12.08.020 Vacant lots – Clearing near property line required.**

All vacant property, including wood lots, over one acre shall be cleared a

minimum of 15 feet from any property line abutting existing developed property within one year from the effective date of the ordinance codified in this chapter and then mowed and maintained according to the above schedule each year. (Ord. 1408 § 3, 1983).

**12.08.030 Hay fields – Mowing required.**

Fields used for the growth and harvesting of hay shall be mowed at least once between May 1st and September 30th of each year. (Ord. 1408 § 4, 1983).

**12.08.040 Notice to property owner.**

The city shall send one notice annually to the owner or reported owner of the property and additionally shall publish in the city's official newspaper once per year the requirements of this chapter. (Ord. 1408 § 5, 1983).

**12.08.050 Violation – Penalty.**

Each violation of this chapter shall constitute a misdemeanor with a fine not greater than \$300.00. (Ord. 1408 § 6, 1983).

## **Chapter 12.12 OBSTRUCTING STREETS**

**Sections:**

12.12.010 Dumping garbage or refuse in alleys or streets unlawful.

12.12.020 Blocking alley or street unlawful.

12.12.030 Covering up water meter or connection unlawful.

12.12.040 Penalty for violations.

**12.12.010 Dumping garbage or refuse in alleys or streets unlawful.**

It is unlawful for any firm, corporation or person to dump garbage or refuse of any kind in alleys or streets within the city. (1958 Code § 6.48.010).

**12.12.020 Blocking alley or street unlawful.**

It is unlawful for any person, firm or corporation to block any street or alley with any kind of matter so that vehicles shall not have free access to and fro through said alley; provided, that the city council, upon receipt of petition, upon motion, may allow the temporary blockage of an alley or street if it is for the purposes of a parade or other public events; provided further, that any blockage of any alley or street shall be clearly marked to alert traffic as to the blockage. (Ord. 1554 § 2, 1987; 1958 Code § 6.48.020).

**12.12.030 Covering up water meter or connection unlawful.**

It is unlawful for any person, firm or corporation to cover up with anything at any time any water meter within the city so that it may not be easily read and easily reached. (Ord. 1554 § 3, 1987; 1958 Code § 6.48.030).

**12.12.040 Penalty for violations.**

Any person, firm or corporation violating any provision of this chapter is guilty of a misdemeanor and shall be punished in accordance with Chapter 1.08 EMC. (Ord. 1554 § 3, 1987; Ord. 1079 § 2, 1973; 1958 Code § 6.48.040).

## Chapter 12.16 DEBRIS IN STREETS

**Sections:**

12.16.010 Throwing glass or other sharp objects on streets.

12.16.020 Dropping gravel on pavement.

**12.16.010 Throwing glass or other sharp objects on streets.**

Any person or persons, corporation or corporations, who throws, places or deposits, in or upon any public street, alley or highway or any private driveway, within the city, any bottle, bottles, glass, glassware, tacks or nails, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50.00 and costs of prosecution. (1958 Code § 6.40.350).

**12.16.020 Dropping gravel on pavement.**

It is unlawful for any person to haul, transport or carry upon, onto, over or across any pavement within the city any sand, gravel, stone, coal or other hard substance unless the same is contained within a box or other receptacle tight enough to prevent any of such sand, gravel, stone, coal or other hard substance from falling or dropping upon such pavement. Whoever hauls, carries or transports any sand, gravel, stone, coal or other hard substance upon, over or across any pavement in such manner as to permit any thereof dropping or falling onto such pavement is guilty of a misdemeanor. (1958 Code § 6.40.380).

## Chapter 12.18 DEDICATION, IMPROVEMENT AND MAINTENANCE

**Sections:**

12.18.010 Requirement.

12.18.015 Private streets.

12.18.020 Dedication standards.

12.18.025 Improvements.

12.18.030 Agreements to dedicate and improve.

12.18.035 Failure to dedicate or improve.

12.18.040 Unlawful damage or obstruction.

12.18.045 Abutting owner's responsibility for maintenance.

12.18.047 Street right-of-way – Abuttor's duty.

12.18.048 Repealed.

12.18.050 Obstructing vision on parking strip – Permission to plant.

12.18.055 Permit to remove or repair – Restoration – Barricades.

12.18.056 Development standards.

12.18.057 Widths.

12.18.060 Permit to break pavement.

12.18.065 Performance bond may be required.

12.18.070 Owner may be required to repair – Assessments – Right to initiate improvements.

12.18.075 Specifications for repair or construction – Inspection.

12.18.080 Variance.

**12.18.010 Requirement.**

No building or structure shall be erected or relocated, or expanded or altered in an amount exceeding \$25,000 and no building permit shall be issued therefor on any lot unless one-half of the street abutting thereon has been dedicated and improved with curb, gutter, sidewalk, drainage structure and street paveout for the full width of the lot in accordance with city standards, or such dedication and improvements have been assured to the satisfaction of the city engineer, subject to the following limitations:

A. The maximum area of land required to be so dedicated shall not exceed 25 percent of the area of any such lot nor shall such dedication reduce the lot between the required minimum lot sizes, widths and areas required, unless a variance for the same has been granted, and in no case shall such dedication be required if the remaining lot area has a width less than 50 feet or an area less than 5,000 square feet.

