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Title 36 ROADS AND BRIDGES

Chapter 36.50 FERRY RULES AND REGULATIONS

36.50.010 RULES ADOPTION AND ENFORCEMENT.

- A. The County Engineer and/or Public Works Director shall issue and enforce general and special rules of conduct for the employees of and operation of the County Ferry, a copy of which rules shall at all times be readily available for review in the pilot house of the ferry and on file with the Department of Public Works.
- B. In addition to the rules and regulations hereinafter set forth, the County Engineer shall promulgate and enforce such other and further rules and regulations for the maintenance, operation and conduct of ferry employees, as shall be deemed necessary, and shall be readily available for review in the pilot house of the ferry and on file with the Department of Public Works. Any such further rule or regulation issued by the County Engineer and/or Public Works Director shall be considered valid within the scope of this chapter and order, unless invalidated by action of the Board of County Commissioners or by withdrawal of the issued rule or regulation.
- C. This chapter and order are necessary for the protection of the public health, safety and welfare.
- D. The rules and regulations previously in force for the ferry, together with additional rules and regulations which are effective upon adoption of subsequent promulgation and issuance consistent with this chapter, are set out in the sections of this chapter.

(Res. 86-04 §§ 1—3)

36.50.020 FLAG DISPLAY.

The flag of the United States of America shall be flown during daylight hours during operation of the ferry, weather permitting.

(Res. 86-04 § 4 (part))

36.50.030 COAST GUARD REGULATIONS COMPLIANCE.

The Captain and crew shall abide by all United States Coast Guard regulations in effect and applicable to the ferry.

(Res. 86-04 § 4 (part))

36.50.040 AUTHORIZED PERSONNEL IN PILOT HOUSE.

No unauthorized personnel shall be allowed in the pilot house during ferry operations. Authorized personnel shall include the Captain and deckhands on duty; the County Commissioners, the County Engineer and/or Public Works Director and such guests of the Commissioners or County Engineer as may be part of an official visit on inspection; and the mechanic or marine architect, law enforcement personnel, and U.S. Coast Guard personnel. Anyone other than the deck hand on duty shall request permission of the Captain to enter the pilot house.

(Res. 86-04 § 4 (part))

36.50.050 INTOXICATION PROHIBITED—TESTING.

All ferry employees shall abide by United States Department of Transportation and United States Coast Guard rules and regulations pertaining to alcohol and controlled substances, including full and complete cooperation with testing requirements. Failure to cooperate with testing requirements shall be grounds for dismissal.

(Res. 86-04 § 4 (part))

36.50.060 FERRY RADIO.

The ferry radio shall continuously monitor marine Channel 16, and the County radio frequency, and shall be in operation at all times during the operation of the ferry.

(Res. 86-04 § 4 (part))

36.50.070 ACCIDENTS TO BE REPORTED.

- A. Accidents involving damage to persons or property not owned by the County shall be reported immediately. Photographic evidence and written statements shall be obtained. A report of the accident shall be made to the Sheriff's office and to the Public Works Director/County Engineer. In the event the Public Works Director/County Engineer is unavailable, the County Commissioner of District No. 1 shall be notified. Reportable incidents under United States Coast Guard regulations shall be reported to the Coast Guard immediately, once imminent safety matters have been addressed.
- B. Accidents of a less serious nature and involving damage limited to County-owned property shall be reported by the Captain to the Public Works office within seventy-two hours.

(Res. 86-04 § 4 (part))

36.50.080 MAINTENANCE REQUIREMENTS.

The ferry crew shall perform routine cleaning and maintenance of the vessel during regular duty. The ferry shall be neat and clean at all times. This shall include cleaning of the engine room and restroom facilities. A log of this cleaning and maintenance shall be kept and a copy shall be submitted to the Public Works Director/County Engineer on a monthly basis.

(Res. 86-04 § 4 (part))

36.50.090 PERFORMANCE DEFICIENCIES TO BE REPORTED.

Any deficiencies in performance of crew personnel or ferry operating equipment shall be reported to the Public Works Director/County Engineer in a timely manner.

(Res. 86-04 § 4 (part))

36.50.100 COURTESY TO CUSTOMERS REQUIRED.

All ferry crew members shall exhibit a helpful, customer service oriented approach toward passengers of the ferry. They shall be appropriately attired when appearing for duty and shall present a positive image in communications as representatives of Wahkiakum County government.

(Res. 86-04 § 4 (part))

36.50.110 BOARDING OF VEHICLES ONTO FERRY.

- A. Ferry crew members shall not enter any private vehicles on board the ferry.
- B. All members of the crew on duty shall be present prior to the scheduled departure time of the vessel. Directing the orderly boarding of vehicles onto the deck of the ferry is one of the primary duties to be performed by the deckhand. One crew member at a time may leave the vessel for two breaks per shift and one lunch break per shift.

(Res. 86-04 § 4 (part))

36.50.120 VACATION OR LEAVE SCHEDULING.

Use of annual or vacation leave may be denied if less than three weeks notice was provided.

(Res. 86-04 § 4 (part))

36.50.130 SCHEDULE REQUIREMENTS.

Ferry runs shall be made in accordance with the posted schedule. Early departure can be made with full vessel. The schedule will then be kept on opposite side. Any additional runs to accommodate higher traffic volume shall not interfere with the schedule of regular runs.

(Res. 86-04 § 4 (part))

36.50.140 CHAIN AT LANDING.

A gate or chain shall be placed across the ferry landing at such times that the ferry is absent from the landing or when the Captain and deck hand are away from the vessel.

(Res. 86-04 § 4 (part))

36.50.150 FUEL PUMPING RESTRICTIONS.

Proper procedures shall be followed for vessel fueling. A ferry crew member shall verify the availability of spill containment materials before fueling commences, and this shall be noted in the log. No private passenger vehicles or members of the public shall be on the ferry during fueling.

(Res. 86-04 § 4 (part))

36.50.160 BILGES TO BE CHECKED.

All bilges are to be checked during every shift and the check shall be noted in the log.

(Res. 86-04 (part))

36.50.170 EXEMPTIONS FROM FERRY TOLLS.

Ferry tolls shall not be charged to the following: Elected Officials, County Employees and their guests when on official business.

(Res. 86-04 § 4 (part))

36.50.180 ENFORCEMENT RESPONSIBILITIES.

The Captain on duty shall be primarily responsible for adherence to these rules and regulations; however, all ferry employees shall read and follow them and any such additional rules and regulations as are promulgated in accordance with this resolution. The Captain shall operate the vessel in a manner that is consistent with high standards of safety and bearing in mind the need to protect and preserve the value of Wahkiakum County property and Clatsop County property.

(Res. 86-04 § 4 (part))

36.50.190 SAFETY DRILLS.

Man overboard drills and fire drills shall be conducted monthly by each regular Captain of the ferry. The drills shall be noted in the log and a copy of the log shall be provided to the Public Works Director/County Engineer.

(Res. 86-04 § 4 (part))

36.50.200 SAFETY INSPECTION OF VESSEL AND EQUIPMENT.

In addition to daily observance of the condition of the vessel and necessary safety equipment, each Captain shall independently complete a weekly inventory and inspection of: lifesaving equipment, first aid equipment, horn, lights, navigation aids, radio, engines, fire extinguishers, emergency rudder, security of hatches and compartments, ferry ramp condition, and other components. The weekly inventory results shall be submitted to the Public Works Director/County Engineer within seventy-two hours of the review. Any deficiencies in safety related equipment are to be reported immediately upon discovery.

(Res. 86-04 § 4 (part))

36.50.210 SAFETY APPAREL AND DEVICES FOR CREW MEMBERS.

- A. Crew members are to wear American National Standards Institute (ANSI) approved vest or coat during loading or unloading of vehicles if they are on the deck of the vessel.
- B. Crew members are to have approved personal flotation devices for crew use any time they are on duty. They are to be worn when so required by any applicable federal, state, or local rule, regulation, or policy.
- C. Crew members are to wear identification badges or caps when issued.

(Res. 86-04 § 4 (part))

Chapter 36.54 FERRY RATES

36.54.010 RATES.

Effective February 1, 2018, the rates charged as fares for travel on the Puget Island Ferry shall be as follows:

Single Trip Rates	Current Fees	New Fees
Passenger cars	\$5.00	\$6.00
Passenger in vehicles	Free	Free
Foot passengers	1.00	2.00
Bicycles	2.00	3.00
Motorcycles	3.00	4.00

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Motorcycle with sidecar	4.00	5.00
22' to under 30'	20.00	12.00
30' to under 40'	28.00	18.00
40' to under 50'	N/A	36.00
50' to under 55'	N/A	40.00
55' to under 60'	N/A	44.00
60' to under 70'	N/A	52.00
70' to under 75'	N/A	60.00
Foot passengers: Frequent traveler ticket (22 trips)	N/A	26.00
Bicycles: Frequent traveler ticket (22 trips)	N/A	39.00
Motorcycles: Frequent traveler ticket (22 trips)	N/A	52.00
Frequent traveler ticket (44 trips)	125.00	144.00
Frequent traveler ticket (22 trips)	64.00	78.00

(Res. 127-97 § 1; Res. 3-98 § 1; Res. 9-85 § 1)

(Res. No. 156-09, § 1, 11-10-09; Res. No. 161-10, § 1, 12-7-10; Res. No. 08-18, §§ 1, 3, 1-9-18; Res. No. 58-19, § 1, 4-23-19)

36.54.030 FEES PAYABLE IN ADVANCE.

All fees shall be payable in advance, and all tickets or books of tickets shall reflect that all prices, fees or charges are subject to change.

(Res. 9-85 § 3)

Chapter 36.70 COMPREHENSIVE PLAN

36.70.010 ADOPTION.

- A. The final draft of the Comprehensive Plan submitted by the Wahkiakum County Planning Commission dated December, 1982, is adopted as the Comprehensive Plan of Wahkiakum County pursuant to Chapter 36.70 RCW.
- B. The Auditor shall maintain a master copy of said Comprehensive Plan so that copies may be provided the public for the cost of duplication of the same.

(Res. 19-84)

Chapter 36.74 ADDRESSING SYSTEM

36.74.010 SCOPE OF CHAPTER.

This Chapter shall be effective in the unincorporated area of Wahkiakum County, Washington, and shall govern the posting or exhibiting of addresses upon all public highways and roads therein, together with all private

roads upon which a majority of the residential and commercial landowners have petitioned for numbering as hereinafter provided.

