

## APPENDIX B

### TRAIL PERMIT, ENCROACHMENT PERMIT, AND OTHER ROAD-RELATED ORDINANCES

#### Chapter 12.14

#### PERMITS AND STANDARDS FOR USE OF UNOPENED RIGHTS-OF-WAY

Sections:

- 12.14.010 Definitions.
- 12.14.020 Permit - Required.
- 12.14.030 Permit - Contents.
- 12.14.040 Required improvements.
- 12.14.050 Materials within right-of-way.
- 12.14.060 Signs.
- 12.14.070 Approvals.
- 12.14.080 Covenants.
- 12.14.090 Trail permit standards.
- 12.14.100 Plans.
- 12.14.110 Survey.
- 12.14.120 Dedication.
- 12.14.130 Illegal subdivision.
- 12.14.140 Notification to adjacent landowners.
- 12.14.150 Other permits.
- 12.14.160 Environmental review.
- 12.14.170 Fees.
- 12.14.180 Temporary access permit.
- 12.14.190 Appeal.

#### **12.14.010 Definitions.**

A. "Development approval" means the granting of a building permit, mobile home foundation permit, or county land use approval.

B. "Director" means the director of the county department of public works.

C. "Engineer" means the county engineer.

D. "Temporary access permit" means a permit issued pursuant to Chapter 12.16 authorizing the temporary access use of unopened or unmaintained county road right-of-way for limited, short duration activities.

E. "Trail permit" means a permit issued pursuant to this chapter authorizing construction and permanent use of a privately maintained roadway within the unopened or unmaintained county road right-of-way issued by the director and/or the county engineer. (Ord. 80-1 § 6 (part)).

#### **12.14.020 Permit - Required.**

Unopened and/or unmaintained county road rights-of-way shall not be privately improved or used for access purposes, nor shall development approval necessitating such improvements or use be granted, unless a permit therefor has been issued pursuant to this chapter. Access approvals issued prior to the effective date of the ordinance codified in this chapter shall remain in effect if improvements were constructed in accordance with the terms thereof. If not so constructed, such prior county approvals shall be null and void on the passage of the ordinance codified in this chapter. (Ord. 80-1 § 1).

#### **12.14.030 Permit - Contents.**

Upon filing of a complete application, payment of the fee and posting of a construction bond or approved letter of credit or dedication of additional right-of-way, if required, the director may issue a permit authorizing the construction of road improvements and permanent use thereof on unopened, unmaintained county road right-of-way for access to the applicant's property. Such permit shall contain the information required by Sections 12.14.040 through 12.14.080. (Ord. 80-1 § 2 (part)).

#### **12.14.040 Required improvements.**

The permit shall specify minimum improvements required by the director in accordance with the standards of the bureau of engineering, department of public works. Construction of such improvements to the satisfaction of the director shall be completed prior to issuance of an occupancy permit. The permittee shall be responsible for proper notice to the director and/or county engineer requesting the necessary inspection. (Ord. 80-1 § 2(A)).

#### **12.14.050 Materials within right-of-way.**

The permit shall contain a statement regarding the use or disposition of timber, soil, rock, vegetation, or other materials found within the right-of-way. If not utilized in the construction of roadway improvements, such materials shall be disposed of in accordance with the direction of the abutting property owners and/or the county engineer. Any affected fences located within the right-of-way shall be disposed of and/or relocated in accordance with the direction of the director and/or the county engineer. (Ord. 80-1 § 2(B)).

#### **12.14.060 Signs.**

The permit shall require that the authorized roadway be posted at its entrance with "Privately Maintained Road" and/or "End of County Maintained Road." Required signs are provided by the director, maintained by the county and paid for by the permittee. (Ord. 80-1 § 2(C)).

#### **12.14.070 Approvals.**

Upon completion of the required improvements, the county engineer shall indicate his approval on the permit and make the appropriate notice thereof upon official county road right-of-way records. (Ord. 80-1 § 2(D)).

