



Public Works Department  
580 Meyers St, Kettle Falls, WA 98141  
Mailing Address: P.O. Box 457, Kettle Falls, WA 99141  
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## APPLICATION FOR RIGHT-OF-WAY EXCAVATION

### APPLICANT INFORMATION

Adjacent Proper Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

Insurance Carrier: \_\_\_\_\_ Policy #: \_\_\_\_\_

Contractor #: \_\_\_\_\_ Bond #: \_\_\_\_\_

### PROJECT & SITE INFORMATION (to accompany attached site plan)

Site Location: \_\_\_\_\_ Site Contact: \_\_\_\_\_

Proposed Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Affected Utilities:     Curb    Sidewalk    Driveway    Water    Sewer  
                          Gas     Electricity    Telephone    TV Cable/Internet    Other

*Applicants shall first file with the City, for permits to occupy property with utilities, or holders of granted franchise rights contemplating work upon, along, over, under or across and City road, public place, street, avenue or alley on property in the City PRIOR to performing such work. It is the applicant's responsibility to call 811 for utility locates prior to excavation.*

*Such applications shall be accompanied by drawings. Drawings shall be to a working scale, showing position and location of work, names or numbers and widths of the roads, streets, etc., showing their location in plats, or subdivisions of sections, township, and range, showing the relative position of such work to existing utilities, constructed, laid, installed, or erected upon such roads, streets or public places.*

*The Applicant shall specify the type of construction by submitting plans showing the class of material and the manner in which the work is to be accomplished. All such materials and equipment shall be of the highest quality and the manner of excavation, fills, construction, installation, erection of temporary structures, traffic turnouts, road obstruction, barricades, etc., shall meet with provisions of Kettle Falls Municipal Code 15.16 and shall require approval by the City, Signing, , barricades, and traffic control in the vicinity of the work shall strictly conform to the provisions of "The Manual on Uniform Traffic Control Devices for Streets and Highways." The applicant shall pay to the City all costs of, and expenses incurred in the examination, inspection and supervision of such work on account of granting said permits.*

*The actual location of the work to be done under this permit, its depth below or above surface or grade of any City structure, road, street, avenue, alley, or public place shall be approved by the City before any work shall be done by the petitioner.*

