

ORDINANCE NUMBER 384

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION, IMPROVEMENT AND ACCEPTANCE OF STREETS WITHIN THE CITY OF STAYTON; REPEALING ORDINANCE NUMBER 292; and DECLARING AN EMERGENCY.

The City of Stayton does ordain as follows:

Section 1. It is the declared intent that this ordinance govern and provide for uniform improved streets within the City of Stayton, and that no improvement be made unless such complies with the standards herein, whether such improvements be intended by a sub-divider, partitioner, or casual builder or owner, and this ordinance shall be construed to best apply this intent.

Section 2. No person shall receive a building permit for any construction within the City of Stayton and no parcel of land shall be subdivided or partitioned within the City unless the streets bordering such lot or area to be built upon comply with the standards and specifications set forth in this ordinance.

Section 3. No new street shall be accepted by the City of Stayton for maintenance purposes until such street is brought up to the standards required in this Ordinance. "New streets" shall include all property deeded to the City and intended for street use, and all dedicated or existing streets within the City which have not been brought to the standards of this ordinance. Any future streets dedicated or deeded to the City shall be 60 feet in width unless specified differently by the City Council.

Section 4. All new streets within the City of Stayton shall include the following to be provided at the expense of the abutting property owners:

- A. Clearing and grading to proper grade to full right of way limits.
- B. Storm drainage facilities both within and outside of right of way limits.
- C. Base materials for roadways, in place and compacted, and leveling course in place.
- D. Concrete curbs and concrete sidewalks as provided by the ordinances of the City of Stayton, Oregon.

Section 5. Before any street improvement shall be made, the abutting owner or his representative shall notify the City Engineer or Street Superintendent, who shall supply, at City expense, the grade lines and specifications for the clearing and grading of the street and for the construction and installation of storm drainage. In the event such improvements are not commenced within six months the owner shall reimburse the City for such engineering expense.

Section 6. When construction of storm sewers for drainage is required, the owners of the abutting properties shall pay the costs involved for pipe, excavation, bedding material and backfill in the amount of the actual cost per foot of pipe installed in the street fronting the owners properties. Additional costs including catchbasins, catchbasin connecting lines, lines crossing streets and alleys, engineering and

administrative costs, and any pipe cost in excess of twelve inches diameter shall be paid by the City. The total cost to the owner shall, in any case, not exceed such price per foot as may be established by motion of the City Council.

Section 7. The base and leveling materials for residential streets shall consist of a minimum of six inches of base rock and two inches of leveling course or surfacing rock, provided the sub-base is consolidated or compacted fill consisting of silty gravel or other suitable material. On those streets which, in the opinion of the City Engineer, do not have a sufficient sub-base, additional gravel may be required as specified by the City Engineer. The size and type of base leveling and fill materials shall be as specified by the City Engineer. The base and leveling materials shall cover the entire street width from curb to curb, except as hereinafter provided.

Section 8. In the event that a single improvement is to be constructed on a new street, and the owner thereof also owns the property on the opposite side of the street, the owner shall improve the street or streets for the entire width of the street fronting the lot in accordance with this ordinance, such improvement to extend at least for the total frontage length of the lot. If the opposite side of the street is in different ownership, the street improvement shall extend not less than ten feet beyond the center-line of the street from the lot to be improved.

Section 9. In the event the street improvements required by this ordinance have not been completed when the building permit is issued, the owner may agree to complete the same within four months and upon such agreement being signed the permit may be issued, provided however, that the City Council may, in its discretion, require a bond or deposit to insure faithful performance of said agreement. Further extensions of time may be allowed for good cause with approval of the City Council. Upon completion of any street or portion thereof to the standards of this ordinance, the Council may accept the same by a motion being duly passed and entered in the minutes.

Section 10. It shall be the duty of the street superintendent, upon application for a building permit within the City, to inspect the site and determine if the adjacent street complies with the standards of this ordinance. If it does not, and the extension agreement of Section 8 is not signed, the issuance of the permit shall be delayed pending review by the City Council.

Section 11. In the event the City Council deems it advisable because of special considerations of the locality, the requirements of this ordinance may be temporarily waived. If it appears that improvement of the street along any one lot or area would be impractical, and additional street area should be included in the improvement, the Council may order the work to be done and assess the property owners therefore in accordance with the charter and ordinances of the City of Stayton.

Section 12. In any case where the improvement is done in accordance with an official subdivision or partitioning plat approved by the Planning Commission and City Council, the requirements of this ordinance shall be deemed to be satisfied. Compliance with this ordinance shall in no way be deemed to satisfy the subdivision ordinance of the City of Stayton where the same might apply.

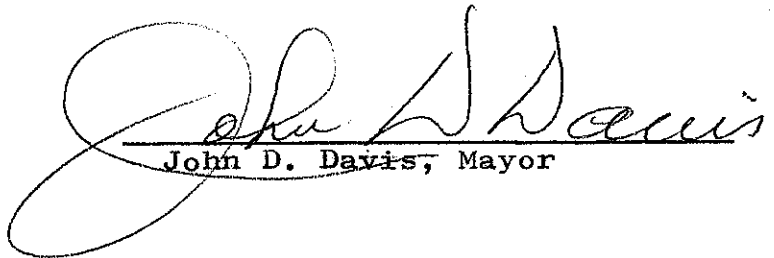
Section 13. Ordinance Number 292 of the City of Stayton is hereby repealed.

Section 14. Any person who violates, omits, neglects or refuses to comply with the provisions of this ordinance shall be fined not more than \$100.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 15. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Stayton and the inhabitants thereof an emergency hereby is declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED BY THE COUNCIL this 16<sup>TH</sup> day of DECEMBER, 1968.

APPROVED BY THE MAYOR this 16<sup>TH</sup> day of DECEMBER, 1968.

  
John D. Davis, Mayor

ATTEST:

  
August Schafer, City Recorder