

CODE

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING RMC 12, STREETS AND
SIDEWALKS, TO CLARIFY PURPOSE AND MODERNIZE
THE CODE'S APPLICABILITY

(WHEREAS clauses are solely included to provide 'intent' language to the ordinance.)

WHEREAS, Redmond Municipal Code Title 12 establishes the authorities and rules that the City may apply to the regulation of Streets and Sidewalks; and

WHEREAS, the City proposes changing the name of Title 12 to Streets and Right Of Way; and

WHEREAS, the City proposes updates to Title 12 related to Public Works functions relating to streets and right-of-way; and

WHEREAS, this update is intended to clarify roles and responsibilities within the Public Works Department and to improve operational performance and consistency; and

WHEREAS, this code revision is being coordinated to align with the Department's effort to achieve APWA Accreditation. 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 Title. Title 12, Streets and ~~[SIDEWALKS]~~ **Right of Way,** is hereby amended to read as follows:

Chapters:

12.06 Complete the Streets.

12.08 Street Repairs, Improvements, Alterations, and Business Use

12.09 Fixed Items in the Right-of-Way

12.10 Street Assessment Reimbursement Agreements

12.12 Required Improvements for Buildings and Developments

12.13 Emergency Right-of-Way Use

12.14 Telecommunications

12.16 Highway Access Management

12.18 Electricity and Gas

Section 3. Amendment of Chapter. RMC 12.06, Complete the Streets, is hereby amended to read as follows:

12.06.010 Complete the streets.

~~[ALL TRANSPORTATION PROJECTS SHALL PROVIDE APPROPRIATE ACCOMMODATION FOR PERSONS OF ALL AGES AND OF ALL ABILITIES, INCLUDING BICYCLISTS, PEDESTRIANS, TRANSIT USERS, AS WELL AS AUTOMOBILES, FREIGHT AND BUSES, IN COMPREHENSIVE AND CONNECTED NETWORKS DEFINED IN THE CITY'S TRANSPORTATION MASTER PLAN; PROVIDED, THAT SUCH ACCOMMODATION SHALL TAKE INTO ACCOUNT AND COMPLEMENT THE LOCAL CONTEXT AND CHARACTER~~

~~OF THE COMMUNITY AND LAND USE.]~~ All City transportation projects shall incorporate design features that safely accommodate users of all ages and abilities, including pedestrians, bicyclists, transit riders, freight vehicles, automobiles, and persons with disabilities. Such accommodations must support a complete and connected multimodal transportation network, consistent with the City's Transportation Master Plan. The design must also reflect and support the character, context, and planned land use of the surrounding area.

12.06.020.

12.06.030 Implementation.

A. ~~[THE CITY SHALL VIEW COMPLETE STREETS STANDARDS SET IN RMC 12.06.010 AS A PART OF THE EVERYDAY TRANSPORTATION DECISION MAKING PROCESS, AND IMPLEMENTATION OF THESE STANDARDS SHALL BE INCORPORATED INTO RELEVANT CITY DOCUMENTS, GUIDELINES AND PROCEDURES WHEN THEY ARE CREATED OR AS THEY ARE REVISED AND UPDATED, INCLUDING THE CITY'S TRANSPORTATION MASTER PLAN, STANDARD DETAILS, AND RELEVANT DESIGN GUIDANCE MATERIALS. EFFORT SHOULD BE MADE TO COORDINATE PROJECTS AND FACILITIES WITH NEIGHBORING JURISDICTIONS TO PROVIDE CONTINUITY WHEREVER FEASIBLE.]~~ The City shall integrate

Complete Streets principles into routine transportation planning, design, construction, operations, and maintenance decisions. These principles shall be incorporated into all relevant City documents, including but not limited to

- The Transportation Master Plan;
- Capital Improvement Program;
- Development regulations;
- Design standards and manuals.

B. [~~THE CITY SHALL MEASURE THE SUCCESS OF COMPLETE STREETS IMPLEMENTATION USING PERFORMANCE MEASURES IDENTIFIED IN THE CITY'S TRANSPORTATION MASTER PLAN, INCLUDING MEASURES THAT ASSESS SAFETY, NETWORK CONNECTIVITY AND COMPLETION, AND TRAVEL MODE SHARE.~~] Project implementation shall

- Be coordinated with regional agencies to ensure multimodal continuity;
- Include performance metrics such as safety improvements, increased mode share, and network connectivity;
- Prioritize equity in access and universal design where feasible.

Section 4. Amendment of Chapter. RMC 12.08, Street Repairs, Improvements, Alterations, And Business Use, is hereby amended to read as follows:

Sections:

12.08.010 Permit required.

12.08.020 Application.

12.08.030 ~~[REFUSAL OF APPLICATION]~~ Application decision criteria.

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.

12.08.066 Unpermitted work.

12.08.070 ~~[PENALTY FOR VIOLATIONS]~~ Enforcement.

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 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.]~~ No person, business, or corporation may perform any work within the right-of-way, including but not limited to activity that disrupts traffic, restricts access, or modifies any infrastructure, without first obtaining a permit from the Public Works Director. This includes any private use of the public right-of-way, street closures, or business uses such as bike share stations, outdoor dining, or other activities with similar impact as determined by the Public Works Director.