(Ord. 98-1980 § 1)

36.74.020 BASIS FOR AND INTENT OF SYSTEM.

The address system is designed to provide addresses for locating residences outside the city limits of Cathlamet and is intended to be coordinated with a proposed address system for the Town of Cathlamet, together comprising a uniform county-wide plan to aid emergency services, law enforcement, delivery services and people unfamiliar with the area in locating specific residences or businesses. State and County roads in Wahkiakum County primarily meander hills and water ways for which, the system incorporates a numbering process that indicates the location of each residence as a distance in hundredths of miles from a road origin. Locations in platted areas are numbered in a typical city block or grid pattern. Provision is made for an increase in population density. Persons residing on private roads are encouraged to become part of the system.

(Ord. 98-1980 § 2)

36.74.030 DESIGNATION OF ROAD NAMES.

Roads shall be designated by name based upon the names assigned to such roads by the State Department of Transportation or its successor and by the Board of County Commissioners based on resolutions and ordinances adopted by the Board of County Commissioners.

(Ord. 98-1980 § 3)

36.74.040 DESIGNATION OF ROAD AND NUMBERING ORIGINS.

The Ocean Beach Highway State Sign Route No. Four (SR4), runs through Wahkiakum County, extending into Cowlitz County to the east and Pacific County to the west. The origin for numbering purposes of this primary road for purposes of this Chapter, shall be the intersection thereof with Main Street-Greenwood Road in the Town of Cathlamet. Determinations of which end of other roads to be designated as such other road's meandering origin shall be based upon the following guidelines, to-wit:

- A. State highways shall have a higher degree of designation over county roads, and county roads shall have a higher degree of designation over private roads.
- B. All road numbering shall originate from the highest category of designation as set-forth in subsection (A) of this section, e.g., if a county road intersects at one end with a State highway seated within Wahkiakum County, and at the other end with a County road, the origin of the numbering shall be at the intersection of such County road with such State highway along the length of such County road.
- C. The origin of the numbering of any road running between two roads of equal significance shall be based upon the direction and origin of the other roads in the area.
- D. The number origin of a road that intersects at both ends with the same road, forming a loop, is the intersection closest to the origin of the road intersected.
- E. Columbia Street originates in the Town of Cathlamet at its intersection with Main Street.
- F. State Highway 409 (SR409) originates at Ocean Beach Highway, its first mile is located in the Town of Cathlamet which has designated its name as Main Street becoming Front Street within the corporate limits and extending across the Puget Island Bridge. Therefore, the origin of numbering on said highway

shall commence at the Puget Island terminus of said Bridge, taking into consideration the distance of the bridge and within the Town of Cathlamet.

(Ord. 98-1980 § 4)

36.74.050 BASIS FOR ASSIGNING HIGHWAY, ROAD AND STREET NUMBERS.

Address numbers shall be based upon milepoints along each road beginning at its origin, a milepoint existing every .01 mile or 52.8 feet. Two addresses shall be assigned to the space between each milepoint, one for the left and one for the right side of the road, thus assigning two hundred potential addresses per mile. Traveling from origin of each road, all even-numbered addresses on such road shall be assigned to the right-hand side of such road and all odd-numbered addresses shall be assigned to the left-hand side of such road.

(Ord. 98-1980 § 5)

36.74.060 ASSIGNMENT OF LOCATION NUMBERS—DESIGNATION.

The address for any given space between milepoints shall be determined by multiplying the next milepoint by two if the residence is on the right-hand side of the road and for residences on the left-hand side of the road, by multiplying the milepoint by two, then subtracting one number to create the odd number designation. House location shall determine the address unless it is more than one hundred feet from the road, in which case the intersection of the driveway with the road shall provide the basis for the number of designation.

(Ord. 98-1980 § 6)

36.74.070 STATE SIGN ROUTE 4—OCEAN BEACH HIGHWAY DEVIATION.

Ocean Beach Highway, State Sign Route Four (SR4) shall be allowed deviation from this numbering process to the extent that State Highway mileposts may be utilized. The first mileposts east and west of the highway originate at the Main Street-Greenwood Road intersection and shall be designated milepoints 100 east and west respectively and shall be assigned addresses of 200 East SR4 and 200 West SR4 respectively. Milepoints between these mileposts and the origin shall be numbered from origin to the mileposts. Numbers shall be assigned to the spaces between these milepoints in the same manner as are other roads under this Chapter.

(Ord. 98-1980 § 7)

36.74.080 MOBILE HOME PARKS.

The numbering of mobile home parks shall be based upon a designation of the address of the entrance thereto as are other addresses under this Chapter designated which address shall be the master address for all spaces within such mobile park. Each mobile home space shall be assigned a space number from the entrance to such mobile home park consecutively in sequence as otherwise provided in this Chapter, which space numbers shall be conspicuously displayed. The master designated address shall be conspicuously displayed in a visible manner at the entrance to such mobile home park.

(Ord. 98-1980 § 8)

36.74.090 ADMINISTRATION OF ADDRESSING SYSTEM.

Administration of this Chapter shall be under the jurisdiction of the County Road Department and the County Engineer, who shall be responsible for the assigning of numbers hereunder.

(Ord. 98-1980 § 9)

36.74.100 MAINTENANCE OF CARD FILE SYSTEM—RECORDS.

A permanent card file for indexing every current and potential address shall be made and maintained in the office of the County Road Department under the supervision of the County Engineer. File cards or their equivalent shall be used, each encompassing the addresses for each one-half mile of each highway or road. Listed on each card shall be the name of the highway or road, its point of origin and current residents names at the time of assignment of the address number, and the address number. This file shall be a public record open to the public inspection and shall be subject to the Public Disclosure Law and its prohibitions relative to sale of lists for commercial purposes.

(Ord. 98-1980 § 10)

36.74.110 PRIVATE ROADS—DEFINITIONS.

A private road is a roadway or easement, established as a matter of record or by implication, which is used by two or more residences or businesses, or combinations thereof, the branches of which connect at a single approach upon a public highway or county road. A private road is not a road the right-of-way of which has been conveyed and accepted for public road or highway purposes by the appropriate authority nor developed and improved by the County by user.

(Ord. 98-1980 § 11)

36.74.120 PRIVATE ROAD NUMBERING PETITION.

Addresses for residences and businesses on private roads shall be assigned to aid law enforcement, emergency services and to assist persons in locating addresses only upon presentation of a petition therefor submitted to the Board of County Commissioners signed by a majority of the residential and business landowners to whom numbers may be assigned on such private road. The petition shall be in essentially the form hereinafter designated and attached thereto or included therein shall be a map or sketch showing the legal subdivision location of such private road, the approach thereof to the highway or road on which it abuts, the location of residences and businesses located thereon, and the proposed name to be designated such private road.

(Ord. 98-1980 § 12)

36.74.130 DISCLAIMER OF COUNTY LIABILITY—PRIVATE ROADS.

In assigning names and numbers to private roads, Wahkiakum County shall not be liable by reason thereof for the acceptance of such private road for any purpose, nor for maintenance or failure to meet accepted or recognized standards thereof. Such assignment of numbers shall not be construed as acceptance of such road for any purpose including but not limited to mail delivery, school bus service, or change of status of such private roadway. It shall be the responsibility of the addressees on private roads to provide law enforcement, fire and emergency medical services of such addresses.

(Ord. 98-1980 § 13)

36.74.140 PRIVATE ROAD NAME—ASSIGNMENT OF ADDRESS NUMBERS.

The designation by name of any private road shall not duplicate nor be confusing with the name of any public highway, road or street within the County. The County Engineer shall, upon order from the Board of County

Commissioners following approval of the private road petition, assign the name and numbers of such private road in the same manner as is in this chapter required for public highways, roads and streets.

(Ord. 98-1980 § 14)

36.74.150 PRIVATE ROAD—PETITION FORM.

A petition for the assignment of a name and address numbers for a private road shall be in essentially the following form, to-wit:

Petition to Assign Private Road Name
Address Numbers

The undersigned residence and business location owners hereby petition the Board of Wahkiakum County Commissioners to assign a name and address numbers on a private road located as set-forth in the attached sketch located in Section___, Township___Range___ WWM, in Wahkiakum County, Washington, the proposed name of which shall be_____, a private road. We understand and accept the County's requirements therefore, including but not limited to:

1. Such name and number shall not constitute an official address and the United States Postal Service shall not be required to deliver mail to a private road address.
2. School bus service and all other services associated with county roads shall not be available on the private road.
3. The assignment of a private road name and address numbers shall not constitute acceptance by the County of such road as a part of the county road system.
4. Wahkiakum County shall have no responsibility to build, improve, maintain or otherwise service such private road.
5. It shall be the responsibility of the private road addressees to inform local law enforcement, fire and emergency medical care services of the accomplishment of addressing and to provide those agencies with adequate maps of the same.
6. It shall be the responsibility of the private road addressees to erect and maintain at the approach of said private road from a public highway, road or street, a road name sign and a stop sign, which shall include the name of the road designated by the County followed by the words "private road" in such size, shape, type, location and manner as designated by the County Engineer.

Name:Current Mailing Address:

- 1.
- 2.
- 3.
- 4.

(Ord. 98-1980 § 15)

36.74.160 PRIVATE ROAD SIGNING.

It shall be the responsibility of the addressees of a private road to erect and maintain at the approach of said private road from a public highway, road or street, a road name sign and stop sign, which shall include the name of

the road designated by the County followed by the words "private road" in such size, shape, type, location and manner as designated by the County Engineer.

(Ord. 98-1980 § 16)

36.74.170 ENFORCEMENT—PENALTIES.

Violation of this Chapter after assigning of address numbers shall be a civil offense, punishable by a fine of not to exceed two hundred fifty dollars plus court costs, reasonable attorneys fees and other costs incurred by the County as may be set by the court, in addition to injunctive relief in either a mandatory or prohibitive manner.

