

ORDINANCE NO. 1871

(An ordinance amending Chapters 13.36, 15.12, and 15.16 of the Hood River Municipal Code)

WHEREAS, the City Engineer has adopted Engineering Standards for public facilities construction within the City;

WHEREAS, Chapters 13.36, 15.12, and 15.16 are in need of updating to allow application of the City Engineering Standards to work performed under these Chapter;

WHEREAS, the City has determined that any excavations within City rights of way cause the rights of way to be degraded, at expense to the public;

WHEREAS, in order to recoup expense and establish a fund to repair roads that have been degraded, a degradation fee is necessary;

WHEREAS, in order to preserve newer roads, excavations in rights of way that are 2 years or younger, should be curtailed;

WHEREAS, the public safety and welfare require that this ordinance become effective immediately upon passage.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapters 13.36, 15.12, and 15.16 of the Hood River Municipal Code are amended to read as follows:

| CHAPTER 13.36 - WORK IN CITY RIGHTS OF WAY

Sections:

- 13.36.010 Definitions
- 13.36.020 Permit--Required--Form—Duration
- 13.36.030 Permit—Application requirements—Applicant’s Verifications—Construction Schedule—Construction Permit Fee
- | 13.36.040 Performance Security requirements
- 13.36.050 Permit--Issuance
- 13.36.060 Conduct of work..
- 13.36.070 Adherence to terms of permit--Permit exhibition
- | 13.36.080 Completion of work--Notice—Record Drawings

- 13.36.090 Public Safety Requirements
- 13.36.100 Liability for accidents
- 13.36.115 Restoration of Public rights of Way and City Property
- 13.36.120 City option to replace pavement--Cost
- 13.36.130 Applicability to city employees
- 13.36.140 Emergency cuts--Procedure and compliance
- 13.36.145 Revocation of Permits
- 13.36.150 Violation—Penalty

13.36.010 Definitions. The following words when used in this Chapter have the meaning respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning. Words not defined in this Chapter have the meaning ascribed to them in the Engineering Standards.

"City Engineer" means that person designated by the City to serve as the City Engineer, or his or her designee(s).

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, vaults, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right of way, owned or controlled, in whole or in part, by one or more public utilities.

"Duct" means a single enclosed raceway for conductors or cable.

"Engineering Standards" means the most recent version of the City of Hood River Engineering Standards adopted by the City Engineer under Title 16.

"Person" means a natural person, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company, or other legal entity, private or public, whether for profit or not.

"Public Rights of Way" or "Right of Way" has the same meaning as in Hood River Municipal Code Section 13.52.010. For purposes of Hood River Municipal Code Chapter 14.01 (Telecommunications Registration and Franchising), this definition applies only to the extent of the City's right, title, interest or authority to grant a franchise to occupy and use these areas for telecommunications facilities. "Public rights of way" also includes utility easements as defined below.

"Tunnel" means an excavation requiring the removal of dirt or like material and includes driving or forcing of pipe through the ground.

"Utility Easement" means any easement designated on a subdivision or partition map as a utility easement or public utility easement, or any easement granted or owned by the City and acquired, established, dedicated or devoted for public utility purposes.

13.36.020 Permit—Required—Form—Duration. It is unlawful for any person to cut, break, dig up, damage in any manner, undermine, excavate or tunnel under any public right of way (together referred to in this Chapter as "excavate" unless the context requires otherwise) without

first making an application to the City Engineer, depositing securities, and obtaining a permit. Applications for permits and permit requirements shall be in the form prescribed by the City Engineer and as provided in the Engineering Standards. Permit timelines shall be consistent with those established in the Engineering Standards unless otherwise approved by the City Engineer.

13.36.030 Permit—Application requirements—Applicant’s Verifications—Construction Schedule—Construction Permit Fee.

A. An application for a permit shall be in a form as prescribed by the City Engineer and shall specify the name and address of the applicant and the date of the application, the name of the street or alley to be cut or tunneled under, the nature of the right of way surface or pavement involved, the purpose of the work, the size and nature of the excavation, and the number of days required to complete the work. The applicant shall be required to:

1. Deposit such securities as required by the City Engineer, to comply with the provisions of this Chapter and with the specifications of the City Engineer pertaining to the conduct of the work; securities include both a performance guarantee and a warranty guarantee as specified in Chapter 16.12.