The Public Works Director may impose permit conditions necessary to protect the public interest, welfare, and/or safety, including but not limited to requirements related to use, construction, indemnification, and insurance.

12.08.020 Application.

Any [~~person, firm or~~] person, business, 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~~] City. 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 Public Works 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]~~ Application decision criteria.

~~[WHEREVER WORK IN, OR BUSINESS USE OF, THE PUBLIC STREETS OR RIGHTS-OF-WAY WITHIN THE CITY WILL]~~ **An application shall only be approved if the Public Works Director determines that the proposed work in, or business use of, the public streets or rights-of-way within the City is consistent with all other provisions of code and law, will not** 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]~~ **create** an uneconomic distribution of parking space at the curb of aforementioned streets, ~~[OR]~~ **create** 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~~ **or unreasonably disturb the established design, City investment in, and/or effectiveness of the right-of-way and the public's use of the right-of-way.**

12.08.040.

12.08.050 Street restoration.

The Public Works 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 or better. In cases where the existing conditions do not meet current standards and regulations, the permittee shall be required to restore or improve the right-of-way to meet or exceed applicable standards and/or laws. The bond or deposit shall ensure the permittee completes these improvements.

12.08.060 Permit fees.

Permits required under this chapter specifying the authorized work or business use shall be issued by the Public Works Director [~~OF THE DEPARTMENT OF PUBLIC WORKS OR HIS/HER DESIGNEE~~] upon proper application therefor and upon payment of the fees required as follows:

A. [~~A BASIC FEE~~] Fees in an amount established by council resolution; and

B. The estimated cost of administration and inspection as determined by the Public Works Director [~~OF THE DEPARTMENT~~

~~OF PUBLIC WORKS], including the City's labor, overhead and all other costs. [FOR STREET WORK, SAID AMOUNT SHALL NOT EXCEED FIVE PERCENT OF THE ESTIMATED COST OF CONSTRUCTION,]~~

C. In the event that reinspection or other actions are necessary, an additional fee shall be charged in an amount determined by the Public Works 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 Public Works 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:

A. Violates any of the terms and requirements outlined in the approved permit;

B. Exceeds the scope of the use or work outlined in the permit application;

C. Has obtained a permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

D. Makes a misrepresentation or fails to disclose a material fact to the City related to any of the obligations set forth in this chapter.

12.08.066 Unpermitted work.

The Public Works Director may order the removal of any unpermitted improvements installed in the right-of-way and will notify the responsible party. The party must obtain a permit to remove the improvements and restore the right-of-way to its original condition. If no action is taken within 14 days of notice, the City may proceed with removal and restoration. The responsible party will be liable for all actual costs incurred by the City.

12.08.070 [~~PENALTY FOR VIOLATIONS~~] Enforcement.

~~[ANY PERSON CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE PUNISHED AS PROVIDED IN SECTION 1.01.110]~~ **Any violation of the provisions of this Title is subject to the enforcement procedures, remedies, and penalties provided in RMC Chapter 1.14 Enforcements and Penalties.**

Section 5. Adoption of Chapter. RMC 12.09, Fixed Items in the Right-of-Way, is hereby adopted to read as follows:

Sections:

12.09.010 Purpose.

12.09.020 Allowable uses.

12.09.030 Permit requirement and approval authority.

12.09.050 Severability.

12.09.010 Purpose.

The purpose of this section is to affirm and authorize the placement, installation, or use of items, structures, or devices in the public right-of-way or on public property that serve a demonstrated public benefit. This section ensures such actions are consistent with traffic operations as described in RMC Title 10, law enforcement allowable uses, and the City's adopted long-range planning objectives.

12.09.020 Allowable uses.

The City may permit an applicant to install items or improvements that provide a public benefit, including but not limited to:

A. Traffic Regulation Measures

Devices, signage, markings, or installations that regulate or manage traffic operations, consistent with the provisions of the Redmond Municipal Code Title 10 ("Traffic Regulations"). Traffic regulation measures may only be installed at the direction of the City.

B. Law Enforcement Tools and Devices Regulation Measures

Equipment or devices intended for use by public safety or police personnel approved by City Council, including but not limited to surveillance cameras, automated enforcement

systems, public safety signage, or other tools that support crime prevention, public order, or emergency response. Law enforcement tools and devices may only be installed at the direction of the City.

C. Items Consistent with City Planning Goals

Any installation, structure, or use that aligns with and furthers the policies, goals, or implementation strategies outlined in the City's adopted Comprehensive Plan, Specific Plans, Transportation Plans, Climate Action Plans, or other formally adopted long-range planning documents, at the direction of the City.

D. Private Property Benefit Items

A device or installation is deemed to serve a private benefit if its primary purpose is to enhance access, appearance, security, or operations for a specific property, including but not limited to:

- Private technology devices affixed to public infrastructure;
- Features maintained for the aesthetic benefit to adjacent property;
- Private signage or access control devices;
- Infrastructure intended to increase the safety or security of an adjacent property;

- Decorative lighting not intended for public use.

Any private property benefit item must be placed directly adjacent to the benefitting property.

Items that are installed in the public right-of-way or on public property which primarily benefit a specific private property or property owner are subject to the following requirements:

1. Liability and Maintenance Property owners must:

- Assume liability for any injury or damage arising from the installation;
- Enter into a maintenance and indemnification agreement with the City;
- Remove or modify the item at their expense upon notice by the City.

2. Revocability

The City reserves the right to revoke permission for any private benefit installation if it interferes with public use, infrastructure maintenance, or future capital improvements.

12.09.030 Permit requirement and approval authority.

All private installations shall require a right-of-way use permit issued by the City, consistent with the requirements of this Chapter and RMC 12.08.

An application for a right-of-way use permit shall be filed with the City. The application shall be in writing and shall indicate the primary use of any objects in right-of-way. In addition to the requirements of RMC 12.08, the application shall include:

A. Design drawings.

- Design drawings shall be site-specific plans that describe or convey installation or construction methods that are consistent with City standard specifications and details and, industry-specific standards if applicable, such as ASTM.
- Designs should adhere to the City's clear zone and lateral clearance requirements for local streets, per Redmond Zoning Code (RZC) Appendix 2, Section A.21.c.
- Designs should show vertical and horizontal clearance from new or existing utilities. When applicable, the application shall include utility relocation plans.

B. Modal safety and access evaluation.

- Designs shall have no negative impact to existing active transportation mobility, access, and safety within the public right-of-way.

- The design should show that sidewalk, bike lane, trail and other non-motorized facilities will meet or maintain street standards as determined in the RZC.

C. Consistency with City plans.

- Document consistency with the Redmond Comprehensive Plan and appendices, the current version of the Redmond Transportation Master Plan, and other applicable subarea plans to ensure compatibility with Redmond's long-term planning priorities.

D. Applicant Requirement for Private Benefit installations

- Permit applicant shall be the owner of the specific property or have documented approval from property owner.

12.09.050 Severability.

If any portion of this section is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Section 6. Amendment of Section. RMC 12.10.040, Notice to Property Owners, is hereby amended to read as follows:

12.10.040 Notice to property owners.

Prior to the execution of any contract with the City establishing an assessment reimbursement area, the Public Works Director [~~OR HIS DESIGNEE~~] shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the City on the basis of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

As a property owner within the Assessment Reimbursement Area whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay under certain circumstances, a pro rata share of construction and contract administration costs of a certain street project that has been preliminarily determined to benefit your property.

The proposed amount of such pro rata share or assessment is also enclosed with this notice. You, or your heirs and assigns, will have to pay such share, if any development permits are issued for development on your property within _____ (___) years of the date that the contract establishing such area is recorded with the King County Department of Records and Elections, provided such

development would have required similar street improvements for approval. You have a right to request a hearing before the Redmond Hearing Examiner by filing such a request within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. If a hearing is requested, the Hearing Examiner will take testimony and forward a recommendation to the City Council, who will make the final decision. After the street reimbursement contract is recorded it shall be binding on all owners of record within the Assessment Reimbursement Area who are not parties to the contract.

Section 7. Amendment of Chapter. RMC 12.12, Required Improvements for Buildings and Developments, is hereby amended to read as follows:

Sections:

- 12.12.010 Purpose of provisions.
- 12.12.015 Statute adopted by reference.
- 12.12.020 Prerequisite for building permit or development permit - Exception.
- 12.12.030 Design and construction.
- 12.12.040 Inspection.
- ~~12.12.060 CEMENT REQUIRED. Repealed.~~
- ~~12.12.070 EXCEPTION TO RMC 12.12.060. Repealed.~~
- 12.12.080 Permit required.
- 12.12.090 ~~[NUISANCES]~~ Penalty for Violation.

12.12.010.

12.12.015.

12.12.020 Prerequisite for building permit or development permit - Exception.

No building permit or development permit shall be granted for the construction of any industrial, commercial or residential building, nor shall any plat be accepted for any industrial commercial or residential development unless the plans and specifications therefor contain provisions for the dedication to the City of sufficient street right-of-way for the classification of the street abutting the property according to the street plans and street development needs of the City for the area, and for the construction, installation and dedication of street and public utility improvements consisting of grading; surfacing with asphalt or portland cement concrete paving; [~~CEMENT~~] **concrete** curbs, gutters and driveways; water mains; sanitary sewers; storm drainage facilities; underground power and telephone; together with all necessary appurtenances consistent with good street and utility construction and in accordance with plans and specifications of the [~~DIRECTOR OF PUBLIC WORKS~~] **City**; such improvements to be made on all sides of such property that may abut on a public street or planned public street, to extend the full distance that such property is sought to be

occupied and/or developed; provided, however, that the director may, in his discretion, authorize the issuance of a building or development permit without compliance with this section where compliance is deemed to be impracticable or unfeasible at that time or it is in the best interest of the City to defer such construction upon such conditions as may be imposed to insure completion of such improvements at some future time, including but not limited to the posting of a bond or the entering into a covenant with the City to run with the land.

12.12.030 Design and construction.

All public improvements required under this chapter shall be designed and constructed in accordance with the plans, specifications, grade, material and other engineering data adopted and established by the [~~DIRECTOR OF~~] Public Works **Director**.

12.12.040 Inspection.

All such public improvements shall be constructed under the supervision of [~~THE CITY ENGINEER~~] **a City Inspector** in accordance with the requirements of Section 12.12.030. No final installation shall be done until the City [~~ENGINEER~~] **Inspector** has inspected and approved the installation and

forms and has certified they are according to proper profile and location.

