

Title 12

STREETS AND SIDEWALKS¹

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- 12.02 Street Department Code**
- 12.02A Street Department Code**
- 12.04 Street Names**
- 12.06 *Repealed***
- 12.08 Excavations and Obstructions**
- 12.12 Sidewalks – Maintenance by Abutting Owners**
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1. For provisions regarding traffic, see MMC Title 11; for provisions regarding local improvement assessments and funds, see Chapter 3.16 MMC; for provisions regarding sound trucks on streets, see Chapter 6.76 MMC; for provisions regarding animals on streets, see MMC Title 10.

Chapter 12.02

STREET DEPARTMENT CODE*

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*Code reviser’s note: Sections 2 and 3 of Ordinance 2292 provide:

Chapter 12.02 Marysville Municipal Code shall continue to apply to all complete applications for which rights vested prior to the effective date for Chapter 12.02A Marysville Municipal Code [Nov. 1, 1999]. Once all said complete applications with vested rights have been processed or lapse, then Chapter 12.02 Marysville Municipal Code shall be of no further force and effect.

Any reference in the Marysville Municipal Code to Chapter 12.02 or to any section of Chapter 12.02 is hereby amended and shall be deemed to be a reference to either Chapter 12.02 or Chapter 12.02A Marysville Municipal Code, or to the corresponding section in either Chapter 12.02 or 12.02A, whichever is applicable under the terms of this ordinance.

12.02.010 Adoption.

There is adopted a street department code governing the rules and specifications to be followed in public works construction in the city’s public rights-of-way. (Ord. 700 § 1, 1970; Ord. 613 § 1, 1968).

12.02.020 Reference.

The street department code by this reference is made a part of this chapter as though fully set forth herein. (Ord. 613 § 2, 1968).

12.02.030 Copies on file.

Three copies of the street department code are on file with the city clerk and may be inspected by interested parties during regular business office hours in the city clerk’s office. (Ord. 613 § 3, 1968).

12.02.040 Applicable specifications.

Specifications to be adhered to in performing work in/or upon public rights-of-way of the city shall be in accordance with Standard Specifications for Municipal Public Works Construction, as supplemented and modified by the street department code. Three copies of the standard specifications are on file in the office of the city clerk. (Ord. 700 § 2, 1970).

12.02.050 Construction specifications.

(1) All lines installed in existing or new city streets shall have the location designated by the city engineer.

(2) All “asbestos cement” and/or plastic pipes crossing city streets must be encased in a steel pipe of larger diameter.

(3) There shall be no tunneling of streets or alleys. Lines shall be laid by either open cut or by the method of jacked casing.

(4) No open cut crossing of city streets or alley shall be made without the approval of the city engineer.

(5) All open cut crossings of streets shall conform to the following: Existing surface shall be precut two feet wider than bucket width. Backfilling and compaction shall be accomplished immediately after installation of pipe. Backfill material shall be completely granular and free draining. Immediately following compaction effort, four inches minimum compacted crushed rock shall be installed and patched with cold mix of two inches minimum thickness.

(6) Final restoration of open cuts shall be as follows: Temporary cold patch shall be removed. Edges of existing road surface shall be cut and trimmed to a neat, straight line, then tacked and a two-inch minimum compacted thickness of Class B asphaltic concrete installed in a manner satisfactory to the city engineer.

(7) Shoulders disturbed by excavation shall be shaped to city standards and be followed with minimum two-inch compacted crushed top course, followed by the installation of a double bituminous surface treatment.

(8) Compaction of backfill under special conditions: At locations where paved streets, driveways, sidewalks or curb and gutters will be constructed or

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reconstructed over the trench or where provided for in the special provisions or directed by the engineer, the backfill shall be spread in layers and be compacted by mechanical tampers. In such cases, the backfill shall be placed in successive layers, not exceeding 12 inches in thickness and each layer shall be compacted with mechanical tampers to the density directed by the engineer. Mechanical tampers shall be of the impact type as specified in "Section 15-2.01A of Standard Specifications for Municipal Public Works Construction 1963."

(9) On graded streets without pavement or on street shoulders and unimproved areas, compaction of backfill shall be by water settling or wheel rolling as directed by city engineer. When water settling is directed by the engineer, it shall be in accordance with "Section 73-2.07A and Section 73-2.07B of Standard Specifications for Municipal Public Works Construction 1963."

(10) All crossing of city rights-of-way shall be as follows:

(a) Asbestos cement pipe for water supplies shall be installed in accordance with "John Manville Transite Water Pipe Installation Specifications DS-348-61;"

(b) The permittee shall advise the city 24 hours before starting any of the above described work and no backfill shall be placed without the approval of the city engineer.

(11) Existing drainage ditches, culverts, etc., shall be kept clean at all times. Temporary diversion of any drainage system will not be permitted without the consent of the city engineer. Any drainage culvert tile, catch basins, manholes, etc., disturbed by excavation, shall be replaced with new materials or repaired as directed by the city engineer.

(12) If in the opinion of the city engineer the weather is such that by a particular contract renders the traveled roadways unsafe for public passage then upon his orders, excavation shall cease immediately and cleanup promptly accomplished.

(13) The maximum amount of open trench on city streets shall be 400 lineal feet.

(14) All pipe strung along city rights-of-way must be placed a safe distance from the traveled roadway in such a manner as to avoid accidental rolling onto roadway.

(15) Final cleanup, including complete restoration of shoulders, cleaning of ditches, culverts and catch basins, removal of loose material from back slope of ditches, shall not exceed 800 lineal feet behind excavating operation.

(16) Street surfaces shall be cleaned at end of each day's operation with a power broom or other approved means. Blading of asphalt streets will not be permitted.

(17) No excess material or unsuitable material shall be left on city rights-of-way without the express consent of the city engineer.

(18) Signs and traffic controls will be furnished by the contractor and shall be in accordance with regulations as established by the Washington State Department of Safety.

(19) No backfill shall be placed without approval by city engineer.

(20) "City engineer," as used herein, means city engineer, superintendent of streets or their authorized representatives. (Ord. 700 § 3, 1970).

12.02.060 Inspection – Cost, payment.

All work to be performed in the city streets shall be supervised by a full-time inspector retained by the city. The cost of inspection, as set forth in MMC 14.07.005, shall be paid by the permittee prior to acceptance by city and prior to issuance of further permits. This section does not apply to public works projects under contract with the city. (Ord. 2106 § 5, 1996; Ord. 700 § 4, 1970).

12.02.070 As-built drawings required.

Permittee will be required to submit a complete set of as-built drawings upon completion of a project. The drawings shall contain such information as depth, location from the street centerline or the right-of-way line, size, type of material and any other information that may be useful in locating the completed work at a future date. (Ord. 700 § 5, 1970).

12.02.080 Standard street sections.

All city streets shall be constructed according to the specifications and details shown on the standard street sections marked Exhibits A, B, C, D, E, F and G, three copies of which are on file in the office of the city clerk and by this reference made a part of this code. (Ord. 1110 § 1, 1980; Ord. 700 § 6, 1970).

12.02.090 Driveways.

Driveways shall be not less than 12 feet nor more than 30 feet in width for residential uses, and 30 feet minimum and 40 feet maximum for commercial/industrial uses, and the cumulative width of driveways shall not exceed 30 percent of the street frontage of any lot; provided, that the city engineer may waive these requirements at the time of issuing a driveway permit if such a waiver is

determined to be in the public interest. Any portion of driveways constructed on public right-of-way shall be a minimum of six inches thick, and shall conform to the APWA Standard Specifications. Where driveways are constructed over an existing drainage ditch, a culvert shall be installed. The size of the culvert shall be determined by the city engineer. Any determination of the city engineer with respect to driveways may be appealed to the hearing examiner by following the procedures in Chapter 15.11 MMC. Driveway access locations for street arterials shall be subject to the city's access management plans as adopted in the city's comprehensive plan. (Ord. 2183 § 3, 1998; Ord. 1512, 1987; Ord. 700 § 7, 1970).