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## PERMIT CONDITIONS

1. The petitioner, designated herein as the - grantee, successors and assign, shall have the right and authority to enter upon the right of way of the City road, street, alley, public place or structure as indicated on the front of this form, for the purpose of doing such work as applied for and approved by the City.
2. The location, type of work, materials and equipment used, manner of erection or construction, safeguarding of public traffic during work or after doing same, mode of operation and manner of maintenance of project petitioned for, shall be approved by the City prior to start of work and shall be subject to the inspection of the City so as to assure proper compliance with the terms of this permit.
3. The grantee shall commence work within 30 days after the granting of this permit. If, at end of six (6) months after date of granting same the grantee shall have not completed the installation, then the rights herein conferred shall cease and terminate.
4. The grantee shall leave all roads, streets, alleys, public places, and structures after installation and operation or removal of utility, in as good and safe a condition in all respects as same were in before commencement of work by grantee.
5. In case of any damage to any roads, streets, public places, structures or public property of any kind on account of said work by the grantee, he will at once repair said damage at his own sole cost and expense.
6. The City, his agents or representatives may do, order, or have done any and all work considered necessary to restore to a safe condition any street, alley, public place or structure which is in a condition dangerous to a life or property resulting from the Grantee's facility or its installation as permitted misted herein, and upon demand the grantee shall pay to the City all costs of such work and material.
7. If at any time the City deems it advisable to widen, grade, regrade, plank, pave, improve, alter or repair any road, street public place or structure, the grantee upon written notice by the City, his representatives or agents, will at his own sole cost and expense, raise, lower, change, move or reconstruct such installations to conform to the plans of work contemplated or ordered by the City.
8. If, upon written notice by the City, the grantee fails to relocate any portion or all of the project as granted under this permit, the City, its agents or representatives may do any work at the cost and expense of the grantee, and all costs to remove or reconstruct the same shall be done by the grantee.
9. All such changes, reconstruction or relocation by the grantees shall be done in such manner as will cause the least interference with any of the City's work and shall be subject to the same provisions which control an original installation. The City shall in no way be held liable for any damage to the grantee by reason of any such work by the City, its agents or representatives, or by the exercise of any rights by the City upon roads, streets, public places or structures in question. The grantee shall have twenty-four (24) hours written notice by the City or his representatives or agents of any blasting contiguous to the grantee's permit rights in order that he may protect his interests.
10. This grant or privilege shall not be deemed or held to be an exclusive franchise, nor prohibit the City from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the City from using any of its roads, streets, public places for any and all public use, or affect its jurisdiction over all or any part of them.
11. All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors and assigns of the grantee and all privileges of the grantee shall inure to such successors and assigns as if they were specifically mentioned.
12. The City may revoke, annul or terminate this permit if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given him or if the work herein permitted, is not installed or operated and maintained in conformity herewith or at all.
13. The City of Kettle Falls City Council may at any time, change, amend, modify, amplify or terminate any of the conditions herein enumerated so as to conform to any state statute or City regulation pertaining to the public welfare, safety, health or highway regulations as are, or may hereinafter be enacts ad, adopted or amended, etc. The Board may terminate this permit if grantee fails to comply with any such changes.
14. **Petitioner, by accepting this permit, agrees to notify and check with all utilities regarding their installations before commencing work, together with private property owners when such property is liable to injury or damage through the performance of such work, and the applicant shall make all necessary arrangements relative to the protection of such property and/or utilities. CALL 811 FOR UTILITY LOCATES BEFORE EXCAVATION BEGINS.**
15. In accepting this permit the petitioner, his successors and assigns, agrees to protect and save harmless the City from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used or manner of installation, maintenance and operation or by the improper occupancy of rights of way or public place or public structure and in case any such suit or action is brought against said City for damage arising out of or by reason of any of the above causes, the petitioner, his successors or assigns will upon notice to him or them or commencement of such action defend the same at his or their sole cost and expense and will fully satisfy any judgment after the said suit or action shall have finally been determined if adversely to the City.

**ORDINANCE NO. 1841**

**AN ORDINANCE ADDING A NEW CHAPTER TO KETTLE FALLS MUNICIPAL CODE TITLE 15 BUILDINGS AND CONSTRUCTION AND ADOPTING EXCAVATION REGULATIONS**

**SECTION I.**

Title 15 of the Kettle Falls Municipal Code, Chapter 15.24, is hereby adopted as follows:

Chapter 15.24  
EXCAVATIONS

Sections:

- 15.24.010 Definitions.
- 15.24.020 Permit required – Exception.
- 15.24.030 Application – Bond – Requisites – Amount.
- 15.24.040 Insurance – Type – Amount – Requisites.
- 15.24.050 Permit – Application – Fees.
- 15.24.060 Safety devices and barriers required.
- 15.24.070 Routing of traffic during construction.
- 15.24.080 Prosecution of work – Inspections.
- 15.24.090 Construction standards.
- 15.24.100 Restoration of surface – Failure to – City’s right to – Procedure.
- 15.24.110 Winter no dig time frame.
- 15.24.150 Completion – Closing of Permits.
- 15.24.130 Permit agreement.
- 15.24.140 Compliance.

**15.24.010 Definitions.**

For the purpose of this chapter the following words, terms and phrases are hereby defined and shall have the meaning herein given to them. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

“Public Works Superintendent” shall mean the Public Works Superintendent or their duly authorized representative.

“Streets and alleys” shall mean and include streets, alleys, sidewalks, curbs, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds, city rights-of-way and public improvements within the City of Kettle Falls.

“Maintenance, maintaining or maintained” shall mean the relaying, repairing, replacing, examining, testing, inspecting, removing, digging, and excavating and restoring operations incidental thereto.

“Permittee” shall mean any person, company, partnership or corporation or its successors and assigns holding a permit to dig, excavate in, construct, lay, maintain and operate over, across, upon, along and under the present and future streets, alleys, sidewalks, curbs, roads, thoroughfares, parkways, bridges, and public property and other places in the City of Kettle Falls.

“Person” shall mean any person, firm, association or corporation.