#### **12.14.080 Covenants.**

The permit shall include a covenant running with the land and for the benefit of Whatcom County which covenant shall be filed with the Whatcom County auditor and contain:

- A. A legal description of the lot or parcel to be served by the trail permit;
- B. A statement regarding the nature of access to such parcel;
- C. A statement that the owners of the parcel will not oppose participation in a county road improvement district if formation of such a district is deemed necessary by the county council;
- D. A statement that responsibility for the maintenance of the road rests jointly and equally upon all permit holders;
- E. A prohibition against subdividing such parcels without obtaining either plat or short plat approval therefor or, if exempt from platting, a trail permit for the additional lots being created;
- F. A statement that the covenant is binding on the successors and assigns of the owners;
- G. The acknowledged signatures of the owners of record of such parcel. (Ord. 80-1 § 2(E)).

#### **12.14.090 Trail permit standards.**

Road improvements authorized by trail permits shall be designed and constructed in accordance with the roadway section chart on file in the office of the county engineer. The first

permit issued for previously unimproved right-of-way will require the permittee to clear and grub the total right-of-way width, to grade, drain, and surface the roadway in accordance with the roadway section chart and to make such additional improvements as may be required by the director and/or county engineer. Each subsequent trail permit issued for right-of-way improved under prior permits shall require the permittee to further improve the constructed roadway as designated by the director. Such additional improvements may include, but not be limited to, the following:

A. Second Permit. Remove any buildup sod from the existing roadway, regrade ditches and drainageways, provide a minimum of six inches of gravel base, Class B, across the center 20 feet of the roadway.

B. Third Permit. Remove any buildup sod from existing roadway, regrade ditches and drainageways, regrade existing roadway, provide a minimum of two inches of crushed surfacing top course across the center 14 feet of roadway.

C. Additional Permits. Subsequent permittees shall add such additional crushed surfacing top course, regrade ditches and roadway and make such further improvements as may be necessary in the opinion of the director. If considered appropriate, the director may recommend to the council the formation of a road improvement district (RID or LID). (Ord. 80-1 § 3).

#### **12.14.100 Plans.**

Detailed engineering plans and/or a drainage study may be required when considered necessary by the county engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant. When required, such plans and study shall be in accordance with the requirements for plat development. (Ord. 80-1 § 4(A)).

#### **12.14.110 Survey.**

When considered necessary by the director to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. (Ord. 80-1 § 4(B)).

#### **12.14.120 Dedication.**

A permit applicant shall be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed by RCW 36.85.010. (Ord. 80-1 § 4(C)).

#### **12.14.130 Illegal subdivision.**

A permit shall not be issued to provide access to a lot or parcel created in violation of the existing platting law. (Ord. 80-1 § 4(D)).

#### **12.14.140 Notification to adjacent landowners.**

A permit applicant shall provide certification that all owners of the property abutting on each side of the right-of-way have been contacted. Any objections of such property owners shall be stated along with the manner in which the applicant proposes to resolve the objections. (Ord. 80-1 § 4(E)).

#### **12.14.150 Other permits.**

It shall be the responsibility of the permit applicant to obtain all other required permits and approvals. (Ord. 80-1 § 4(F)).

**12.14.160 Environmental review.**

The permit process prescribed in this chapter may be subject to the county environmental policy ordinance (see Chapter 16.08 of this code). (Ord. 80-1 § 4(G)).

**12.14.170 Fees.**

A fee of \$50.00 shall be paid to the public works department at the time of the application. Such fee is nonrefundable and must accompany each application for a trail permit. For an individual temporary access permit a fee of \$20.00 shall be paid to the public works department at the time of application. Such fee is nonrefundable. (Ord. 80-1 § 5).

**12.14.180 Temporary access permit.**

A temporary access permit (revocable encroachment permit) means a permit issued pursuant to Chapter 12.16 authorizing temporary access use of unopened or unmaintained county road right-of-way for limited, short duration activities. (Ord. 80-1 § 6 (part)).

**12.14.190 Appeal.**

A permittee may appeal the action of the director and/or the county engineer in denying conditions or otherwise acting upon a permit provided that a written request for reconsideration must first be filed with the director within 30 days of the action complained of. The request shall state what action is being questioned and the reason for the disagreement. Upon receipt of this request, the director may choose to affirm, reverse, or modify his or the county engineer's prior action. Notice of the director's response shall be mailed to the permittee within 10 working days of the receipt of the request for reconsideration. The director's action may thereafter be appealed to the county council by filing a written notice of appeal with the clerk of the council within 30 days of the date of response from the director to the written request for reconsideration. The clerk, upon receipt of an appeal, shall schedule a public meeting or place before the regular council meeting at which time testimony will be taken from the permittee and from the director. Based upon the data supplied at this meeting and such other information as the council may request, the council may either sustain, reverse, or modify the action of the director. The decision of the council shall be final and binding and not subject to further appeal. (Ord. 80-1 § 7).