2. Save the city and its employees harmless against any injury or damage which may result from the actions of the applicant; and name the City as an additional insured on the applicant’s insurance policies for bodily injury and property damage. The Applicant shall provide certificates of evidence of insurance showing the City as additional insured. The amount of coverage shall cover no less than the City’s liability under the Oregon Tort Claims Act.

3. Comply with all reporting requirements of the permit.

B. An application for a permit shall be accompanied by a permit fee in an amount to be determined by resolution of the City Council and which helps to defray the costs of design reviews, construction observation and administration of the requirements of this Chapter. The permit fee shall include a degradation fee for all requested excavations to pavements less than ten (10) years old. The degradation fee, set by City Council, shall be deposited in the City’s Street Fund for the ongoing maintenance of City streets.

C. Applications for permits to construct, install or modify facilities within a public right of way shall be accompanied by documentation, drawings, plans and specifications as required by the Engineering Standards. The documentation, drawings, plans and specifications shall be in sufficient detail to demonstrate or show that the facilities will be constructed or installed in accordance with all applicable codes, rules and regulations and that the facilities will be constructed or installed in accordance with the applicant’s franchise agreement, if any.

D. All documentation, drawings, plans and specifications submitted with permit applications shall be accompanied by the verification of a registered professional engineer that the drawings, plans and specifications comply with applicable technical codes, rules and regulations. In the City Engineer’s sole discretion, documents, drawings, plans and specifications may be verified by a person who is not a registered engineer but who is a qualified and authorized representative of the applicant.

E. All permit applications shall be accompanied by a written schedule, including the anticipated deadline for completion of the work. The schedule shall be subject to approval by the City Engineer.

13.36.040 Performance Security requirements. Unless otherwise provided in a franchise agreement, before excavation is commenced within the public rights of way the applicant shall provide a performance bond or other form of surety acceptable to the City in an amount equal to at least 100% of the estimated cost of all the work within the public right-of-way. The amount of the estimated cost is subject to approval by the City Engineer.

A. The surety shall remain in force until released by the City following final acceptance and upon compliance with Chapter 16.12, unless otherwise provided in a franchise agreement.

B. The surety shall guarantee, to the satisfaction of the City:

1. Timely completion of construction;
2. Construction in compliance with applicable plans, permits, technical codes and standards;
3. Proper location of the facilities as specified by the City;
4. Restoration of the public rights of way and other property affected by the construction; and
5. Timely payment and satisfaction of all claims, demands and liens for labor, material and services provided in connection with the work.

C. In lieu of a surety bond, the applicant may file as security cash or certified check in an amount no less than 100% of the estimated cost of all the work within the public right-of-way, to be held by the City and returned subject to the same conditions as set forth in the case of surety bonds;

D. In the case of unimproved rights of way, no security shall be required, unless, in the opinion of the City Engineer, such security is necessary for the protection of the public interest.

13.36.050 Permit—Issuance.

A. If the City Engineer is satisfied that the application, plans and documents submitted comply with all requirements of this Chapter, the Engineering Standards, and any applicable franchise agreement, that the excavation is feasible and proper, that adequate security has been filed as required by provision of this Chapter and that the permit fee has been paid, a permit shall be issued showing the name of the person to whom the permit is granted, the date of issuance of the permit, the right(s) of way to be excavated, the estimated time in which the work is to be completed, and such other restrictions as may be deemed necessary or proper by the City Engineer for the safety of the public or protection of public interests.

B. No permit shall be granted if the applicant has any outstanding payments due to the City under this Chapter.

C. No permit shall be issued for an excavation in a pavement surface less than two (2) years old unless the applicant can clearly demonstrate to the City Engineer's satisfaction that public health or safety require the work to be performed or unless an emergency exists.