(Ord. 98-1980 § 17)

Chapter 36.75 FRANCHISES

36.75.010 GENERAL PROVISIONS AND INTENT.

- A. It is unlawful for any person or private or municipal corporation to use the right-of-way of any County road or County bridge within unincorporated Wahkiakum County for the construction or maintenance of waterworks, pipelines, gas pipes, telephone, telegraph, electric light and cable television lines, sewers, or any other such facilities or appliances, without first having been granted a franchise by the Board of County Commissioners in accord with the terms, conditions, and procedures set forth in this chapter. Any person violating this subsection shall be subject to the general penalty set forth in RCW 36.75.290.
- B. Franchises shall be granted by resolution of the Board of County Commissioners of Wahkiakum County, Washington, and shall be subject to the provisions of this chapter.
- C. The terms and conditions set forth in this chapter shall be subject to the Constitution and statutes of the state of Washington and shall apply and shall be deemed to be terms and conditions of any franchises to use the roads, streets, avenues, highways, alleys, rights-of-way or other County properties of Wahkiakum County hereafter granted by the County to any person or municipal or private corporation engaged in the public service or utility business, unless and except to the extent that the resolution granting such franchise expressly provides terms or conditions contrary to those herein contained.
- D. It is the intent of this chapter to protect the public interest and investment of the citizens of Wahkiakum County in roads, streets, avenues, highways, alleys, rights-of-way and other County properties. It is further the intent of this chapter that any franchise grantee shall construct, operate and maintain facilities or systems in full compliance with all laws, rules, regulations, standards of performance and levels of service applicable to the industry.
- E. All work done under any franchise shall be done in a thorough and workmanlike manner. In the laying of underground pipelines and cables, the construction of other facilities, the opening of trenches, and the tunneling under County roads, rights-of-way or other County properties, the grantee shall leave such trenches, ditches and tunnels in such a way as to interfere as little as possible with public travel, and shall take all due and necessary precautions to guard the same so that damage or injury shall not occur or arise by reason of such work. Where any of such trenches, ditches or tunnels are left open at night, the grantee shall place adequate warning of and/or barriers around such work. The grantee shall be liable for any injury to a person or persons or damage to property sustained through its carelessness or neglect, or through any failure or neglect to properly guard or give warning of any trenches, ditches or tunnels dug or maintained by the grantees.

(Ord. 125-97 § 1)

36.75.020 DEFINITIONS.

The following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

"Appurtenance" means the equipment and/or accessories which are a necessary part of an operating utility system or subsystem.

"Backfill" means the replacement of excavated material with suitable material compacted as specified.

"Board" means the Board of Wahkiakum County Commissioners.

"Boring" means the grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.

"Carrier" means the pipe directly enclosing a transmitted fluid or gas.

"Casing" means a larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.

"Coating" means the protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.

"Company" or "utility company" means any person, sole proprietorship, firm, partnership, association, joint venture, corporation, municipal corporation or other entity which owns or provides any utility service of any kind whatsoever, including but not limited to, gas companies, electrical companies, telecommunications companies, cable television companies, water companies, public utility districts, cities, and towns.

"Conduit" means an enclosed tubular runway for protecting wires or cables.

"County" means the unincorporated area of the county of Wahkiakum, Washington.

"Cover" means the depth to the top of a pipe, conduit, casing or gallery below the grade of a road or ditch.

"Drain" means the appurtenances to discharge accumulated liquids from casings or other enclosures.

"Encasement" means the structural elements surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.

"Franchise" means the occupancy and use document granted by the County required for occupancy of road rights-of-way in accordance with Chapter 36.55 RCW and Chapter 80.32 RCW.

"Franchise area" means the geographic area within which utility or cable television services are authorized or required to be provided pursuant to a franchise issued by the County.

"Gallery" means the underpass for two or more utility lines.

"Manhole" means an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning, and testing.

"Pavement" means the combination of subbase, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.

"Permit" means a document issued under the authority of (1) the County Public Works Director and/or (2) a franchise granted by the County's legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right-of-way.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company or any branch of state or local government.

"Pipe" means a structural tubular product designed, tested, and produced for the transmittance of specific liquids and gases under specific conditions.

"Plowing" means the direct burial of utility lines by means of a "plow" type mechanism which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

"Pressure" means the internal gage pressure in a pipe in pounds per square inch, gage (psig).

"Private lines" means the privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

"Relocation" means the planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.

"Replacement" means the installation of a like element of a utility system or subsystem in the same or near-same physical location normally due to damage, wear or obsolescence of the element.

"Restoration" means all work necessary to replace, repair or otherwise restore the right-of-way and all features contained within the right-of-way to the same or equal condition as before any change or construction thereto.

"Right-of-way" is a general term denoting public land, property, or interest therein, usually in a strip, acquired for or devoted to transportation or secondary purposes.

"Road" (or "roadway" or "County road") is a general term denoting a street, road or other public way, including shoulders, designated for the purpose of vehicular traffic.

"Sleeve" means the short casing through a pier, wall or abutment of a highway structure.

"Street" means the surface of and the space above and below any public street, road, highway, freeway, lane, path, public way or place, sidewalk, alleycourt, boulevard, parkway, drive or easement now or hereafter held by the County, the state of Washington, or other governmental entity for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by any of the entities cited above.

"Traffic control" means those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right-of-way.

"Trenched" means the installation of a utility in an open excavation.

"Untrenched" means the installation of a utility without breaking the ground or pavement surface such as by jacketing or boring.

"Vent" means the appurtenance to discharge gaseous contaminants from casings or other enclosures.

(Ord. 125-97 § 2)

36.75.030 RIGHTS TERMINATED WHEN.

- A. Whenever any of the streets, avenues, alleys, roads, highways, rights-of-way or public places designated in such franchise shall be eliminated from County jurisdiction by reason of the incorporation or annexation to a city or town, then all the rights, privileges and franchises so granted shall terminate in respect to said streets, avenues, alleys, roads, highways, rights-of-way and public places so eliminated, but otherwise the franchises shall continue in full force and effect in respect to all streets, avenues, alleys, roads, highways, rights-of-way and public places not so eliminated by such reduction or disincorporation.

- B. If at any time the county of Wahkiakum shall vacate any County street, avenue, alley, road, highway, right-of-way or other County property which is subject to rights granted by said franchise and said vacation shall be for the purpose of acquiring the fee or other property interest in said road, right-of-way or other County property for the use of Wahkiakum County, in either its proprietary or governmental capacity, then the Board of County Commissioners for Wahkiakum County may at its option, by giving ninety days' written notice to the grantee and after granting an alternate route, terminate the franchise with reference to such County road, right-of-way or other County property so vacated, and the County of Wahkiakum shall not be liable for any damages or losses to the grantee by reason of such termination. Wherever possible, the County agrees to protect the grantee's interest by retaining easement rights pursuant to RCW 36.87.140.

(Ord. 125-97 § 3)

36.75.040 COUNTY RIGHT TO ACQUIRE PROPERTY OF GRANTEE.

The granting of such franchise shall not preclude Wahkiakum County from acquiring by purchase or condemnation any or all of the mains, laterals, pipes, poles, cables or other improvements installed by the grantee within the County streets, avenues, alleys, roads, highways, rights-of-way or public places within Wahkiakum County. The County's power of eminent domain with respect to municipal corporations is subject to the provisions of Chapter 8.08 RCW as construed by the appellate courts of the State of Washington.

(Ord. 125-97 § 4)

36.75.050 GRANTEE—RIGHTS DESCRIBED.

The franchise grantee shall have the right and authority, to the extent expressed in the resolution of the Board of County Commissioners granting such franchise, or in any supplemental document, to enter upon the streets, avenues, alleys, roads, highways, rights-of-way and public places designated by such franchise for the purpose of construction work, extension of existing systems, connection of such systems with consumers' pipelines, cables, lines or equipment, repairing of equipment, and in all fashions maintaining and operating the improvements installed within such County property. This chapter does not preclude the franchise grantee from exercising the right to make rules and regulations governing said improvements in conformity with state and federal statutes and regulations now in force or hereafter enacted and adopted by state and/or federal agencies governing such utilities.

(Ord. 125-97 § 5)

36.75.060 GRANTEE—INSTALLATION STANDARDS—INSPECTION REQUIRED WHEN.

The franchise grantee shall install the pipes, poles, lines, cables or other authorized improvements in the designated streets, avenues, alleys, roads, highways, rights-of-way or other public places pursuant to plans and specifications approved by the County Public Works Director. Whenever the grantee's inspection services are determined by the County to be inadequate, installation shall be subject to inspection by an inspector provided by the County at the expense of such grantee. The Public Works Director shall give the franchise grantee five days prior written notice of the County's intent to provide inspection services. The County's right to inspect does not include the right to direct the crews or contractors of the grantee. PROVIDED, HOWEVER, a County inspector may issue a temporary stop work order in the event that the work is being conducted contrary to the terms of a franchise or construction permit.

(Ord. 125-97 § 6)

36.75.070 SPECIFIC REQUIREMENTS RELATING TO UNDERGROUND UTILITIES.

- A. All underground utilities located within the County right-of-way shall be located and aligned according to the following standards:
1. For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.
 2. Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.
 3. Longitudinal installations should run parallel to the roadway and lie as near to the right-of-way line as practicable. Installations which cannot be so installed shall be allowed within the right-of-way, provided that:
 - a. The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety, or operation of the road facility; and
 - b. Failure to allow such installation will create an undue hardship or financial burden upon the utility.
 4. Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.
- B. The grade of and resulting cover for an underground utility shall be in compliance with applicable federal, state and County requirements unless otherwise specified in the permit issued by the County of Wahkiakum pursuant to Section 36.75.120 of this chapter.
- C. All underground utilities located within the County right-of-way shall comply with the following standards relating to encasement:
1. Casings shall be installed for roadway crossings where required by appropriate industry code.
 2. Casings may be required for the following conditions:
 - a. As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction.
 - b. As protection for carrier lines from external loads or shock either during or after construction of a road.
 - c. For jacketed or bored installations or coated carrier lines unless assurance is provided to the County that there will be no damage to the protective coating.
 3. Where practicable, within the road right-of-way casing pipes shall extend beyond the toe of fill slopes, the back of roadway ditches, or the outside of curbs.
 4. Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.
 5. Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.
- D. All underground utilities located within the County right-of-way which do not require encasement under the provisions of this chapter shall comply with the following standards:

1. The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and to governmental codes and specifications.
 2. The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from minimum internal to zero pressure.
- E. All underground utilities located within the County right-of-way shall comply with the following standards relating to appurtenances and marking:
1. Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably, standpipes should stand by a fence or on the right-of-way line.
 2. Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains for carriers of hazardous materials shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains from which only water or other nonhazardous liquids can discharge may be directed into the roadway ditch or natural water course at locations approved by the County. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless authorized by the County.
 3. Location markers and emergency information should be used when required by applicable state and federal standards.
 4. Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion. Where practicable, installations in the pavement or shoulders should be avoided.
- F. All underground utilities located within the County right-of-way shall be installed in accordance with the following standards:
1. The following provisions relate to trenched construction and backfill:
 - a. Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.
 - b. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus two feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.
 - c. The pipe or carrier shall be installed and the trench backfilled so as to assure no deformation of the pipe likely to cause leakage, and so as to assure restoration of the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the County.
 - d. When trenching is approved on paved roads, the pavement shall be restored as required by the County.
 2. When directed by the County entrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete, and for roads paved with bituminous surface treatment.
 - a. If sufficient right-of-way exists, the length of entrenched construction shall extend a minimum of four feet from edge of pavement, except that a lesser standard may be permitted by the County Public Works Director where conditions warrant.