# TRAIL PERMIT APPLICATION

WHATCOM COUNTY PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION  
5280 Northwest Drive, Suite C  
Bellingham, WA 98226-9098  
(360) 676-6730 Fax (360)676-6558

\$75 Fee \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Check No. \_\_\_\_\_

APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_

TAX PARCEL NUMBER OF PROPERTY TO BE SERVED: \_\_\_\_\_

PURPOSE FOR OPENING RIGHT-OF-WAY: \_\_\_\_\_

Additional required information:

1. A written statement must be submitted certifying that all owners of property abutting the right-of-way to be opened have been contacted. List the names of property owners and the date they were contacted and any objections of the landowners shall be stated, as well as, the applicant's proposed method of overcoming these objections shall be described.
2. An assessor's map showing the parcel and proposed access point.
3. A detailed sketch of the proposed improvements shall be submitted. This sketch shall be to scale and shall include the non-maintained portion of road, the related right-of-way, and the applicant property to be improved. The sketch shall show existing features such as roads, easements, fences, buildings, creeks, ponds, wetlands, drainage ways, culverts, topographical information, and any other features that will aid in analyzing the impact of the proposed roadway and improvements.

Please return this form and other documentation to the Engineering Division with payment.

*I understand that this application does not grant authorization to begin work, and that no work shall commence until this permit is issued. The above and attached information and statements are true and accurate to the best of my knowledge.*

Signature  
02/02

Date

**Chapter 12.16**  
**REVOCABLE ENCROACHMENT PERMITS**

Sections:

- 12.16.010 Definitions.
- 12.16.020 Permit required to perform work in right-of-way.
- 12.16.030 Timing and continuing responsibility.
- 12.16.040 Permit terms and conditions.
- 12.16.050 Revocation notice and removal of work.
- 12.16.060 Failure to comply.
- 12.16.070 Emergency.
- 12.16.080 Bond.
- 12.16.090 Fee schedule.
- 12.16.100 Violations - Penalties.
- 12.16.110 Failure to remove work.

**12.16.010 Definitions.**

The term "work," as used in this chapter, shall include actions or attempts designed to use, open, alter, excavate, cut, fill, disturb, repair, replace, grade, or break the surface of any county right-of-way including construction, installation of improvements, appurtenances, utilities and services related hardware. The placing of new wire on existing poles and the routine maintenance and repair of all existing overhead wires, including the existing poles supporting these wires is not included in this term. (Ord. 88-79 § 1).

**12.16.020 Permit required to perform work in right-of-way.**

Any person or persons, corporation, district, municipality, city, town or utility who shall desire to work within or temporarily use the county right-of-way, easement or county owned land shall first procure from the department of public works a revocable encroachment permit. The director of public works or the county engineer shall grant such permit subject upon the terms and conditions set forth herein. (Ord. 88-79 § 2).

**12.16.030 Timing and continuing responsibility.**

A. The person, corporation, district, municipality, city, town or utility which will perform the work must obtain the permit before beginning unless the emergency exemption applies. The engineer's office must be notified as to street address and permit number 24 hours in advance of construction if underground utilities are ready to be covered, and again when all work is completed. The permittee must remedy and correct any and all discrepancies cited by the inspecting authority immediately upon written notice of correction furnished to the address of record listed on the permit unless waived by the department.

B. The county engineer, or his designee, under the direction of the department of public works shall be the inspecting authority responsible to investigate and inspect all work undertaken within the county right-of-way to determine that a permit has been obtained, that the work is in full compliance with the terms of the permit, county development standards, buildings and code administration requirements, other laws and regulations and that all corrections and remedies are made within the period of time required in the notice of correction or within a reasonable time if none is stated. The county engineer shall keep a record of all inspections made, instructions and directions issued and respond to each notice of correction for each permit. (Ord. 88-79 § 3).