~~[12.12.060 CEMENT REQUIRED.]~~

~~ALL SIDEWALKS, ON EITHER SIDE OF THE STREETS AND AVENUES, IN FRONT OF OR ALONG ANY LOT, LOTS OR LANDS ABUTTING ON SAME, WHICH SHALL HEREAFTER BE CONSTRUCTED, RECONSTRUCTED OR REPLACED, SHALL BE OF CEMENT. NO PERSON SHALL CONSTRUCT, RECONSTRUCT OR REPLACE ANY SUCH SIDEWALK OF ANY OTHER MATERIAL WITHIN THE CITY LIMITS.~~

~~12.12.070 EXCEPTION TO RMC 12.12.060.~~

~~WHENEVER ANY PERSON, FIRM OR CORPORATION DESIRES TO REPAIR ANY NOW EXISTING SIDEWALK CONSTRUCTED WITH ANY OTHER MATERIAL THAN PRESCRIBED IN RMC 12.12.060, HE OR THEY SHALL FIRST SECURE A PERMIT FROM THE CITY COUNCIL BEFORE SUCH WORK IS UNDERTAKEN. IN NO CASE SHALL A PERMIT BE GRANTED WHERE THE AMOUNT OF REPAIRS IN THE AGGREGATE EXCEEDS ONE-THIRD OF THE RUNNING FEET OF WALK.]~~

12.12.080 Permit required.

Whenever any person, firm or corporation desires to construct, reconstruct, or replace any sidewalk [HE, OR] they shall first secure a permit from the City [COUNCIL] before work is undertaken [AND AT THE SAME TIME SHALL SECURE FROM THE CITY ENGINEER AND COUNCIL GRADE LINES AND SPECIFICATIONS

~~FOR SUCH WALKS]~~. Sidewalks shall meet the current City Specifications and Standards.

12.12.090 ~~[NUISANCES]~~ Penalty for Violation.

~~[ANY SIDEWALK CONSTRUCTED, RECONSTRUCTED, REPAIRED OR REPLACED IN ANY OTHER MANNER THAN PROVIDED IN THIS CHAPTER SHALL BE DEEMED A NUISANCE AND SHALL BE ABATED AT THE ORDER OF THE CITY COUNCIL. ANY PERSON, FIRM OR CORPORATION BUILDING OR PROCURING OR CAUSING SUCH SIDEWALK TO BE BUILT SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND SHALL]~~ Any person convicted of violating any of the provisions in this chapter shall be punished as provided in Section 1.01.110.

Section 8. Adoption of Chapter. RMC 12.13, Emergency

Right-of-Way Use, is hereby adopted to read as follows:

Sections

12.13.010 Purpose.

12.13.020 Definition of emergency.

12.13.030 Immediate action authorization.

12.13.040 Notification requirements.

12.13.050 Permit application post-emergency.

12.13.060 Compliance and enforcement.

12.13.070 Authority to remove emergency installations.

12.13.010 Purpose.

This section establishes procedures for entities (e.g. utility providers, contractors) to conduct emergency activities within the public right-of-way, ensuring immediate

response to urgent situations while maintaining public safety and infrastructure integrity.

12.13.020 Definition of emergency.

An "emergency" refers to unforeseen circumstances requiring immediate action to prevent or mitigate threats to public health, safety, welfare, or to prevent significant property damage to public assets. Examples include, but are not limited to:

A. Natural disasters (e.g., earthquakes, floods, severe storms).

B. Utility failures (e.g., water main breaks, gas leaks, power outages).

C. Structural hazards posing immediate danger.

12.13.030 Immediate action authorization.

In the event of an emergency, entities may initiate necessary work within the ROW without prior permit issuance, provided that:

A. The work is essential to address the emergency.

B. All reasonable measures are taken to ensure public safety during operations.

C. The City is notified of the emergency and the actions being taken as soon as practicable.

12.13.040 Notification requirements.

Entities undertaking emergency work must notify the City's Public Works Department within 24 hours of commencing such activities.

Notification should include:

- A. Description of the emergency and location.
- B. Actions taken or to be taken.
- C. Estimated duration of the emergency work.
- D. Contact information for the responsible party.

12.13.050 Permit application post-emergency.

Once the emergency is abated, the responsible entity must:

- A. Apply for a Right-of-Way Use Permit within five (5) business days.
- B. Pay all associated fees as determined by the City's fee schedule
- C. Provide documentation detailing the emergency work performed.
- D. Restore the right-of-way as required by the permit.

12.13.060 Compliance and enforcement.

Failure to comply with the provisions of this section will result in one or more of the following enforcement actions:

- A. Fines and penalties as outlined in the RMC 1.01.110.
- B. Revocation of permits or authorization for future work within the ROW.
- C. Liability for costs incurred by the City for remediation or repairs.

12.13.070 Authority to remove emergency installations.

Once the Public Works Director determines that the emergency has been abated, the Director shall have the authority to require the responsible party to remove temporary emergency installations, obstructions, or equipment from the public right-of-way. If the responsible party fails to remove such installations within a timeframe prescribed by the Director, the City may undertake removal and charge the responsible party for all associated costs.