12.02.100 Permits required for street work.

All driveways, paving, curbing, fencing, tiling of ditches or any other type of work within the city rights-of-way will not be allowed without first obtaining a permit for such work from the street department. Applicable fees and costs for these permits are set forth in MMC 14.07.005. (Ord. 2106 § 6, 1996; Ord. 700 § 8, 1970).

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12.02.110 Variances.

(1) The city council shall have the authority to grant a variance from the requirements of the street department code and from the requirements of this chapter, after considering the matter at a public hearing duly called in accordance with the procedures specified below. No application for a variance shall be granted by the council unless the council finds:

(a) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of the street code and this chapter would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;

(b) That the special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;

(c) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;

(e) That the granting of the variance requested will be in harmony with the general purpose and intent of the street code and this chapter;

(f) That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property.

(2) Conditions. In granting any variance the city council may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the street code and this chapter shall not be violated. Further, the city council may require the applicant to post a performance bond guaranteeing compliance with such conditions. Violation of conditions and safeguards contained in a variance shall be considered to be a violation of this chapter and punishable under MMC 1.01.030.

(3) Effective Date of Variance. The decision of the city council granting or denying a variance shall not become final until the expiration of 10 days from the date of entry of such decision in the official records of the city council. An aggrieved party may file an appeal of such decision to the Snohomish County Superior Court within said 10-day period; if no such appeal is filed, the decision shall thereupon become final.

(4) Procedure. Application for a variance shall be filed with the city clerk in writing and shall be accompanied by a fee as set forth in MMC 14.07.005, which shall pay for the cost of processing the application and the costs of publishing and posting the required public notices. All applications shall be accompanied by a copy of the Snohomish County assessor's record showing the legal owners of all property within 200 feet of the subject property. All applications shall contain a statement as to why the variance is necessary, and why it would meet the criteria of this chapter. The application shall also contain scaled drawings of the subject property, abutting roads, and all property within 200 feet thereof.

(5) Public Notice and Hearing. Proper notice of a hearing on a variance application before the city council shall be as follows:

(a) One publication in the official newspaper for the city at least 10 days prior to the date of hearing;

(b) Posting of copies of the notice of hearing at least 10 days prior to the hearing in:

(i) Marysville City Hall,

(ii) The United States Post Office in the city of Marysville, and

(iii) In a conspicuous place on the property which is the subject matter of the application;

(c) Written notice mailed to the owner or reputed owner of property within 200 feet of the property which is the subject matter of the application, which ownership is deemed to be that of the last owner of record in the files of the Snohomish County assessor, said notice to be mailed at least 10 days prior to the date of the hearing;

(d) The compliance officer of the city shall be responsible for the mailing and publication of all required notices. He shall diligently observe the foregoing requirements, but minor inaccuracies in giving such notice shall not invalidate the proceedings of the city council. (Ord. 2106 § 7, 1996; Ord. 1098, 1980; Ord. 912 §§ 2 – 6, 1976).

12.02.120 Sign removal.

All utility installers, contractors or others shall notify the street department of the need for removing any sign on a city right-of-way. The notice shall be given 24 hours in advance of such removal. The street department shall remove the sign, and replace it again at no charge.

If a sign is removed by anyone other than the street department, a charge will be made for the work involved in replacing the sign and for the cost of the sign itself, as set forth in MMC 14.07.005. In addition, unauthorized removal of signs shall be

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subject to the penalties provided for in applicable ordinances. (Ord. 2106 § 8, 1996; Ord. 700 § 10, 1970).

12.02.125 Utility pole and line relocation or removal.

In the event the city determines that public utility poles or lines must be relocated or removed in connection with a public works project for improvement of streets, sidewalks or utilities, the city shall give the utility companies owning or controlling said poles and lines 60 days' written notice requiring relocation or removal of the same. If any utility company fails or refuses to remove or relocate the poles or lines as required by the notice within 60 days of the date thereof, a penalty assessment shall commence accruing against each such utility company at the rate of \$100.00 per day. Payment of said assessment, in full, shall be a condition of the continuation of said utility company's franchise with the city of Marysville. The Marysville police court shall have jurisdiction over any civil action commenced for the collection of delinquent assessments. (Ord. 1260, 1982; Ord. 1148, 1980).

12.02.130 Temporary pedestrian crossing.

All construction crossing a sidewalk or adjacent to a sidewalk that constitutes a hazard to the pedestrian using the sidewalk, shall include a temporary pedestrian crossing or by-pass. The street superintendent shall determine when and where the temporary pedestrian crossing shall be used. In general, the crossing shall conform to Exhibit "C".

In cases where falling objects are expected to be encountered, a completely enclosed crossing shall be constructed. The contractor shall submit to the street superintendent, for his approval, detailed drawings of the enclosed structure. (Ord. 706 § 1, 1970; Ord. 700 § 10(a), 1970).

12.02.150 Street patching.

All street patching done within city streets shall be done by a contractor approved by the street superintendent. (Ord. 707, 1970; Ord. 700 § 10(c), 1970).

12.02.160 Curb, gutter, sidewalk, driveway and alley grades.

(1) The grades for curbs, gutters, sidewalks, driveways and alleys shall be obtained from the street superintendent or city engineer. The grades shall be as specified in the APWA Standard Specifications for Municipal Public Works Construction, including any amendments thereto, with the following exceptions:

Driveways and alleys: eight percent maximum;

Curbs and gutters: per city engineer.

(2) The APWA Standard Specifications for Municipal Public Works Construction, including amendments thereto, is made a part of this section by reference as though fully set forth herein. (Ord. 1355, 1984; Ord. 727, 1971; Ord. 700 § 11, 1970).

12.02.170 Frontage improvements required.

(1) The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

- (a) Curbs, gutters and sidewalks;
- (b) Underground storm drainage facilities;
- (c) Patching the street from its preexisting edge to the new curb line;
- (d) Overlayment of the existing public street to its centerline.

All such frontage improvements shall be constructed to city specifications.

(2) Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) below; provided, that overlayment of an existing public street to its centerline shall not be required for single-family or duplex development.

(3) Frontage improvements shall be constructed as follows:

(a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to provisions of MMC Title 20;

(b) Short plats: frontage improvements shall be completed for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;

(c) Construction of a dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;

(d) Construction of any additions, alterations or repairs to a dwelling unit, or to a business, commercial or industrial building within any 12-month period, which exceed 50 percent of the value of the existing building on the property: frontage improvements shall be completed prior to occupancy;

(e) Development of a mobile home park or other project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;

(f) Any change in the occupancy classification of an existing building or structure on the property: frontage improvements shall be completed prior to occupancy;

(g) Construction of a wireless communication facility with support structure: frontage improvements shall be completed prior to issuance of a building permit.

(4) In the case of single-family residential construction on a single lot, a property owner may satisfy the frontage improvement requirements by participating in a cost-sharing program with the city if the same is approved in the then-current budget of the city council.

(5) The director of the department of public works shall have authority to grant administrative variances from any of the requirements of this section on technical grounds of engineering feasibility or necessity. Such variances may be conditioned upon the property owner signing a contract to construct the frontage improvements at a future time. Any party aggrieved by a decision of the director may appeal the same to the city council. The city council shall have authority to grant variances from any of the requirements of this section pursuant to the procedures specified in MMC 12.02.110. (Ord. 2145 § 11, 1997; Ord. 1632 § 2, 1988).

