

**CITY OF CARLTON**  
**Plan Review, Permit & Construction Requirements & Procedures**

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**PWDS Appendix G**  
**Plan Review, Permit &**  
**Construction Requirements & Procedures**

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**APPENDIX G: PLAN REVIEW, PERMIT & CONSTRUCTION REQUIREMENTS & PROCEDURES ..... 1**

G.1	GENERAL.....	1
G.2	PURPOSE.....	2
G.3	CONTRACTING POLICY .....	2
G.4	DEFINITIONS AND TERMS.....	3
G.5	PERMITS REQUIRED, TYPES OF PERMITS .....	4
G.6	APPROVAL OF CONSTRUCTION DRAWINGS REQUIRED .....	7
G.7	PLAN REVIEW PROCESS AND REVIEW FEES .....	8
G.8	CONSTRUCTION PERMIT APPLICATION.....	9
G.9	CONSTRUCTION PERMIT FEES.....	10
G.10	CONSTRUCTION AGREEMENT & PERFORMANCE GUARANTEE .....	11
G.11	CONDUCT AND PROGRESS OF THE WORK .....	14
G.12	ADHERENCE TO AND EXHIBITION OF PERMITS .....	15
G.13	EXPIRATION OR SUSPENSION OF PERMIT; STOP WORK ORDER; APPEAL.....	15
G.14	NOTICE OF COMPLETION OF WORK, FINAL INSPECTIONS.....	16
G.15	CITY POLICY FOR ACCEPTING NEW OR RECONSTRUCTED STREETS AND PUBLIC UTILITIES.....	18
G.16	PENALTY; CONTINUING VIOLATIONS.....	19
G.17	PRECONSTRUCTION CONFERENCE .....	19
G.18	VARIANCES TO CONSTRUCTION STANDARDS.....	20
G.19	CONSTRUCTION INSPECTION .....	20
G.20	CONSTRUCTION SUBMITTALS.....	20
G-1300	CONSTRUCTION SUBMITTALS.....	10 pgs



**PWDS APPENDIX G**  
**PLAN REVIEW, PERMIT & CONSTRUCTION REQUIREMENTS & PROCEDURES**

**G.1 GENERAL**

- a. These Public Works Construction Requirements and Procedures will be cited routinely in the text as the “Standards.”
- b. Wherever specific supplementary standards are indicated (ie. AWWA C-150, ASTM C-857), it shall be understood to mean the latest revision thereof.
- c. In interpreting these Standards, it is understood that: (1) if the context so requires: (a) the singular pronoun shall be taken to mean and include the plural pronoun; (b) the masculine pronoun shall be taken to mean the feminine and the neuter pronoun; and (2) all captions used therein are intended solely for the convenience of reference and shall in no way limit any of the provisions of these Standards.
- d. These Standards shall apply to all improvements within existing and proposed public right-of-way and public utility easements, to all improvements to be maintained by the City, and to all improvements for which the Development Code requires approval by the City, or which must be designed to meet the provisions of the Public Works Design Standards. The provisions of these Standards are binding on contractors and developers in the performance of any work covered under the categories outlined above. Where minimum values are stated, greater values should be used whenever practical; where maximum values are stated, lesser values should be used whenever practical.
- e. Requests for variances to these Standards shall be based on the criteria and procedures outlined in Section 1.11 of the Public Works Design Standards.
- f. In the case of conflicts between the text of these construction standards and the standard details in the PWDS, or between the provisions of these construction standards and the PWDS, the more stringent as determined by the Superintendent of Public Works shall apply.
- g. All other utility improvements, including telephone, electrical power, gas and cable TV shall meet the current standards of the appropriate agency as well as City standards.
- h. Traffic Control Devices shall meet the standards of the current Manual on Uniform Traffic Control Devices, including Oregon amendments.
- i. All other work not covered by the above standards shall conform to the Oregon Standard Specifications for Construction (OSSC/ODOT/APWA), most recent edition.