Section 9. Amendment of Section. RMC 12.14.020,

Definitions, is hereby amended to read as follows:

12.14.020 Definitions.

For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the

sentence in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning:

“Applicant” means any Person or entity that applies for any Master Permit, Facilities Lease, Small Cell Permit or Right-of-Way Use Permit pursuant to this Chapter;

“Cable Act” means the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, as now existing or hereafter amended;

“Cable service” for the purpose of this Chapter shall have the same meaning provided by the Cable Act; a separate cable ordinance is currently found in the Redmond Municipal Code;

“City” means the City of Redmond, Washington;

“City property” means and includes all real property owned in fee by the City or dedicated for a specific purpose, other than public ways and utility easements as those terms are defined herein. City property shall also include all City-owned poles, buildings, antenna support structures,

miscellaneous structures (for example: benches, bus stops, and trash cans) and infrastructure inside and outside of the public ways. City property shall not include property dedicated for a specific purpose that has an existing easement for utilities, and which is not intended to extend to other utility easements;

"Director" means the [~~DIRECTOR OF THE~~] Public Works [~~DEPARTMENT~~] **Director or their representatives pursuant to RMC 1.01.025** [~~OR HIS/HER DESICNEE~~];

"Emergency" means a condition of imminent danger to the health, safety, and welfare of property or Persons located within the City including, without limitation, damage to Persons or property from natural consequences, such as storms, earthquakes, riots or wars;

"FCC" or "Federal Communications Commission" means the Federal administrative agency, or lawful successor, authorized to regulate and oversee Telecommunications providers and services on a national level;

"Grantee" means any person, firm, or corporation to whom a Right-of-Way Use Permit, Small Cell Permit, Master Permit or a Facilities Lease is granted by the City under this Chapter and the lawful successor, transferee, or assignee of

said Person, firm, or corporation subject to such conditions as may be defined in this Chapter;

“Macro Cell Facility” means a large wireless communication facility that provides radio frequency coverage served by a high power cellular tower. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

“Master Permit” means the agreement in whatever form whereby the City grants general permission to a service provider to enter, use and occupy the public ways or other ways for the purpose of locating Telecommunications facilities. This definition is not intended to limit, alter or change the status of a service provider asserting an existing state-wide grant based on a predecessor telephone or telegraph company’s existence at the time of the adoption of the Washington State Constitution to occupy the right-of-way. For the purposes of this chapter, a Master Permit does not include cable television franchises or Facilities Leases;

"Other ways" means the highways, streets, alleys, utility easements or other rights-of-way within the City as encompassed by RCW 47.24.020 and 47.52.090;

"Overhead facilities" means utility poles, utility facilities and Telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

"Person" means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers; "person" shall not include the City unless it offers or furnishes Telecommunications service for hire, sale or resale to the general public;

"Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by federal laws and regulations;

"Public ways" means and includes any highway, street, alley, utility easement (unless their use is otherwise restricted for other users), or other public right-of-way for motor vehicle or other use under the jurisdiction and control of the City which has been acquired, established, dedicated

or devoted to highway or other purposes now or hereafter held by the City, but only to the extent of the City's right, title, interest or authority to grant a Right-of-way Use Permit, Small Cell Permit or Master Permit to occupy and use the same for telecommunications facilities;

"Right-of-Way Use Permit" or "Permit" means the authorization in whatever form whereby the City may grant permission for construction to a Telecommunications provider to enter and use the specified public ways or other ways for the purpose of installing, maintaining, repairing or removing identified Telecommunications facilities, except for those Telecommunications facilities permitted pursuant to a Small Cell Permit;

"Small Cell Facility" means a "small wireless facility" as defined by 47 CFR 1.6002.

"Small Cell Network" means a collection of interrelated small cell facilities designed to deliver personal wireless services.

"Small Cell Permit" means the authorization in whatever form whereby the City may grant permission for construction to a Telecommunications provider to enter and use the specified public ways or other ways for the purpose of installing or modifying small cell facilities;

"State" means the State of Washington;

"Telecommunications facilities" or "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, electronics, radios and other facilities necessary to furnish and deliver Telecommunications services, including, but not limited to, poles, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults and all attachments, appurtenances and appliances necessary or incidental to the transmission, reception, distribution, provision, offering and use of Telecommunications services;

"Telecommunications provider" or "provider" means and includes every corporation, company, association, joint stock association, firm, partnership, Person, city or town owning, operating or managing any facilities used to provide and providing telecommunications for hire, sale or resale to the general public. This definition includes entities providing infrastructure, including but not limited to fiber, conduit, poles, or other structures to another service provider, but does not include electrical utility entities. This further includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, Person, city or town;

"Telecommunications service" means the transmission of information by wire, radio, microwave, optical cable, electromagnetic or other similar means for hire, sale or resale to the general public or the transmission from private users to themselves or to other private Persons. For the purposes of this Chapter, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds or any other symbols. For the purpose of this Chapter, Telecommunications service excludes the over the air transmission of broadcast television or broadcast radio signals and cable service;

"Underground facilities" means utility and Telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for Overhead facilities; and

"Utility easement" means any easement owned by the City and acquired, established, dedicated or devoted for public utility purposes not inconsistent with Telecommunications facilities. City utility easements shall not include easements dedicated for a specific purpose or easements acquired by prescription by a Telecommunications provider.