- b. Overbreaks, unused holes, or abandoned casing shall be backfilled as directed by the County Public Works Director.
 - c. Water boring under roadways shall not be permitted.
 - d. Existing carriers and conduit installed under a roadway shall be physically located prior to pipeline installation.
3. Plowing of communication and electrical lines on or adjacent to existing roads by means of a vibratory plow may be allowed by the County, provided that the structural integrity of the roadway is not impaired.

(Ord. 125-97 § 7)

36.75.080 SPECIFIC REQUIREMENTS RELATING TO OVERHEAD UTILITIES.

The installation of overhead power and communication lines shall be in accordance with the following standards:

- A. Single-pole construction and joint use of the pole is desirable and should be used whenever feasible.
- B. The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and Washington State Department of Labor and Industries Electrical Construction Code.
- C. Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

(Ord. 125-97 § 8)

36.75.090 SPECIFIC REQUIREMENTS RELATING TO AESTHETIC AND SCENIC CONSIDERATIONS.

All work within the County right-of-way shall be in accordance with the following standards relating to aesthetic and scenic considerations:

- A. Utility installations shall be designed and constructed to minimize the adverse affect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impact on areas of scenic beauty (i.e., scenic strips, viewpoints, rest areas, recreation areas, public parks or historic sites, etc.).
- B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.
- C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the County at least annually. The County may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.
- D. Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once work is completed.

(Ord. 125-97 § 9)

36.75.100 SPECIFIC REQUIREMENTS RELATING TO INSTALLATIONS ON ROADWAY BRIDGES AND STRUCTURES.

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance and appearance. The attachment shall be in accordance with the following standards:

- A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.
- B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.
- C. Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practicable.
- D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.
- E. Utility mountings shall be of a type which shall not create noise resulting from vibration.
- F. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.
- G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.
- H. Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from point of exit from the ground to re-entry. Carrier pipe and casing pipe shall be properly isolated from electric power line attachments.

(Ord. 125-97 § 10)

36.75.110 SPECIFIC REQUIREMENTS RELATING TO MISCELLANEOUS PROVISIONS.

- A. Preservation, Restoration and Cleanup.
 - 1. The size of disturbed area necessary to install a utility shall be kept to a minimum.
 - 2. Restoration methods shall be in accordance with the specifications of the County and/or special provisions of the franchise, permit, or agreement. County specifications shall be made available upon request of the franchise grantee.
 - 3. Unsatisfactory restoration work shall be promptly corrected by the franchise grantee. If necessary, unsatisfactory restoration work may be corrected by the County and billed to the utility, provided, however, County shall give the franchise grantee ten days advance notice of its intent to perform such restoration work, except in emergency situations where County may take immediate action.
- B. Traffic Control and Public Safety.
 - 1. Traffic controls, including detours for all utility work, shall conform with the currently applicable Manual on Uniform Traffic Control Devices for Streets and Highways by U.S. Department of Transportation, Federal Highway Administration, including current Washington State Modifications published by Washington State Department of Transportation.

2. All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.
 3. Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, or other protective devices as may be necessary.
 4. The storage of materials on through roadways shall not be allowed, and parking of vehicles on through roadways shall be kept to a minimum.
- C. Emergency Repairs.
1. All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.
 2. If emergency repairs disturb the right-of-way, such repair may be immediately undertaken and the right-of-way restored to allow safe passage. Approval as to the manner of final restoration of the right-of-way shall be secured from the County in a timely fashion.

(Ord. 125-97 § 11)

36.75.120 PERMIT—REQUIREMENTS GENERALLY.

Before any work is done by the grantee under such franchise, grantee shall first file with the County Public Works Director an application for permit to do such work accompanied by such supporting documents and/or field information as the County Public Works Director may require. The grantee shall specify the class and type of material to be used and provide sufficiently detailed plans so as to adequately show the type and extent of work to be performed upon the rights-of-way. All material and equipment shall conform to or exceed the standards of the industry. When requested by the County Public Works Director, the manner of excavation, construction, installation, backfill and the type and size of temporary structures, including traffic turnouts, road obstructions, etc., shall be submitted for approval. The grantee shall pay to the County the actual cost and expenses incurred in the examination and necessary inspection of such work granted by the permit and done by the grantee or by an independent contractor under the franchise of the grantee. PROVIDED, HOWEVER, in the case of an emergency situation where utility service has been interrupted or is in danger of interruption, the franchise grantee may proceed to make repairs without a permit. The franchise grantee shall notify the County of any major emergency repairs as soon as reasonably possible.

(Ord. 125-97 § 12)

36.75.130 GRANTEE—WORK COMMENCEMENT AND COMPLETION TIME.

The franchise grantee, or its successors or assigns, shall commence construction under such permit granted by the County Public Works Director within the time period stated in such permit and shall have completed and have in operation such portion of the system of improvements as may be specified in such permit; otherwise, the rights therein conferred upon the grantee shall cease and terminate insofar as unoccupied streets, roads, etc., are concerned.

(Ord. 125-97 § 13)

36.75.140 WORKMANSHIP AND PUBLIC SAFETY.

- A. No construction shall be performed in such a manner as to create a hazard or interfere with free and lawful uses of the roads, streets, avenues, highways, alleys, rights-of-way or other County properties. The franchise grantee shall take all reasonable precautions to protect persons and vehicles using the roads, rights-of-way or other County properties from injury or damage caused by activities of the grantee.
- B. The grantee shall leave all streets, avenues, alleys, roads, highways, rights-of-way and other County properties, after laying and installing mains and doing construction work, making repairs to equipment, etc., in as good and safe condition in all respects as they were before the commencement of such work by the grantee, its agents or contractors, and all recorded monuments which have been disturbed or displaced by the work shall be reset to the specifications and approval of the County Public Works Director.
- C. In case of any damage by the grantee to said streets, avenues, alleys, roads, highways, rights-of-way or other County properties, or to paved or surfaced roadways, turn-outs, gutters, ditches, side walks, drainpipes, hand or embankment rails, bridges, trestles, wharves, landings or monuments, the said grantee agrees to immediately repair said damage at its own sole cost and expense.
- D. When the County Public Works Director determines that an emergency situation exists, he or she may order and have done any and all work considered necessary to restore to a safe condition any such street, avenue, alley, road, highway, right-of-way or other County property left by the grantee, or agents, in a condition dangerous to life or property. He or she may cause to be replaced or reset recorded monuments if a grantee fails to replace or reset the same within a reasonable time after completion of construction. The grantee, upon demand, shall pay to the County all costs of such construction or repair and of doing such work. The County shall make reasonable efforts to notify the franchise grantee prior to taking action under this subsection if such notice can be given without jeopardizing public safety.

(Ord. 125-97 § 14)

36.75.150 GRANTEE TO INDEMNIFY COUNTY.

- A. The franchise grantee and its successors or assigns, shall protect, defend, indemnify, and hold harmless Wahkiakum County from all claims, actions, or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of any faulty construction, defective material or equipment operation or by the improper occupation of said rights-of-way or other County properties by the said grantee or by reason of the negligent, improper or faulty manner of safeguarding any excavation, temporary turnouts or inefficient operation by the grantee of its lines over or under said streets, avenues, alleys, roads, highways, rights-of-way or other County properties as hereinbefore designated, or for any other acts or omissions to which Company's negligence in any way contributes, or which arises out of the franchise grantee's failure to comply with the provisions of any federal, state, or local statute, ordinance or regulation applicable to the franchise grantee in its business hereunder, and in case that suit or action is brought against the said County for damage arising out of or by reason of any of the above mentioned causes, the franchise grantee, its successors or assigns, will, upon notice to it of the commencement of said action, defend the same at its sole cost and expense and in the case that judgment shall be rendered against Wahkiakum County in such suit or action, will fully satisfy said judgment within ninety days after the said suit or action shall have been finally determined, if determined adversely to Wahkiakum County. Provided, that the grantee herein and its successors or assigns shall have the right to employ its own counsel in any cause or action and be given the management of the defense thereof.

- B. Grantee shall carry public liability insurance to the extent of One Million Dollars combined single limit liability or other such amount as deemed necessary by the Board. Grantee is to include on said insurance policy, as additional named insureds, the following: County of Wahkiakum, a municipal corporation of the State of Washington, and its Board of Commissioners and employees and those persons who were, now are, or shall be duly elected or appointed officials or their designees, or members or employees thereof. Grantee shall provide proof of said insurance prior to the effective date of granting a franchise and thirty days prior to each anniversary of the said effective date. Said insurance policy shall contain a clause stipulating that the insurance will not be canceled without providing thirty days' written notice to the Board of Commissioners of Wahkiakum County. The company shall immediately advise the board of any litigation that may develop that would affect this insurance.
- C. Acceptance by the County of any work performed by the grantee at the time of completion shall not be ground for avoidance of this covenant.
- D. Neither the provisions of this section nor any damages recovered by the County thereunder, shall be construed to limit the liability of the company under any franchise issued hereunder or to otherwise limit any damages recoverable by the County from the company.

(Ord. 125-97 § 15)

36.75.160 GRANTEE—LIABILITY.

In consideration of the granting of such franchise by the County to the grantee, the grantee, for itself and its assigns, shall contract and agree to release and hold Wahkiakum County harmless from liability of any nature arising out of any damage and/or destruction done or suffered to be done to grantee's mains, valves, pipes, poles, cables, lines or other fittings or appurtenances of any nature placed upon, across, over and/or under the County road right-of-way or other County property. This section shall be construed to mean that the grantee accepts such franchise and any rights conferred thereunder for the use and occupation of any portion of the right-of-way, at its own risk, and agrees to assume responsibility for any damage occasioned to grantee or third parties by County in the maintenance and/or construction work performed by County upon the roadways described herein and which would not have occurred but for the presence on said roadways of the grantee's pipes, poles, lines, cables, fittings or other appurtenances mentioned above, except to the extent any such damage or loss is caused by the sole negligence of the County.

(Ord. 125-97 § 16)

36.75.170 COUNTY WORK CONTIGUOUS TO GRANTEE IMPROVEMENTS PERMITTED WHEN.

The laying, construction, maintenance and operation of the system of improvements granted under any franchise shall not preclude Wahkiakum County, its accredited agents or its contractors, from blasting, grading or doing other necessary road work in a reasonable, careful and prudent manner contiguous to the said grantee's improvements, provided that the grantee shall be given a minimum of ten business days' prior notice (for large projects with an estimated construction cost exceeding One Hundred Thousand Dollars, the minimum prior notice shall be sixty business days), in writing, signed by the County Public Works Director, of said blasting or excavating in order that said grantee may protect its lines and property.

