ORDINANCE NO. 2009-43

AN ORDINANCE, amending Ordinance No. 98-33 pertaining to the procedures and requirements for obtaining a permit to excavate in city streets and alleys and the fees therefor.

THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN AS FOLLOWS:

SECTION I

Ordinance No. 98-33, Section V, subsection (c), codified at WCC 7.28.050(3), shall be and hereby is amended to read as follows:

> "Upon receipt of the approved application and such other requirements as he deems necessary, together with the appropriate payment of a fee, the City Engineer shall issue the permit. The permit fees shall be calculated by the City Engineer in accordance with Chapter 1.99 of the Wenatchee City Code."

SECTION II

Ordinance No. 98-33, Section X, shall be and hereby is amended to read as follows:

> "If the permittee shall have failed to restore the surface of the streets and alleys to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permit, the City Engineer shall have the right to do all work necessary to restore the street. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permits, and the City shall have a cause of action for all fees, expenses, and amounts paid out upon such works, provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided, further, that if, in the judgment of the City

Engineer, it is not expedient to replace the pavement over any cut or excavation made in any street or alley upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the City Engineer may lay such temporary pavement himself and collect the cost thereof from the permittee in the manner hereinbefore provided."

SECTION III

Ordinance No. 98-33 as hereby amended shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect thirty (30) days from and after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 10th day of December, 2009.

CITY OF WENATCHEE, a Municipal Corporation

By: Dennis Johnson
DENNIS JOHNSON, Mayor

ATTEST:

By: Tammy L Stanger
~~BRENDA GUSKE, Interim~~ City Clerk
Tammy L. Stanger

APPROVED:

By: _____
STEVE D. SMITH, City Attorney