

ORDINANCE NO. 948

AN ORDINANCE REQUIRING A PUBLIC WORKS PERMIT, FOR WORK AFFECTING THE PUBLIC RIGHT-OF-WAY; SETTING FEES; REPEALING ORDINANCES NO. 765 AND NO. 868; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

- Section 1. PERMIT REQUIRED: No person shall do work affecting the Public Right-of-Way without first obtaining a permit from the Public Works Department. Work affecting the Right-of-Way includes but is not limited to, construction, reconstruction, grading, oiling, repair, opening or excavation of a sidewalk, street, curb, driveway, culvert or ditch in a Public Right-of-Way, but does not include the construction of improvements performed under City contract.
- Section 2. PERMIT FEE: A permit fee shall be established by Council resolution.
- Section 3. SECURITY: The applicant shall provide security for the proposed work before the issuance of a permit. Security shall be in the form of cash, certified check or bond in an amount sufficient to assure satisfactory completion of the work. The amount of security shall be determined by the Public Works Director/Engineer, but shall not exceed \$500.00 per excavation, or \$1000.00 standing security for an annual permit, except that in the event the Public Works Director/Engineer determines a greater amount of security is required he shall bring his determination before the City Council for approval of security amounts over \$500.00. The Public Works Director/Engineer shall use standard construction estimating techniques to determine the appropriate amount of security. An appeal process is provided elsewhere in this ordinance in the event of a dispute concerning the appropriate amount of security. The security provided by the applicant shall be held by the City until the work area is restored to the satisfaction of the Public Works Director/Engineer.
- Section 4. PERMIT APPLICATION REQUIREMENTS: Plans and specifications shall be submitted with the permit application on the form provided by the City. Said plans and specifications shall be in a form and with detail as required by the Public Works Director/Engineer. Specifications shall be the most current revision of American Public Works Association Specifications, American Water Works Association Specifications or Oregon Department of Transportation Construction Specifications. Where a conflict exists between the above named specifications the Public Works Director/Engineer shall determine which of the above shall be used. Projects which involve new construction or involve major reconstruction shall be submitted at least two weeks prior to the date on which work is expected to commence. Projects involving all routine repairs of existing facilities shall require twenty-four hours prior notice.

Section 5. ELIGIBLE APPLICANTS: This permit is to be issued only to a duly licensed bonded contractor with proof of current liability and workers compensation insurance except as provided herein. A property owner who is not a licensed contractor may receive a permit under the following conditions:

- a. The total value of the work is not to exceed one thousand dollars (\$1000).
- b. No excavation shall exceed one foot in depth.
- c. Excavations under this section shall be in that area between the back of the curb and the right-of-way/property line boundary.
- d. No existing improvements other than sidewalks and/or driveway approaches are to be disturbed under this section.
- e. A security deposit of one hundred dollars (\$100) in the form of cash or certified check shall be required under this restoration of the work area at the discretion of the Public Works Director/Engineer. In the event that restoration is not satisfactory the deposit shall be retained by the City to defray the cost of restoration by the Public Works Department.

Section 6. EXCAVATIONS IN VIOLATION: Any person, company or franchised utility which damages City owned utilities while in violation of this ordinance shall be subject to double the cost of repair of said damaged utility. Request for locations of existing utilities are to be made twenty-four hours (24 hours) in advance of commencement of the work. Such utility locate requests are to be made to the East Linn Coordinating Council.

Section 7. VIOLATIONS: Violations of this ordinance constitute an infraction and may be prosecuted under the provisions of Ordinance No. 876 (Section 8, as amended by Section 16, Ordinance No. 876, passed July 27, 1982).

Section 8. PERMIT CONDITIONS: Permit conditions including but not limited to the following may be included as a requirement for permit issuance:

- a. Physical protection for all excavations (barricades, etc.).
- b. Adequate traffic control as specified by the Oregon Department of Transportation.
- c. Time limits for restoration of the work area.
- d. Work to be conducted only during specified hours which shall normally be restricted to normal working hours. Normal working hours is defined as 7:00 a.m. to 6:00 p.m., Monday through Friday.
- e. Pavement, curb and gutter restoration to be accomplished by the applicant to the satisfaction of the Public Works Director/Engineer. Inadequate restoration shall be corrected by the applicant within ten days of notification. Restoration which is not satisfactorily completed within the time limits set forth shall be corrected by the Public Works Department and the cost plus a ten per cent administration fee shall be charged against the applicant's bond or security deposit.
- f. All cuts in asphalt paving, portland cement paving, concrete curbs, gutters and sidewalks shall be saw cuts at least three inches deep unless excepted as a condition of the permit.

Section 9. EMERGENCY PROVISIONS: Under the following emergency conditions requirements for notification are modified as follows. In the event of the following defined emergency conditions notice within twenty-four hours (24 hours) after the event is required. All other provisions of this ordinance remain in effect.

- a. Declared emergency.
- b. Emergency involving facilities of a franchised utility (upon the franchise holder's authority).
- c. Fire Department/Ambulance Division emergency.

Section 10. WAIVER OF REQUIREMENTS: Permit requirements may be waived by the Public Works Director/Engineer for the following reasons:

- a. Activities within the public right-of-way which do not affect or disturb improvements owned by the City or its franchisees.
- b. Fees are waived for franchisees where franchise agreements prohibit such fees, all other provisions of this ordinance shall remain in effect.
- c. Work in new developments is exempt until such time as the improvements are accepted by the City Council for maintenance by the City. Contractors are not released from the requirements of this ordinance when working on or connecting to existing improvements.

Section 11. DENIAL OF PERMIT AND APPEAL: The Public Works Director/Engineer may deny issuance of a Public Works Permit for cause. Sufficient cause shall be failure to comply with past permit requirements or inability to meet requirements for issuance of a permit. In the event of a dispute between the applicant and the Public Works Director/Engineer the applicant may appeal to the City Council for modification or release from permit requirements of this ordinance.

Section 12. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

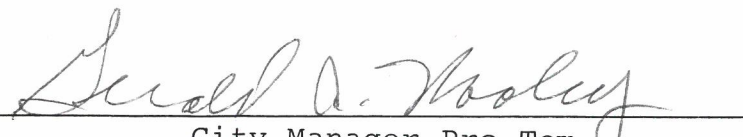
Section 13. Ordinance No. 765 and Ordinance No. 868 are hereby repealed.

PASSED by the Council and approved by the Mayor this 22nd day of July, 1986.

ATTEST:



Mayor



City Manager Pro Tem