

## ORDINANCE NO. 12-1006

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### AN ORDINANCE AMENDING TITLE 12.04 OF THE OREGON CITY MUNICIPAL CODE

**WHEREAS**, the City of Oregon City ("City") has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law; and

**WHEREAS**, Title 12.04 of the Oregon City Municipal Code ("OCMC") governs activities occurring within public right-of-way including imposing permit requirements and street construction specifications; and

**WHEREAS**, the City adopted Ordinance 08-1007 that created a Pavement Maintenance Utility Fee that funds pavement maintenance and restoration projects and efficient use of this fund requires that new pavement cuts are minimized and/or properly repaired; and

**WHEREAS**, the City finds it necessary to implement higher restoration standards for pavement cuts within public rights-of-way in the interest of maximizing the pavement service life and minimizing maintenance costs.

### **NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** OCMC Title 12.04 is amended as follows, with additions noted with underlined text and deletions as strikethrough text:

#### 12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

#### 12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

**Section 2.** In addition to the applicable fee for obtaining a Right-of-Way Permit, the City may collect an additional fee when a pavement cut is proposed to cover the costs of administering the requirements and warranties under this Standard. The City Commission may establish and alter this fee in the future by resolution.

**Section 3.** The effective date of this Ordinance shall be 30 days following final enactment.

Read for the first time at a regular meeting of the City Commission held on the 5<sup>th</sup> day of September 2012, and the forgoing ordinance was finally enacted by the Commission on this 19th day of September 2012.

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DOUG NEELEY, Mayor

Attested to this 19<sup>th</sup> day of September 2012:

Approved as to legal sufficiency:

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Nancy Ide, City Recorder

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City Attorney