12.02.180 Minimum access requirements.

No development permits or short plats shall be issued or approved by the city for any lot, parcel or tract which does not comply with the following minimum access requirements:

(1) The front-yard line or a side-yard line must abut immediately upon and provide direct access to one of the following:

(a) An open, constructed and maintained public road; or

(b) A private road in an approved formal plat; or

(c) An exclusive, unshared, unobstructed, permanent access easement or private access road which directly connects to a public road and which is improved to standards specified by the city engineer and has a right-of-way width as set forth in the following table:

Development	Right-of-Way Width
1 lot with 1 dwelling unit (or duplex)	20 feet
2 – 4 lots, or 2 – 8 dwelling units	30 feet
More than 8 dwelling units on a dead-end street less than 600 feet long and terminating in a closed cul-de-sac with no chance of extension	50 feet

More than 8 dwelling units on all other streets 60 feet

(2) In all cases where the right-of-way required in subsection (1) is either 50 or 60 feet wide, the same shall be designed in a manner that would permit reasonable and safe construction of a city street meeting city standards. Nothing in this section shall be construed to require the city to construct or maintain any such private road.

(3) If one or more lots are built upon a unit of property under one ownership, they shall, for the purpose of this title, be considered as a single lot; provided, that internal private access roads or driveways serving two or more dwelling units located on a single lot shall not exceed 600 feet in length, and shall have a minimum right-of-way width of 26 feet.

(4) The maximum number of lots that may be served by a private road is four.

(5) Each and every lot having access to a private road shall have responsibility for maintenance of such private road.

(6) Any private road established under this section shall contain a utilities easement approved by the city.

(7) The city council shall have the authority to grant a variance from the requirements of this section pursuant to MMC 12.02.110. (Ord. 1752, 1990; Ord. 1047, 1979; Ord. 1018, 1979).

12.02.190 Dedication of road right-of-way – Required setbacks.

(1) In all zones it shall be required that a property owner dedicate to the city sufficient property to widen all abutting public-rights-of-way to the full width as measured from the design centerline, so as to conform to the applicable road standard specified by the city engineer. Such dedication shall be at no cost to the city in all of the following cases:

(a) Such dedication shall be required as a condition of approval of a final plat.

(b) Such dedication shall be required as a condition of approval of a short plat.

(c) Such dedication shall be required as a condition of approval of a binding site plan for a mobile home park, condominium, planned unit development, shopping center or industrial park.

(d) Such dedication may be required as a condition of approval of any rezone, conditional use permit or building permit for projects which the city finds will have a significant adverse impact on traffic or pedestrians using the abutting roads.

(2) In all zones the dimensions of required yards and the dimensions of setbacks for buildings and

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other structures, as specified in Chapter 19.20 MMC, shall be measured from the ultimate design width of abutting public right-of-way according to the applicable road standard specified by the city engineer. This requirement shall apply to all development permits regardless of whether the property owner has dedicated right-of-way to the city pursuant to subsection (1) of this section. (Ord. 1231, 1982).

Chapter 12.02A

STREET DEPARTMENT CODE*

Sections:

- 12.02A.010 Adoption.
- 12.02A.020 Copies on file.
- 12.02A.030 General specifications.
- 12.02A.040 Inspection – Cost, payment.
- 12.02A.050 Permits required for street work.
- 12.02A.060 Sign removal.
- 12.02A.070 Utility pole and line relocation or removal.
- 12.02A.080 Temporary pedestrian crossing.
- 12.02A.090 Frontage improvements required.
- 12.02A.100 Minimum access requirements.
- 12.02A.110 Dedication of road right-of-way – Required setbacks.
- 12.02A.120 Variances.
- 12.02A.130 Bonds and liability insurance required.
- 12.02A.140 Enforcement.
- 12.02A.150 No special duty created.
- 12.02A.160 Severability.

*Code reviser’s note: Sections 2 and 3 of Ordinance 2292 provide:

Chapter 12.02 Marysville Municipal Code shall continue to apply to all complete applications for which rights vested prior to the effective date for Chapter 12.02A Marysville Municipal Code [Nov. 1, 1999]. Once all said complete applications with vested rights have been processed or lapse, then Chapter 12.02 Marysville Municipal Code shall be of no further force and effect.

Any reference in the Marysville Municipal Code to Chapter 12.02 or to any section of Chapter 12.02 is hereby amended and shall be deemed to be a reference to either Chapter 12.02 or Chapter 12.02A Marysville Municipal Code, or to the corresponding section in either Chapter 12.02 or 12.02A, whichever is applicable under the terms of this ordinance.

12.02A.010 Adoption.

The latest edition of the city of Marysville engineering design and development standards is hereby adopted by reference and is hereinafter referred to as the “city standards.” The city standards by this reference are made a part of this chapter as though fully set forth herein. (Ord. 2292 § 1, 1999).

12.02A.020 Copies on file.

A copy of the city standards are on file with the city clerk and the city engineer and may be inspected by interested parties during regular business office hours in the city clerk’s office. (Ord. 2292 § 1, 1999).

12.02A.030 General specifications.

(1) All lines installed in existing or new city streets shall have the location designated by the city engineer.

(2) All “asbestos cement” and/or plastic pipes crossing city streets must be encased in a steel pipe of larger diameter.

(3) No open cut crossing of city streets or alleys shall be made without the approval of the city engineer.

(4) Existing drainage ditches, culverts, etc., shall be kept clean at all times. Temporary diversion of any drainage system will not be permitted without the consent of the city engineer. Any drainage culvert tile, catch basins, manholes, etc., disturbed by excavation shall be replaced with new materials or repaired as directed by the city engineer.

(5) If in the opinion of the city engineer the weather is such that by a particular contract renders the traveled roadways unsafe for public passage then, upon his orders, excavation shall cease immediately and restoration and cleanup promptly accomplished.

(6) The maximum amount of open trench on city streets shall be 400 lineal feet.

(7) All construction material stored along city rights-of-way must meet minimum clear zone distances from the traveled roadway and stored in such a manner as to avoid accidental movement.

(8) Final cleanup, including complete restoration of shoulders; cleaning of ditches, culverts and catch basins; and removal of loose material from back slope of ditches, shall not exceed 800 lineal feet behind excavating operation.

(9) No excess material or unsuitable material shall be left on city rights-of-way without the express consent of the city engineer.

(10) No backfill shall be placed without approval by city engineer. (Ord. 2292 § 1, 1999).

12.02A.040 Inspection – Cost, payment.

All work to be performed in the city streets shall be inspected by an inspector retained by the city. The cost of inspection, as set forth in MMC 14.07.005 or 14.07.005A, shall be paid by the permittee prior to acceptance by city and prior to issuance of further permits. This section does not apply to public works projects under contract with the city. (Ord. 2292 § 1, 1999).

12.02A.050 Permits required for street work.

All driveways, paving, curbing, fencing, tiling of ditches or any other type of work within the city rights-of-way will not be allowed without first

obtaining a right-of-way use permit for such work from the street department. Applicable fees and costs for these permits are set forth in MMC 14.07.005 or 14.07.005A. (Ord. 2292 § 1, 1999).

12.02A.060 Sign removal.

All utility installers, contractors or others shall notify the street department of the need for removing any sign on a city right-of-way. The notice shall be given 24 hours in advance of such removal. The street department shall remove the sign, and replace it again at no charge.

If a sign is removed by anyone other than the street department, a charge will be made for the work involved in replacing the sign and for the cost of the sign itself, as set forth in MMC 14.07.005 or 14.07.005A. In addition, unauthorized removal of signs shall be subject to the penalties provided for in applicable ordinances. (Ord. 2292 § 1, 1999).

12.02A.070 Utility pole and line relocation or removal.