#### **12.16.040 Permit terms and conditions.**

A. The party requesting such a permit shall apply at the department of public works, division of buildings and code administration by completing and signing an application request and by furnishing additional information regarding such work as requested by the division, including, but not limited to:

1. A map or plan showing the location of the work and a full description of the work desired to be done along with adequate exhibits to illustrate its size, type, nature and extent;
2. A summarization of the effects of the work on the safety, aesthetics and natural features of the right-of-way;
3. An estimate of the time required to complete the work.

B. All work shall be performed in accordance with county development standards, the plans and specifications submitted with the application, as specified in permit conditions or notice of correction.

C. When a street closure is required, a diagram of the proposed traffic control and/or detours complete with all signing required must be submitted prior to issuance of a permit. In no case shall any permit allow or permit the obstruction of more than one-half of any road right-of-way nor shall such obstruction be less than three feet from any railroad track along or over such road right-of-way, nor as to close up any roadway against the passage of vehicles; provided, however, that when it is the determination of the director of public works and/or the county engineer that such closure is necessary for the safety of the traveling public, the director of public works and/or the county engineer shall at all times have the authority to regulate the use of the road right-of-way.

D. These permits shall become null and void if work pursuant to the permit is not commenced within 180 days of the date of approval, or if the work is suspended or abandoned for a period of 180 days at any time after work is commenced. The director of public works and/or the county engineer shall have the authority to extend any permit up to 180 days for good cause.

E. A permit may be denied or revoked if the proposed use is inconsistent with the county's present or future right to utilize the right-of-way for street purposes, or is not in the county's or the public's best interest, is unsafe, or in any way would be detrimental to either the county or public. (Ord. 88-79 § 4).

#### **12.16.050 Revocation notice and removal of work.**

The granting of the permit is subject to revocation by a written notice of revocation delivered to the last address of record with the department. Following revocation, the permittee shall remove the work at their own expense. (Ord. 88-79 § 5).

#### **12.16.060 Failure to comply.**

If the permittee fails, neglects or refuses to comply with any of the terms or conditions of the permit, or orders and directions of the director of public works or county engineer's office or designee, then the director or engineer shall have full authority to suspend pending correction or cancel and revoke the permit following which it shall be the duty of the permittee and property owner to remove all work from the right-of-way to its original condition. On failure to do so within the time specified in the correction notice required under Section 12.16.030(B) the county may remove and repair at the expense of the permittee and owner. (Ord. 88-79 § 6).

#### **12.16.070 Emergency.**

It is unlawful to work until a valid permit has been issued and paid for except in case of emergency. When regard for health or safety and the circumstances do not permit compliance with this process prior to or simultaneous with the work, the work may be performed on an emergency basis provided the engineer or director of public works is notified at the earliest

possible time, in no case later than the next working day, which notice shall give full details of the work done and work yet to be performed. A permit shall be obtained the first working day following the emergency work. (Ord. 88-79 § 7).

**12.16.080 Bond.**

Prior to issuance of a revocable encroachment permit to work within a county right-of-way easement or other county permit, the director of public works or county engineer may require the posting of a bond in an amount sufficient to secure completion and restoration. (Ord. 88-79 § 8).

**12.16.090 Fee schedule.**

Before any revocable encroachment permit may be granted under the provisions of this chapter, the applicant applying for such permit must pay to the division of buildings and code administration the applicable fees as hereinafter set forth in the following fee schedule:

**New Driveways and Improvement of Existing Driveways:**

Residential (meaning a single-family unit) ..... \$15.00 each  
Commercial ..... \$25.00 each

**Storm Drain Installations:**

Fifty feet and less (typically filling in road ditches outside of driveway area) ..... \$25.00  
More than 50 feet ..... same as sewer installation

**Utility Connections:**

Residential (includes up to 100 ft. of connecting line installation) ..... \$10.00 each  
Commercial (includes up to 100 ft. of connection line installation) ..... \$20.00 each

**Utility Installations:**

Water lines ..... minimum \$ 50.00  
\$0.07/foot  
Sewer lines ..... minimum \$ 50.00  
\$0.15/foot  
Gas, power and communication lines ..... minimum \$30.00  
\$0.05/foot