B. No such dedication may be required with respect to the portion of a lot occupied by a main building.

C. EMC 12.18.056(D) and (E) shall apply to the construction of a single-family dwelling or customary accessory building in the RS and RA zones. (Ord. 1460 § 1, 1984; Ord. 1227 § 1, 1977; Ord. 1188 § 1, 1976; Ord. 1172 § 1, 1976).

**12.18.015 Private streets.**

The provisions of this section shall apply to lots or parcels abutting a private street or road right-of-way established by recorded document or easement, with the exception that the city may, in lieu of requiring a dedication, require an offer of dedication which shall be recorded and shall not become a part of the city street system until thereafter accepted into the city street system by resolution. The city council may waive the dedication requirements of this section where it is found and determined that there is little likelihood that the remaining private right-of-way adjacent to other lots or parcels in the area will be acquired for the public use and that the acquisition of said right-of-way in connection with the proposed improvement to any given parcel would be of no public benefit. (Ord. 1172 § 1, 1976).

**12.18.020 Dedication standards.**

A street right-of-way as described in EMC 12.18.015 shall be dedicated to and in accordance with the widths, as the same exists on the date of application for a building permit. No dedication shall be required under this section unless the portion of said street to be dedicated is shown in the transportation element of the comprehensive plan. (Ord. 1980 § 4, 1998; Ord. 1172 § 1, 1976).

**12.18.025 Improvements.**

Improvements are required unless there already exists within the present right-of-way, or on the property the owner has agreed to dedicate, curbs, gutters, sidewalks, or drainage structures, and street paveout, which are adequate and the city engineer so finds and determines. Curb, gutter, sidewalk, drainage structures and street paveout shall be in accordance with the city standards. (Ord. 1172 § 1, 1976).

**12.18.030 Agreements to dedicate and improve.**

In lieu of dedication, where required by this chapter, an owner may, subject to

acceptance by the city council, enter into an agreement with the city to dedicate, signed by all persons having any right, title, interest or lien in the property, or any portion thereof, to be dedicated. The signatures on such agreement shall be acknowledged and the agreement shall be prepared for recordation. In lieu of any required improvement under this chapter, the officer, board or agency authorized or required to accept the same may, in its discretion, enter into an agreement with the owner, secured by cash or surety bond to the approval of the city attorney, guaranteeing the installation of said improvements. (Ord. 1172 § 1, 1976).

**12.18.035 Failure to dedicate or improve.**

In any case where dedication or improvement is required pursuant to any provision of this chapter and such dedication or improvement is not made or in any motion, resolution or order or ordinance made by any board, commission or the council, any authority to construct any building or structure, use or occupy any land or building, or to receive or have a conditional use permit, variance or zone change granted or approved on the condition of such dedication or improvement shall terminate automatically unless the time to dedicate or improve is extended by the city council, or improvement or dedication, as the case may be, is accomplished as follows: In any case where dedication or improvement, as required by this chapter, is not made or installed within the time specified in any agreement made and entered into pursuant to this chapter, the city engineer may forfeit any bond or security given therefor and cause said work to be performed, remitting to the owner or person entitled any balance remaining after deducting the cost of said work plus all engineering and overhead expenses. In the event the cost of said work, plus engineering and overhead expenses, should exceed the amount of security supplied by the owner, the owner shall pay the difference, upon demand. In the event of automatic termination under this section, the owner and surety shall be advised in writing of such termination and all rights and privileges granted to the owner by reason of any such permit, motion, resolution or ordinance shall terminate. (Ord. 1172 § 1, 1976).

**12.18.040 Unlawful damage or obstruction.**

It is unlawful for any person to drive or propel any motor vehicle along, over or across any sidewalk, curb, or parking strip within the city, or to tear up, break or remove any sidewalk, gutter or curb, or part thereof, except for the purpose of repairing or replacing the same; or to place, maintain or permit any obstruction on, under, over or across any sidewalk, which restricts or impairs the full and free use thereof by the public; or to create, cause, maintain or permit any condition to exist which renders any sidewalk, curb, parking strip or driveway across any sidewalk unfit or unsafe for use by the general public. (Ord. 1172 § 1, 1976).

**12.18.045 Abutting owner's responsibility for maintenance.**

It shall be the duty of the owner or occupant of abutting property to keep the sidewalk, curb, gutter, parking strip and any driveway across same free from clutter, obstacles, and unsafe conditions such as snow and ice and tall grass and weeds. (Ord. 1850 § 1, 1995; Ord. 1172 § 1, 1976).