D. No permit shall be issued for an excavation in any pavement unless the applicable degradation fee has been paid.

13.36.060 Conduct of work.

A. All work shall be done in conformity with the provisions of this Chapter, the Engineering Standards, the terms of the application and permit, and in a manner approved by the City Engineer. During the work, the permittee shall maintain the right of way surface in accordance with Section 13.36.090. Upon completion of the excavation, all surplus earth, rubbish or other materials shall be removed immediately and the surface or pavement of the right of way shall be replaced in as good as or in better condition than it was before work commenced.

B. Except in the case of an emergency, the permittee shall notify the City Engineer not less than two (2) business days in advance of any excavation or construction in the public rights of way. When advance notice is not possible because of an emergency, the permittee shall give notice within 48 hours of excavation or work as per Section 13.36.140.

C. When feasible, permittee shall contact all other persons owning property adjacent to or facilities within the right of way where construction is to occur. The purpose of the contact is to determine if joint projects are feasible to minimize duplication of work and excavation in the right of way, and to implement Section 14.01.040. For those persons expressing an interest in a joint project, the permittee shall give them reasonable notice of the particular dates for the work to begin. Upon mutual agreement, the permittee shall make the trench available to those persons participating in the joint project for installation of conduit, pedestals, vaults, laterals, wires, lines or equipment. The payment for the cost of trenching and installation shall be as mutually agreed to by the parties.

D. Work shall be performed between the hours of 7 AM and 7 PM, Monday through Friday, unless approved otherwise by the City Engineer in writing.

13.36.070 Adherence to terms of permit—Permit exhibition.

A. No work shall be undertaken other than that specified in the application and permit for a particular excavation. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities.

B. The City Engineer and the City's representatives shall be provided access to the work site and any further information as they may require to ensure compliance with the permit and plans or protection of the City's right of way. Upon demand of the City Engineer, his assistants or any police officer, the permit shall be produced at the place where the work is in progress. If a permit is not produced, the work shall be stopped until the permit is produced.

C. Any work that does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Chapter, shall be removed, replaced or corrected at the permittee's own expense immediately following oral or written notification by the City Engineer. The City Engineer is authorized to stop work in order to assure compliance with the provisions of this Chapter. If the work is not replaced or corrected as required by this Section and the City Engineer's notice, the work shall be removed or corrected by the City at the permittee's own expense.

13.36.080 Completion of work—Report—Record Drawings.

A. The permittee shall promptly complete all construction activities so as to minimize disruption of the City rights of way and other public and private property. All construction work within City rights of way, including restoration, must be completed within the time frames as established in the Engineering Standards unless the City Engineer has approved an alternate schedule.

B. The permittee shall notify the City Engineer in writing upon completion of the work.

C. When documentation, drawings, plans or specifications have been required for a permit application, the permittee shall furnish the City with two (2) complete sets of record drawings drawn to scale and certified to the City as accurately depicting the location of all facilities constructed pursuant to the permit, one set on paper and the other set in electronic format acceptable to the City. These record drawings shall be submitted to the City Engineer within sixty (60) days following acceptance of the facilities by the City, in a format mutually acceptable to the permittee and City Engineer.

13.36.090 Public Safety Requirements.

A. Whenever a person places obstructions in a right of way or excavates a right of way for any purpose, the person shall keep the obstruction and excavation properly safeguarded in accordance with the ODOT Short Term Traffic Control Handbook and as required by the City Engineer.

B. All permit applications that involve work on, in, under, or across or along any right of way shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the ODOT Short Term Traffic Control Handbook and the Uniform Manual of Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian, bicycle, and vehicular traffic.

13.36.100 Liability for accidents. A person who places an obstruction in a right of way or excavates a right of way, is responsible for any injury or property damage resulting from the obstruction or excavation and is also liable to the City, in the event that the City is held responsible for any action or claims or otherwise arising out of the obstruction or excavation .