#### **15.24.020 Permit required – Exception.**

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine, cut, or in any way obstruct or disturb any streets, rights-of-way and alleys in the City of Kettle Falls or to fill in, place, leave or deposit in or upon any streets or alleys any earth, refuse, gravel, rock or other material or thing tending to obstruct, disturb or interfere with the free use of the same without first having obtained a permit and without complying with the provisions of this chapter; provided, however, that in case of any emergency arising other than during normal office hours, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the Public Works Department and the necessary excavation may be made upon the express condition that an application be made in the manner herein provided on or before noon of the following business day.

#### **15.24.030 Application -Bond – Requisites – Amount.**

Permittee shall make application to the Public Works Department for a permit and in connection therewith shall file a bond in the minimum sum of \$10,000.00, or such other sum as is established by the Public Works Department, conditioned on faithful performance of the terms of the permit and holding the City of Kettle Falls harmless from any loss, damage, cost or expense of any nature which may accrue to or be asserted against the City of Kettle Falls by reason of any activities of permittee, its successor or assigns under this chapter.

In addition, said bond shall also be conditioned that permittee will comply with all of the provisions of this chapter and, in case the permit authorizes cutting into or under any streets or alleys in the city, said bond shall be further conditioned that the person acting under said permit shall replace the portion of said streets and alleys affected thereby and shall restore the same at permittee’s expense to as good or better condition within the time specified by the Public Works Department, and that said permittee will maintain such street or alley so restored for a period of two years from and after such restoration. Settlement of the street or alley within a two-year period from the time the original work is completed shall be considered conclusive evidence of defective backfilling by the

permittee. Acceptance of the work by the Public Works Department shall not prevent the City from making a claim against the permittee for uncompleted or defective work if the same is discovered within two years of said acceptance. The fact that an inspector was present during the progress of any construction shall not relieve the permittee from responsibility for defects discovered after the completion of the work.

**15.24.040 Insurance – Type – Amount – Requisites.**

Permittee shall at the time of applying for a permit as herein provided agree to indemnify and save the City of Kettle Falls harmless from any and all liability, loss, cost, damage or expense from accident or damage, either to himself or to persons and property of others, which may occur by reason of the exercise of the rights and privileges granted under said permit; and shall, for the purpose of carrying out the provisions of this section, and prior to commencing construction of any kind, have in full force and effect and filed evidence thereof with the Public Works Department a good and sufficient policy (or policies) of insurance covering both personal injury and property damage with said policy (or policies) to be executed by an insurance company (or companies) authorized and qualified to do business in the state of Washington, naming the City of Kettle Falls as an additional insured, conditioned to indemnify and save harmless the City of Kettle Falls from and against any and all claims, actions, suits, liability, loss, costs, expense or damage of any kind or description which may accrue to or be suffered by anyone by reason of the erection, construction, reconstruction, relocation, replacing, readjustment, repair, maintenance or operation authorized pursuant to said permit or by reason of anything that has been done or may be done by the permittee hereunder which may in any way cause liability by reason thereof, said policies to remain in full force and effect during the exercise of the rights and privileges granted herein by permittee, its successors or assigns. Minimum amounts per occurrence shall be determined through internal administrative guidelines. Insurance requirements will be determined prior to permit issuance.

**15.24.050 Permit – Application – Fees.**

1. Application for a permit shall be made with the Public Works Department on forms provided by the department. With reference to public utilities, natural gas, electric and communications, hereinafter referred to as “utilities,” the Public Works Superintendent may adopt rules and regulations not inconsistent with this chapter authorizing a permit for such utilities when utilizing such utilities’ own work force on a project or planned seasonal basis. All other applicants shall seek permits on a project basis only. All permittees shall obtain a business license prior to the issuance of any permit hereinunder.
2. The application shall be accompanied by plans, profiles and specifications of sufficient detail to allow the Public Works Superintendent or their authorized representative to:
  - a. Understand the nature of the work, the exact location and extent of the work.

- b. Make a determination that if the permit is issued, that the street and alley will be restored to the requirements of the City of Kettle Falls; and
- c. Have an accurate record of the type and location of the facility being installed in and/or under the roadway.

In addition, the Public Works Department may require additional drawings, surveys, and plans as they deem necessary to determine whether the proposed work conforms to standard specifications of the City of Kettle Falls and sound engineering and design practices.

