

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of approval of construction,)
reconstruction or alteration of any street,) PUBLIC WORKS
curb, storm drain, sewer line, or water)
main within public rights-of-way of Marion)
County, and declaring an emergency.)

ORDINANCE NO. 671

The Board of Commissioners of Marion County ordains as follows:

SECTION 1 - Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare in Marion County by requiring that construction and improvements within or on public rights-of way meet the County standards and have the approval of the, Director of Public Works.

SECTION 2 - AUTHORITY

The County roads, highways and bridges of Marion County have been located, established and maintained under the direction and authority of the Board of Commissioners of Marion County for such purposes and in such manner as has been determined to be in the public interest. The Board of Commissioners has the authority to prescribe the methods and manner of working, improving, reaving, and access to all county and public roads, highways and bridges. The office of the Director of Public Works of Marion County is best equipped by reason of knowledge and information to

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BY
MARION COUNTY
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administer issuance and administration of permits for the construction, reconstruction, alteration, and use of public roads, highways and bridges and is hereby designated to undertake said activities on behalf of the Board of Commissioners.

Therefore, the administrative responsibilities of issuance of permits for the construction, reconstruction, repair, or alteration of any sidewalk, curb, curb-cut, road, highway, or bridge; permits for the laying, installing, or connection to any sewer pipeline, water main, or storm drain within public rights-of-way; shall be the administrative responsibilities of the Director of Public Works for Marion County.

SECTION 3 - Definitions

BOARD means - The Marion County Board of Commissioners.

DEPARTMENT means - The Marion County Department of Public Works.

DEVELOPER means - Person, firm, or corporation who finances improvements or obtains permits therefore.

DIRECTOR means - Director of the Marion County Public Works Department.

ENGINEER means - A registered professional civil engineer, licensed by the State of Oregon.

OWNER means - Person or persons who own real property in fee as shown by the deed records of Marion County or a person who is purchasing real property under a recorded contract.

SUBDIVISION means - An area or tract of land from which four or more lots have been created within a calendar year when such

area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SECTION 4 - County Approval

In order to insure that all construction within a public right-of-way or easement meets with County Standards, persons shall be required to submit a plan of the proposed construction per Section 5 and then obtain a permit per Section 6 prior to the beginning of any construction.

Review, approval, permits and bonding required by the Director of Public Works shall be obtained by any and all persons prior to their beginning to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb-cut, or street, or beginning to lay, or install any sewer pipeline, water main or storm drain on or within public rights-of-way or begin to connect to any storm drain.

Permit fees as specified in Section 10 shall be paid to the Department of Public Works to cover the cost of such reviews and permits. Said permit fees as specified may be waived for any federal, state or city agency depending on the scope and complexity of the project.

SECTION 5 - Plan Check Application

A plan check application and approval of the Director or his designated representative shall be required by the Department on all subdivisions and construction or reconstruction of any street, storm drain, sewer or water main.

An application or reapplication for a plan check shall be filled by the Developer's engineer with the Director. Such application shall include the following:

- a) Name and address of the owner or owners of the property;
- b) Name and address of the developer of the property;
- c) Name, address, and phone number of the developer's engineer;
- d) Description of the work area location;
- e) Two sets of preliminary construction plans in conformance with the Department's adopted design Standards Plans for street, storm drain, sewer and water mains must be submitted simultaneously to facilitate checking for conflicts.
- f) Evidence that all federal, state and city laws, ordinances and regulations have been complied with, including a copy of permits required by federal, state or city agencies;
- g) The estimate of the construction cost of the proposed project prepared by the Developer's engineer;
- h) Such other information as the Director of Public Works shall find reasonably necessary for determination of whether plans should be approved for permits.

In addition to the application, the applicant shall comply with the following plan check requirements.

- a) All construction plans for sewer and water shall have the approval of that utility having jurisdiction. It

shall be the responsibility of the developer to submit plans to the utilities and to see that the Department receives a copy of their approval prior to County approval.

- b) All plans, estimates, reports, documents, or other such information as required for plan check shall be prepared and certified by a registered professional civil engineer licensed by the State of Oregon.
- c) Plans submitted to the County for plan check shall be subject to the standards, specifications, policies and procedures and plan check fees of the Department in effect at the time of application or reaplication for plan check.
- d) All plan check approvals shall be void upon expiration of 24 months from the date of original approval.
- e) Reapplication for plan check must be made with the Director or his designated representative upon expiration of said 24-month period if a construction permit has not been issued within said period.

SECTION 6 - Permits

A permit will be required for any construction, reconstruction, repair, alteration or grading of any sidewalk, curb, curb-cut, street or for the laying and installing of any sewer pipeline, water main or storm drain on or within public rights-of-way or for a hookup to any public storm drain.

The applicant shall file the appropriate permit with the Director, as specified in the following sections.

SECTION 7 - Construction Permits

Construction permits will be required for all subdivisions and construction or reconstruction of any street, storm drain, sewer, or water main. Such applications shall include:

- a) Name and address of owner or owners of the property;
- b) name and address of the developer of the property;
- c) Name and address of the engineer;
- d) Name and address of the party doing the work;
- e) Location of the work area;
- f) Attached three sets of approved plans and specifications;
- g) Estimated cost of the proposed project submitted on the standard department form;
- h) Such other information as the Director of Public Works shall find reasonably necessary for the determination of whether a permit should be issued.

Prior to permit issuance, the applicant must have complied with the plan check approval as required in Section 5.

SECTION 8 - Sidewalk and Curb Permit

No new construction, or major reconstruction will be done on any sidewalk or curb within the public right-of-way without first obtaining a permit from, and in the form required by, the Director.

SECTION 9 - Storm Drain Sewer and Water Connection Permit

No connection to any storm drain sewer, or water line within public rights-of-way or County easement shall be allowed without first obtaining a permit from, and in the form required by, the Director.

SECTION 10 - Fees

Beginning June 1, 1984, accompanying all applications shall be the fees, as set forth below, to be charged for administrative engineering and inspection cost:

a) Plan Check Fee -

A \$50 or .75% of the engineer's estimate of the street and storm drain construction or reconstruction cost of the proposed project, whichever is greater.

b) Construction Permit Fee -

A \$50 or 1% of the engineer's estimate of construction or reconstruction cost for the street and storm drain improvements of the proposed project, whichever is greater.

c) Sidewalk and Curb Construction -

Fees shall be as established by the Board of Commissioners and revised annually, if necessary.

d) Storm Drain Sewer and Water Connection Permits -

Fees shall be as established by the Board of Commissioners and revised annually, if necessary.

In computing the plan check and construction inspection fees, the estimated value of the proposed construction submitted by the engineer shall be considered reasonable if it is

comparable to the current construction price list on file with the Director. Said list will be updated by the Director on January 1 of each year.

Work being done under contract with or by Marion County shall be exempt from provisions of this section.

SECTION 11 - Repeal

This ordinance shall supersede and repeal any other ordinance, or part thereof, which is in conflict herewith.

SECTION 12 - Separability Clause

Should any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or phrase; and if this Ordinance or portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

SECTION 13 - Emergency Clause.

This Ordinance being necessary for immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance taken effect June 1, 1984.

Dated at Salem, Oregon, this 16th day of May, 1984.

MARION COUNTY BOARD OF COMMISSIONERS

Russell Franke
Chairman

Laverne C. Brotner
Recording Secretary

APPROVED AS TO FORM:

Robert C. Cannon
Marion County Legal Counsel