13.36.115 Restoration of Public rights of Way and City Property.

A. When a permittee, or any person acting on their behalf, does any work in or affecting any public rights of way or City property, they shall, at their own expense, promptly remove any obstructions therefrom and restore the ways or property to good order and condition unless otherwise directed by the City Engineer, or unless otherwise specified by the permit.

B. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore and maintain the affected rights of way or property if directed to do so by the City Engineer. Temporary restoration shall be at the permittee's own expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration. Any corresponding modification to the construction schedule will be subject to approval by the City. Temporary restoration means restoring the property to a safe condition permitting the use of the property as was made prior to the work being undertaken. Temporary restoration does not require paving, landscaping or surfacing of a permanent nature.

C. If the permittee fails to restore rights of way or property to good order and condition, the City shall give the permittee written notice and provide the permittee a reasonable period of time, not exceeding thirty (30) days, to restore the rights of way or property. If the permittee fails thereafter to restore the rights of way or property to good order and condition, the City may cause the restoration to be made at the expense of the permittee, and the permittee shall reimburse the City for such costs, including all labor and material costs and an administrative overhead fee of 20% plus interest after 30 days.

13.36.120 City option to replace pavement—Cost. Whenever, in the opinion of the City Engineer, it would be in the best interest of the City for the City itself to replace or repair the right of way surface or pavement cut, which may be damaged, tunneled under or undermined under the provisions of this Chapter, such work shall be done by the City under the direction of the City Engineer and the cost of such work shall be either charged to the person to whom the permit for such cut or excavation has been granted or deducted from security deposited by him with the City Engineer.

13.36.130 Applicability to City employees. The provisions of this Chapter do not apply to work within right of way by the City, its employees, or persons operating under contract with the City. However, the degradation fee applies to any underground utility work performed by or for the City and shall be deposited into the City's Street Fund.

13.36.140 Emergency cuts—Procedure and compliance. In the event of an emergency affecting the public safety, an excavation may be made in a public right of way provided that a report of such cut shall be made to the City Engineer within forty-eight hours, and all provisions of this Chapter complied with as though making an application for an original permit.

13.36.145 Revocation of Permits.

A. Any permit issued under this Chapter may be revoked by the City Engineer if after notice to the permittee for the following, the permittee fails to comply with subsection (C) of this section within the time specified in the notice:

- 1) Violation of any condition of the permit or any provision of this Chapter.
- 2) Violation of any provision of any other applicable ordinance or law relating to the work.
- 3) Existence of any condition or the performance of any act constituting or creating a nuisance or endangering life or property.

B. The notice may be oral when the City Engineer determines that circumstances warrant immediate attention in twenty-four (24) hours or less. All other notices must be in writing.

C. Upon receipt of notice from the City Engineer, the permittee shall immediately cease to perform any additional work in the permitted area except to remedy the violation and restore the area to a safe condition.

C. Written notice shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for issuing notice. Notice shall be given by certified or registered US Mail addressed to the permittee at the address shown on the permit application.

D. When any permit is revoked and the work authorized by the permit has not been completed, the permittee is required to re-apply for the permit and re-pay all fees with the exception of the degradation fee. If, in the opinion of the City Engineer, delays in the completion of work will create a hazard or nuisance to the public, the City may perform such work as may be necessary to restore the street. All expenses incurred by the City for such work shall be reimbursed by the permittee.

13.36.150 Violation—Penalty. Any person violating any of the provisions of this Chapter, upon conviction thereof, shall be punished by a fine not to exceed an amount set by City Council resolution. Every day that a violation continues shall constitute a separate offense.

CHAPTER 15.12 - MOVING BUILDINGS

Sections:

- 15.12.010 Permit required--Exception
- 15.12.020 Permit--Application and bond requirements
- 15.12.030 Permit issuance and prerequisites--Refusal hearing
- 15.12.040 Equipment requirements
- 15.12.050 Limitation of permit
- 15.12.060 Violation—Penalty

15.12.010 Permit required--Exception.

A. No person, firm, or corporation shall move a building or part of a building from one lot to another without first making an application and obtaining a permit to move the building.