In the event the city determines that public utility poles or lines must be relocated or removed in connection with a public works project for improvement of streets, sidewalks or utilities, the city shall give the utility companies owning or controlling said poles and lines 60 days’ written notice requiring relocation or removal of the same. If any utility company fails or refuses to remove or relocate the poles or lines as required by the notice within 60 days of the date thereof, a penalty assessment shall commence accruing against each such utility company at the rate of \$100.00 per day. Payment of said assessment, in full, shall be a condition of the continuation of said utility company’s franchise with the city of Marysville. The Marysville police court shall have jurisdiction over any civil action commenced for the collection of delinquent assessments. (Ord. 2292 § 1, 1999).

12.02A.080 Temporary pedestrian crossing.

All construction crossing a sidewalk or adjacent to a sidewalk that constitutes a hazard to the pedestrian using the sidewalk shall include a temporary pedestrian crossing or by-pass. The street superintendent shall determine when and where the temporary pedestrian crossing shall be used.

In cases where falling objects are expected to be encountered, a completely enclosed crossing shall be constructed. The contractor shall submit to the street superintendent, for his approval, detailed drawings of the enclosed structure. (Ord. 2292 § 1, 1999).

12.02A.090

12.02A.090 Frontage improvements required.

(1) The term “frontage improvements” as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

- (a) Curbs, gutters and sidewalks;
- (b) Underground storm drainage facilities;
- (c) Patching the street from its preexisting edge to the new curb line;
- (d) Overlayment of the existing public street to its centerline.

All such frontage improvements shall be constructed to city specifications.

(2) Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for single-family or duplex development.

(3) Frontage improvements shall be constructed as follows:

(a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to provisions of MMC Title 20;

(b) Short plats: frontage improvements shall be completed for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;

(c) Construction of a dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;

(d) Construction of any additions, alterations or repairs to a dwelling unit, or to a business, commercial or industrial building, within any 12-month period, which exceed 50 percent of the assessed value of the existing building on the property: frontage improvements shall be completed prior to occupancy;

(e) Development of a mobile home park or other project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;

(f) Any change in the occupancy classification of an existing building or structure on the property: frontage improvements shall be completed prior to occupancy;

(4) In the case of single-family residential construction on a single lot, a property owner may satisfy the frontage improvement requirements by participating in a cost-sharing program with the

city if the same is approved in the then-current budget of the city council.

(5) The director of the department of public works or designee shall have authority to grant administrative variances from any of the requirements of this section on technical grounds of engineering feasibility or necessity. Such variances may be conditioned upon the property owner signing a contract to construct the frontage improvements at a future time. Any party aggrieved by a decision of the director may appeal the decision per MMC 12.02A.120(4). (Ord. 2292 § 1, 1999).

12.02A.100 Minimum access requirements.

No development permits or short plats shall be issued or approved by the city for any lot, parcel or tract which does not comply with the following minimum access requirements:

(1) The front-yard line or a side-yard line must abut immediately upon and provide direct access to one of the following:

- (a) An open, constructed and maintained public road; or
- (b) A private road in an approved formal plat.

(2) If one or more lots are built upon a unit of property under one ownership, they shall, for the purpose of this title, be considered as a single lot; provided, that internal private access roads or driveways serving two or more dwelling units located on a single lot shall not exceed 600 feet in length, and shall have a minimum right-of-way width of 25 feet.

(3) Each and every lot having access to a private road shall have responsibility for maintenance of such private road.

(4) Any private roads established under this section shall contain a utilities easement approved by the city. (Ord. 2292 § 1, 1999).

12.02A.110 Dedication of road right-of-way – Required setbacks.

(1) It shall be required that a property owner dedicate to the city sufficient property to widen all abutting public rights-of-way to the full width as measured from the right-of-way centerline, so as to conform to the applicable city standards. Such dedication shall be at no cost to the city in all of the following cases:

- (a) Such dedication shall be required as a condition of approval of a final plat.
- (b) Such dedication shall be required as a condition of approval of a short plat.
- (c) Such dedication shall be required as a condition of approval of a binding site plan for a

mobile home park, condominium, planned unit development, shopping center or industrial park.

(d) Such dedication shall be required as a condition of approval of any rezone, conditional use permit or building permit

(2) The dimensions of required yards and the dimensions of setbacks for buildings and other structures, as specified in Chapter 19.12 MMC, shall be measured from the ultimate design width of abutting public rights-of-way according to the applicable road standard specified by the city engineer. This requirement shall apply to all development permits regardless of whether the property owner has dedicated rights-of-way to the city pursuant to subsection (1) of this section. (Ord. 2292 § 1, 1999).

12.02A.120 Variances.

(1) Variances from the requirements of this chapter may be granted for good cause by the public works director or designee, only if the applicant demonstrates all of the following in writing:

(a) Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of the standards would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;

(b) Special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;

(c) Granting of the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;

(d) Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;

(e) Granting of the variance requested will be in harmony with the general purpose and intent of the city standards;

(f) The purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property;

(g) Granting of the variance will not be detrimental to public safety or capacity of roadway network.

(2) In granting any variance the city may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the city standards will not be violated.

(3) The decision of the public works director or designee concerning a request for a variance shall be made in writing. The variance may be approved, approved with conditions, or denied. All decisions shall be accompanied by written findings relating to variance criteria. The decision on the variance request shall be final on the date issued.

(4) The decision of the public works director or designee may be appealed to the hearing examiner per the requirements of Chapter 15.11 MMC. (Ord. 2292 § 1, 1999).

12.02A.130 Bonds and liability insurance required.

The department is authorized to require all persons constructing a facilities within city rights-of-way to post surety or cash bonds. Where such persons have previously posted, or are required to post, other such bonds on the facility itself or on other construction related to the facility, such person may, with the permission of the public works director or designee, and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.

(1) Construction Bond. Prior to commencing construction, the person constructing the facility shall post a construction bond in an amount sufficient to cover 140 percent of the cost of performing said construction per the approved plans. Alternatively, an equivalent cash deposit to an escrow account administered by a local account bank may be allowed at the city's option.

(2) Maintenance Bond. After satisfactory completion of the facilities and release of the construction bond by the city, the person constructing the facility shall commence a two-year period of satisfactory maintenance of the facility. A cash bond to be used at the discretion of the city, to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and maintained throughout the two-year maintenance period. The amount of the cash bond shall be determined by the public works director or designee. In addition, at the discretion of the city, a surety bond or cash bond to cover the cost of design defects or failures in workmanship shall also be posted and maintained through the two-year maintenance period. Alternatively, an equivalent cash deposit to an escrow account administered by a local account bank may be allowed, at the city's option.

12.02A.140

(3) Liability Policy. The person constructing the facility shall maintain a liability policy in an amount to be determined by the city which shall name the city of Marysville as an additional insured and which shall protect the city from any liability for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. The liability policy shall be maintained for the duration of the facility by the owner of the facility; provided, that in the case of facilities assumed by the city for maintenance, the liability policy shall be terminated when the city maintenance responsibility commences. (Ord. 2292 § 1, 1999).

12.02A.140 Enforcement.

Enforcement of the provisions of this chapter shall be pursuant to MMC Title 4. (Ord. 2292 § 1, 1999).

12.02A.150 No special duty created.

(1) It is the purpose of this chapter to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(2) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this chapter or by reason or as a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this chapter, or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents, or employees. (Ord. 2292 § 1, 1999).

12.02A.160 Severability.

If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this chapter. (Ord. 2292 § 1, 1999).