**12.18.047 Street right-of-way – Abuttor's duty.**

It is unlawful for the owner and/or any person, firm, or corporation occupying or having charge or control over any premises abutting upon any street, alley, or other public right-of-way within the city to construct, place, cause, create, maintain, or

permit to remain upon any part of the right-of-way lying between the curblines or, if there is no curblines, then between the adjacent edge of the traveled portion of the street roadway and abutting property line, any thing, structure, or condition dangerous or hazardous to the use of the right-of-way by the public, including but not limited to the following:

A. Defective cement surfaces placed adjacent to the public sidewalk or defects at the juncture between said cement surfaces and the public sidewalks, including stub-toes or depressions at the junction;

B. Defective conditions caused by tree limbs, foliage, brush, or grass on or extending over public sidewalks;

C. Defective conditions on the parking strip area between the curblines and the sidewalk or, if there is no curblines, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line. (Ord. 1850 § 2, 1995; Ord. 1183 § 1, 1976).

**12.18.048 Liability of abutter.**

Repealed by Ord. 1833. (Ord. 1183 § 2, 1976).

**12.18.050 Obstructing vision on parking strip – Permission to plant.**

It is unlawful for any person to place or maintain any tree, shrub, sign, structure or opaque object of any kind on an inner or outer parking strip, which obstructs the vision of traffic on the streets of the city. No person shall in any event place or maintain any tree, shrub, sign or structure of any kind on any parking strip without first securing permission to do so from the utilities superintendent. (Ord. 1172 § 1, 1976).

**12.18.055 Permit to remove or repair – Restoration – Barricades.**

It is unlawful for any person to tear up, break, remove, repair, construct or reconstruct any sidewalk, curbing, gutter, or driveway across any sidewalk or curb, without first securing a permit to do so from the building official. Whenever any person tears, breaks or removes a sidewalk, curb or driveway across any sidewalk or curb, or any portion thereof, either in connection with construction work on the abutting property or in the course of repairing, constructing or reconstructing such sidewalk, curb or driveway, he shall restore the same to a completed condition without undue delay, and shall make, provide or install such temporary repairs, markings, barricades, warning signs and the like as may be necessary to warn the public of the dangerous, hazardous conditions there existing. (Ord. 1172 § 1, 1976).

**12.18.056 Development standards.**

Development standards for street improvements are as follows:

Existing Conditions	Development Standards
A. Street fully improved within existing right-of-way with street, curb, gutter, sidewalk and drainage structure.	A. Developer required to install what is necessary to repair or complete existing improvements.
B. Street improved with pavement installed at specified grade but without one or more of the following elements: curb, gutter, drainage structure, sidewalk or pavement to gutter.	B. Developer required to install necessary improvements to complete.
C. 1. Street design completed and on file with city	

regardless of existing conditions. 2. Side street fronting a corner lot where the other fronting street is Class A or B.	C. Developer required to install necessary improvements to complete.
D. Street not constructed according to any design or specification and/or without regard to grade. May have asphaltic concrete, light bituminous surface treatment for pavement or less.	D. LID agreement required. Improvement optional.
E. Unimproved right-of-way.	E. LID agreement required. Improvement optional depending on conditions and location.

**Additional Credits and Agreements**

F. The property owner is entitled to and given a credit towards any local improvement district assessment for improvements in an amount equal to the cost of improvements he put in descending by five percent per year.

G. The city building and public works department is authorized to enter into local improvement district agreements with property owners and/or developers which would be recorded to run with the property and would apply to street improvements including public utilities in or on same affecting the subject property. (Ord. 1227 § 2, 1977).

**12.18.057 Widths.**

Listed below are public right-of-way and improvement widths in feet:

Facility	Public Right-of-Way		Street	
	Min.	Desirable	Min.	Desirable
Principal arterial (state highway)	84	100	48	65
Minor arterial	72	90	44	48
Collector arterial (commercial and industrial)	60	66	40	44
Minor collector (residential neighborhoods)	60	60	36	40
Minor street (residential, etc.)	50	60	32	36
Alley	16	20	15	18
Bicycle path (w/ down ramps)	10	13	5	8

(Ord. 1980 § 3, 1998).

**12.18.060 Permit to break pavement.**

It is unlawful for any person, firm or corporation to break the surface of the asphaltic pavement of any street or alley in the city for construction purposes or for any other purposes, without said person, firm or corporation having first obtained a permit to do so from the building official, paying therefor the fee as established and amended from time to time by resolution of the city council per square foot of such broken pavement or portions thereof. Restoration of the pavement shall be at the applicant's expense and to the satisfaction of the city. Barricades, etc., as required in EMC 12.18.055, shall also be provided by the applicant. (Ord. 1366 § 2, 1982; Ord. 1172 § 1, 1976).

**12.18.065 Performance bond may be required.**

Whenever any person breaks, tears up or removes any sidewalk, curb, gutter

or driveway across any sidewalk or curb, or portion thereof, in connection with construction on the abutting property, he shall, upon demand of the city, give a performance bond to the city in its favor to insure the prompt replacement or repair of such sidewalk, curb, gutter or driveway in accordance with city specifications and pursuant to applicable ordinances. (Ord. 1172 § 1, 1976).