B. This chapter shall not apply to persons, firms, or corporations moving a building within the confines of a lot or contiguous lots when the building is not moved over public property, public streets, or alleys, or property belonging to another person, firm, or corporation. However, at a new location, a moved building or part of a building shall conform to the city building code, fire prevention code, zoning ordinances, and other applicable ordinances. (Ord. 1117 §1, 1961)

15.12.020 Permit--Application and bond .

A. An applicant for a permit to move a building shall file an application with the city engineer at least fifteen days before the proposed moving date. The application forms shall be provided by the city and the applicant shall submit information required by the city.

B. An applicant shall notify public utility companies controlling or maintaining electric power, telephone, telegraph or other overhead wires in the city at least two weeks before the proposed moving date, indicating the applicant's intention to move a building or part thereof, the proposed route, and date of moving.

C. At the time of applying for a permit, the applicant shall submit to the city engineer a letter or other written notification from the public utility companies stating the time they were notified of the proposed moving of the building.

D. Before a permit is granted, the applicant for a permit shall file with the city recorder a bond running to the city in an amount covering 100% of the estimated cost to repair or replace any public rights of way or portions thereof and executed by a corporate surety authorized to transact surety business in the state. The estimated cost is subject to approval by the City Engineer. The bond shall be conditioned as follows:

1. That the applicant, if granted a permit, shall, in moving the building, conform to all requirements relating thereto which are now or may be hereafter established by the council; and

2. That the applicant will promptly repair and make good to the satisfaction of the council any damage to pavement, sidewalks, crosswalks, hydrants, sewers, water lines, streets, alleys, or other public or private property done or caused by the applicant, his servants or employees in moving a building or part of a building. That the applicant will perform the work and provide a warranty in accordance with Chapter 13.36.

E. The applicant shall also file with the city recorder a public liability policy with policy limits of not less than the City's liability limits under the Oregon Tort Claims Act in a form acceptable to the city recorder; such policy providing protection against damage or injury occurring in the course of moving a building and naming the City as an additional insured.

F. The applicant shall pay a permit fee set by council resolution before receiving a permit. (Ord. 1730 1996 part; Ord. 1117 §2, 1961)

15.12.030 Permit issuance and prerequisites--Refusal hearing.

A. Before issuing a permit the city engineer shall confer with public utility companies in an effort to establish a route, a plan for moving, and a date which is satisfactory to the utility companies, and the city engineer shall personally examine the proposed route for moving the building. (Ord. 1728, part 1996)

B. A permit issued under this chapter shall specifically describe the route to be taken in moving the building, the approximate length of time which may be consumed in the moving process, and the day and time on which the moving shall start. The building or part of a building moved shall not be moved on a route other than that specified in the permit.

C. If the applicant has complied with all of the requirements of this chapter, the city engineer shall issue a permit to move the building, or shall refer the matter to the city manager and his decision thereafter shall be final.

D. If a permit is refused, the city manager shall provide for a hearing at which the applicant may present information or relevant considerations to the council. (Ord. 1728, part 1996, Ord. 1117 §3, 1961)

15.12.040 Equipment requirements. A person, firm or corporation moving a building or part of a building over or across a street, alley, or other public property shall support the building being moved on equipment with pneumatic tires. The inflated pneumatic tires shall be of sufficient size to reasonably carry the load being moved without damage to the surface on which the load is moved. (Ord. 1117 §4, 1961)

15.12.050 Limitation of permit. A permit issued under this chapter does not authorize the permittee in moving a building to break, injure, damage, or move public utility facilities, trees or other public or private property with out permission from the owner of such property. (Ord. 1117 §5, 1961)

15.12.060 Violation--Penalty. Any person violating any of the provisions of this chapter, upon conviction thereof, shall be punished by a fine not to exceed that set by council resolution, or by imprisonment in the city jail for a period not to exceed sixty days, or by both. (Ord. 1728, part 1996, Ord. 1117 §6, 1961)

CHAPTER 15.16 - BUILDING PERMITS

Sections:

