

**ORDINANCE NO. 410**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AMENDING CHAPTER 3.3 OF THE NORTH PLAINS MUNICIPAL CODE REGARDING PUBLIC WORKS STANDARDS**

**THE NORTH PLAINS CITY COUNCIL FINDS:**

**WHEREAS**, the City of North Plains adopted Ordinance 391 regarding Public Works Design Standards on November 15, 2010; and

**WHEREAS**, streamlining the process for amending the Public Works Design Standards will enable the City Engineer to adopt best practices and incorporate them into the engineering standards more efficiently;

**NOW THEREFORE, THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:**

Section 1. Chapter 3.3 of the North Plains Municipal Code is amended in its entirety to read:

**3.30.10 PUBLIC WORKS STANDARDS**

**3.30.101 - AUTHORITY AND PURPOSE**

The City Engineer, in consultation with the Public Works Director is authorized to adopt, maintain and modify Public Works Design Standards (“Design Standards” or “Standards”) for use in and throughout the City. These Design Standards govern all construction modifications and upgrading of public facilities in the City and work within its service areas. All construction design detail, workmanship and materials are to be done consistent with the current edition of the Design Standards.

**3.30.102 - SPECIAL DESIGN PROBLEMS**

Special applications not covered in the Design Standards require review and approval by the Public Works Director and City Engineer. Submittal of full design calculations, supplemental drawings and information will be required. Applications requiring special review include, but are not limited to the following:

- A. Water Distribution Pump Stations
- B. Relining of Existing Water Mains
- C. Water Pressure Regulating Devices
- D. Energy Dissipaters
- E. Water Reservoirs
- F. Water Treatment Plants
- G. Water Flow Measurement/Monitoring Devices

### 3.30.103 – EXCAVATION AND GRADING PERMITS REQUIRED

1. Except as specified in subsection 2(B) below, no person shall do any work within the right-of-way without first obtaining a right-of-way permit from the City. Grading permits may also be required by Washington County. This provision is applicable to utility work and construction.
2. Exempted Work - A right-of-way permit will not be required for the following:
  - A. When approved by the City Engineer and Public Works Director, construction or work in an isolated, self-contained area if there is no danger to private or public property.
  - B. Excavations for wells, tunnels or utilities, when approved under related permits.
  - C. Exploratory excavations under the direction of soil engineers or engineering geologists.

Exemption from the permit requirements is not and shall not be deemed authorization for work done in any manner in violation of this chapter or other applicable law.

### 3.30.104 - PERMIT FOR WORK ON PUBLIC FACILITIES

A permit shall be obtained before beginning construction, alteration or repairs of public facilities, using application forms furnished by the City of North Plains.

### 3.30.105 - RIGHT-OF-WAY PERMIT REQUIREMENTS

Except as may be exempted in the Standards, no person shall do work in the right-of-way without first obtaining a City-issued right-of-way permit. A separate permit shall be obtained for each site.

### 3.30.106 - FEES

1. Fees shall be assessed as set forth in the fee schedule adopted by the City Council.
2. Pass-through fees collected on behalf of other jurisdictions at rates determined by the governing boards of those jurisdictions shall be paid at the time of submitting plans and specifications for review.
3. In addition to the permit fee, an investigation fee may be collected whether or not a permit is then or subsequently issued equal to the amount of the permit fee. The payment of such fee does not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

### 3.30.107 - BONDS

1. The City requires performance bonds in an amount of not less than One Hundred Twenty-Five percent (125%) of the Engineer's estimate of the cost of said work to assure the work, if not completed consistent with approved plans and specifications can be completed.

2. In lieu of a bond, the applicant may provide an irrevocable standby letter of credit or other evidence of financial security in a form and manner approved by the City Attorney and City Manager.

### 3.30.109 – PERMIT EXPIRATION

1. Every permit issued by the City expires and become null and void if the building or work authorized by such permit is not commenced within 12 months from its issue date, or if the building or work authorized by such permit is suspended or abandoned after work is commenced for a period of six consecutive months. Before work can be resumed, a new permit must be obtained. New permit fees will be assessed when the permit is issued.
2. A Permittee holding an unexpired permit may apply for a one-time extension up to six (6) months provided it can be satisfactorily shown why the work cannot be commenced within the twelve month period.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Effective Date. This Ordinance shall become effective within thirty days from the date of adoption; i.e. December 6, 2012.

INTRODUCED for first reading on the 15th day of October, 2012, for second reading AND ADOPTION on November 5, 2012.

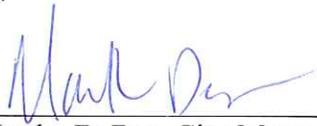
CITY OF NORTH PLAINS, OREGON

By:

  
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David Hatcher, Mayor

ATTEST:

By:

  
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Martha DeBry, City Manager/City Recorder