**Road Construction:**

Work not covered by subdivision ordinances or trail permit ordinances ..... minimum \$50.00  
\$ 0.15/foot

**Sidewalks:**

Work not covered by subdivision ordinance ..... minimum \$50.00  
\$0.10/foot

**Miscellaneous Roadway Installation:**

Includes such work related to curbs, guardrails, etc. .... minimum \$50.00  
\$0.10/foot

**Fences, Retaining Walls, and Landscaping:**

Related to work to improve private property. (Must demonstrate justification to locate on county right-of-way) ..... minimum \$25.00  
\$0.10/foot

**Sign Installations:**

(Private signing is discouraged on county right-of-way, unless justification is demonstrated) ..... \$25.00 each

Fees for temporary occupancy or encroachment on county roads or county rights-of-way for purposes not identified in the above schedule shall be determined by the director of public works and/or the county engineer. Fee schedule may be waived or adjusted in the discretion of the director of public works and/or the county engineer based upon an estimate of the service offered in review of the proposed work. (Ord. 88-79 § 9).

**12.16.100 Violations - Penalties.**

A. Any person or entity who enters upon any county right-of-way, easement or county property for the purpose of performing any work therein without first securing and holding a valid revocable encroachment permit required for such work is guilty of a misdemeanor and subject upon conviction to a fine of up to \$500.00 for each offense and any agent of such who participates in or in any manner directs or aids in the conduct of such work without such permit shall also, upon conviction, be held to be in violation of this chapter, guilty of a misdemeanor, and subject to the penalties prescribed above. Each day of violation shall constitute a separate offense.

B. In addition, unless the work is removed and the property restored, the offending party shall comply with this chapter by obtaining a permit, the fee for which shall be doubled. (Ord. 88-79 § 10).

**12.16.110 Failure to remove work.**

It is also a misdemeanor for any person or entity to fail to remove such work which was performed and restore the property to original condition, following revocation or to fail to correct such defects as are cited in the notice of correction when demand is made by the director of public works or the county engineer. (Ord. 88-79 § 11).

1 INTRODUCED BY: Consent

2 PROPOSED BY: Public Works - Engineering

3 DATE INTRODUCED: 8/18/88

4 ORDINANCE NO. 88-79

5 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A  
6 REVOCABLE ENCROACHMENT PERMIT FOR ANY AND ALL  
7 WORK PERFORMED WITHIN THE COUNTY RIGHT OF WAY

8 WHEREAS, it is necessary for the public health, welfare and safety to  
9 control construction in and protect the existing and future County road rights-  
10 of-way; and

11 WHEREAS, the current Revocable Encroachment Permit Ordinance requires  
12 clarification.

13 NOW, THEREFORE, the Whatcom County Council does ordain as follows:

14 A. That the following shall be adopted and referred to as The New  
15 Revocable Encroachment Permit Ordinance No. 88-79:

16 Section 1. Definitions

17 (a) Work. The term work, as used herein, shall include actions or  
18 attempts designed to use, open, alter, excavate, cut, fill, disturb, repair,  
19 replace, grade, or break the surface of any County right-of-way including  
20 construction, installation of improvements, appurtenances, utilities and ser-  
21 vices related hardware. The placing of new wire on existing poles and the  
22 routine maintenance and repair of all existing overhead wires, including the  
23 existing poles supporting these wires is not included in this term.

24 Section 2. Permit required to perform work in right-of-way

25 Any person or persons, corporation, district, municipality, city, town or  
26 utility who shall desire to work within or temporarily use the County right-of-  
27 way, easement or County owned land shall first procure from the Department of  
28 Public Works a Revocable Encroachment Permit. The Director of Public Works or  
29 the County Engineer shall grant such permit subject upon the terms and con-  
30 ditions set forth herein.

31 Section 3. Timing and continuing responsibility

32 (a) The person, corporation, district, municipality, city, town or utility  
which will perform the work must obtain the permit before beginning unless the  
emergency exemption applies. The Engineer's office must be notified as to  
street address and permit number 24-hours in advance of construction if  
underground utilities are ready to be covered, and again when all work is  
completed. The permittee must remedy and correct any and all discrepancies  
cited by the inspecting authority immediately upon written notice of correction  
furnished to the address of record listed on the permit unless waived by the  
department.