**12.18.070 Owner may be required to repair – Assessments – Right to initiate improvements.**

Whenever any sidewalk, gutter, curb or driveway across any sidewalk or curb has become unsafe or unfit for public use, or whenever it appears to the city necessary or advisable that a new sidewalk, gutter, curb or driveway be constructed, or repaired, replaced or reconstructed, or that any obstruction on, over, under or across the same be removed, the city council may require the owner of the abutting property to perform the necessary work at his own cost and expense, in whole or in part, and in the event such owner fails to do so, the city may proceed to perform such work and to assess all or any portion of the cost thereof against such owner. Notice shall be given to such owner and procedure shall be followed as specified and provided by Chapters 35.43 through 35.54, 35.68 through 35.70 and 34A.11 RCW as the same now exist or may hereafter be amended. Nothing contained in this section shall be construed to prohibit or limit the right of citizens or of the city to initiate sidewalk improvements pursuant to the local improvement district laws of the state. (Ord. 1172 § 1, 1976).

**12.18.075 Specifications for repair or construction – Inspection.**

Whenever any sidewalk, curb, gutter or driveway across any sidewalk or curb is to be repaired, replaced, constructed or reconstructed by any private individual, such work shall be subject to inspection and approval by the city and shall be performed in accordance with city standards. (Ord. 1172 § 1, 1976).

**12.18.080 Variance.**

Any person deeming himself aggrieved may apply for a variance from any provision of this chapter pursuant to Chapter 18.54 EMC. (Ord. 1172 § 1, 1976).

## **Chapter 12.20 REMOVAL OF OVERHANGING OR OBSTRUCTING VEGETATION**

**Sections:**

12.20.010 Statutes incorporated by reference.

**12.20.010 Statutes incorporated by reference.**

RCW 35.21.310 is incorporated by reference as if set out in full together with all amendments. (Ord. 1419 § 1, 1983).

## **Chapter 12.21 STREET TREES**

**Sections:**

12.21.010 Purpose.

- 12.21.020 Definitions.
- 12.21.030 Abutting owner's responsibility.
- 12.21.040 Appointment of municipal arborist/duties.
- 12.21.050 Permit required/application.
- 12.21.060 Permit exceptions.
- 12.21.070 Street tree care.
- 12.21.080 Public tree care.
- 12.21.090 Summary powers for removal of nuisance trees.
- 12.21.100 Spacing and species requirements.
- 12.21.110 Tree topping.
- 12.21.120 Pruning, corner clearance.
- 12.21.130 Removal required – When.
- 12.21.140 Stump removal required – When.
- 12.21.150 Maintenance required – When.
- 12.21.160 Abuse of trees prohibited.
- 12.21.170 Interference with city.
- 12.21.180 Emergency tree maintenance.
- 12.21.190 City liability.
- 12.21.200 Appeal.
- 12.21.210 Violation – Penalties.

**12.21.010 Purpose.**

In order to reduce storm water runoff, stabilize soil, enhance the ecological environment, improve property values, and enhance the general aesthetics and welfare of the community, the preservation, protection, and planting of trees is deemed to be a desirable goal of the community. (Ord. 1720 § 1, 1992).

**12.21.020 Definitions.**

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

- A. "Abutting property" means real property having lines in common with adjacent property or separated only by public right-of-way.
- B. "City" means the city of Enumclaw, Washington.
- C. "City council" means city council of the city of Enumclaw, Washington.
- D. "Emergency" means damage to utility lines, or to public or private property, due to storm or other acts of God or other accidents which require immediate attention to alleviate the condition or commence and complete repairs.
- E. "Owner" means any person, firm, association, syndicate, copartnership, or corporation having proprietary interest, dominion, or title to the real property.
- F. "Person" means any individual, partnership, joint venture, society, association, club, trustee, company, firm or corporation; or any officers, agents, employees, or any personal representatives of any thereof, in any capacity, acting either for himself, or any other person, under either personal appointment or pursuant to law.
- G. "Public right-of-way" means property owned or controlled through dedication, easement, or other legal instrument; and including those platted portions of subdivisions used for the purposes of a street or alley that may or may not be approved for vehicular and/or pedestrian use.
- H. "Removal" means the act of cutting down or removing any tree or shrub from the public right-of-way.
- I. "Replacement tree" means a tree of equal size to the tree that has been

removed or a one-and-one-half or two-inch breast height diameter (BHD) for shade trees, or one-inch or equivalent for flowering ornamentals, or as may be provided to the abutting property owner by the city.

J. "Routine care" means the act of watering, fertilizing, applying pesticides, and pruning of trees or shrubs, provided that pruning be limited to the removal of limbs one inch in diameter or smaller on small trees and two inches in diameter or smaller on medium and large trees.

K. "Street tree" means trees, shrubs, bushes, and all other woody vegetation located in or overhanging any public right-of-way within the city.

L. "Topping" means the severe cutting back of limbs leaving stubs beyond the branch collar within the tree's crown or to such a degree as to remove a substantial portion of the normal canopy and disfigure the tree. (Ord. 1720 § 1, 1992).

#### **12.21.030 Abutting owner's responsibility.**

It shall be the duty of any person owning real property abutting public right-of-way in the city to maintain such trees and/or shrubs located in the public right-of-way in such a manner that they will not constitute a hazard to other trees in the community by harboring detrimental insects or disease organisms nor constitute a public nuisance in violation of Chapter 12.21 EMC. (Ord. 1720 § 1, 1992).

#### **12.21.040 Appointment of municipal arborist/duties.**

A. The municipal arborist for the city shall be the city's community development director.

B. The municipal arborist shall have full authority and jurisdiction to enforce this chapter and any other rules and regulations as adopted by the city council, regarding planting, maintenance, removal and bracing of trees and shrubs in the public right-of-way in the city. He/she shall have authority to accept applications for the issuance of permits for the planting, maintenance, and removal of trees in the public right-of-way, to ensure safety, and preserve the aesthetics of the trees and shrubs. The municipal arborist of the city or his/her designee shall inspect all work to be done under a permit issued in accordance with the terms of this chapter. (Ord. 1720 § 1, 1992).

#### **12.21.050 Permit required/application.**

A. Except for routine care, maintenance, or stump removal, no person shall plant, remove or otherwise disturb any tree or shrub located within or overhanging any public right-of-way within the city without first filing an application for and procuring a permit from the municipal arborist. Landscaping required via development permits shall be deemed to satisfy this section.

B. Applications for permits must be made through the municipal arborist not less than 72 hours in advance of the time the work is to be done.

C. The municipal arborist shall authorize the issuance of a permit for removal if in his judgment the tree(s) in question is (are) dead, diseased or deemed to be hazardous for other reasons. The municipal arborist may also authorize the issuance of a permit if in his judgment the tree(s) in question would benefit from certain horticultural practices to regain its appearance or vigor after suffering from previous improper horticultural practices, or storm, or mechanical damage. The municipal arborist shall determine that the proposed workmanship and method are satisfactory prior to the issuance of any permits. All permits granted shall contain a definite date of expiration, and work authorized by said permit shall be completed within the time specified and in the manner therein described. The issuance of a

permit under this chapter does not reduce the owner's responsibility to comply with permits required in other chapters of this code. Any permit shall be void if any of its terms are violated. Notice of completion of work authorized shall be given within five days to the municipal arborist for his inspection.

D. The application required herein shall be formulated by the municipal arborist and include, but not be limited to the following information: name and address of applicant; owner designation; description and purpose of the work to be performed; area diagram and designation of street trees to be treated or removed; and any other additional information as the municipal arborist may require in order to make a reasonable determination of whether or not to issue said permit.

E. Persons other than the abutting property owner who perform maintenance work shall notify the municipal arborist in writing or by telephone prior to performing the work, providing the property owner's name and address of the work, and shall abide by the terms of this chapter.

F. As a condition to the granting of a tree removal permit, the city may require the applicant to relocate or replace trees. Any relocation or replacement must occur within six months of the date of permit issuance.

G. Any permit issued pursuant to this chapter shall expire upon the designated expiration date not to exceed 12 months from date of issuance, and any permit may be revoked at any time because of incorrect information submitted on the application.

H. Any fees for the processing of applications or permits required in this chapter shall be established by action of the city council. (Ord. 1720 § 1, 1992).

#### **12.21.060 Permit exceptions.**

A. The provisions of Chapter 12.21 EMC shall not apply to:

1. Removal of any tree from a developed single-family residential property.
2. Removal of tree(s) from a single-family residential lot in accordance with a tree retention plan approved in connection with subdivision or short subdivision approval shall be considered incidental to the building permit and not require a tree removal permit.

B. A tree removal permit is not required for the following situations:

1. The removal of trees from commercial or horticultural properties such as farms, nurseries, orchards or commercial forests. This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.
2. The removal of trees on public rights-of-way conducted by or on behalf of a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction, improvement or maintenance of public rights-of-way.
3. The removal of any tree which has become or threatens to become a danger to human life; or to cause damage to property.
4. Any tree in the category "prohibited street trees" contained in Table 1 of this chapter; provided, no person shall remove trees excepted from the provisions of this chapter set forth in this subsection B, until such time as such person has given written notice to the city of the trees to be removed. (Ord. 1720 § 1, 1992).

#### **12.21.070 Street tree care.**

In consideration of the value and benefits derived from the beauty and enjoyment of the street trees, the property owners abutting dedicated rights-of-way and utility easements, shall have the responsibility, control, and shall bear the cost

of maintenance and care of the street trees abutting their property, and shall regularly inspect and remove defective conditions as necessary. (Ord. 1720 § 1, 1992).

**12.21.080 Public tree care.**

A. The city may plant, prune, maintain and remove park and street trees, as may be necessary to ensure public safety, or to preserve or enhance the appearance of public lands. The city may remove, or cause to be removed, at the expense of the abutting land owner, a tree or part of a tree which is in an unsafe condition, which by reason of its nature is injurious to public water lines, private sewers, electric lines, telephone lines, gas lines, or other public improvements.

B. This section does not prohibit the planting of street trees by abutting property owners, providing that the selection, location, and planting of such trees is in accordance with the list of acceptable species included in Table 1 and the other sections of this chapter. (Ord. 1720 § 1, 1992).

**12.21.090 Summary powers for removal of nuisance trees.**

A. The city may prune a private tree when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign.

B. The city may cause the removal of all or part of any dead, dangerous or diseased park, private or street tree when the tree constitutes a hazard to life, property, or harbors insects or disease which constitutes a potential threat to other trees within the city.

C. The city may remove or trim a tree described as a hazard or nuisance in this section or may require the property owner to remove or trim any such tree on private property, or in a dedicated right-of-way or utility easement abutting upon the owner's property. Failure of the property owner to remove or trim the tree within 30 days after receiving notice from the municipal arborist is a violation of this chapter, and the city may then remove or trim the tree and assess the costs as a lien against the property as per RCW 35.21.310. (Ord. 1720 § 1, 1992).

**12.21.100 Spacing and species requirements.**

A. General Provisions. The spacing and selection of street trees will be in accordance with the recommended street tree list contained in Table 1. No trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed or approved by the municipal arborist or the design review board.

B. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three tree size classes above; and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. On streets that do not have curbs and/or sidewalks or planters designed for public tree placement, the municipal arborist shall approve the location of new trees consistent with street and sidewalk construction standards.

C. Distance from Street Corners and Fire Hydrants. No street tree shall be planted closer than 20 feet from any street corner, measured from the nearest intersection curb or curblines point. No street tree shall be planted closer than 20 feet from any fire hydrant. Other landscape regulations regarding site screening are contained in EMC 18.70.020(I) and (K).

D. Utilities. No street tree other than small trees may be planted under or within

10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, transmission line or other utility. (Ord. 1720 § 1, 1992).

**12.21.110 Tree topping.**

It is unlawful for any person or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the municipal arborist. (Ord. 1720 § 1, 1992).

**12.21.120 Pruning, corner clearance.**

Every owner of any tree overhanging any street or public right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the sidewalk and 14 feet above the street. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right, subject to the applicable procedures set forth in EMC 12.21.040 to prune any tree or shrub on private property at the owner's cost (which costs shall be assessed as a lien against the property as per RCW 35.21.310) when it interferes with the proper spread of light along the street from a street light or interferes with the driver's view of a street intersection, or the visibility of any traffic control device or sign, or is hazardous to underground or overhead utility lines or encroaches on sidewalk or pedestrian rights-of-way. (Ord. 1720 § 1, 1992).

**12.21.130 Removal required – When.**

A. Whenever it is necessary to remove a tree or shrub from the public right-of-way within the city due to disease, damage (storm or mechanical), or other reasons deemed to be hazardous by the municipal arborist, the abutting property owner or the city at its option, shall be responsible for and shall bear the cost of removing the tree or shrub.

B. Any tree(s) diseased or damaged or determined to be hazardous by the municipal arborist in the public right-of-way shall be declared a nuisance. Should the abutting property owner refuse for whatever reasons to abate said nuisance, the municipal arborist shall cause the nuisance to be abated and charged to the abutting property owner in accordance with city code and in compliance with RCW 35.21.310.

C. Whenever it is necessary to remove a tree or shrub from the public right-of-way in the city due to installation or realignment of a sidewalk, the paving, repaving, and/or widening of a street used for vehicular, pedestrian, or bicycle traffic, the city or contractor shall be responsible and shall bear the cost of the replanting of such trees that have been removed. (Ord. 1720 § 1, 1992).

**12.21.140 Stump removal required – When.**

When any tree or shrub is removed from the public right-of-way, the stump of said tree or shrub shall be completely removed. The municipal arborist may authorize the grinding of the stump to a depth of one foot below the surrounding average finished grade. In any case, adequate good quality topsoil shall be used to fill the hole created by the removal of said stump. Provisions shall be taken to accommodate settling of the topsoil. Sod, grass seed, or other satisfactory ground cover shall be placed and maintained on the site of the removed or ground stump.

(Ord. 1720 § 1, 1992).

**12.21.150 Maintenance required – When.**

It shall be the duty of any person owning real property abutting public right-of-way in the city to maintain such trees and/or shrubs located in the public right-of-way in such a manner that they will not constitute a hazard, obstruct the passage of pedestrians on sidewalks, obstruct visibility of traffic signs, obstruct vehicular movement on streets, or obstruct free and clear vision at any intersection. Trees or shrubs located upon or overhanging the public right-of-way and impeding passage or constituting an obstruction of visibility shall be deemed a public nuisance and shall be trimmed in accordance with the provisions of this chapter, EMC 18.34.020, or Chapter 12.20 EMC. (Ord. 1720 § 1, 1992).

**12.21.160 Abuse of trees prohibited.**

No person shall abuse, destroy or mutilate any street tree, in a dedicated public right-of-way, or any other public place, or attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill, or other thing to, or on any tree growing in a public place, or cause or permit any wire charged with electricity with the exception of decorative lights for a period not exceeding 45 days per year to come into contact with any such tree, or to allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with their roots or leaves. (Ord. 1720 § 1, 1992).

**12.21.170 Interference with city.**

No person shall prevent, delay or interfere with the city or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying, or removal of any street trees, park trees, or private trees as authorized by this chapter. (Ord. 1720 § 1, 1992).

