

ORDINANCE NO. 981

AN ORDINANCE AMENDING AND RESTATING STAYTON MUNICIPAL CODE CHAPTER 12.04 (CONSTRUCTION AND MAINTENANCE OF STREETS, SIDEWALKS AND CURBS) TO PROTECT CITY INVESTMENT IN PAVEMENT, AND DECLARING AN EMERGENCY

WHEREAS, Municipal investment in the City's streets is a major expense for the City;

WHEREAS, cuts and excavations in a newly paved or resurfaced street can impact on the lifespan of the investment in that pavement or resurfacing;

WHEREAS, Stayton Municipal Code (SMC) Title 12, Chapter 4, Section 12.04.140 establishes policies to conserve new paving and resurfacing of streets;

WHEREAS, the City will be resurfacing streets during the summer of 2015 and intends to increase its investment in street resurfacing;

WHEREAS, the City wishes to modify policies in relation to the construction and maintenance of streets, sidewalks, and curbs; and

WHEREAS, it is appropriate that an emergency be declared.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Section 12.04.140 Amended. Stayton Municipal Code, Chapter 12.04, Section 12.04.140 of Title 12 is hereby amended as follows:

12.04.140 RIGHT-OF-WAY PERMIT: CHARGES FOR EARLY EXCAVATION

1. To conserve new paving and resurfacing of streets, pavement cuts in travel lanes are prohibited for one (1) year after final approval of pavement placement, except when a contractor places new pavement along the full length of the cut, plus 10 feet at both ends of the cut, and across the full width of the street.

After the one (1) year moratorium pavement may only be cut upon payment of a penalty charge. The maximum period of time for which such penalty shall apply shall be five years.

- a. The charge for early excavation of any public facility shall be a specified cost per square foot of excavation (length x width = square foot of excavation) multiplied by the number of years remaining in the penalty period. The specified cost per square foot shall be set by resolution.

First year after surfacing:	As Stated Above.
Second year after surfacing:	Cost x square footage of excavation x 4
Third year after surfacing:	Cost x square footage of excavation x 3
Fourth year after surfacing:	Cost x square footage of excavation x 2
Fifth year after surfacing:	Cost x square footage of the excavation

- b. The City will inform utilities and affected property owners before new paving or resurfacing is performed. Whenever practicable, the City will provide a tentative list of street improvements six months prior to construction.

- c. Potholing smaller than four square yards shall be allowed outside the travel lanes without penalty.

SECTION 2. Emergency Ordinance. Due to the upcoming paving projects for the summer of 2015, the City Council declares it is necessary for the preservation of the public health, welfare and safety for this Ordinance to become effective immediately upon its passage by the City Council and approval by the Mayor.

SECTION 3. Severance Clause. If any phrase, clause, or other part or parts of this Ordinance are found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and other part or parts shall remain in full force and effect.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of May 2015.

CITY OF STAYTON

Signed: 5/18/15

By: Henry A. Porter
Henry A. Porter, Mayor

ATTEST

Signed: 5/18/15

By: Keith D Campbell
Keith D Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney