

CODE

**CITY OF REDMOND
ORDINANCE NO. 2962**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE RMC 12.08, STREET REPAIRS, IMPROVEMENT, AND ALTERATIONS, IN ORDER TO INCLUDE THE REGULATION AND PERMITTING OF BUSINESS USES OF THE STREET AND PUBLIC RIGHT-OF-WAY INCLUDING PRIVATE BIKE AND SCOOTER SHARING

WHEREAS, the City is tasked with the regulation of public street and rights-of-way; and

WHEREAS, the Public Works Department currently regulates the private alteration of streets and public rights-of-way through the permit process enabled by RMC 12.08; and

WHEREAS, Redmond desires to allow operation of private bike and scooter share with conditions by utilizing the permit structure under RMC 12.08; and

WHEREAS, an amendment to RMC 12.08 is necessary in order to clearly allow the RMC 12.08 permit process to be utilized to condition operation of private bike and scooter share.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Amendment of Section. RMC 12.08, STREET REPAIRS, IMPROVEMENT, AND ALTERATIONS, is hereby amended to read as follows:

Chapter 12.08 STREET REPAIRS, IMPROVEMENTS, ~~[AND]~~ ALTERATIONS, **AND BUSINESS USE**

Sections:

12.08.010 Permit required.
12.08.020 Application.
12.08.030 Refusal of application.
12.08.040 Safety requirements.
12.08.050 Street restoration.
12.08.060 Permit fees.
12.08.065 Criteria for suspension, revocation, or modification of the permit.
12.08.070 Penalty for violations.

12.08.010 Permit required.

It is unlawful for any person, firm or corporation to commence to repair, improve, alter or otherwise perform any street maintenance or work, **or undertake a business use such as bike share, sidewalk café seating, or uses with equivalent impact to the right-of-way as determined by the Director of the Department of Public Works** upon the public streets ~~[AND]~~**or** highway rights-of-way within the city without first having obtained a permit from the Director of the Department of Public Works. **In granting a permit under this chapter, the Director shall have the authority to impose any conditions necessary to**

safeguard the public interest, including, but not limited to, conditions on use, construction, indemnity, and insurance.

12.08.020 Application.

Any person, firm or corporation required to obtain a permit for work in, or business use of, a public street or right-of-way shall file an application therefor with the Director of the Department of Public Works. The application shall be in writing, upon forms provided by the city and shall contain information showing the type of construction, the length, the exact location, the purposes and other information which may be required by the Director of the Department of Public Works concerning the proposed street use, opening or work in the public right-of-way. The provisions of this section shall apply to public utilities or quasi-municipal corporations qualified for and seeking permits for street openings or work in the public streets and rights-of-way of the city.

12.08.030 Refusal of application.

Wherever work in, or business use of, the public streets or rights-of-way within the city will create an exceptional traffic hazard or will unreasonably restrict

the use of city streets, will create an impediment to the free movement of vehicles upon the aforementioned streets, or an uneconomic distribution of parking space at the curb of aforementioned streets, or a hazard to the travel or safety of pedestrians thereon, the Director of the Department of Public Works, at his/**her** discretion, may refuse any application made under the terms of this chapter.

12.08.040 Safety requirements.

The safety requirements of the city and of the state of Washington, as applicable to any work **or business use** for which a permit is required hereunder, shall be observed.

12.08.050 Street restoration.

The Director of the Department of Public Works is authorized to require a bond or deposit from any permittee under this chapter in order to guarantee the restoration of the street right-of-way **or use thereof** to its original condition.

12.08.060 Permit fees.

Permits required under this chapter specifying the authorized work **or business use** shall be issued by the Director of the Department of Public Works or his/**her**

designee upon proper application therefor and upon payment of the fees required as follows:

(1) A basic fee in an amount established by council resolution; and

(2) The estimated cost of administration and inspection as determined by the Director of the Department of Public Works, including the city's labor, overhead, and all other costs [~~PROVIDED~~]. For street work, said amount shall not exceed five percent of the estimated cost of construction;

(3) In the event that reinspection or other actions are ~~IS~~ necessary, an additional fee shall be charged in an amount determined by the Director of the Department of Public Works to equal the city's costs of performing the reinspection or other actions, including all labor, overhead and other costs.

12.08.065 Criteria for suspension, revocation, or modification of the permit.

The Director of the Department of Public Works may suspend, revoke, or modify any permit issued under this section when such permit holder, or any party to the

permit:

- (1) Violates any of the terms and requirements outlined in the approved permit;
- (2) Exceeds the scope of the use or work outlined in the permit application;
- (3) Has obtained a permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- (4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter.

12.08.070 Penalty for violations.

Any person convicted of violating any of the provisions of this chapter shall be punished as provided in Section 1.01.110.

ADOPTED by the Redmond City Council this 16th day of April
2019.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

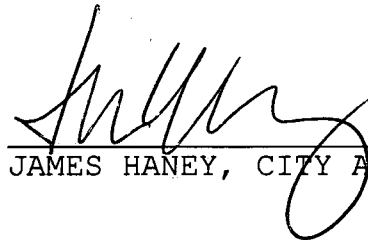
ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: April 2, 2019
PASSED BY THE CITY COUNCIL: April 16, 2019
SIGNED BY THE MAYOR: April 19, 2019
PUBLISHED: April 22, 2019
EFFECTIVE DATE: April 27, 2019
ORDINANCE NO: 2962

YES: ANDERSON, BIRNEY, CARSON, FIELDS, MARGESON, MYERS, PADHYE