## **G.2 PURPOSE**

- a. The purpose of these Standards is to provide a consistent policy under which certain physical aspects of public utility construction will be implemented. Most of the elements contained in this document are Public Works oriented and most are related to the development or platting process. However, it is intended that they apply to both public and private work designated herein.
- b. These Standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by experienced contractors. The Standards are also not intended to limit unreasonably any innovative or creative effort which could result in better quality, better cost savings, or both. Any proposed departure from the Standards will be judged on the likelihood that such variance will produce a compensating or comparable result, in every way adequate for the user and City resident.
- c. The objective is to develop Standards which will:
  - 1) be consistent with current City Ordinances and the PWDS.
  - 2) set forth uniform material and workmanship standards under which all public works facilities shall be constructed within the City.
  - 3) supplement and complete the requirements of the City's development ordinances, Public Works Design Standards, and other prevailing ordinances as they relate to the physical construction of public works facilities within the City.
  - 4) clarify and streamline the administration and construction of public works facilities within the City.
  - 5) provide public and private utility improvements constructed in a manner to allow economical future maintenance.
- d. These Standards shall relate only to public works construction in the City and are not to be intended to replace building codes, development or zoning ordinances and other regulations for which procedures and standards have been established. Planning, zoning and related matters shall be satisfied prior to submitting an application for a public works construction permit.

## **G.3 CONTRACTING POLICY**

- 1) The policy of the City for construction of public improvements covered under these standards requires that the contractor be registered with the Oregon Construction Contractors Board.

#### **G.4 DEFINITIONS AND TERMS**

- a. Unless otherwise defined in these Standards, the following definitions, terms and abbreviations shall apply whenever used.
- 1) City: The City of Carlton, Oregon.
  - 2) Construction drawings: Drawings prepared by a registered professional engineer, including site plans, plan and profile views of utilities, cross sections, detailed drawings, etc., or reproductions thereof, approved by the City Engineer, which show the location, character, dimensions and details for the work to be done.
  - 3) Contractor: Any individual, firm, co-partnership, corporation or any combination thereof who has or have been named on a public works construction permit as the person responsible for the construction of the subject work, or who have entered into a Contract with the City for a particular project.
  - 4) Cut Sheets: Construction submittals as required by Section G-01300 of these standards.
  - 5) Definition of Words: Wherever, in these Standards, the words directed, required, permitted, ordered, designated or words of like importance are used, they shall be understood to mean the direction, requirement, permission, order or designation of the Superintendent. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable to, or satisfaction to the Superintendent.
  - 6) Design Engineer: The engineer licensed by the State of Oregon as a Civil Engineer under whose direction plans, profiles and details for work are prepared and submitted to the City for review and approval.
  - 7) Developer. The individual, organization, business, partnership or joint venture who is responsible for submitting plans for review and obtaining a Type A or Type B street/utility construction permit as required by these standards, or the applicant for such plan review and construction permits.
  - 8) Easement: Areas along the line of public utilities that are outside of dedicated right-of-way. Easements shall be prepared on City forms granting rights along the public utility line to the City.
  - 9) Improvement: General term encompassing all phases of the work to be performed under the construction permit and is synonymous to the term project.
  - 10) Inspector: The authorized representative of the City whose instructions and decisions shall be limited to the particular duties and responsibilities entrusted to

him/her in making detailed inspections of any or all portions of the work or materials therefor.

- 11) Owner: The City of Carlton for projects initiated and contracted by, and paid for by the City. For any other project, the owner is the individual, firm, co-partnership, corporation or any combination thereof who has hired a Contractor to complete any public works project subject to these standards.
- 12) Plans: See Construction Drawings.
- 13) Right-of-Way: All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public free of all encumbrances, within which the City shall have the exclusive right to install and maintain streets and public utilities.
- 14) Standard Details: The drawings of structures or devices commonly used on City work and referred to on the construction drawings. Also called Standard Plans. The Standard Details in these standards and in the PWDS shall apply to all public works construction within the City.
- 15) Superintendent: The Superintendent/supervisor of the Public Works Department of the City of Carlton or his/her authorized representative (Public Works Superintendent).
- 16) Survey Cut Sheets: Sheets of tabulated survey data, indicating stationing, structures, fittings, angel points, beginning of curve, points on curve, end of curves, staking offset, various elevations and offset utility cuts.
- 17) Work: All material, labor, tools, equipment, and all appliances, machinery, transportation, and appurtenances necessary to perform and complete the Contract, and such additional items not specifically indicated or described which can be reasonably inferred as belonging to the item described or indicated and as required by good practice to provide a complete and satisfactory system or structure.

## **G.5 PERMITS REQUIRED, TYPES OF PERMITS**

- a. No developer, person or organization (other than the City of Carlton) shall begin to construct, reconstruct, cut, excavate, repair, modify, alter, or grade any sidewalks, curb, curb-cut, driveway, street, or begin to lay and install any sanitary sewer, water mainline, storm sewer, including appurtenances or service laterals, or other private or franchise utility within any public right-of-way or public utility easement within the jurisdiction of the City without first obtaining approvals from the Superintendent of Public Works and the City Engineer as required by these standards, paying any required plan review and



construction permit fees, depositing any required performance security, and obtaining a street/utility construction permit therefor as provided herein.

b. Work for which a street/utility construction permit is required shall include, but not be limited to, the following. This list is not all inclusive. The intent is that any work covered under the Public Works Design Standards will require either a Type A or Type B Utility/Street Construction Permit prior to construction.