Chapter 12.04

STREET NAMES

Sections:

- 12.04.010 Street names designated generally.
- 12.04.014 Third Street.
- 12.04.015 64th Street N.E.
- 12.04.020 Ninth Street.
- 12.04.030 Tenth Street.
- 12.04.035 Grove Street.
- 12.04.040 47th Avenue N.E.
- 12.04.045 Armar Road.
- 12.04.050 Union Street.
- 12.04.060 Quinn Street.
- 12.04.065 State Avenue.
- 12.04.067 43rd Avenue N.E.
- 12.04.070 System of numerical designation.
- 12.04.080 General plan for assigning numbers.
- 12.04.090 Assigning numbers to irregular lots.
- 12.04.100 Record of numbering – Application for number – Affixing.
- 12.04.110 Size of figures.
- 12.04.120 Failure to number after notice – Penalty.
- 12.04.130 Correcting noncomplying number.
- 12.04.140 Penalty for violations.

12.04.010 Street names designated generally.

The several streets, avenues and public places in the city of Marysville shall hereafter be known by the names applied thereto respectively on the several plats of land within the limits of the city as the same appear of record in the office of the auditor of Snohomish County, state of Washington, except as hereinafter provided. (Ord. 266 § 1, 1929).

12.04.014 Third Street.

The extension of the Third Street N.E. alignment from 47th Avenue N.E. to 58th Drive shall hereafter be known and designated as 61st Street N.E., and east of 58th Drive it shall be known and designated as Sunnyside Boulevard. (Ord. 1800, 1990; Ord. 1641, 1988).

12.04.015 64th Street N.E.

The extension of the 4th Street N.E. alignment from 47th Avenue N.E. to the east city limits shall hereafter be known and designated as 64th Street N.E. (Ord. 1629 § 1, 1988).

12.04.020 Ninth Street.

Steele Street in Steele's Suburban Addition and Nina Street in Coleman and Hagen's Addition shall hereafter be known and designated as Ninth Street,

and the entire length of Ninth Street projected to the west city limits shall be known as Ninth Street. (Ord. 266 § 2, 1929).

12.04.030 Tenth Street.

Ninth Street in Steele's Second Addition, lying west of Delta Street, shall hereafter be known and designated as Tenth Street. (Ord. 266 § 3, 1929).

12.04.035 Grove Street.

The east-west corridor aligned with 76th Street N.E., merging into 72nd Street N.E., shall hereafter be known and designated as Grove Street from the eastern city limits to the western city limits. (Ord. 1629 § 2, 1988).

12.04.040 47th Avenue N.E.

Mona Street in Swinnerton's Addition, also known as Liberty Street, shall hereafter be designated as 47th Avenue N.E. from the southern city limits to the northern city limits. (Ord. 1626 § 1, 1988; Ord. 266 § 4, 1929).

12.04.045 Armar Road.

The diagonal extension of 47th Avenue N.E. running in a northeasterly direction from 6th Street N.E. to Grove Street shall hereafter be known and designated as Armar Road. (Ord. 1629 § 3, 1988).

12.04.050 Union Street.

Rainier Street in Swinnerton's Addition shall hereafter be known and designated as Union Street, and the entire length of Union Street projected to the north city limits shall hereafter be designated as Union Street. (Ord. 266 § 5, 1929).

12.04.060 Quinn Street.

Douglas Street in Swinnerton's Addition shall hereafter be known and designated as Quinn Street, and the entire length of Quinn Street projected to the north city limits shall hereafter be designated as Quinn Street. (Ord. 266 § 6, 1929).

12.04.065 State Avenue.

SR 529, also known as Old Highway 99, shall hereafter be designated as State Avenue from the southern city limits to 136th Street N.E. From 136th Street N.E. to the northern city limits shall retain the name "Smokey Point Boulevard." (Ord. 2349 § 1, 2000; Ord. 2333 § 1, 2000; Ord. 1626 § 2, 1988).

12.04.067 43rd Avenue N.E.

The extension of the Alder Avenue alignment in a northerly direction from Grove Street to 76th

Street N.E. shall hereafter be known and designated as 43rd Avenue N.E. (Ord. 1629 § 4, 1988).

12.04.070 System of numerical designation.

The numerical designation of all doorways and entrances to buildings, lots, yards and grounds fronting upon the several streets, avenues and public places of the city is hereby established in accordance with the following system as far as practicable:

There shall be 100 numbers assigned to all the frontages situated between any two cross streets, 50 numbers to each side of the street; the lots, buildings or frontages of each successive block along such street bearing the number of the hundred next higher than the hundred of the block next preceding; one whole number to be allotted to each 25 feet frontage, or major fraction thereof in each block, and where there shall be more than one frontage, half numbers shall be used; even numbers shall be used on the easterly or right hand side of streets and avenues running from south to north and odd numbers on the westerly or left hand side of said streets and avenues. On streets and avenues running from west to east in the city, even numbers shall be used on the southerly side thereof, and odd numbers on the northerly or left hand side thereof. In case of irregular streets, avenues or public places, the several frontages shall be numbered as near as may be according to the uniform series of block numbers, as herein provided, with which they most nearly correspond. (Ord. 266 § 7, 1929).

12.04.080 General plan for assigning numbers.

The following general plan as far as practicable shall be pursued by the street superintendent in assigning the numbers required by this chapter:

(1) On all streets, avenues or public places running from south to north, the premises or frontage at the northwest corner of the intersection of any of the first numbered streets running from west to east upon the present platted portion of the city shall take the hundred number plus one corresponding to the number of the street or avenue so intersecting said north and south street or avenue, and so on, numbering progressively, for said block allotting the even and odd numbers as provided in MMC 12.04.070. Each succeeding block northward taking as an initial number the next consecutive hundred plus one in order.

(2) On all streets, avenues or public places running from west to east, the numbering shall begin at the northeast corner of the intersection of the street, avenue or public place with the number 1101 [one thousand one hundred and one], num-

12.04.090

bering progressively from west to east, each succeeding block eastward, taking as an initial number the next consecutive hundred plus one, allotting the even numbers and the odd numbers as provided in MMC 12.04.070.

(3) On streets and avenues running from west to east the numbering shall commence on the westerly boundaries of the city with the number 1000 and on streets and avenues running from south to north the numbering will commence at First Street with the number 100. (Ord. 266 § 8, 1929).

12.04.090 Assigning numbers to irregular lots.

Whenever by reason of the irregularity of the plats, or for any other reason, there shall be doubt as to the correct number provided for any frontage by this chapter, such number shall be ascertained and defined by the street superintendent and reported to the city clerk and the city clerk shall furnish the number to any owner, occupant or agent of such frontage upon application therefor, and such number shall be deemed to be the number of the frontage as provided by this chapter, upon the further compliance of the applicant with the requirements of MMC 12.04.100. (Ord. 266 § 9, 1929).

12.04.100 Record of numbering – Application for number – Affixing.

A record of such numbering shall be kept by the city clerk in a plat or map provided for that purpose, and such record shall be evidence of the respective numbers or designations aforesaid. The street superintendent under the plat or plats, map or maps, showing the numbers to be assigned to all lots, buildings and frontages situated upon the streets and avenues of the city as above-described, and no owner, or other person, shall affix a street number to any building in the city other than that shown by the record and maps aforesaid as belonging to the location of the building, without having first obtained from the city clerk the number assigned as aforesaid.

The number of all dwellings, business houses or other structures shall be supplied to the owners, agents or occupants of such buildings by the city clerk upon application to him for his certificate thereof. The city clerk shall issue to the applicant therefor a certificate, giving the number, the name of the occupant, agent or owner and the location of the premises to be numbered and shall make a record thereof in his office. The numbers shall be procured by the applicant at his own expense and affixed to the building or place of business to which it belongs in a conspicuous place, either above or at the side of the front entrance of the

building or place of business, and shall be thereafter maintained by the owner or agent of the building or place of business. (Ord. 266 § 10, 1929).

12.04.110 Size of figures.

Each of the figures of every number shall be not less than three inches in length and not less than one and one-half inches in width, being so marked as to be easily read. (Ord. 266 § 11, 1929).

