



MEMORANDUM

Date: June 21, 2023
To: File
From: Oscar Antillon, Director of Public Works
Signature: _____
Subject: Regulation made under authority of ECDC 18.00.040 pertaining to enforcement of conditions of right-of-way permits

Authority to Issue Regulation:

ECDC 18.00.040 authorizes the public works director to establish reasonable rules and regulations pertaining to all work covered by Title 18, including all aspects of construction, maintenance and repair, which shall be observed by all persons doing work covered by this title. ECDC 18.00.040 is reproduced here:

ECDC 18.00.040 Regulations

The public works director may establish reasonable rules and regulations for all work covered by this title, including all aspects of construction, maintenance and repair, which shall be observed by all persons doing work covered by this title.

Regulation:

- (A) Completion of Work Authorized by a Right-of-Way Permit. The permit holder shall promptly complete all work authorized by a right-of-way construction permit and all construction activities related thereto so as to minimize disruption of the city right-of-way and any impacted properties and to generally allow the city to effectively regulate the right-of-way in the public interest. All work authorized by a right-of-way construction permit, including restoration, must be completed within six (6) months of the date of issuance unless an extension of an additional six (6) months is granted by the City Engineer. The applicant may request up to two (2) extensions.
- (B) Abandonment of Work. Any statement in writing by a permit holder of its intention to abandon the work it has started under a right-of-way construction permit shall be deemed a violation of the conditions the right-of-way construction permit.
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City of Edmonds

Public Works Department
Engineering Division

(C) Violation of Conditions. If the City Engineer determines that any condition on any city right-of-way is in violation of, or the city right-of-way is being used contrary to: (i) any right-of-way construction permit, whether a violation of the terms of the permit or work beyond the scope of the permit; or (ii) any provision of applicable law, rule, or regulation; then the City Engineer may order the correction or discontinuance of such condition or any activity causing such condition.

(D) Remedies for Violation. The City Engineer is authorized to use any or all of the following methods in ordering correction or discontinuance of any such conditions or activities as they determine appropriate:

(1) Serve a written notice of violation to the permit holder, ordering correction or discontinuance of a specific condition or activity within ten (10) days of notice, or such other reasonable period as the City Engineer may determine;

(2) Revoke previously granted permits where the permit holder or other responsible person has failed or refused to comply with requirements imposed by the City related to such permits;

(3) Issue an order to immediately stop work until authorization is received from the City to proceed with such work;

(4) Refuse to grant additional permits to the permit holder or franchise holder or owner until the correction or discontinuance of such unsafe, nonconforming or unauthorized use or condition or violation or activity under this regulation is resolved; or if approved by the City Engineer, until the cost to complete or perform the work, including any restoration, has been fully paid for by the permit holder. Exception may be made in the case of an emergency. The right-of-way work includes any repair work necessitated by any permit holder's failure to properly execute the work.