Section 10. Amendment of Section. RMC 12.14.075, Single Master Permit, is hereby amended to read as follows:

12.14.075 Single Master Permit.

A Telecommunications provider applying for a Master Permit under this Chapter for multiple Telecommunications services may apply for one Master Permit to cover all such Telecommunications services. If a Telecommunications provider desires to locate Telecommunications facilities upon City property, it must obtain a Facilities Lease [~~7, AND A MASTER PERMIT IF THE TELECOMMUNICATIONS FACILITIES ARE LOCATED IN THE PUBLIC WAYS OR OTHER WAYS~~].

Section 11. Amendment of Section. RMC 12.14.090, Entire City, is hereby amended to read as follows:

12.14.090 Entire city.

Master Permits shall be issued for all of the public ways within the City. [~~INITIAL APPROVAL~~] **Approval** shall be based upon the Public Works Director's evaluation of the proposal based upon the application materials submitted pursuant to RMC 12.14.100 and the criteria set forth in RMC 12.14.110.

Section 12. Amendment of Section. RMC 12.14.100, Master Permit Application, is hereby amended to read as follows:

12.14.100 Master Permit application

Any Person that desires a Master Permit pursuant to this Chapter shall file an application with the City which shall include the following information:

A. The identity of the Applicant;

B. A description of the transmission medium that will be used by the Applicant to offer or provide such Telecommunications services;

C. To the extent locations for installations are known, preliminary engineering plans, specifications and a map showing where the Telecommunications facilities are to be located within the City, all in sufficient detail to identify:

1. The location and route requested for the Applicant's proposed Telecommunications facilities;

2. The location of Applicant's overhead and underground public utility, telecommunication, cable, water, sewer drainage and other lines and equipment in the public ways along the proposed route;

3. The specific trees, structures, improvements, facilities, lines and equipment and obstructions, if any, that Applicant proposes to temporarily or permanently remove or relocate;

D. If the Applicant is proposing an underground installation within new ducts or conduits to be constructed

within the public ways and to the extent specific locations are known:

1. The location proposed for the new ducts or conduits;

2. Evidence that there is sufficient capacity within the public ways for the proposed Telecommunications facilities;

E. A preliminary construction schedule and completion date;

F. Evidence that the Applicant is registered to participate in the one-number locator service, as described in RCW Chapter 19.122, if applicable;

G. Repealed by Ord. 2925.

H. Repealed by Ord. 2925.

I. Repealed by Ord. 2925.

J. If the Applicant is proposing personal wireless facilities, an accurate map showing the existing locations, if any, of any personal wireless facilities in the public ways, owned or operated by the Applicant;

K. An application fee which shall be set by the City Council by resolution to recover City costs in accordance with applicable federal and state law; and

L. Such other information as the Public Works Director, in [HIS/HER] their discretion, shall deem appropriate.

Section 13. Amendment of Section. RMC 12.14.110, Approval/Denial of Master Permit, is hereby amended to read as follows:

12.14.110 Approval/denial of Master Permit.

After receiving a complete application under RMC 12.14.100, and in accordance with the timelines established by state or federal law the Public Works Director [~~OR HIS OR HER DESICNEE~~] shall issue a written determination granting, granting with conditions that are reasonably necessary to ensure compliance with this Chapter or with other applicable regulations relating to use and management of the public ways, or denying the Master Permit in whole or in part. The time period for review may be extended with the agreement of the Applicant. If the Master Permit is denied, the written determination shall include the reason(s) for denial. The decision to grant, grant with conditions consistent with this Chapter that are reasonably necessary to assure compliance with this Chapter or other applicable regulations relating to use and management of the public ways, or deny an application for a Master Permit shall be based upon the following standards:

A. The capacity of the public ways to accommodate the Applicant's proposed Telecommunications facilities;

B. The capacity of the public ways to accommodate known additional public utility, cable, and Telecommunications facilities if the Master Permit is granted;

C. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the Master Permit is granted;

D. The need to minimize the impact and disruption of construction within the public ways;

E. The effect, if any, on public health, safety and welfare if the Master Permit is granted;

F. Repealed by Ord. 2925.

G. The scope of the City's authority to condition or deny the proposal under applicable federal and state laws;

H. Whether the proposed use of the public ways and other ways is in compliance or would be compliant with this Chapter and any other applicable regulations relating to the use and management of the public ways and other ways.

I. The apparent consistency of the proposal with applicable regulations set forth in the Redmond Zoning Code, and policies set forth in the Redmond Comprehensive Plan.

Section 14. Amendment of Section. RMC 12.14.170,

Standards for Renewal of Master Permit, is hereby amended to read as follows:

12.14.170 Standards for renewal of Master Permit.

After receiving a complete application for renewal, and in accordance with the timelines established by state or federal law, the Public Works Director [~~OR HIS OR HER DESIGNEE~~] shall issue a written determination granting, granting with conditions that are reasonably necessary to ensure compliance with this Chapter or with other applicable regulations relating to use and management of the public ways or denying the renewal application in whole or in part. The time period for review may be extended with the agreement of the Applicant. If the renewal application is denied, the written determination shall include the reason(s) for denial. The decision to grant, grant with conditions or deny an application for the renewal of a Master Permit shall, in addition to the standards set forth in RMC 12.14.110, be based upon the following standards:

- A. The Applicant's compliance with the requirements of this Chapter;
- B. The existing Master Permit;

C. Any other applicable federal, state and local regulations with respect to the use and management of the public ways, other ways, and City property; and

D. The Applicant's compliance with the requirements of the Redmond Zoning Code, as applicable.

Section 15. Amendment of Section. RMC 12.14.640, Security Fund, is hereby amended to read as follows:

12.14.640 Security fund.

A. Prior to issuance of a Master Permit pursuant to this Chapter, each Grantee shall establish a permanent security fund with the City by depositing the amount of \$50,000, or such higher amount as deemed necessary by the Public Works Director, with the City in cash, bond or an unconditional letter of credit, based upon both operating history in public ways, other ways and City property and the cost of removal of the Grantee's facilities; which fund shall be maintained at the sole expense of the Grantee so long as any of the Grantee's Telecommunications facilities are located within the public ways, other ways or upon City property.