**12.21.180 Emergency tree maintenance.**

Emergency tree maintenance procedures are authorized to be performed by utility companies, contractors, abutting property owners and by the city, when necessary, due to unforeseen circumstances or conditions that impose an immediate threat to utility systems, public or private property, or the welfare of persons residing or traveling near the tree in question. Only the work required to remove the immediate threat shall be performed. (Ord. 1720 § 1, 1992).

**12.21.190 City liability.**

The city's right to trim, prune or remove privately owned trees under this chapter shall not be interpreted as an obligation upon the city, and the city's failure to act shall not constitute a basis for any claim of liability against the city. (Ord. 1720 § 1, 1992).

**12.21.200 Appeal.**

Any person aggrieved or dissatisfied with any order of the municipal arborist may appeal said order to the city board of adjustment by filing a written notice of appeal with the community development director not more than 15 days after the date of the order issued by the municipal arborist. Said written appeal should state the nature of the dissatisfaction, the type of work desired to be done, the reasons why the aggrieved or dissatisfied person feels the work should be completed, and the relief requested. Said appeal shall be considered at the next regularly

scheduled meeting of the city board of adjustment, and its decision shall become effective immediately and shall be final and conclusive. (Ord. 1720 § 1, 1992).

#### **12.21.210 Violation – Penalties.**

Any person, firm or corporation responsible for removing a street tree or park tree without the approval of the municipal arborist, or under an exemption hereunder, shall pay the full value, as determined by the municipal arborist, of the tree that was removed, to the city to be dedicated to the maintenance and replacement of street trees. Said replacement is in addition to any penalty provisions in this chapter. Any person, firm or corporation violating any provisions of this chapter shall, upon conviction or a plea of guilty, be subject to a fine of not more than \$500.00. All fines collected shall be set aside for the planting, maintenance, and enhancement of street and park trees. The foregoing penalty provisions hereof shall be in addition to any remedies provided by laws of the state. (Ord. 1720 § 1, 1992).

##### TABLE 1

##### Prohibited Street Trees

Alder

Bigleaf maple

Black locust

Cottonwoods

Lombardy poplar

Oregon maple

Silver maple

##### Nonrecommended Street Trees

Apples (fruiting apples)

Ash (Mountain ash)

Birch (White birch, etc.)

Cherries (fruiting cherries)

Elm (American elm, etc.)

Hawthorn

London Plane

Oak (Pin oak)

Pagoda tree

Pears (fruiting pears)

Plums (fruiting plums)

Poplars

Sycamore

Walnut (Black walnut, etc.)

##### Recommended Small or Narrow Street Trees

(minimum spacing: 20 feet)

Ash (flowering ash)

Cherry (Autumnalis cherry, etc.)

Laurel (California laurel)

Magnolia (Evergreen magnolia)

Myrtle (Oregon myrtle)

Oak (Holly oak)

Pear (Bradford pear)

##### Recommended Medium Size Street Trees

(minimum spacing: 30 feet)

Ash (Flame, Golden Desert, etc.)  
 Birch (Paper birch, River birch)  
 Crabapples (flowering crabapples)  
 Gum (Sweet gum)  
 Honey locust  
 Linden (Littleleaf linden)  
 Maple (Red maple)  
 Maple (Sugar maple)  
 Oak (Scarlet oak, English oak)  
 Redwood (Dawn redwood)  
 Yellowwood  
 Village green  
 Recommended Large Boulevard Trees  
 (minimum spacing: 40 feet)  
 Beech (European beech, etc.)  
 Chestnuts (Chinese chestnuts)  
 Maidenhair tree  
 Sycamore maple  
 Oak (Red oaks)  
 Tulip tree

## Chapter 12.24 RIGHT-OF-WAY VACATIONS

### Sections:

- 12.24.010 Initiation of procedure.
- 12.24.020 Filing fee.
- 12.24.030 Criteria.
- 12.24.040 Provisions for rededication – Easements.
- 12.24.050 Partial vacation.
- 12.24.060 Classification for determining compensation.
- 12.24.070 Amount of compensation.
- 12.24.080 Appraisals.
- 12.24.090 Compensation procedure.
- 12.24.100 Trade in lieu of compensation.
- 12.24.110 Waiving compensation – Other governmental agencies.

### **12.24.010 Initiation of procedure.**

Vacation of public right-of-way or easements may be initiated by the owners of abutting property or by the city in accordance with the procedures described in Chapters 35.79 and 35A.47 RCW. (Ord. 1510 § 1, 1986).

### **12.24.020 Filing fee.**

Petitions for vacation shall be filed with the city clerk together with a nonrefundable filing fee in such an amount as may be determined from time to time by resolution of the city council. (Ord. 1510 § 2, 1986).

### **12.24.030 Criteria.**

Following the required hearing the council shall determine:

- A. Whether a change of use or vacation of the described portion will better

- serve the public good; or
- B. Whether the area is no longer required for public use; or
- C. Whether the public benefit of the area's use is insufficient to justify the cost of maintenance; or
- D. Whether the substitution of an alternate way would be more useful to the public; or
- E. Whether future changes in conditions may increase public use or need; or
- F. Whether objections by other abutting property owners override the request of petitioners. (Ord. 1510 § 3, 1986).