- 15.16.010 Prerequisites for building permit issuance
- 15.16.020 Conditions for issuance for property outside platted subdivision
- 15.16.030 Permit for sidewalk construction required concurrently with building permit
- 15.16.040 Exceptions to Section 15.16.030
- 15.16.050 Additional exceptions to Section 15.16.030
- 15.16.060 Sidewalk construction by city--Assessment
- 15.16.070 Elevation--Plot plan requirements
- 15.16.080 Elevation--Building permit requirement
- 15.16.090 Grading requirements

15.16.010 Prerequisites for building permit issuance. No building permit will be authorized for addition, alteration, intensification of use, change of occupancy or erection of a building within the city or the city urban growth boundary unless:

A. The tract of land upon which the building is or will be located is within the boundaries of the subdivision plat theretofore approved by the council or tentatively approved by it; and

B. The tract of land upon which the building is or will be located has satisfactory access to a public street dedicated and accepted as set out on an approved subdivision plat; and

C. The tract of land upon which the building is or will be erected is located on a street that has been improved to city standards by the placing of curbs, gutters, storm sewers, and paving with an all-weather hard surface to city standards for the street classification on which it is located. Or, if

the tract of land upon which the building is or will be erected is not located on a street that has been improved to city standards the owner will provide the city with a waiver of remonstrance for such improvements.

D. The building proposed on such tract complies with the site development standards, and other requirements, as listed in Chapter 17 of this code. (Ord. 1627 §1(part), 1990: Ord. 1435 §1, 1978: Ord. 950 §2, 1952)

15.16.020 Conditions for issuance for property outside platted subdivision. The city engineer may, with or without submission of the issue to the city council, authorize the issuance of a building permit upon property within the limits of the city or the city urban growth boundary, which is not located within the boundaries of a platted and accepted subdivision, if it is shown that:

A. No useful purpose would be served by platting the property upon which the building is or will be erected;

B. The building is or will be located along a public street or will have satisfactory access thereto; and

C. The granting of such permit will not in any way interfere with the future opening, accepting, grading, paving or lighting a street, or the laying of sewer and water lines or making connections from the city mains to such lines; or

D. Public convenience and necessity will best be served by the granting of such a permit.

E. The owner of the tract of land for which the building permit is requested will in writing bind himself, his successors in interest to the land and the land itself, at the request of the city, to join in a petition for the improvement of such street to city standards as required by subsection C of Section 15.16.010, appoint the mayor as his attorney-in-fact to join in such petition and waive the right to file written remonstrance with the council upon any hearing for proposed improvement or annexation of the street fronting on such tract of land.

F. The building proposed on such tract of land complies with the site development standards, and other requirements as listed in Chapter 17 of this code. (Ord. 1627 §1(part), 1990: Ord. 1558 §1, 1985: Ord. 1437 §2, 1978; Ord. 950 §3, 1952)

15.16.030 Permit for sidewalk construction required concurrently with building permit. Concurrently with the issuance of any building permit for the construction of any dwelling or business structure or any addition to any dwelling or business structure outside an industrial zone, the value of which is fifty percent or more of the assessed value of the structure, the owner, builder or contractor to whom the building permit is issued shall obtain a construction site permit for the construction of a sidewalk within the dedicated right-of way for the full street frontage in front of or at the side of such property in which a sidewalk in good repair does not exist. The sidewalk shall be constructed in accordance with the City's Engineering Standards. The sidewalk construction shall be completed within the building construction period or within the terms of the permit. (Ord. 1528 §3(part), 1983: Ord. 1314 §1, 1972: Ord. 1225 §1, 1967)

15.16.040 Exceptions to Section 15.16.030. If the landowner signs an agreement for improvements for sidewalk construction, the city engineer may issue a building permit and certificate allowing noncompliance with the provisions of Section 15.16.030 to the owner, builder or contractor when, in his/her opinion, the construction of a sidewalk is impractical for one or more of the following reasons:

A. Sidewalk grades have not been and cannot be established for the property in question within a reasonable period of time;

B. Future installation of public utilities or street paving would, of necessity, cause severe damage to the existing sidewalk or those to be constructed;

