

## **ORDINANCE NO. 6847**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO RESTRICTIONS AND LIMITATIONS OF PUBLIC RIGHT-OF-WAY USE AND REVISING CHAPTER 10.28 OF THE AUBURN CITY CODE (ACC)

WHEREAS, the City has authority over its public rights-of-way, and as such has the authority to restrict and limit their use; and

WHEREAS, the roadways of M Street NW, from approximately the 1600 block of M Street NW to 29<sup>th</sup> Street NW, and 29<sup>th</sup> Street NW from M Street NW to the Mill Creek Crossing (“Subject Roadways”) are within the public rights-of-way; and

WHEREAS, the Subject Roadways provide access to properties and utilities that do not currently require, or benefit from, general public access; and

WHEREAS, the Subject Roadway crossing at Mill Creek is closed and as such, provides no connectivity to the City street network or public access benefit; and

WHEREAS, the Subject Roadways have been used to illegally dump inoperable vehicles, trash, and other waste material in, and adjacent to, the public rights-of-way; and

WHEREAS, the illegal dumping has presented an on-going potential threat to the sensitive environmental areas along the Subject Roadways; and

WHEREAS, clean-up of the dumped waste material on, and along, the Subject Roadways is of significant financial cost to the City and adjacent property owners; and

WHEREAS, very low traffic volumes and the isolated nature of the Subject Roadways has made it very difficult for the City and adjacent property owners to dissuade or prevent the illegal dumping; and

WHEREAS, it is in the public interest to close the Subject Roadways to all vehicular and non-vehicular traffic except for the purpose of accessing utilities and properties by their owners and authorized guests in order to address the issue of illegal dumping.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.** Chapter 10.28 of the Auburn City Code is amended to read as shown in Exhibit A.

**Section 2. Implementation.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

**Section 3. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 4. Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kendra Comeau, City Attorney

Published: \_\_\_\_\_