#### **12.24.040 Provisions for rededication – Easements.**

The council may reserve to the city any portion of the right-of-way deemed necessary for the construction, repair and maintenance of public utilities and other services any may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit. If the council finds that future development of land abutting such street or alley may alter or increase the need or public use they may require execution of a covenant running with the land to rededicate such portion upon a declaration of public use and necessity by the city council. (Ord. 1510 § 4, 1986).

#### **12.24.050 Partial vacation.**

The council may determine that a smaller portion of the area requested be vacated and may so order. (Ord. 1510 § 5, 1986).

#### **12.24.060 Classification for determining compensation.**

For the purpose of this chapter, all properties within the city primarily used or reserved for use as public ways, including streets and alleys, are declared to be within one of four classes:

- A. Class I: Real property on which city holds fee simple title;
- B. Class II: Real property on which the interest of the city is limited to a public easement or right of use for particular purposes and not qualifying under Class IV below, and has been part of a dedicated public right-of-way for 25 years or more;
- C. Class III: Real property on which the interest of the city is limited to a public easement or right of use for particular purposes and not qualifying under Class IV below, and has been part of a dedicated public right-of-way for less than 25 years;
- D. Class IV: Easements conveyed to or held by the city for which no public funds have been expended in the acquisition and which would otherwise be classified as Class II or Class III, except for the fact that the grantor has applied for vacation of the same. (Ord. 2159 § 1, 2003; Ord. 1510 § 6, 1986).

#### **12.24.070 Amount of compensation.**

The amount of compensation required to be paid to the city as a condition precedent to the vacation of a public way shall be determined according to the following criteria:

- A. Class I property shall be considered a sale of a capital asset and shall be compensated for at 100 percent of its fair market value;
- B. Right-of-way over Class II property shall be compensated for in the amount of 100 percent of the fair market value of said property;
- C. Right-of-way over Class III property shall be compensated for in the amount of 50 percent of the fair market value of said property;
- D. Vacation of Class IV rights-of-way shall not require compensation in excess

of filing fees. (Ord. 2159 § 2, 2003; Ord. 1510 § 7, 1986).

#### **12.24.080 Appraisals.**

Determinations of fair market value for purposes of this chapter shall be made by appraisal of the subject property prepared at the direction of the city administrator or his designee. The cost of any appraisals shall be added to the amount of compensation established by EMC 12.24.070. Such appraisals shall take into account any retained right of the city for future use which would restrict the private use of the property. (Ord. 1510 § 8, 1986).

#### **12.24.090 Compensation procedure.**

In the case of Class I, II or III properties, upon a finding, after a public hearing, that requirements for approval set forth in EMC 12.24.030 are satisfied, the city council may adopt a motion to approve conditionally the petition and direct the city administrator to secure an appraisal of the subject property. The applicant shall post a \$2,500 cash deposit with the city treasurer to ensure payment of the cost of the appraisal. Upon notification that the amount of required compensation has been established, the applicant shall have 90 days to deposit such amount together with appraisal cost with the city treasurer. Credit shall be given for the balance of the deposit, if any. Upon notification of receipt of all sums due, the city council shall, in accordance with its prior motion of approval, adopt a resolution authorizing the city administrator to execute an appropriate deed to convey Class I property or adopt an ordinance of vacation of a Class II or III property. All funds received as compensation pursuant to this chapter shall be deposited in the city's street fund or such other fund as may be designated by the council. (Ord. 2159 § 3, 2003; Ord. 1510 § 9, 1986).

#### **12.24.100 Trade in lieu of compensation.**

In lieu of payment of monetary compensation the petitioners may grant or dedicate to the city for street purposes real property useful for that purpose where the property to be acquired by such exchange has a fair market value at least equal to the amount of cash compensation that would otherwise be required. The city shall not be obligated to accept such an exchange and the decision of the city administrator on the acceptability of the alternate property offered shall be final. (Ord. 1510 § 10, 1986).

#### **12.24.110 Waiving compensation – Other governmental agencies.**

Where vacation or transfer of a public way is applied for by or on behalf of another governmental agency or jurisdiction, the city council may waive any compensation required by this chapter, except filing fees, if the council deems such a waiver to be in the public's interest and advantage. A transfer or vacation of property on which compensation has been waived under this section shall be accompanied by a covenant providing that the city shall be compensated for the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject property by such other governmental agency. (Ord. 1510 § 11, 1986).

## **Chapter 12.28 ACCESS MANAGEMENT FOR STATE HIGHWAYS**

**Sections:**

**12.28.010** Statutes adopted.

**12.28.010** Statutes adopted.

Chapters 468-51 and 468-52 WAC are incorporated by reference to provide for highway access management for state highways within the city. (Ord. 1832 § 1, 1994).

**Chapter 12.36  
STREET UTILITY**

(Repealed by Ord. 1897)

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