C. Right-of-way width is insufficient to accommodate a sidewalk on one or both sides of the street;

D. Topography or contours make the construction of a sidewalk impractical;

E. The noncompliance provided in subsections A and B of this section shall be temporary and shall cease to exist when grades are established for the sidewalk(s), or when public utilities and/or street paving have been constructed. The permit shall indicate the reason for its issuance. (Ord. 1528 §3(part), 1983; Ord. 1225 §2, 1967)

15.16.050 Additional exceptions to Section 15.16.030. If the owner, builder or contractor considers the construction of a sidewalk impractical for any reason other than those listed in Section 15.16.040, such owner, builder or contractor may appeal the decision of the city engineer to the city planning commission, and the city planning commission shall recommend to the council whether a permit and certificate of noncompliance shall or shall not be granted, and the council may thereupon grant a permit and certificate of noncompliance. (Ord. 1225 §3, 1967)

15.16.060 Sidewalk construction by city--Assessment. If a sidewalk is not constructed as required by Section 15.16.030, then the city may construct or hire a contractor to construct a sidewalk for the full street frontage in front of and at the side of such property; and the assessment and collection of the costs of such improvement will be assessed against the property and borne by the property and the owner of the property as provided by Section 13.20.030. (Ord. 1314 §2, 1972; Ord. 1225 §4, 1967)

15.16.070 Elevation--Plot plan requirements. Each applicant for a new structure or major remodeling of an existing structure or the creation of a parking site shall file with the city building official a plot plan with elevations showing the relationship between the existing street level, whether improved or unimproved, and the structure, the driveway, the proposed parking site, and the grade of the driveway leading to such proposed structure and any proposed parking site. (Ord. 1437 §1, 1978)

15.16.080 Elevation--Building permit requirement. No building permit may be issued by the city building official unless the building elevation and the parking site or sites therefor be so located as to provide to the satisfaction of the city engineer that the following requirements are met, and all according to established city policy:

A. Reasonable and convenient access from an existing improved street grade to such structure and to any parking site on the area serving the structure or any independent parking site;

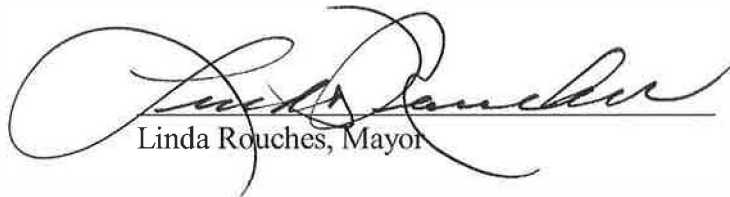
B. Adequate drainage is provided both inside and out side and around the structure to an existing storm sewer or other lawful and suitable drainage area. (Ord. 1437 §2, 1978)

15.16.090 Grading requirements. If the street has not been improved with paving, gutters and curbs, then upon receipt of request for building permit on property not fronting on such improved street, the city engineer shall establish the proposed street grade to which the improved street would be built. The structures and/or parking sites to be constructed shall provide a reasonable grade and convenient access from such proposed street grade as may be established by the city engineer. (Ord. 1437 §3, 1978)

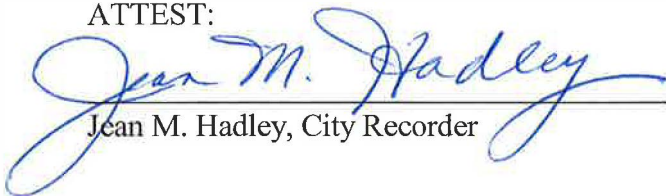
Read for the first time: May 9, 2005.

Read for the second time and passed: May 23, 2005, to become effective immediately.

Signed May 24, 2005.


Linda Rouches, Mayor

ATTEST:


Jean M. Hadley, City Recorder

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a. That the facilities will be constructed or installed in accordance with all applicable codes, rules and regulations.

b. That the facilities will be constructed or installed in accordance with the applicant's franchise agreement, if any.

c. The methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights of way, and description of any improvements that the applicant proposes to temporarily or permanently remove or relocate.

d. The estimated cost of the work proposed.