(Ord. 125-97 § 17)

36.75.180 READJUSTMENT AND RELOCATION OF FACILITIES.

Wahkiakum County reserves the right to specify the location or relocation of all facilities installed in or along County roads, streets, avenues, alleys, highways, rights-of-way or other County property. If at any time Wahkiakum

County deems it advisable to improve any of its streets, avenues, alleys, roads, highways, rights-of-way or other County properties as hereinbefore designated, by grading, regrading, surfacing or paving the same, or altering, changing, repairing or improving the same, the grantee, upon written notice by the County, shall at grantee's own expense, as soon as reasonably practicable to do so, raise, lower or move its lines or improvements to conform to such new grades as may be established, or place said property in such locations or positions as shall cause the least interference with any such improvements or work thereon as contemplated by the County and the County shall in no way be held liable for any damage to said grantee that may occur by reason of the County improvements, repairs or maintenance performed in a reasonably careful and prudent manner, or by the exercise of any rights so reserved in this section or grant. If the County shall improve such streets, avenues, alleys, roads, highways, rights-of-way or other County properties, the grantee shall on written notice by County officials, at grantee's own expense, replace such pipes, lines or system as may be in or through the improved subgrade of such improvement, with such materials as shall conform to or exceed the applicable standards of the industry for use in such streets, avenues, alleys, roads, highways, rights-of-way or other County properties; PROVIDED, HOWEVER, that if a readjustment or relocation is necessitated for a reason other than the above enumerated County purposes, the person, firm or private corporation or entity requesting such readjustment or relocation shall pay the grantee the actual costs thereof; PROVIDED, FURTHER, that in the event County should require such readjustment or relocation in connection with any improvement or project funded wholly or in part by state or federal funds, the County shall pay grantee such proportion of the actual cost of readjustment or relocation to the extent provided for by such state or federal funds received by County in connection with such improvement or project. If, in the course of a single County project, a utility must be relocated a second time because of a reasonably foreseeable design change initiated by the County, then in that event the County shall reimburse the franchise grantee its actual cost associated with such second or subsequent relocation.

(Ord. 125-97 § 18)

36.75.190 REMOVAL OR RELOCATION OF FACILITIES.

If at any time Wahkiakum County shall install a line of pipes for sewage and/or drainage upon any of the streets, avenues, alleys, roads, highways, rights-of-way or other County properties herein described, wherein a grantee's facilities unreasonably interfere with the construction project, the grantee, upon written notice by the County Public Works Director, shall temporarily remove or relocate its line of pipes or improvements at grantee's own expense during said installation and replace the same at grantee's own sole cost and expense.

(Ord. 125-97 § 19)

36.75.200 COUNTY USE OF GRANTEE'S FACILITIES.

The County shall have the right, during the life of a franchise, to install and maintain free of charge upon the poles of the grantee any wire and pole fixtures that do not unreasonably interfere with the operations of the grantee, provided, such installations conform to all applicable provisions of state and federal laws and regulations and duly promulgated standards of the affected utility. PROVIDED, HOWEVER, the County shall not be entitled to allow third parties to use such wires or fixtures.

(Ord. 125-97 § 20)

36.75.210 FRANCHISE NOT EXCLUSIVE—WORK PERFORMANCE CONDITIONS GENERALLY.

- A. The granting of any franchise shall not be deemed or held to be an exclusive franchise. It shall in no manner prohibit Wahkiakum County from granting other franchises of a like nature or franchises for other public or private utilities over, along, across, under and upon any of the streets, avenues, alleys, roads, highways, rights-of-way or other County properties as herein enumerated, and shall in no way prevent or prohibit the

County from using any of said streets, avenues, alleys, roads, highways, rights-of-way or other County properties or affect its jurisdiction over them or any part of them.

- B. All construction or installation of mains, valves, pipes, poles, cables, lines, fittings and facilities, service, repair or relocation of the same, performed along, over and/or under the County roads, rights-of-way or other County properties subject to any franchise shall be done in such a manner as not to interfere with the construction and maintenance of other utilities, public or private, drains, drainage ditches and structures located therein, nor with the grading or improvement of such County roads, rights-of-way or other County properties.
- C. The owners of all other utilities, public or private, installed in such County roads, rights-of-way or other County properties prior in time to the lines and facilities of the grantee shall have preference as to the positioning and location of such utilities so installed with respect to the grantee. Such preference shall continue in the event of the necessity of relocating or changing the grade of any such County road or right-of-way.

(Ord. 125-97 § 21)

36.75.220 PROVISIONS BINDING UPON SUCCESSORS AND ASSIGNS—TRANSFER OF FRANCHISES.

All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors, assigns and independent contractors of the grantee, and all rights and privileges of the grantee shall inure to its successors, assigns and such contractors equally as if they were specifically mentioned herein wherever the grantee is mentioned.

The grantee shall not sell, transfer, sublet, or assign a franchise governed by this chapter without having first obtained written permission from the County. The County's permission to sell, transfer, sublet, or assign, shall not be unreasonably withheld. The County's review of a request to sell, transfer, sublet, or assign, a franchise shall be limited to a consideration of the ability of the proposed purchaser, transferee, lessee, or assignee to comply with the provisions of this chapter and with the conditions of the particular franchise involved.

Any grantee intending to sell, transfer, sublet, or assign said franchise shall give notice of its intention to do so, not less than sixty days in advance of the date of the proposed sale, transfer, subletting, or assignment to the Clerk of the Board of County Commissioners of Wahkiakum County.

(Ord. 125-97 § 22)

36.75.230 GRANTEE—RIGHTS FORFEITED WHEN.

- A. If the franchise grantee, its successors or assigns, shall through wilful or unreasonable neglect, fail to perform promptly and completely each and every term, condition or obligation imposed under or pursuant to this chapter or to heed or comply with any notice given the grantee under the provisions of such grant, then the said grantee, its successors or assigns, shall forfeit all rights conferred thereunder and the affected portion of such franchise may be revoked or annulled by the Board of County Commissioners of Wahkiakum County.
- B. The Board shall hear and consider the issue and shall hear any person interested therein, and shall determine in its discretion whether or not any violation by the grantee has occurred. The franchise grantee shall be given at least ten days advance written notice of any such hearing.
- C. If the Board shall determine the violation by the grantee was the fault of grantee and within its control, the Board may, by resolution, declare that the franchise of the grantee shall be forfeited and terminated unless

there is compliance within such period as the Board may fix, such period not to be less than sixty days, provided no opportunity for compliance need be granted for fraud or misrepresentation.

- D. The issue of forfeiture and termination shall automatically be placed upon the Board agenda at the expiration of the time set by it for compliance. The Board may then terminate the franchise forthwith upon finding that grantee has failed to achieve compliance or may further extend the period, in its discretion. The franchise grantee shall be given at least seven days advance written notice of any such compliance review hearings.

(Ord. 125-97 § 23)

36.75.240 NOTICES.

Throughout the term of the franchise, grantee shall maintain with the County an address for service of notices by mail. Grantee shall also maintain with the County the address of a local office in the franchise area, and a telephone number for the conduct of matters related to a franchise during normal business hours.

(Ord. 125-97 § 24)

36.75.250 PROVISIONS—CHANGES OR AMENDMENTS AUTHORIZED WHEN.

- A. The County reserves for itself the right at any time, upon five business days prior written notice to the grantee, to so change, amend, modify or amplify any of the provisions or conditions herein enumerated to conform to any state statute or County regulation relating to the public welfare, health, safety or highway regulation as may hereafter be enacted, amended, adopted, changed, etc., and such franchise may be terminated upon thirty days' written notice to grantee if the same is not operated or maintained in accordance with the provisions of such amendments. The franchise grantee shall be afforded notice and hearing as prescribed in Section 36.75.230 of this chapter prior to any termination pursuant to this subsection. The franchise grantee shall be given reasonable time to come into compliance with such amended conditions. The notice of change or amendment shall include a schedule of compliance deadlines.
- B. The grantee, notwithstanding any other terms of such franchise appearing to the contrary, shall be subject to the police power of the County to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in such franchise.

(Ord. 125-97 § 25)

36.75.260 NEW FACILITIES TO BE UNDERGROUND—LINE EXTENSIONS.

The grantee, as far as practicable, shall construct all new utility facilities underground. Extension of overhead facilities within any County right-of-way shall be undertaken only with the approval of the County Public Works Director; provided, however, that said approval shall not be unreasonably withheld. Grantees shall recognize the desirability of underground facilities rather than overhead facilities and shall convert existing overhead facilities to underground facilities as and when equipment replacement is undertaken, or when other existing overhead utilities are placed underground, unless such replacement is unsafe, impractical or economically unreasonable. Line extension policies and procedures established by the grantee, and uniformly applied through its service area, shall be the standard in determining what is "practical, impractical or economically unreasonable" under this section; provided that no new overhead utility facilities shall be constructed or established within any County right-of-way in any area set aside for public park, school, playground or athletic field purposes unless the franchise grantee can demonstrate that underground utility facilities in such areas will adversely affect the reliability of service.

(Ord. 125-97 § 26)

36.75.270 COOPERATION WITH BUILDING MOVERS.

The grantee shall, on the request of any person holding a moving permit issued by the County, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than seven days' advance notice to arrange for such temporary wire changes.

(Ord. 125-97 § 27)

36.75.280 GRANTEE—BOND REQUIREMENTS.

Before undertaking any of the work or improvements authorized by the franchise, the grantee, if other than a municipal corporation, shall furnish to the County a bond, executed by grantee and a corporate surety authorized to do a surety business in the State of Washington, in a sum to be recommended by the County Public Works Director and set and approved by the Board of County Commissioners as sufficient to insure performance of the grantee's obligations under such franchise, and conditioned that the grantee shall well and truly keep and observe all of the covenants, terms and conditions and faithfully perform all of grantee's obligations under said franchise, and to reset or replace any defective work performed or materials installed by or under the direction of the grantee, its employees or contractors, discovered in the replacement of the County's roads, rights-of-way or other County properties within a period of two years from the date of the replacement and acceptance of such repaired roads, rights-of-way or other County properties by the County. Said bond requirement may be met by surety bonds of a continuing nature now in effect or that may hereafter come into effect.