B. The fund shall serve as security for the full and complete performance of this Chapter and the Master Permit including any costs, expenses, damages, or loss the City pays or incurs, including civil penalties, because of any failure

attributable to the Grantee to comply with the codes, ordinances, rules, regulations, or permits of the City applicable to the construction, maintenance, repair or removal of Telecommunications facilities in the public ways, other ways or upon City property.

The City and the Grantee shall agree upon and specify in the Master Permit certain amounts which represent both parties' best estimate of the damages for failure to comply with the Master Permit or the Small Cell Permit or Right-of-Way Use Permit issued thereunder. The liquidated damages provided in the Master Permit shall be the exclusive monetary remedy for the named breaches. Neither the right to liquidated damages nor the payment of liquidated damages shall bar or otherwise limit the right of the City in a proper case to:

1. Obtain judicial enforcement of a Grantee's obligations by means of specific performance, injunctive relief, mandamus or other remedies at law or in equity;

2. Consider any substantial violation or breach as grounds for forfeiture and termination of a Master Permit or Right-of-Way Use Permit or Small Cell Permit issued thereunder; and

3. Consider any violation or breach as grounds for nonrenewal or nonextension of a Master Permit or issuance of a new Master Permit.

C. Before any sums are withdrawn from the security fund, the City shall give written notice to the Grantee:

1. Describing the act, default or failure to be remedied, or the damages, costs or expenses which the City has incurred by reason of Grantee's act or default regarding the installation, maintenance, repair or removal of Telecommunications facilities in the public ways, other ways or upon City property or in connection with restoration of the foregoing;

2. Providing a reasonable opportunity for Grantee to first remedy the existing or ongoing default or failure regarding the installation, maintenance, repair or removal of Telecommunications facilities in the public ways, other ways, or upon City property or in connection with the restoration of the foregoing, if applicable;

3. Providing a reasonable opportunity for Grantee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable; and

4. That the Grantee will be given an opportunity to review the act, default or failure described in the notice with the City [~~OR HIS OR HER DESIGNEE~~].

D. Grantees shall replenish the security fund within 14 days after written notice from the City that there is a deficiency in the amount of the fund.

E. Upon termination or expiration of the Master Permit all funds remaining in the Security Fund shall be returned to the Grantee within 30 days after removal of Grantee's Telecommunications facilities within the public ways, unless such Telecommunications facilities are permitted to remain pursuant to Section 12.14.590.

Section 16. Amendment of Section. RMC 12.14.880, Compliance with Right-of-Way Use Permit or Small Cell Permit, is hereby amended to read as follows:

12.14.880 Compliance with Right-of-Way Use Permit or Small Cell Permit.

All construction practices and activities shall be in accordance with the Right-of-Way Use Permit or Small Cell Permit and approved final plans and specifications for the Telecommunications facilities. The Public Works Director [~~AND HIS OR HER REPRESENTATIVES~~] shall be provided access to the work and such further information regarding

construction activities in the public ways, other ways and City property as he or she may require to ensure compliance with such requirements.

Section 17. Amendment of Section. RMC 12.14.1010, Small Cell Permit Application Completeness Review, is hereby amended to read as follows:

12.14.1010 Small Cell Permit application completeness review.

The Director [~~OR HIS/HER DESIGNEE~~] shall review an application for completeness and notify the Applicant consistent with requirements of federal and state law. An Applicant may resubmit an incomplete application within sixty (60) days of notice by the Director. Failure to resubmit an application within the sixty (60) day period shall be deemed a withdrawal of that application. No application shall be deemed complete without the appropriate fees or deposit set by the Director.

Section 18. Adoption of Chapter. RMC 12.18, Electricity and Gas, is hereby adopted to read as follows:

Sections:

12.18.010 Purpose.

12.18.020 Definitions.

12.18.030 Franchise agreement required.

12.18.040 Nonexclusive franchises.

12.18.050 Duration.

12.18.060 Application.

12.18.070 Consideration of application

12.18.080 Grant of franchise subject to referendum.

12.18.010 Purpose.

The purpose and intent of this Chapter is, consistent with applicable laws, to:

A. Establish a local policy concerning the use of public ways of the City for the purpose of constructing, operating, and maintaining electric and gas facilities;

B. Permit and manage reasonable access to the public ways of the City for electric and gas facilities on a competitively neutral basis; and

C. Establish basic guidelines for individual franchise agreements between the City and franchisees.

12.18.020 Definitions.

"Applicant" means the person or entity that applies for a franchise under this Chapter.

"City" means the City of Redmond, a municipal corporation of the State of Washington.

