

**TOWN OF YARROW POINT
ORDINANCE NO. 708**

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, ADOPTING NEW CHAPTER 12.10 OF THE YARROW POINT MUNICIPAL CODE, ENTITLED "PAVEMENT MANAGEMENT AND ROADWAY PRESERVATION STANDARDS", TO ESTABLISH REGULATIONS RELATED TO ROADWAY DISTURBANCES, PAVEMENT PRESERVATION AND RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Yarrow Point Municipal Code (YPMC) Title 12 provides for regulations related to streets, sidewalks and public places, but does not address roadway preservation or protection, nor pavement management; and

WHEREAS, there is a need for roadway protection and pavement management regulations to enable the Town to better manage, preserve and protect its roadways and pavement surfaces for the safety and comfort of the Town's residents and traveling public, and to reduce demand on the Town's limited financial resources; and

WHEREAS, the Town Council finds that new YPMC Chapter 12. 10, entitled Pavement Management and Roadway Preservation Standards, attached, and incorporated herein as **Exhibit A**, addresses the foregoing situations and establishes appropriate rules, regulations and standards for roadway management and preservation.

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ORDAINS AS FOLLOWS:

Section 1. Findings. The Town Council adopts the forgoing recitals as findings in support of this Ordinance.

Section 2. New Chapter Adopted. New Chapter 12.10 of the Yarrow Point Municipal Code, entitled "Pavement Management and Roadway Preservation Standards", is hereby adopted as set forth in **Exhibit A** hereto.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance 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 Ordinance.

Section 4. Corrections. The Town Clerk-Treasurer and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including but not limited to correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

Approved by the Council of the Town of Yarrow Point this 12th day of January, 2021 and signed into authentication of its passage the 13th day of Jan, 2021.

APPROVED



Mayor Dicker Cahill

ATTEST / AUTHENTICATED


Clerk-Treasurer Bonnie Ritter

APPROVED AS TO FORM:



Scott Missall, Town Attorney
Ogden Murphy Wallace, PLLC



Exhibit A

Chapter 12.10

PAVEMENT MANAGEMENT AND ROADWAY PRESERVATION STANDARDS

Sections:

- 12.10.010 Purpose.
- 12.10.020 Definitions.
- 12.10.030 General requirements.
- 12.10.040 Limitations on pavement disturbance.
- 12.10.050 Pavement restoration standards.

12.10.010 Purpose.

The purpose of this chapter is to manage, preserve and protect town roadways and related infrastructure, enhance the safety and comfort of the town's residents and traveling public, and enable the town to make better use of its tax revenues. The procedures and standards adopted by this chapter are intended to address those problems and meet the purposes of this chapter.

12.10.020 Definitions.

A. The following terms have the indicated meaning unless the context clearly indicates to the contrary:

"Patch" means either the physical means of implementing pavement restoration or the restoration product itself.

"Pavement" means the surface of a roadway that is designed for public travel, including roadway shoulders and the structural components underlying the pavement.

"Pavement disturbance" means any activity in a roadway that cuts, damages, removes, replaces, mars, trenches, digs, holes, or disturbs in any fashion the roadway pavement.

"Pavement restoration" means to repair, replace, or reconstruct pavement to its original, or better, condition, than existed before the pavement disturbance occurred.

"Roadway" means any public road, lane, alley or right-of-way within the town."

"Work" means pavement restoration.

12.10.030 General requirements.

A. All work performed under this chapter shall require approval and issuance of a right-of-way work permit under Chapter 12.04 YPMC, and is subject to the charges, requirements, procedures, and enforcement mechanisms in Chapter 12.04 YPMC.

B. All work performed under this chapter shall meet the following basic standards:

1. The roadway and pavement shall be restored to its original structural condition, or better, at the completion of the work.
2. The work shall be done in accordance with the latest edition of the Yarrow Point Standard Plans RD-13a through RD-13e, and as such may hereafter be amended and supplemented, which shall be available from the public works department.

3. The work shall be inspected by the town engineer as appropriate and shall require the town engineer's written approval before the work may be considered complete.

12.10.040 Limitations on pavement disturbance.

A. The town engineer may place restrictions or limitations on the performance of any work or pavement disturbance in roadways when deemed necessary or appropriate to meet the purposes of this chapter. Without limiting the foregoing, the town engineer may apply the following criteria in making such determinations:

1. Limitations on pavement disturbance may generally be declared whenever major construction, reconstruction, or a structural overlay has been performed on a roadway.
2. Limitations on pavement disturbance will generally apply for a three-year period on town roadways after completion of a major construction, reconstruction, or structural overlay.

12.10.050 Pavement restoration standards.

A. Any work which results in pavement disturbance shall require completion of pavement restoration in accordance with this section and shall return the pavement to its original, or better, structural condition than existed before the pavement disturbance.

B. Unless the town engineer specifies different standards in writing, work shall be done in accordance with the latest edition of the Yarrow Point Standard Plans RD-13a through RD-13e, and as such may hereafter be amended and supplemented, which shall be available from the public works department.

C. Temporary patching may be allowed at the discretion of the town engineer and on such terms and conditions as the town engineer determines appropriate.

D. The town engineer shall inspect all pavement restoration during and at the completion of such work. No pavement restoration will be deemed complete until the town engineer has approved such work in writing.