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e. The location, dimension and types of all trees or other vegetation that will be trimmed, removed or replaced or restored as result of the areas disturbed during construction and that are within or adjacent to the public rights of way along the route proposed by the applicant. The applicant shall also submit a landscape plan, satisfactory to the City Engineer, for the protection, replacement or restoration of such trees or other vegetation.

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f. The utilities contacted as provided in Section 13.36.060(C).

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2. The drawings shall also specifically show:

a. The location

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route of the facilities, if any, to be installed aboveground or on existing utility poles.

b. The location and route of all facilities on or in the public rights of way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights of way. Existing facilities shall be differentiated on the plans from new construction.

c. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public rights of way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right of way.

D. All documentation, drawings, plans and specifications submitted

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permit applications shall be accompanied by the verification of a registered professional engineer that the drawings, plans and specifications comply with applicable technical codes, rules and regulations. In the City Engineer's sole discretion, documents,

drawings, plans and specifications may be verified by a person who is not a registered engineer but who is a qualified and authorized representative of the applicant.

E. All permit applications shall be accompanied by a written schedule, which shall include a deadline for completion of the work. The schedule shall be subject to approval by the City Engineer.

13.36.040 Permit-Security requirements. Unless

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, before construction is commenced within the public rights of way the permittee shall provide a performance bond or other form of surety acceptable to the City in an amount equal to at least 100% of the estimated cost of the work for the permittee's telecommunications facilities.

A. The surety shall remain in force until one (1) year after substantial completion of the work, as determined in writing by the City, including restoration of public rights of way and other property affected by the construction

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pavement to be cut, together with

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re-excavation and refilling with proper materials, if necessary, as determined

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C. Any work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Chapter, shall be removed, replaced or corrected at the permittee's own expense within thirty (30) days following written notice from the City Engineer. The City Engineer is authorized to stop work in order to assure compliance with the provisions of this Chapter. If the work is not replaced or corrected as required by this Section and the City Engineer's notice, the work shall be removed at the permittee's own expense.

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A. The permittee shall promptly complete all construction activities so as to minimize disruption of the City rights of way and other public and private property. All construction work within City rights of way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless the City Engineer has approved an alternate schedule.

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B. When documentation, drawings, plans or specifications have been required for a permit application, the permittee shall furnish the City with two (2) complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit, one set on paper and the other set in electronic format acceptable to the City, such as Autocad. These plans shall be submitted to the City Engineer within sixty (60), in a format mutually acceptable to the permittee and City Engineer.

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furnishing a night watchman for that purpose.

B. All permit applications that involve work on, in, under, or across or along any public rights of way that are arterials or major collector streets shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the Uniform Manual of Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian, bicycle, and vehicular traffic

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13.36.100 Liability for accidents. A person who places an obstruction in a right of way or who makes an excavation therein under provision of this Chapter, shall be responsible to anyone for any injury by reason of the presence of such obstruction or excavation on the public highways when such obstruction or excavation is the sole proximate cause of the injury and shall also be liable to the City, in the event that the City is held responsible for any action or claims or otherwise arising out of the presence of such obstruction or excavation on such public highway.

13.36.110 Maintenance responsibility—Duration. A person to whom a permit is granted shall be personally responsible for the maintenance and repair of the right of way surface or pavement cut, dug up, damaged, tunneled under or undermined under the provisions of such permits, and shall leave the same in as good as or better condition than before such work was undertaken, at their own expense and for such a period of time as required by the City Engineer, but not to exceed one year.

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13.36.120 City option to replace pavement—Cost. Whenever, in the opinion of the City Engineer, it would be in the best interest of the City for the City itself to replace or repair the right or way surface or pavement cut, which may be damaged, tunneled under or undermined under the provisions of this Chapter, such work shall be done by the City under the direction of the City Engineer and the cost of such work shall be either charged to the person to whom the permit for such cut or excavation has been granted or deducted from security deposited by him with the City Engineer.