3. Upon receipt of the approved application and such other requirements as they deem necessary, together with the appropriate payment of a fee, the Public Works Department shall issue the permit. The permit fees shall be calculated by the Public Works Department.

**15.24.060 Safety devices and barriers required.**

In case any public street, alley, pavement, curb, sidewalk or like improvement shall be dug up, excavated, undermined, cut or disturbed, the permittee shall cause to be erected and distributed, and at all times maintained throughout such excavation work, such barriers, lights, signs, flagmen and other safety devices as may be required by the Public Works Department and/or the City Police Department, and in accordance with all state and federal standards. Failure to do so shall constitute a violation of this chapter.

**15.24.070 Routing of traffic during construction.**

During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public; provided, that the Public Works Superintendent may permit the closing of streets or alleys to all traffic for a designated period of time if, in his opinion, it is necessary. The permittee shall route and control all traffic, including its own vehicles, as directed by the Street Department. Before any street or alley may be closed or restricted to traffic, the permittee must receive the approval of the Public Works Department.

If the permittee is working within a bus route or school zone, the permittee will be required to notify First Student Transportation or Kettle Falls School District with the following information:

1. Location of work.
2. Expected dates of work/closure.
3. Expected times of day the work will be conducted during the dates of work/closure.
4. Will closure be a full or half closure of the roadway.
5. Will flaggers be present on the work location.

#### **15.24.080 Prosecution of work – Inspections.**

1. Once work under the permit is commenced, the permittee shall diligently complete the work in such a manner as to be of a minimal inconvenience to the public.
2. Inspections of the work shall take place by the Public Works Department as follows:
  - a. Compaction: restoration and backfill of the trench, pothole, bell hole and keyhole. Each shall be compacted in lifts using the industry standard equipment to tamp the backfill material to 95% density. Controlled Density Fill (CDF) may be used and acceptable in some situations – please refer to local jurisdiction design standards or local inspector for further guidance before any use of CDF.  
NOTE: CDF is an acceptable method of backfill to meet compaction per WSDOT specifications [2-09.3(1)E Backfilling].
  - b. Prior to placement of crushed rock.  
NOTE: The City of Kettle Falls has the right to require new fill materials if the native/existing fill materials are deemed unsuitable for use.
  - c. Prior to placement of temporary patch and/or first lift of permanent patch.
  - d. After placement of second lift of permanent patch; and
  - e. Additional inspections – no call required:
    - i. 8 to 15 months after completion and
    - ii. 20 to 24 months after completion

The City of Kettle Falls may require the permittee to verify existing customer sewer service within the scope of the work.

The City of Kettle Falls may require a site walk be performed prior to permit being approved.

If at any time during the duration of the work, any city utilities are found in the work area along with customer sewer services, the permittee shall notify the Public Works Department immediately.

#### **15.24.090 Construction standards.**

1. All work performed under a permit as authorized herein shall be pursuant to the latest edition of the Standard Specifications for Road, Bridge and Municipal Construction. In addition, work performed under the permit shall meet the following requirements:
  - a. All street cuts and/or trenches shall be permanently or temporarily patched prior to opening the street to vehicle traffic, except when a flagger(s) is continuously present.
  - b. All pavement cuts shall be made with a saw and shall be recut after placement of top rock. Crushed rock surfacing shall be a minimum of eight

inches wider on each side of the original cut, or greater, if necessary, as determined by the Public Works Department.