12.04.120 Failure to number after notice – Penalty.

Any person being the owner or agent of any building erected in the city of Marysville who, after being notified in writing by the street superintendent that the street numbers are of record at the office of the city clerk, shall for the period of 30 days thereafter neglect or refuse to number any building owned or represented by him as agent, in conformity with the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding the sum of \$10.00 and be adjudged to pay the costs of the prosecution. (Ord. 266 § 12, 1929).

12.04.130 Correcting noncomplying number.

If any number shall have been heretofore placed upon or over the doorway or entrance of any building or premises, which number does not conform with the provisions of this chapter, the owner or agent of any such building or premises shall forthwith remove and correct the same. (Ord. 266 § 13, 1929).

12.04.140 Penalty for violations.

Any person, firm or corporation failing to or refusing to comply with any of the provisions of this chapter shall be fined in any sum not exceeding the sum of \$10.00 and be adjudged to pay the costs of prosecution. (Ord. 266 § 14, 1929).

Chapter 12.06**CLASSIFICATION OF STREETS**

(Repealed by Ord. 2292)

Chapter 12.08**EXCAVATIONS AND OBSTRUCTIONS**

Sections:

- 12.08.010 Permit required to obstruct streets, extend lines and railways, etc.
- 12.08.020 Conditions for granting permit.
- 12.08.030 Obstructing without permission declared a nuisance.
- 12.08.040 Penalty for violations.
- 12.08.050 Defense in prosecution.

12.08.010 Permit required to obstruct streets, extend lines and railways, etc.

No person or corporation shall build or construct or extend any railroad of any kind or any street railway, telegraph line, telephone line or electric light line, or lay underground any conduit or pipe or pipes for the transmission and distribution of water, illuminating or fuel gas, or other liquid, gas or other thing, in any of the streets, avenues, alleys or other public street in the city of Marysville, without first obtaining a permit therefor from the director of public works or designee; and no person or corporation shall make or cause to be made any excavation of any kind or deposit any material or other thing in any of the streets, avenues, alleys or other public place of the city for the purpose or with the intention of building, constructing or extending any such railroad, street railway, telegraph line, telephone line, electric light line, conduit or pipe or pipes for any such purpose aforesaid without first obtaining such permit from the director of public works or designee. Public works may impose such reasonable restrictions and conditions in granting such permit as it may deem proper; may require a plat or diagram to be filed with the city clerk, showing the line of such proposed improvement and the location upon the street or alley of any such railroad, conduit or pipeline and the location of all poles to be erected; and may require a bond or cash deposit in a sufficient amount, conditioned that the licensee under the permit will restore all street pavements or planking, sidewalk or other street improvements of any kind to as good condition as they were prior to being disturbed under such permit, to the satisfaction of the city engineer. (Ord. 2292 § 6, 1999).

12.08.020 Conditions for granting permit.

If the person or corporation applying to the director of public works or designee for any such permit shall have a valid and existing franchise or permission for the structure desired, under any

12.08.030

valid ordinance of the city, it shall be the duty of the director of public works or designee to grant such permit; provided, that said director of public works or designee shall defer or temporarily refuse the granting thereof, until such time as it deems proper in its discretion in all cases where the street or alley, or other public place on which the work is desired to be done, is occupied or about to be occupied in any work by the city in improving or repairing such street, alley or public place, or in repairing, extending or constructing water mains, sewer pipes or other city property, or in cases where such street, alley or public place is occupied or is about to be occupied by any other person or corporation having a right to use the same, in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at said time; and provided further, that the director of public works or designee shall, in granting said permits, so regulate or defer the granting thereof that a sufficient portion of such street, alley or public place shall, as far as possible, be open for public use and for purposes of traffic, and in all cases any work of the city or its contractors or employees shall have precedence over all other work of every kind. (Ord. 2292 § 7, 1999).

12.08.030 Obstructing without permission declared a nuisance.

All railroads, street railways, telegraph lines, telephone lines and electric light lines, and all rails, ties, planks, posts, wires and other structures, apparatus and materials, built, constructed or placed in any street or alley of the city in violation of MMC 12.08.010 shall be deemed public nuisances, and shall be abated with or without action, and other proceedings shall be taken thereon as authorized by law and the ordinances of the city of Marysville for the prevention, abatement and punishment of nuisances, or obstructing streets, alleys or other places in the city. (Ord. 130 § 3, 1906).

12.08.040 Penalty for violations.

Any person who shall violate MMC 12.08.010 or aid in any violation thereof, or order anything to be done in violation thereof, shall be deemed guilty of causing a public nuisance and, on conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$100.00, or by imprisonment in the city or county jail not less than five nor more than 30 days, or by both such fine and imprisonment. (Ord. 130 § 4, 1906).

12.08.050 Defense in prosecution.

It shall be no defense to any prosecution or proceeding under this chapter that a franchise or permission to build or construct such railroad, street railway, telegraph line, telephone line, or electric light line has been granted by any ordinance of the city, but this chapter shall not be construed as to require a permit for the doing of ordinary repairs to any such structure when such repairs are made in good faith and not for the purpose of making any extension to such structure. (Ord. 130 § 5, 1906).

Chapter 12.12

SIDEWALKS – MAINTENANCE BY ABUTTING OWNERS

Sections:

- 12.12.010 Abutting owner’s duty to maintain.
- 12.12.020 Notification of owner when sidewalk unfit.
- 12.12.030 Form of notice.
- 12.12.040 Service of notice.
- 12.12.050 Failure to correct – City action.
- 12.12.060 Record of assessment.
- 12.12.070 Definitions.

12.12.010 Abutting owner’s duty to maintain.

Whenever any street, lane, square, place or alley in the city of Marysville, shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repairs and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon the side of such street or other public place along which such sidewalk has been constructed as herein provided. (Ord. 142 § 1, 1906).

12.12.020 Notification of owner when sidewalk unfit.

Whenever in the judgment of the director of public works or designee the condition of any sidewalk is such as to render the same unfit or unsafe for the purposes of public travel, the department shall notify the owner of the property immediately abutting upon said portion of the sidewalk of the condition thereof, instructing the owner to clean, repair or renew said portion of the sidewalk in such manner as the department shall designate. (Ord. 2292 § 8, 1999).

12.12.030 Form of notice.

The notice mentioned in MMC 12.12.020 shall be addressed to the owner of the property abutting upon the portion of such sidewalk to be cleaned, repaired or renewed; shall specify a reasonable time within which such cleaning, repairing or renewal shall be executed by the owner and the general character of such improvement (when so ordered by the director of public works or designee); and shall be sufficient if substantially in the following form:

Notice to (clean, repair or renew) sidewalks on _____ Street to _____.

You are hereby notified and instructed to (clean, repair or renew) the sidewalk extending along _____ side of _____ (description), of which property you are the owner, by _____ (give general character of cleaning, repairing or renewal), within ___ days from and after the service of this notice, or in case of your failure so to do the said work will be done by and under the authority of the city of Marysville, at the expense of said property and the cost and expense thereof charged to you and become a lien upon said property in accordance with Chapter 35.69 of the Revised Code of Washington and Chapter 12.12 of the Municipal Code of the City of Marysville; and report made to the city council at its regular meeting to be held at the Public Safety Building in the city of Marysville, on the ___ day of _____, 20___, at the hour of seven p.m. of said day, of an assessment roll, showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair, and the name of the owner, if known, and that thereupon the council will hear any or all protests against the proposed assessment.

By order of the city council.
Dated Marysville, Washington, ____, 19__.

/s/ _____

When any improvement provided for by this chapter is a renewal of any sidewalk, the time for the execution of the same by a property owner shall not be less than 10 days, which time shall be considered a reasonable time for such renewal. (Ord. 2292 § 9, 1999).

