

RESOLUTION NO. 5381-18

A RESOLUTION UPDATING THE PUBLIC WORKS CONSTRUCTION CODE TO CREATE A SIDEWALK/DRIVEWAY APPROACH PERMIT

WHEREAS, Tualatin Municipal Code (TMC) 2-3-010 establishes the Public Works Construction Code (PWCC) as the standards, specifications and procedures used for all Public Works Construction within the City; and

WHEREAS, under Tualatin Municipal Code 2-3-020, the City Engineer has the duty to maintain and update the PWCC, subject to Council approval by resolution; and

WHEREAS, the PWCC was adopted by Council resolution on October 8, 2001, and subsequently amended on February 11, 2002; October 14, 2002; March 10, 2003; March 22, 2004; April 12, 2010; July 26, 2010; September 26, 2011; February 25, 2013; December 12, 2016; April 24, 2017; and February 12, 2018; and

WHEREAS, the City Engineer is recommending the PWCC be revised.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The following definition is added in PWCC Section 101.1.00, Definitions, as follows:

Sidewalk/Driveway Approach Permit – The Permit issued by the City Engineer for reconstruction or modification of an existing sidewalk or driveway fronting residential or commercial properties within the public Right-of-Way, or public easements. This permit covers work not involving a public utility and shall be submitted in the name of the property owner or contractor for the property owner.

Section 2. PWCC Section 102.1.5, Sidewalk/Driveway Approach Permit, is added to read as follows:

102.1.5 Sidewalk/Driveway Approach Permit

A Sidewalk/Driveway Approach Permit is required to reconstruct or modify an existing sidewalk or driveway fronting residential or commercial properties within the public Right-of-Way, or public easements. This permit applies when there is no other development work, land-use actions, or other work in the right of way such as a water or sewer service. In those cases, a Public Works Permit will be required per Section 102.1.1.

Obtain a Sidewalk/Driveway Approach Permit using the application form provided by the City Engineer. With the application, include a permit fee as set forth in subsection 102.3.1, Permit Fees and Deposits.

Section 3. PWCC Section 102.3.1, Permit Fees and Deposits, is modified to read as follows:

102.3.1 Permit Fees and Deposits

This section applies to Public Works Construction Permits, Water Quality Permits, Erosion Control Permits, and Sidewalk/Driveway Approach Permits.

Section 4. PWCC Section 102.3.5, Sidewalk/Driveway Approach Permit Fees, is added to read as follows:

102.3.5 Sidewalk/Driveway Approach Permit Fees

For Sidewalk/Driveway Approach Permits pay the fees shown on the application and in the current version of the City of Tualatin Fee Schedule located on the City of Tualatin website.

Section 5. PWCC Section 102.14.00, Performance of the Work, is modified to read as follows:

102.14.00 Performance of the Work

In order to protect the safety of the public and the integrity of the City's public works facilities, enter into a Public Improvement Agreement for work proposed on an existing public works facility. Public works facilities include any public transportation, sanitary sewer, storm drainage, water, or park facility.

If the scope of work necessitates a Public Improvement Agreement, the permit for the project will not be issued until the Contract is executed and filed with the City. The contract is enforceable by and against the parties, their heirs, successors and assigns.

As a condition of the agreement, a bond, cash deposit, or other security acceptable to the City will be required from the applicant in an amount equal to the value of the improvements to the existing public facilities, but not less than \$25,000. **For Sidewalk/Driveway Approach Permits only, the bond amount shall be equal to twice the cost of construction as approved by the City Engineer.** This assurance is to ensure that the applicant constructs and completes all required improvements to the public facilities.

Fulfill the conditions of the agreement within the time limitations specified. Failure to fulfill a condition within the time may result in the City collecting the assurance and completing the improvements.

Further, notwithstanding any other provision, the City has the authority to deny a permit upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous permit and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

Section 6. To the extent this resolution conflicts with a prior resolution involving the PWCC, the provisions of this resolution control.

Section 7. This resolution is effective July 1, 2018.

INTRODUCED AND ADOPTED this 25th day of June 2018.

CITY OF TUALATIN OREGON

BY



Mayor

ATTEST

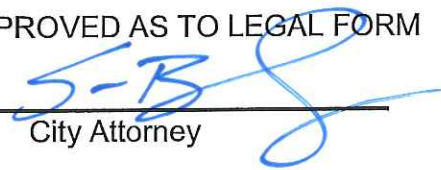
BY



City Recorder

APPROVED AS TO LEGAL FORM

BY



City Attorney