(b) The County Engineer, or his designee, under the direction of the  
Department of Public Works shall be the inspecting authority responsible to  
investigate and inspect all work undertaken within the County right-of-way to  
determine that a permit has been obtained, that the work is in full compliance  
with the terms of the permit, County Development Standards, Buildings and Code  
Administration requirements, other laws and regulations and that all corrections  
and remedies are made within the period of time required in the notice of  
correction or within a reasonable time if none is stated. The County Engineer  
shall keep a record of all inspections made, instructions and directions issued  
and respond to each notice of correction for each permit.

Section 4. Permit terms and Conditions

(a) The party requesting such a permit shall apply at the Department of Public Works, Division of Buildings and Code Administration by completing and signing an application request and by furnishing additional information regarding such work as requested by the Division, including, but not limited to:

- i. A map or plan showing the location of the work and a full description of the work desired to be done along with adequate exhibits to illustrate its size, type, nature and extent.
- ii. A summarization of the effects of the work on the safety, aesthetics and natural features of the right of way.
- iii. An estimate of time required to complete the work.

(b) All work shall be performed in accordance with County Development Standards, the plans and specifications submitted with the application, as specified in permit conditions or notice of correction.

(c) When a street closure is required, a diagram of the proposed traffic control and/or detours complete with all signing required must be submitted prior to issuance of a permit. In no case shall any permit allow or permit the obstruction of more than one-half of any road right-of-way nor shall such obstruction be less than three feet from any railroad track along or over such road right-of-way, nor as to close up any roadway against the passage of vehicles; provided, however, that when it is the determination of the Director of Public Works and/or the County Engineer that such closure is necessary for the safety of the traveling public, the Director of Public Works and/or the County Engineer shall at all times have the authority to regulate the use of the road right-of-way.

(d) These permits shall become null and void if work pursuant to the permit is not commenced within 180 days of the date of approval, or if the work is suspended or abandoned for a period of 180 days at any time after work is commenced. The Director of Public Works and/or the County Engineer shall have the authority to extend any permit up to 180 days for good cause.

(e) A permit may be denied or revoked if the proposed use is inconsistent with the County's present or future right to utilize the right-of-way for street purposes, or is not in the County's or the public's best interest, is unsafe, or in any way would be detrimental to either the County or public.

Section 5. Revocation Notice and Removal of Work

The granting of the permit is subject to revocation by a written notice of revocation delivered to the last address of record with the Department. Following revocation, the permittee shall remove the work at their own expense.

Section 6. Failure to Comply

If the permittee fails, neglects or refuses to comply with any of the terms or conditions of the permit, or orders and directions of the Director of Public Works or County Engineer's office or designee, then the Director or Engineer shall have full authority to suspend pending correction or cancel and revoke the permit following which it shall be the duty of the permittee and property owner to remove all work from the right-of-way to its original condition. On failure to do so within the time specified in the correction notice required under Section 3(b), the County may remove and repair at the expense of the permittee and owner.

Section 7. Emergency

It shall be unlawful to work until a valid permit has been issued and paid for except in case of emergency. When regard for health or safety and the circumstances do not permit compliance with this process prior to or simultaneous with the work, the work may be performed on an emergency basis provided the Engineer or Director of Public Works is notified at the earliest possible time, in no case later than the next working day, which notice shall give full details of the work done and work yet to be performed. A permit shall be obtained the first working day following the emergency work.

1

2

Section 8. Bond

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Prior to issuance of a revocable encroachment permit to work within a County right-of-way easement or other County permit, the Director of Public Works or County Engineer may require the posting of a bond in an amount sufficient to secure completion and restoration.

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Section 9. Fee Schedule

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Before any Revocable Encroachment Permit may be granted under the provisions of this ordinance, the applicant applying for such permit must pay to the Division of Buildings and Code Administration the applicable fees as hereinafter set forth in the following fee schedule:

-

See current Unified Fee Schedule

1 Sign Installations (private signing is discouraged on County  
right-of-way, unless justification is demonstrated)..... \$25.00 each

2 Fees for temporary occupancy or encroachment on County roads or County  
rights-of-way for purposes not identified in the above schedule shall be deter-  
3 mined by the Director of Public Works and/or the County Engineer. Fee schedule  
4 may be waived or adjusted in the discretion of the Director of Public Works  
and/or the County Engineer based upon an estimate of the service offered in  
5 review of the proposed work.