"Electric and/or gas facilities" means a system constructed and operated within the City's public ways, and shall include all structures, poles, towers, cables, wires, pipes, valves, conduits, ducts, pedestals, and any associated converter, equipment or any other infrastructure within the City's public ways, designed and constructed for the

transmission and distribution of electrical energy, or of gas or liquid fuels.

"Franchise" means the right granted by the City to a person or entity to construct, operate, maintain or reconstruct electric and/or gas facilities as described by an associated franchise agreement in City public ways.

"Franchise agreement" means an agreement adopted by ordinance that grants a person or entity the right to a franchise. Upon the written acceptance by a franchisee, the franchise agreement constitutes a contract between the City and the franchisee which may contain terms and requirements not contained herein. To the extent that this Chapter conflicts with the specific terms of a franchise agreement, the terms of the franchise agreement shall govern.

"Public ways" means and includes any highway, street, alley, utility easement (unless their use is otherwise restricted for other users), or other public right-of-way for motor vehicle or other use under the jurisdiction and control of the City which has been acquired, established, dedicated or devoted to highway or other purposes now or hereafter held by the City.

12.18.030 Franchise agreement required.

A. It is unlawful to engage in or commence construction, operation, or maintenance of electric and/or gas facilities, machinery or equipment in City public ways without a franchise issued under this Chapter. The City Council may, by ordinance, issue a nonexclusive franchise to construct, operate and maintain electric and/or gas facilities and related infrastructure within all or any portion of the City public ways to any person or entity, whether operating under an existing franchise or not, who applies for authority to do so in compliance with the terms and conditions of this Chapter; and provided, that such person or entity also agrees to enter into a franchise agreement with the City and comply with all of its terms.

B. The City Council may restrict the number of franchisees, should it determine such a restriction would be in the public interest or for any other valid reason, if such restriction is otherwise allowed by applicable laws.

C. The franchise required under this chapter is separate from and in addition to the general City business license, which may also be required when applicable.

12.18.040 Nonexclusive franchises.

A. Any franchise granted pursuant to this Chapter shall be nonexclusive and not preclude the City from granting other or future franchises or permits.

B. All franchisees shall at all times comply with all applicable state, federal and local laws, regulations and rules regarding the systems identified and described within the franchise agreement.

12.18.050 Duration.

A. The term of any franchise, and all rights, privileges, obligations and restrictions pertaining thereto, shall be specified in the franchise agreement but shall generally not exceed a maximum of ten (10) years for the initial franchise and up to two (2) additional five-year extensions thereafter. The effective date of any franchise shall be as specified in the franchise agreement.

B. If the parties fail to formally renew or terminate the franchise prior to the expiration of its term or any extension, the franchise shall be automatically extended for up to one year until the franchise is renewed, terminated, or extended.

C. Should the franchisee not initiate negotiations for franchise renewal within one year of expiration of the franchise agreement, or if the City Council should determine

that the franchisee is not pursuing negotiations in good faith within one year of expiration, the City Council shall have grounds to revoke the franchise agreement.

12.18.060 Application.

A. An Applicant for a franchise pursuant to this Chapter shall file an application with the City which shall include the designated application fee. As permitted by RCW 35.21.860, an application fee in the amount specified in the Unified Fee Code shall accompany the application to cover costs associated with processing the application, including, without limitation, costs of administrative review, financial, legal and technical evaluation of the applicant, the costs of consultants, notice and publication requirements, and document preparation expenses.

B. The Applicant's application shall include the following:

1. The identity of the Applicant;
2. A statement as to the proposed franchise and information relating to the characteristics and location of the proposed facilities;
3. A resume of prior history of the Applicant, including the expertise of the Applicant in the field for which the franchise is proposed;

4. A preliminary construction schedule and completion date;

5. Information demonstrating the Applicant's legal, technical and financial ability to construct and operate the proposed infrastructure associated with the franchise;

6. An application fee which shall be set by the City Council by resolution to recover City costs in accordance with applicable federal and state law; and

7. Any other reasonable information that the City may request.

12.18.070 Consideration of application

A. Upon receipt of a complete application for a franchise pursuant to this Chapter and after obtaining any additional information the City deems appropriate, the Public Works Director shall process the application. The Public Works Director shall consider:

1. The nature of the proposed facilities.

2. Whether the public will benefit from granting a franchise to the Applicant; and

3. Whether the Applicant appears to have adequate legal, financial and technical qualifications and

capabilities to build, operate and maintain a franchise and its related infrastructure in the City.

B. The Public Works Director shall recommend to the City Council that it approve or deny the application. If the City Council approves the application, it shall, by ordinance, approve a franchise setting for the particular terms and conditions for use of the City's public ways which are necessary to protect the public health, welfare, and safety in accordance with applicable law. If the application is denied, a written determination by the City Council shall be included, setting forth the reason(s) for the denial.

12.18.080 Grant of franchise subject to referendum.

Any franchise granted pursuant to this Chapter for the conduct or distribution of electric energy, electric power, or electric light within the City shall be subject to popular referendum under the general laws of this state heretofore or hereafter enacted and as is provided by the City: PROVIDED, That no petition for referendum may be filed after six months from the date of the ordinance granting such franchise.

Section 19. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 20. Effective date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this _____ day of _____, 20XX.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

REBECCA MUELLER, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.