- c. Final asphalt shall be placed in two or more lifts to a depth of three inches minimum or that or that of the existing roadway, if greater. Each lift shall be no more than two inches deep, compacted. For concrete streets, concrete shall be placed to a minimum depth of six inches or equal to existing street, whichever is greater.
- d. Crushed rock. Top rock, 5/8-minus on residential local access streets shall be placed to a depth of eight inches or to match existing street, whichever is greater. All other streets, collectors and arterials shall be placed to a depth of 15 inches or to match existing street, whichever is greater.
- e. In cases where a trench is generally running parallel to the roadway and more than 100 feet in length, the permittee shall remove the existing roadway to the outer edge of the roadway in such cases where the outer edge of the permittee's trench is within four feet of the edge of the roadway;
- f. In cases where trenches are generally perpendicular to the roadway, such as side services, and the number is such that it represents more than one trench per 75 feet of street for a given block and the total number of trenches exceeds eight, the permittee or entity owning or operating the utility for which the service lines are being installed shall be required to:
  - i. Overlay the street if the existing surface pavement is less than three years old; and
  - ii. Pay to the City of Kettle Falls a sum representing 33 percent of the cost of an overlay based on the most current overlay project cost to the City of Kettle Falls if the existing surface is between three and five years old;
  - iii. The City of Kettle Falls reserves the right to require the permittee to overlay all or any portion of the roadway in such case as the roadway (old bituminous streets) is so fragile that the work of the permittee will, or has, destroyed the integrity of the roadway;
  - iv. All manholes, water valves, etc., shall be post-adjusted after patching is complete in accordance with City of Kettle Falls standard details.

The City of Kettle Falls may require the permittee to move the location of the proposed work at the discretion of the Public Works Superintendent.

#### **15.24.100 Restoration of surface – Failure to – City's right to – Procedure.**

If the permittee shall have failed to restore the surface of the streets and alleys to their original and proper condition upon the expiration of the time fixed by such permit, or upon the completion of the work allowed to be done under such permit, the Public Works Department shall have the right to do all work necessary to restore the street. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permits, and the City of Kettle Falls shall have a cause of action for all fees, expenses

and amounts paid out upon such works; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided further, that if, in the judgment of the Public Works Department, it is not expedient to replace the pavement over any cut or excavation made in any street or alley upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, they may direct the permittee to lay a temporary pavement or other suitable material to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the Public Works Department may lay such temporary pavement themselves and collect the cost thereof from the permittee in the manner hereinbefore provided.

**15.24.110 Winter no dig time frame.**

From the dates of November 1st through March 1st, there shall be no digging permits issued with the exception of emergencies, or unless otherwise agreed upon by the Public Works Department.

**15.24.150 Completion – Closing of permits.**

Once the permittee has completed the scope of the permit and completed the work provided within the scope of the permit, the permittee shall notify the Public Works Department of completion via email or phone call to close out the permit.

**15.24.130 Permit agreement.**

1. The City of Kettle Falls has the right to change, manipulate, or adjust any and all provisions of the permit.
2. The City of Kettle Falls has the right to deny any permit.

**15.24.140 Compliance.**

1. Failure to comply with any part of this policy may result in the denial of future permits.
2. After 3 notices of noncompliance, the City of Kettle Falls shall send a notice to comply within ten (10) working days or all future permits may be denied until the problems have been corrected.
3. A meeting shall be arranged with the Public Works Department and a plan of action to prevent future noncompliance shall be presented before the issuance of any new permits.

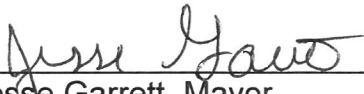
4. An appeal can be applied for in writing to the City of Kettle Falls.
5. Noncompliance activities include, but are not limited to:
  - a. Failure to take out a permit.
  - b. Failure to maintain temporary patches.
  - c. Failure to make permanent repairs.
  - d. Failure to make emergency repairs.
  - e. Failure to make warranty repairs.
  - f. Failure to send back As-Built information.
  - g. Failure to inform the City of Kettle Falls of asphalt/work completion date.
  - h. Failure to follow traffic control measures, as required.

**SECTION 2.**

This Ordinance shall take effect and be in force five (5) days from its passage, approval, and publication.

PASSED by the City Council of the City of Kettle Falls this 15th day of April, 2025.

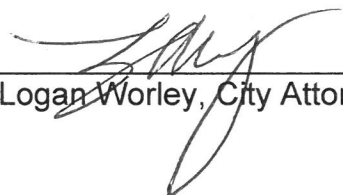
Approved:

  
\_\_\_\_\_  
Jesse Garrett, Mayor

Attest:

  
\_\_\_\_\_  
Raena L. Hallam, Clerk/Treasurer

Approved as to form:

  
\_\_\_\_\_  
Logan Worley, City Attorney

The foregoing ordinance was presented for adoption by Council Member John Ridlington and seconded by Council Member Michael Weatherman. Upon a vote, there were 5 ayes, and 0 nays and 0 absent.