(Ord. 125-97 § 28)

36.75.290 GRANTEE—SCOPE OF OBLIGATIONS.

The obligations imposed upon the grantee by the express terms of the resolution granting such franchise or implied by the terms of this chapter or any other ordinance affecting the same, shall be deemed to include every employee, nominee or independent contractor of the grantee performing work in the County streets, avenues, alleys, roads, highways, rights-of-way or other County properties under contract, direction, request or authority of the grantee under this franchise, and the grantee, its agent, employee or independent contractor, severally, shall be responsible to the County for any injury or damage to County property or the expense incurred or suffered by the County in correcting defects in work in replacing County roads or other improvements damaged by the acts or neglect of such servants, agents, or independent contractors of grantee.

(Ord. 125-97 § 29)

36.75.300 APPLICATION PROCESS.

- A. Any person, corporation, or municipal corporation seeking a franchise from Wahkiakum County shall submit an application in writing on a form provided by the County's Department of Public Works. The Director of the Department of Public Works is hereby authorized to develop such application form.
- B. The County Public Works Director shall make a recommendation to the Board of County Commissioners as to the granting or denial of any franchise within sixty days of the County's receipt of a completed application.
- C. Upon application being made, the Board of County Commissioners shall fix a time and place for hearing such application and shall cause the County Auditor to give public notice of such hearing in the manner prescribed

by Section 36.55.040 of the Revised Code of Washington, as now or hereafter amended. Similar written notice shall also be mailed to the last known address of the franchise applicant.

- D. If, after the hearing prescribed by subsection (C) of this section, the Board of County Commissioners deems it to be for the public interest to grant the franchise in whole or in part, the Board may make and enter a resolution granting such franchise subject to the terms and conditions set forth in this chapter.

(Ord. 125-97 § 30)

36.75.310 TERM OF FRANCHISE.

- A. The rights and privileges granted by a franchise shall be in effect for a period not to exceed fifty years from the date of signing of the resolution by the Board.
- B. Five years from the date of granting a franchise, the rights conferred hereby to the grantee may, at the election of the Board and pursuant to notice, be terminated with respect to those County roads, rights-of-way and other County property or portions thereof upon which the grantee has not laid, constructed and placed in operation its facilities.
- C. A franchise may be renewed by the Board upon application of the grantee pursuant to the procedure established in subsection (D) of this section, and in accordance with the then applicable law.
- D. The following procedures shall be followed to renew a franchise:
1. At least thirteen months prior to the expiration of the franchise, franchise grantee shall inform the Board in writing of its intent to seek renewal of the franchise.
 2. The Board shall then prepare and approve within two months any amendments to the franchise that it believes necessary.
 3. If the Board finds after public hearing that the grantee has complied with the terms and conditions of its franchise, a new franchise may be granted pursuant to this chapter for a period not to exceed fifty years.
 4. In the event the grantee is determined by the Board to not be in compliance with the terms and conditions of its franchise, the Board may refuse to grant a franchise renewal.

(Ord. 125-97 § 31)

36.75.320 GRANTEE—FRANCHISE SIGNATURE AND ACCEPTANCE TIME LIMIT.

If within sixty days of the adoption of the resolution granting such franchise the grantee shall have failed to sign its written acceptance of the same, then the granted rights and privileges therein shall be deemed forfeited and declared null and void.

(Ord. 125-97 § 32)

Chapter 36.76 COUNTY ROADS

36.76.010 PRIMITIVE ROADS—DESIGNATIONS.

The following roads or designated portions thereof shall be and are declared to be "primitive roads" as defined in RCW 36.75.300, as set forth in "Exhibit A," consisting of two pages, attached hereto and incorporated in this section by reference.

(Res. 13-86 § 1)

36.76.020 PRIMITIVE ROADS—SIGNS.

The County Engineer is directed to mark each said road or designated portion thereof with signs indicating that it is a primitive road, as provided in the manual of uniform traffic control devices, at all places where the primitive portion begins or connects with a highway other than another primitive road.

(Res. 13-86 § 2)

(Res. No. 100-12, § 1.a., 7-10-12)

Chapter 36.77 ALTERNATE EMERGENCY ROUTES

36.77.010 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and give this chapter its most reasonable application.

- A. "Alternate emergency route" means a road that is not an established county road which has been designated by the Wahkiakum County Public Works Department as an emergency access route for use by county residents at such times when public roads are impassable due to floods, earthquakes, landslides or other natural disasters.
- B. "Local access use" means use by vehicles owned by persons residing in the immediate vicinity of an alternate emergency route for the specific purposes of commuting to work and access to essential goods and services such as food, medicine, and medical care.
- C. "Phase 1 road use" means use of an alternate emergency route is only authorized for licensed emergency vehicles, public works department vehicles, public utility district vehicles, and private utility repair vehicles.
- D. "Phase 2 road use" means use of an alternate emergency route is authorized for licensed emergency vehicles, county public works vehicles, public utility district vehicles, private utility repair vehicles, and local access use only.

(Ord. 136-02 § 1)

36.77.020 AUTHORITY OF THE PUBLIC WORKS DIRECTOR.

1. In the event that the Wahkiakum County Public Works Director determines that adjacent County roads have become impassable to the extent that the public safety and welfare requires opening of an alternate emergency route, then in that event the Public Works Director is authorized to open one or more alternate emergency routes.
2. Following inspection of the proposed alternate emergency route, the Wahkiakum County Public Works Director is authorized to determine whether there should be a Phase I or Phase II road use of such alternate emergency route or routes. The Public Works Director shall post the alternate emergency routes indicating whether the routes are open for Phase I or Phase II road use.
3. The Public Works Director is authorized to issue Alternate Emergency Route Permits to persons needing such permits for local access use. The Public Works Director is further authorized to condition issuance of such permits on the permittee's prior execution of an Indemnification and Hold Harmless Agreement.

4. The Public Works Director is authorized to designate a Public Works staff member or members to exercise his powers hereunder in his absence. The Public Works Director is further authorized to designate the County's Emergency Management Coordinator to issue Alternate Emergency Route Permits.

(Ord. 136-02 § 2)

36.77.030 RULES RELATING TO USE OF ALTERNATE EMERGENCY ROUTES.

Any person driving a motor vehicle on an alternate emergency route within Wahkiakum County, Washington, shall comply with all of the following rules:

- A. The driver shall have in his or her possession a current "Alternate Emergency Route Permit" issued by either the county's Department of Emergency Management or the county's Public Works Department. The driver shall display said permit upon demand to any law enforcement officer.
- B. The driver shall obey all traffic control signs erected on the alternate emergency route, including but not limited to signs marking the course of the alternate emergency route.
- C. While traveling on an alternate emergency route, the driver shall obey all commands given by law enforcement officers, Wahkiakum County Public Works Department employees, and authorized representatives of the Wahkiakum County Department of Emergency Management.
- D. The driver shall comply with all posted road use restrictions.
- E. The driver shall operate his or her motor vehicle with due care and caution at all times.

(Ord. 136-02 § 3)

36.77.040 PROHIBITED ACTS.

- A. It is unlawful for any person to operate a motor vehicle on an alternate emergency route without having in his or her immediate possession a valid Alternate Emergency Route Permit.
- B. It is unlawful for any person to violate any of the rules relating to alternate emergency routes set forth in Section 36.77.030 of this chapter.
- C. Any act prohibited by this section that also constitutes a crime under any other law of the State of Washington may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this chapter.

(Ord. 136-2 § 4)

36.77.050 FAILURE TO LEAVE ALTERNATE EMERGENCY ROUTE.

It is unlawful for any person to fail to immediately leave an alternate emergency route when ordered to do so by a person reasonably identifiable as a law enforcement officer. The person ordered to leave shall take the most direct passable route to the nearest public road or highway.

(Ord. 136-02 § 5)

36.77.060 Violations—Penalties.

- A. Except as provided in subsection (B) of this section, any person violating any of the provisions of Section 36.77.040 of this chapter is guilty of a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of

Washington, as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments.

- B. Any person violating any provision of Section 36.77.040 of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars or to imprisonment in the county jail for not more than ninety days, or to both such fine and imprisonment.

(Ord. 136-02 § 6)

36.77.070 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the court pursuant to this chapter and Chapter 7.80 of the Revised Code of Washington, it is immediately payable. Willful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. 136-02 § 7)

36.77.080 ENFORCEMENT.

- A. Any duly appointed county or state law enforcement officer is authorized to enforce this chapter.
- B. For purposes of issuing a notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: any duly appointed county or state law enforcement officer.

(Ord. 136-02 § 8)

36.77.090 CLASSIFICATION OF ALTERNATE EMERGENCY ROUTES.

All alternate emergency routes are hereby classified and designated as Primitive Roads for purposes of RCW 36.75.300. The County Public Works Director shall mark the alternate emergency routes with signs indicating that said routes are primitive roads. Any person using any alternate emergency route shall do so at that person's own risk. Any person using any alternate emergency route shall be conclusively presumed to have assumed all risk of damage and/or injury arising from such use.

(Ord. 136-02 § 9)

Chapter 36.78 ROAD NAMES

36.78.010 EDEN LANE COUNTY ROAD.

The name of the Oja County Road is changed to Eden Lane County Road. It is further ordered that the County Engineer and other County Officials so change their records to reflect the intent of this section, including but not limited to proper signing of the Eden Lane County Road.

(Res. 2-82)

36.78.020 LOCATION AND DESIGNATION.

The roads listed, named and described, shall be changed from May 7, 1979 forward as follows:

1st Commissioner District

Little Island.

East Little Island Road. Begins at the intersection with SR 409 on the section-line between Sections 13 and 14, T8NGR W, WM and ends at the intersection with SR 409 on the section line between Sections 11 or 12, T8N R6W, WM. Length: 2.46 miles.

West Little Island Road. Begins at the intersection with SR 409 on the section line between Sections 13 or 14, T8N, R6W, WM. Length: 1.74 miles.

Puget Island.

East Sunny Sands Road. Begins at the intersection with SR 409 on west boundary of Section 29, T8N, R6W and ends at the intersection with the line between NW 1/4 and SW 1/4 NE 1/4 of Section 30, T8N RSW. Length: 1.72 miles.

East Birnie Slough Road. Begins at the intersection with SR 409, a point north 390 feet from the 1/4 corner common to Sections 13 and 14, T8N, R6W and ends at the intersection with the line between NW 1/4 NE 1/4 of Section 30, T8N, RSW. Length: 2.67 miles.

West Birnie Slough Road. Begins at the intersection with SR 409, a point north 390 feet from the 1/4 corner common to Sections 13 and 14, T8N, R6W and ends at a point which is approximately 1530 feet North and 725 feet West of the corner common to Sections 3, 4, 9 and 10, T8N, R6W. This point is also the point further north on the Puget Island road system. Length: 2.83 miles.

Ostervold Road. Begins at the end of West Bernie Slough Road, and ends at the intersection with the west end of Cross Dike Road. Length: 1.37 miles.