12.12.040 Service of notice.

Service of the notice provided for in MMC 12.12.030 shall be made as follows:

The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing a copy to his last known address, or if the owner of the property be unknown or if his address be unknown, then such notice shall be addressed to the general delivery office of the city wherein the improvement is to be made. (Ord. 142 § 4, 1906).

12.12.050 Failure to correct – City action.

If any such property owner who has been so notified, shall fail for the period of time designated in such notice to execute such cleaning, repairing or renewal of such sidewalk, the city street superintendent shall proceed to clean such sidewalk or to make such repairs or renewal forthwith and report to the city council at its next regular meeting or as soon thereafter as possible, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair, and the name of the owner, if known; and the council will hear any or all protests at the time named in the notice against the proposed assessment. The council shall at the time in such notice designated or at an adjourned time or times, assess the cost of such work against the property in accordance with the benefits derived therefrom, which charge shall become a lien upon the property and shall be collected by due process of law. The city street superintendent shall file with said assessment roll, a copy of such notice, with proof of service of the same. (Ord. 142 § 5, 1906).

12.12.060 Record of assessment.

The city clerk shall keep a well-bound book in which shall be entered an abstract of all assessment rolls filed in accordance with MMC 12.12.050, showing a description of the property, the name of the owner thereof, total cost charged to each owner, and the date of filing the assessment roll, and when any property is cleared of the lien by payment, the city clerk shall note the fact upon such book, with the date of payment. (Ord. 2292 § 10, 1999).

12.12.070 Definitions.

For the purpose of this chapter, all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property, and such property shall be chargeable as provided by this chapter for all costs of maintenance, repairs or renewal of any form of sidewalk improvement between the said street margin and the roadway lying in front of and adjacent to said property; and the term “sidewalk” as intended for the purposes of this chapter, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway. (Ord. 142 § 7, 1906).

Chapter 12.20

**ANIMALS AND VEHICLES
ON SIDEWALKS**

Sections:

- 12.20.010 Animals or vehicles on sidewalks – Penalty.
- 12.20.020 Bicycles on sidewalks – Penalty.
- 12.20.030 Costs of prosecution – Working off fine.

12.20.010 Animals or vehicles on sidewalks – Penalty.

Any person who shall ride, lead or drive any horse or other animal or move any vehicle other than a light buggy for children or a wheelbarrow upon any sidewalk of the city of Marysville unless for the purpose of necessarily crossing the same shall, upon conviction thereof, be fined not less than \$2.00 nor more than \$15.00. (Ord. 80 § 17, 1900).

12.20.020 Bicycles on sidewalks – Penalty.

Any person who shall ride a bicycle on any sidewalk on First or Front Street in the city of Marysville, or who shall ride a bicycle on any sidewalk, within the city limits at a greater speed than five miles an hour shall, upon conviction thereof, be fined in any sum not exceeding \$25.00. (Ord. 80 § 20, 1900).

12.20.030 Costs of prosecution – Working off fine.

Every violation of the provisions of this chapter shall be deemed a misdemeanor, and any person convicted of any such violation shall be adjudged to pay the costs of prosecution in addition to the penalty imposed, and every person who shall be in default of payment of such fine and costs of prosecution shall be committed to the city jail unless such fine and costs are paid; which imprisonment shall be at the rate of one day’s imprisonment for every \$2.00 of such fine and costs. (Ord. 80 § 21, 1900).

Chapter 12.22

SIDEWALKS – SITTING OR LYING DOWN ON

Sections:

- 12.22.010 Sitting or lying down on public sidewalks in downtown commercial zones.
- 12.22.020 Civil infraction.

12.22.010 Sitting or lying down on public sidewalks in downtown commercial zones.

(1) Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or other object placed upon a public sidewalk, within the city of Marysville during the hours between 6:00 a.m. and 12:00 midnight.

(2) Exceptions. The prohibition in subsection (1) of this section shall not apply to any person:

- (a) Sitting or lying down on a public sidewalk due to a medical emergency;
- (b) Who, as a result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
- (c) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
- (d) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
- (e) Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by Chapter 6.37 MMC, Pedestrian Interference.

(3) No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section. (Ord. 2157 § 1, 1997).

12.22.020 Civil infraction.

(1) The violation of MMC 12.22.010 shall be a civil infraction as contemplated by Chapter 7.80 RCW, and deemed to be a Class 3 civil infraction under RCW 7.80.120(d) and shall subject the violator to a maximum penalty and a default amount of \$50.00 plus statutory assessments. If the person

is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

(2) As contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction or who willfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. (Ord. 2157 § 1, 1997).

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Chapter 12.24**SIDEWALKS – DANGEROUS CONDITIONS**

Sections:

- 12.24.010 Dangerous condition of sidewalks – Public nuisance.
- 12.24.020 Obstructing sidewalks – Public nuisances – Exceptions.
- 12.24.030 Civil liabilities of abutting property owners.

12.24.010 Dangerous condition of sidewalks – Public nuisance.

Any person who shall damage any city sidewalk, or who shall cause or allow the same to be damaged, and any person who is liable for the maintenance, repair and renewal of city sidewalks pursuant to Chapter 12.12 MMC and who fails to comply with said obligation, shall be guilty of committing or maintaining a public nuisance and shall be punished pursuant to MMC 6.24.040. (Ord. 1245 § 1, 1982; Ord. 65 § 7, 1894).

12.24.020 Obstructing sidewalks – Public nuisances – Exceptions.

Any person who shall obstruct a city sidewalk or in any manner render the same impassable or dangerous or inconvenient for public use shall be guilty of committing or maintaining a public nuisance and shall be punished pursuant to MMC 6.24.040; provided, that this section shall not apply to the reasonable use of generally untraveled portions of city sidewalks for the temporary display of retail merchandise by businesses located on immediately abutting properties. Any person using a sidewalk for such purposes shall be liable for and shall indemnify and hold the city harmless from any and all actions or causes of action, claims, demands, liabilities, loss, damage or expense of whatsoever kind or nature which may arise by reason or in consequence of said use of public property. (Ord. 1245 § 2, 1982; Ord. 65 § 8, 1894).

12.24.030 Civil liabilities of abutting property owners.

The owner of property abutting any sidewalk in the city as defined by Chapters 35.69 and 35.70 RCW and by Chapter 12.12 MMC, shall be liable for and shall indemnify and hold the city harmless from any and all actions or causes of action, claims, demands, liabilities, loss, damage or expense of whatsoever kind or nature which may arise by reason or in consequence of any nuisance, as defined in this chapter, existing on the subject

sidewalk, or by reason or in consequence of said owner's failure to maintain, repair and renew the subject sidewalk as required by law. (Ord. 905, 1976).

Chapter 12.28

STREET CLOSURE

Sections:

- 12.28.010 When required.
- 12.28.020 Publication required – Exception.
- 12.28.025 Fees for street closure notices.
- 12.28.030 Penalty for violation.

for any damages to such city street as a result of disregarding such closing and using such city street or portion thereof with any vehicle or any class of vehicle to which the same is closed. (Ord. 657 § 3, 1969).

12.28.010 When required.

Whenever the condition of any city street or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such city street or will be dangerous to traffic thereon or is being constructed, altered, repaired, improved or maintained in such a manner as to require that such city street or any portion thereof be closed to traffic by all vehicles or any class of vehicles for any period of time, the street superintendent is authorized to close the city street to travel by all vehicles or by any class of vehicles for such a definite period as he shall determine. (Ord. 657 § 1, 1969).

12.28.020 Publication required – Exception.

Before any city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the city, and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the city street, provided that no city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for; provided, however, that in cases of emergency, the street superintendent may without publication or delay, close city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting city streets, and such closures shall be immediately effective. (Ord. 657 § 2, 1969).