6 Section 10. Violations and Penalties

7 A. Any person or entity who enters upon any County right-of-way, easement  
or County property for the purpose of performing any work therein without first  
8 securing and holding a valid Revocable Encroachment Permit required for such  
work is guilty of a misdemeanor and subject upon conviction to a fine of up to  
9 \$500.00 for each offense and any agent of such who participates in or in any  
manner directs or aids in the conduct of such work without such permit shall  
10 also, upon conviction, be held to be in violation of this ordinance, guilty of a  
misdemeanor, and subject to the penalties prescribed above. Each day of viola-  
tion shall constitute a separate offense.

11 B. In addition, unless the work is removed and the property restored, the  
12 offending party shall comply with this ordinance by obtaining a permit, the fee  
for which shall be doubled.

13 Section 11. Failure to Remove Work

14 A. It is also a misdemeanor if any person or entity to fail to remove such  
15 work which was performed and restore the property to original condition,  
following revocation or to fail to correct such defects as are cited in the  
16 notice of correction when demand is made by the Director of Public Works or the  
County Engineer.

17 B. Upon enactment of the above, Ordinance 79-70 is hereby repealed.

18 DATED this 15th day of September, 1988.

19 WHATCOM COUNTY COUNCIL  
20 WHATCOM COUNTY, WASHINGTON

21 William P. Roehl  
22 WILLIAM P. ROEHL, Chair

23  
24 ATTEST:

(  ) Approved ( ) Vetoed

25  
26 Ramona Reeves  
27 Carol Ebergson, Ramona Reeves  
Clerk of the Council

28 Shirley Van Zanten  
29 Shirley Van Zanten,  
30 Whatcom County Executive

31 APPROVED AS TO FORM:

32 Date \_\_\_\_\_

John A. ...  
Civil Deputy Prosecuting Atty.





Whatcom County  
 Public Works Department  
**Engineering Division**  
 5280 Northwest Drive Suite C  
 Bellingham WA 98226  
 (360) 676-6730; County Line 380-8110; FAX 676-6558

ENGINEERING USE ONLY	
Permit No. ENC	<u>2004-</u>
Date Received	_____
Zone	_____
Fee \$	_____
Receipt No.	_____
Check No.	_____

## Revocable Encroachment Permit Application

*(This is not a permit)*

**Instructions:** An assessor's parcel number **MUST** be included in order to process this application. Provide owner and/or contractor information with the full mailing address and a daytime telephone number. Sign and print your name at the bottom.

ASSESSOR'S TAX ID/PARCEL NO.		JOB ADDRESS/LOCATION:	
<b>Owner</b>		<b>Mailing Address (Include Zip Code)</b>	
_____		_____	
<b>Contractor</b>		<b>Daytime Telephone</b>	
_____		_____	
<b>Mailing Address (Include Zip Code)</b>		<b>License No.</b>	
_____		_____	
WORK TO BE PERFORMED:			
_____			



### ATTENTION

**This application is for work performed within the County right-of-way only. It is the responsibility of the applicant to verify the location of the right-of-way. Surveying may be required. For work performed on private property, contact the County Planning and Development Services Department for permit requirements.**

#### NOTICE

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or performance of construction.  
 Further, I hereby certify that I am a licensed contractor and that said license is in full force and effect, **OR** that I am the legal owner of the above-described real property.

Signature of Contractor or Authorized Agent:	Signature of Owner:
_____	_____
Print Name:	Print Name:
_____	_____
Date:	Date:
_____	_____

*(Whatcom County Engineering to complete below this line)*

Notes: \_\_\_\_\_

REQUIREMENTS FOR ISSUANCE	
<input type="checkbox"/> Bond required <input type="checkbox"/> Other permit required <input type="checkbox"/> Bonded contractor	<b>Approved for issuance by:</b> _____  <b>Date:</b> _____

1 mo. check \_\_\_\_\_    1 yr. check \_\_\_\_\_    Final inspection by: \_\_\_\_\_    Date: \_\_\_\_\_