North Welcome Slough Road. Begins at the intersection with the west end of Cross Dike Road, which point also is the south end of the Ostervold Road, and ends at the intersection with the west end of Welcome Slough Road. Length: 2.88 miles.

South Welcome Slough Road. Begins at the east end of North Welcome Slough Road and ends at the intersection with the north line of Section 22, T8N, R6W. Length: 1.40 miles.

Welcome Slough Road. Begins at the section corner common to Sections 13, 14, 23 and 24, T8N, R6W which also is a point on SR 409. The road ends at the intersection with North and South Welcome Slough Roads.

West Sunny Sands Road. Begins at the intersection with the northline of Section 22, T8N, R6W and ends at the intersection with SR 409 on the section line between Sections 25 and s6 T8N, R6W. Length: 1.68 mile.

Covered Bridge Road. Begins at intersection with the Loop Road in NW 1/4 NW 1/4 Section 17, T10N, R7W and ends at the intersection with Barr-Durrah Road in Section 13, T10N, R8W. Length: 2.87 miles.

Barr-Durrah Road. Begins at intersection with the Loop Road in NW 1/4 Section 13, T10N, R8W and ends at the intersection with SR 403 in NW 1/4 Section 26, T10N, R8W. Length: 2.65 miles.

West Deep River Road. Begins at the intersection with State Highway SR 4 in NE 1/4, Section 9, T10N, R8W and ends at a point in the middle of the County's Deep River Bridge crossing Deep River in the town of Deep River. Length: 1.55 miles.

Deep River Valley Road. Begins at point approximately 50 feet east of Deep River Bridge and which is the intersection with the East Deep River Dike road, and ends at the County line between Wahkiakum and Pacific Counties which also is the north boundary of Section 4, T10N, R8W. Length: 3.20 miles.

East Deep River Road. Begins at the intersection with State Highway SR 4 in SW 1/4 Section 20, T10N, R8W and ends at a point in the middle of the County's Deep River Bridge crossing Deep River in the town of Deep River. Length: 1.28 miles.

(Res. 11-79 § 1)

36.78.030 USE OF DESIGNATED NAMES.

The records of the County Assessor and Engineer and all other records of the County applicable, shall carry and use the foregoing names and descriptions from this date forward.

(Res. 11-79 § 2)

36.78.040 SPEED LIMIT REVIEW.

The County Engineer shall review Section 46.61.400 of this code relative to the existing speed limits presently in effect and where changes are required either as to the name of the road or the applicable speed limit, investigate the same and make engineering recommendations to the Board of County Commissioner, Prosecuting Attorney and Sheriff for the purpose of amendment of the ordinances of the County presently in effect to bring the same in conformity with this chapter.

(Res. 11-79 § 3)

36.78.050 DESIGNATION OF ALTOONA-PILLAR ROCK COUNTY ROAD.

A county road to be known as Altoona-Pillar Rock Road is established beginning (milepost 0.00) at its intersection with State Route 4 in the Northwest Quarter (NW ¼) of Section 23, Township 10 North, Range 8 West of the Willamette Meridian, and continuing southerly and easterly to milepost 10.57 located in the Southwest Quarter (SW ¼) of Section 17, Township 9 North, Range 7 West of the Willamette Meridian. The county road as established herein includes all of former State Route 403 and all of former Pillar Rock County Road.

(Res. 91-93 § 1)

36.78.060 DESIGNATION OF ELOCHOMAN VALLEY COUNTY ROAD.

A county road to be known as Elochoman Valley Road is established beginning (milepost 0.00) at its intersection with State Route 4 located in the Northwest Quarter (NW ¼), of section 2, Township 8 North, Range 6 West of the Willamette Meridian and continuing northerly to milepost 12.00 located in the Southwest Quarter (SW ¼) of Section 26, Township 10 North, Range 5 West of the Willamette Meridian. The county road as established herein includes all of former State Route 407, exclusive of the Elochoman River bridge and the Duck Creek bridge which remain under the jurisdiction of the State of Washington Department of Transportation.

(Res. 91-93 § 2)

36.78.070 COUNTY ROAD NAME CHANGES.

The names of the following county roads are changed as indicated below:

<u>Roadlog Number</u>	<u>Current Road Name</u>	<u>New Road Name</u>
13790	C.Z. Camp Rd.	Family Camp Rd.
13610	Incline Lookout Rd.	Keyser Rd.
11950	Satterlund Rd.	South Satterlund Rd.

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11970	Satterlund Rd.	North Satterlund Rd.
11790	Hull Creek Rd.	North Hull Creek Rd. South Hull Creek Rd.
11670	School Rd.	Rosburg School Rd.
12080	Skamokawa School Rd.	Vista Park Rd.
13280	Rosedale Rd.	Columbia Street

(Res. 91-93 § 3)

36.78.080 DESIGNATION OF RIVER VIEW EAST ROAD.

There is hereby established as part of the County road system of Wahkiakum County a County road to be known hereafter as River View East County Road. River View East County Road is established at a width of sixty feet, thirty feet on each side of centerline, the centerline and location of said County road being described as follows:

RIVER VIEW EAST ROAD: Commencing at a point on the Southwesterly right of way of State Route 4 at engineer's station 473+38.92, 50.00 feet right, said point being located in the SW 1/4, SW 1/4, Section 7, T8N, R5W, W.M.; running thence South 35°11'48" West a distance of 53.73 feet, thence South 35°11'48" West a distance of 17.34 feet, thence along the arc of a 70.39 foot radius curve to the left through a central angle of 107°31'47" for an arc distance of 132.11 feet, thence South 72°19'58" East a distance of 88.97 feet, thence along the arc of a 442.89 foot radius curve to the right through a central angle of 10°50'04" for an arc distance of 83.75 feet, thence South 61°29'54" East a distance of 84.50 feet, thence along the arc of a 358.87 foot radius curve to the right through a central angle of 19°54'50" for an arc distance of 124.73 feet, thence South 41°35'04" East a distance of 97.78 feet to the center of a cul-de-sac whose radius is 50.00 feet, excepting for a 46.5 foot radius through Parcel 6. Said road being 682.51 feet in length. Centerline is referenced by a survey filed for record in Book 5 of Surveys at Page 110 under Auditor's file #45459, records of Wahkiakum County, Washington.

(Res. 65-99 § 2)

36.78.090 DESIGNATION OF RIVER VIEW WEST ROAD.

There is hereby established as part of the County road system of Wahkiakum County a County road to be known hereafter as River View West County Road. River View West County Road is established at a width of sixty feet, thirty feet on each side of centerline, the centerline and location of said County road being described as follows:

RIVER VIEW WEST ROAD: Beginning at a point on River View East Road which is engineer's station 0+53.73, thence North 44°52'13" West a distance of 142.15 feet, thence along the arc of a 936.60 foot radius curve to the left through a central angle of 03°40'09" for an arc distance of 59.98 feet, thence North 48°26'50" West a distance of 133.15 feet, thence along the arc of a 1505.32 foot radius curve to the right through a central angle of 03°04'56" for an arc distance of 80.98 feet, thence North 45°02'51" West a distance of 74.37 feet to the center of a cul-de-sac with a radius of 50.00 feet. Said road being 490.63 feet in length. Center line is referenced by a survey filed for record in Book 5 of Surveys at Page 110 under Auditor's file #45459, records of Wahkiakum County, Washington.

(Res. 65-99 § 3)

Chapter 36.80 STREET VACATIONS

36.80.010 SUNSET STREET VACATED.

- A. The following described portion of Sunset Street County Road is vacated:
That portion of Sunset Street, lying northerly of Clover Street and between Lots 18 and 19 of Rosedale Heights, Block One First Addition, as per plat thereof recorded in Book "C" of Plats, page 6 and lying southerly of Cochran Drive and between Blocks 6 and 7 of Columbia River Vista, as per plat thereof recorded in Book "C" of Plats, page 10, records of Wahkiakum County, Washington. Subject to easement for public utilities reserved herein.
- B. The County retains the following easement over and across the vacated portion of Sunset Street County Road in subsection A: An easement of a width of seven and one-half feet on either side on the centerline of said Sunset Street as now platted for the construction, repair and maintenance of public utilities and services across said vacated land.
- C. Reservation of Easement for Public Utilities and Services. The Board finds that it is in the best interests of the citizens of Wahkiakum County to retain an easement in respect to the vacated portion of Sunset Street for the construction, repair and maintenance of public utilities over and across said vacated land, as provided in RCW 36.87.140.

(Res. 36-77 § 2.5; Res. 26-77)

36.80.020 REGINA PLACE VACATED.

- A. The following County road is vacated:
All of Regina Place, a cul-de-sac 40 feet in width, as more particularly set forth in Rosedale Heights Block, as per plat thereof recorded in Book "C" of Plats, page 9, records of Wahkiakum County, Washington.
- B. The costs of the Engineer and of publication will be paid by the adjoining landowners, Ralph W. Rodahl, et ux, and Guy R. Claussen, et ux.
- C. There is reserved for the benefit of the public, as easement for any public utilities necessitating the use of the vacated cul-de-sac.

(Res. 20-82)

36.80.030 ORCHARD DRIVE VACATED.

The following described portion of Orchard Drive County Road is vacated:

The Northerly 151.49 feet of Orchard Drive, more particularly described as follows:

Beginning at the Southwest corner of Lot 2, Block 3, Columbia River Vista Plat, thence North 14° 12'30" West a distance of 151.49 feet, thence South 87° 40'36" West a distance of 61.31 feet, thence South 14° 12'30" East a distance of 164.12 feet, thence North 75° 47'33" East a distance of 60.00 feet to the point of beginning.

(Res. 103-97 § 3.1)

36.80.040 SPRUCE STREET COUNTY ROAD VACATED.

The following described portion of Spruce Street County Road is vacated:

A tract of land in the Northeast Quarter of the Northwest Quarter of Section 17, T9N, R6W, W. M., in Wahkiakum County, Washington, containing approximately 2,817 square feet, and more particularly described as beginning at the North One-Quarter corner of said Section 17, thence N 89° 12' 02" W 670.80 feet along the North line of said Section 17, thence S 15° 32' 28" W 289.85 feet, thence S 87° 14' 26" W 68.13 feet, thence N 62° 09' 12" W 68.40 feet to a galvanized iron pipe at the Northwest corner of that certain Parcel 2 described at Book 9, Page 486, Wahkiakum County Deed Records, and the true point of beginning for this description, thence N 62° 09' 12" W 208.77 feet to a ½" x 30" rebar and plastic survey cap stamped "Hampstur Corp LS 22330", which point is also on the South line of the State Route 4 right-of-way, thence S 74° 11' 56" E 130.00 feet along the South line of the State Route 4 right-of-way, thence along the arc of a 22.5 foot radius curve to the right 62.0 feet, the tangent of which bears S 50° 08' 16" E, thence S 74° 11' 56" E 24 feet, thence along the arc of a 20.0 radius curve to the left 31.4 feet, the tangent of which bears S 13° 06' 12" E, and to the true point of beginning (the "Spruce Street Remnant").