12.28.025 Fees for street closure notices.

The fees for street closure notices are set forth in MMC 14.07.005. (Ord. 2106 § 1, 1996).

12.28.030 Penalty for violation.

Any violation of this chapter shall be punishable by a fine of up to \$300.00 or by imprisonment for up to 90 days or by both such fine and imprisonment, and in addition shall be liable in a civil action

Chapter 12.32

VACATION OF STREETS AND ALLEYS

Sections:

- 12.32.010 Petition – Filing.
- 12.32.020 Petition – Scheduling for public hearing – Compensation for vacated area.
- 12.32.030 Notice of public hearing.
- 12.32.040 Survey requirements.
- 12.32.050 Appraisal.
- 12.32.060 Criteria for council decision.
- 12.32.070 Authorized by ordinance.
- 12.32.080 Notice to auditor and assessor.
- 12.32.090 Use of proceeds of vacation.

12.32.010 Petition – Filing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council for the vacation of such street or alley, or any part thereof, in the manner provided in this chapter and pursuant to Chapter 35.79 RCW, or the city council may itself initiate, by resolution, such vacation procedure. The petition shall be on such form as may be prescribed by the city and shall contain a full and correct description of the property sought to be vacated. A petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

The petition shall be filed with the city clerk, and the petitioners shall pay fees as set forth in MMC 14.07.005. (Ord. 2106 § 9, 1996; Ord. 1271, 1983; Ord. 948 § 1, 1977).

12.32.020 Petition – Scheduling for public hearing – Compensation for vacated area.

(1) Upon receiving a petition or the vacation of a city street or alley, the city clerk shall place the matter upon the agenda of the city council at a regular meeting to be held not fewer than 10, nor more than 30 days, from the date the petition is filed with the city clerk. The city clerk shall notify the petitioners in writing of the date the matter shall come before the city council. The city clerk shall then notify the city engineer and the compliance officer/planner of the petition and the date when the matter will be before the city council, and said officials shall prepare reports relating to the same.

(2) The city council may require the petitioners to compensate the city of Marysville:

(a) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated;

(b) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution, the city council shall consider the reports of the city engineer and/or the city planner shall determine whether or not it will require that the city be compensated as a condition of the vacation.

(3) The city council shall, by resolution, fix the time for the hearing of such petition, which time shall not be more than 60 days, nor fewer than 20 days after the passage of such resolution. (Ord. 2396 § 1, 2001; Ord. 948 § 2, 1977).

12.32.030 Notice of public hearing.

(1) On the passage of the resolution provided for in MMC 12.32.020, the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city and a like notice in conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

(2) In all cases where the proceeding is initiated by resolution of the city without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice required in subsection (1) of this section, there shall be given by mail, at least 15 days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley, or any part thereof, sought to be vacated, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 948 § 3, 1977).

12.32.040

12.32.040 Survey requirements.

It shall be the duty of the city engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the city engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received. (Ord. 948 § 4, 1977).

12.32.050 Appraisal.

In all cases where the city council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

(1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.

(2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.

(3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing. (Ord. 2321 § 1, 2000; Ord. 1170, 1981; Ord. 948 § 5, 1977).

12.32.060 Criteria for council decision.

(1) The city council shall not vacate any street, alley or any parts thereof if any portion thereof abuts any body of salt or fresh water unless such vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.

(2) The city council shall use the following criteria for deciding upon the petition:

(a) The vacation will provide a public benefit, and/or will be for a public purpose;

(b) The right-of-way vacation shall not ad-

versely affect the street pattern or circulation of the immediate area or the community as a whole;

(c) The public need shall not be adversely affected;

(d) The right-of-way is not contemplated or needed for future public use;

(e) No abutting owner will become landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient; provided that the city council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

(3) The city council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation, which amount shall not exceed one-half of the appraised value of the area to be vacated; except, that in the event the subject property or portions thereof were acquired at public expense, the city may require compensation in an amount equal to the full appraised value of the area to be vacated. (Ord. 1452, 1986; Ord. 948 § 6, 1977).

12.32.070 Authorized by ordinance.

If the city council determines to grant the petition provided for in MMC 12.32.010, or any part thereof, the council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the city of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the city council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until the compensation has been paid by the petitioners. (Ord. 948 § 7, 1977).

12.32.080 Notice to auditor and assessor.

A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County auditor's office and with the Snohomish County assessor's office. (Ord. 948 § 8, 1977).

12.32.090 Use of proceeds of vacation.

One-half of the revenue received by the city as compensation for area vacated, under this chapter, shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. (Ord. 2396 § 2, 2001).

Chapter 12.36**VEGETATION**

Sections:

- 12.36.010 Obstructing right-of-way visibility – Public nuisance.
- 12.36.020 Abatement – Order.
- 12.36.030 Abatement – City action.

12.36.010 Obstructing right-of-way visibility – Public nuisance.

All vegetation which is permitted to grow within 20 feet of the right-of-way line of any public street or alley within the city of Marysville is a public nuisance if it is determined by the chief of police to be a safety hazard because it obstructs visibility on the traveled portion of the right-of-way, or because it obstructs visibility of traffic-control signs located thereon. (Ord. 999 § 1, 1978).

12.36.020 Abatement – Order.

Upon determination by the chief of police that vegetation constitutes a public nuisance pursuant to MMC 12.36.010, the chief of police shall cause an abatement order to be mailed to the owner of the subject property, as shown on the current tax rolls of the Snohomish County treasurer. Further, the chief of police shall cause a copy of said abatement order to be served upon the occupant of the subject property, or if there is no occupant, said abatement order shall be posted on the subject property. The abatement order shall define the public nuisance and shall require the abatement thereof in not less than 30 days from the date of said order. It shall state that failure to comply with said order will result in abatement of the public nuisance by the city, and liability for the costs of such abatement, plus a 10 percent surcharge, shall be borne by the owner of the subject property. (Ord. 999 § 2, 1978).

12.36.030 Abatement – City action.

If a public nuisance is not abated in compliance with an abatement order, as provided in MMC 12.36.020, the chief of police may cause such nuisance to be removed or abated, and the owner of the subject property shall become indebted to the city for the costs incurred by the city in the removal of such nuisance, plus a 10 percent surcharge. Further, the city may file a lien against the subject property in the amount of such costs and surcharge. (Ord. 999 § 3, 1978).

Chapter 12.40**CLEAN CONDITION OF PUBLIC RIGHT-OF-WAY**

Sections:

- 12.40.010 Duty to maintain clean right-of-way.
- 12.40.020 Public nuisance – Abatement.
- 12.40.030 Criminal penalty.

12.40.010 Duty to maintain clean right-of-way.

No person or party shall willfully or negligently cause or allow any dirt, mud, rocks, vegetation, grease, oil or other foreign material or substance to be deposited, stored, abandoned, discharged or spread on any public street, alley, sidewalk or other public right-of-way in the city. (Ord. 1456-A, 1986).

12.40.020 Public nuisance – Abatement.

Any act or omission defined in MMC 12.40.010 shall constitute a public nuisance. Upon notice by a city official to the party causing or allowing said public nuisance, said party shall abate the same to the satisfaction of the city within 24 hours of being so notified. If the party fails to abate the nuisance as required, the city may proceed to clean the public right-of-way with its own labor and equipment, and the direct costs thereof, plus a 25 percent surcharge, shall be charged to the responsible party. Said party shall pay the same to the city within 10 days of receiving an invoice. (Ord. 1456-A, 1986).

12.40.030 Criminal penalty.

Every person or party who shall commit or maintain a public nuisance as defined in this chapter, or who shall willfully omit or refuse to perform any legal duty relating to the removal of such nuisance, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed \$500.00. (Ord. 1456-A, 1986).