(Res. 100-95 § 3.1)

36.80.050 SPRUCE STREET TURNAROUND VACATED.

The following described County road known as Spruce Street Turnaround is vacated:

That certain roadway 24 feet in width described in document filed for record under Auditor's File No. 24196, in Volume 20 of Deeds, page 211, records of Wahkiakum County, Washington (the "Spruce Street Turnaround").

(Res. 100-95 § 3.2)

36.80.060 ALTOONA/PILLAR ROCK COUNTY ROAD VACATED.

A. The following described portion of Altoona/Pillar Rock County Road is vacated:

The most easterly four hundred thirty-five feet more or less of Altoona/Pillar Rock Road from approximate milepost 10.49 to the terminus or end of Altoona/Pillar Rock Road at milepost 10.57.

B. The County of Wahkiakum shall have received a right-of-way deed from Leon E. Gollersrud and Linda S. Gollersrud, husband and wife for the following described parcel of real property to be used as a turnaround at the end of the shortened Altoona/Pillar Rock Road:

All that portion of the following described parcel located in Government Lot 1, Section 17, Township 9 North, Range 7 West, Willamette Meridian:

Beginning at the Meander Corner common to Section 17 and Section 18, Township 9 North, Range 7 West, Willamette Meridian; thence North 71°56'58" East, 77.17 feet to the true point of beginning; thence North 84°33'42" East 18.71 feet to the beginning of a curve to the right; thence along the curve to the right whose Δ angle is 53°54'51", arc distance is 26.35 feet, and radius is 28.00 feet to a point of reverse curve; thence along the curve to the left whose Δ angle is 161°17'27", arc distance is 126.68 feet, and radius is 45.00 feet; thence South 70°04'15" West 42.86 feet; thence South 71°56'58" West 81.11 feet to the true point of beginning.

Leon E. Gollersrud and Linda S. Gollersrud, husband and wife, shall build the turnaround consisting of an earthen fill surfaced with six inches of four inch minus crushed rock at their expense and shall pay the survey costs associated with the conveyance of the right-of-way for said turnaround.

(Res. 028-02 §§ 3.1, 3.2)

36.80.070 OCEAN HIGHWAY TRACTS UNNAMED COUNTY ROAD VACATED.

The following described named county road within Ocean Highway Tracts is vacated:

That unnamed 30-foot county road right-of-way located in Ocean Highway Tracts, in Section 2, Township 8 North, Range 5 West of the Willamette Meridian whose westerly boundary runs north and south along the centerline of Section 2, between Cathlamet (now Beaver Creek) Road to the south and East Road to the north, per the Plat of Ocean Highway Tracts, recorded June 9, 1930, in Book "A" of Plats, page 54.

Said unnamed county road right-of-way is comprised of the west 30 feet of Tract 14 of the Ocean Highway Tracts, and runs North 0 degrees 22' East from a point on the north boundary of the Cathlamet (Beaver Creek) Road right-of-way on the south, 1,181.79 feet, more or less, to a point on the south side of the East Road right-of-way, per a survey recorded on October 08, 2001, under Auditor's File Number 2003565.

(Res. 103-03 § 3.1)

Chapter 36.90 SURVEY MONUMENT POLICY

36.90.010 PURPOSE AND AUTHORITY.

- (1) The purpose of this enactment is to ensure that the Wahkiakum County Road Department understands its duty to protect and preserve survey monuments within the county road right-of-way when performing any type of work, but in particular construction projects and pavement preservation projects where there is a risk that monuments could be disturbed or covered. It is intended that preservation of land survey monuments in Wahkiakum County comply with WAC 332-120-080.

This enactment will cooperatively promote a reasonable method of land survey monument preservation • throughout a roadway surface reconstruction, rehabilitation or annual pavement preservation project in lieu of requiring an application for permit to remove or destroy a survey monument, per WAC 332-120-030.

This enactment acknowledges Wahkiakum County's responsibility to ensure that all known survey monuments within all pavement preservation treatment project areas are located and perpetuated.

This enactment is intended to facilitate the statutory obligations imposed upon Wahkiakum County and the State of Washington with respect to the preservation of survey monuments by WAC 332-120-080.

- (2) The Department of Natural Resources has rulemaking responsibility over survey monument protection within Washington State. RCW 58.24, RCW 58.09, 332-120 WAC.

The Board of Registration for Professional Engineers and Land Surveyors has regulatory over individual professional engineers and land surveyors regarding monument protection, but lacks authority over public agencies. RCW 58.09, WAC 332-120, WAC 196-27A-030(5), RCW 58.04.015. It is understood that a professionally licensed engineers and land surveyors hold themselves to the professional standards of conduct as outlined in Chapter 196-27A WAC "Rules of Professional Conduct and Practice."

The County Road Administration Board has regulatory authority over counties/county road departments regarding "provisions of law relating to county road administration and the standards of good practice." RCW 36.78.070(3), 090(1)(b), 100; RCW 36.86.050; RCW 58.09; WAC 332-132; WAC 136-50-050(5).

(Res. No. 151-23, § 1, 11-7-23)

36.90.020 RESPONSIBILITIES OF WAHIAKUM COUNTY.

- (1) General Responsibilities. Wahkiakum County shall:
 - (a) Train employees, including, but not limited to, engineering staff and maintenance and operations staff, of the importance of and the law regarding survey monuments and this policy.
 - (b) Create and propound procedure for private surveyors, engineers, or others to report issues encountered with survey monuments within the county road right-of-way.
 - (c) Send notification with attachments to the Department of Natural Resources Public Lands Survey Office (DNR PLSO) of planned projects for the upcoming year, which may cover survey monuments.
 - (d) If practicable, enter into an MOU with DNR PLSO while conducting roadway surface reconstruction, rehabilitation or annual pavement preservation projects that cover existing survey monuments in the roadway. The MOU will include the following requirements on the part of the County:
 - (i) Annually, before the start date of planned pavement preservation projects, the County shall notify the department of planned projects for that year, identifying the same using road names and mileposts or beginning and ending intersections, including start date and expected date of completion;
 - (ii) The County shall acknowledge its responsibility to ensure that all known survey monuments within the project area are located and protected.
 - (iii) If the County does not enter into an MOU under this section, the County shall submit a permit application pursuant to WAC 332-120-030 through 332-120-070 for any pavement preservation project that will cover a survey monument.
 - (e) Search for, identify, and mark existing visible survey monuments within any project. It is the responsibility of the licensed engineer, or the designee of the licensed engineer, to search for, identify, and mark any such survey monuments within the project limits.
 - (f) Ensure monuments that were covered during a project are uncovered and made accessible after completion of annual activities. All monuments that were covered during a project shall be uncovered and made accessible after completion of annual activities.
 - (g) Submit a signed and sealed annual letter to DNR PLSO with attachments certifying that the affected monuments were uncovered as soon as possible after completion. The County Engineer is responsible for pavement preservation projects and shall submit an annual letter to the department certifying that the affected monuments were uncovered. Attachments will include a map showing locations, or a spreadsheet listing road names by milepost for the project limits.
 - (h) Comply with RCW 58.24.040(8), WAC 332-120-020 through 080, RCW 58.09, and WAC 20 332-130, for every monument disturbed, replaced, or modified in character.
 - (i) Review this enactment no less than annually for compliance with any new or amended statute or code, and propose amendments to maintain compliance as required. Any proposed amendments shall be submitted to the DNR PLSO for comment before submission to the Board of County Commissioners.
- (2) Project-Specific Responsibilities. Wahkiakum County shall:
 - (a) At least three months before construction or maintenance operations, ensure the Project Engineer or Maintenance Supervisor provides the County's engineering staff with the list of planned construction, chip seal, and asphalt paving projects. The County's engineering staff shall download and print, from the County's GIS, any relevant long plats and right-of-way plans depicting the existence and locations of

survey monuments in the roads where the work will be performed. Engineering staff will highlight the monuments for easy identification by those subsequently using the maps. These maps will be provided to the Project Engineer or Maintenance Supervisor who will in turn provide them to the Project Inspector or Supervisor.

- (b) Cause the Project Inspector or Supervisor to inspect the roads, or designate staff to inspect the roads, and locate any of the visible survey monuments shown and highlighted on the maps. The Project Inspector or Supervisor will note and record whether the monument is in a visible monument case, is visible without a monument case, or if the monument was not visible. The locations of visible monument cases and monuments should be marked with a flexible marker, and a painted offset stake set beside the road to indicate the location and a record kept of their location.
- (3) Wahkiakum County Maintenance Operations. For Wahkiakum County maintenance operations only, monuments shall be preserved as follows:
- (a) Monument in Existing Case. If a survey monument is already protected in a monument case, it may only be necessary to temporarily cover the lid with tarpaper during chip sealing and then remove the tarpaper after the chip seal work is completed. The Project Supervisor shall ensure that the tarpaper is removed after chip sealing and make a written record that this was accomplished. If the monument case lid is already more than one and one-half inches below the surrounding pavement surface or will become more than one and one-half inches below the pavement surface after the work is completed, the Project Supervisor will make a note directing engineering staff that a riser ring shall be added to the monument case. Rings are never to be higher than the surrounding pavement, as they will be damaged by snow plowing.
 - (b) Monument Not in Existing Case. If a survey monument is not protected by an existing monument case, it may be possible to temporarily cover it and then remove the covering after the chip seal work as described in paragraph (3)(a) above. However, if this will leave an unacceptably deep or large hole in the road, the Project Supervisor will make a note directing engineering staff that a monument case and cover shall be placed at the monument location. The monument case and cover shall never be higher than the surrounding pavement, as they will be damaged by snow plowing.
 - (c) Monument Not Visible at the Surface. Wahkiakum County shall engage in a program to uncover these monuments and install monument cases for monuments that cannot be found. The County shall also communicate with the land surveying community that anyone in the community who uncovers a monument in a County road should immediately place a monument case and cover at the site of the monument and report the location to Wahkiakum County so that the County can take measures to protect and preserve said monument.
 - (d) New Monuments. All new monuments set by any land surveyor placed within the county roadway prism (shoulder limit to shoulder limit) must be set in a monument case and cover and properly referenced pursuant to applicable state law and regulation.

(Res. No. 151-23, § 1, 11-7-23)