- 1) Streets. A permit shall be required for any work on a public street, dedicated fire lane, sidewalk, curb, curb-cut, driveways and driveway approaches within a public right-of-way, or within an existing or proposed public easement or fire lane, including signs, traffic markings and traffic control devices.
- 2) Storm Sewer. A permit shall be required for any work to lay and install any storm sewer and storm sewer appurtenances, including storm drainage service lateral(s), within any public right-of-way or within any existing or proposed public utility easement.
- 3) Sanitary Sewer. A permit shall be required for any work to lay and install any sanitary sewer pipeline and appurtenances, including sanitary sewer service lateral(s), within any public right-of-way or within any existing or proposed public utility easement.
- 4) Water. A permit shall be required for any work to lay and install any water main and appurtenances, including water service lines and meter boxes, within any public right-of-way or within any existing or proposed public utility easement, or any improvements attached to the City water system.
- 5) Parking Lots, Private Streets, Common Use Driveways: A permit shall be required for any work on a parking lot, private street or common use driveway that takes access from a public City street, that discharges storm drainage to a public storm drain system, or that overlies a public sanitary sewer or water line. A City utility/street construction permit is not required for the portion of single family residential driveways (serving a single residence or duplex) that is outside the public right-of-way or public utility easements.
- 6) Site Grading and Filling. A permit shall be required for any site grading, filling or fill stockpiling operations as follows.
  - a) Projects that require site grading, filling or fill stockpiling operations associated with development of the property other than those operations directly associated with the construction of a structure for which a valid building permit has been issued by the City.

- b) Site grading, filling or fill stockpiling operations over existing public sanitary sewer, storm drain or water distribution lines, or such operations within existing or proposed public utility easements.
  - 7) Street Closure. In the event any of the above activities, or any activities related to the construction of a building, structure, or parking lot, which requires the temporary closure of a street, alley, lane of traffic, or sidewalk to vehicle or pedestrian flow, a permit shall be obtained from the City for said closure.
  - 8) Franchise Utilities. A permit covering any work on underground franchise utilities within any improved area of any public street, including sidewalks, or within any existing or proposed public utility easements. Permits will not be required for work on overhead or above grade franchise utilities which do not involve excavation within the areas specified herein.
- c. Type A Permit
- 1) Work for which a Type A Street/Utility Construction Permit is required shall include the following.
    - a) Any sidewalk or utility service improvements to serve a single residence, duplex or business for which public street or mainline utility improvements are not required, and that do not include parking lots, private streets, fire lanes or common use driveways other than for duplexes.
    - b) Utility work by franchise utility companies that does not require pavement cuts longitudinally along a street shall require a Type A permit. Such work shall be exempt from permit fees to the extent provided by Section G.9(e) herein.
  - 2) An improvements agreement and performance security shall be executed as specified in Section G.10 herein.
- d. Type B Permit.
- 1) Work for which a Type B Street/Utility Construction Permit is required shall include the following.
  - 2) Any street, sidewalk or utility improvement to serve more than a single residence, duplex or business, or for which public street or mainline utility improvements are required (including fire hydrants), or that include parking lots, private streets, fire lanes or common use driveways other than for duplexes.

- 3) Installation of service laterals for multiple properties within a common trench, or installation of service lateral(s) across property other than that being served.
  - 4) Site Grading & Fills.
    - a) Projects that require site grading, filling or fill stockpiling operations associated with development of the property other than those operations directly associated with the construction of a structure for which a valid building permit has been issued by the City.
    - b) Site grading, filling or fill stockpiling operations over existing public sanitary sewer, storm drain or water distribution lines, or such operations within existing or proposed public utility easements.
  - 5) Private utility work by franchise utilities that requires pavement cuts longitudinally along a street shall require a Type B permit. Such work shall be exempt from permit fees to the extent provided by Section G.9(e) herein.
- e. If there are classes of work not specifically covered herein but that are included under the scope of the Public Works Design Standards, the determination of the type of permit required shall be made by the City Manager after consultation with the Public Works Superintendent and the City Engineer.
- f. Approval of Construction Drawings is required prior to obtaining a permit or beginning construction.

**G.6 APPROVAL OF CONSTRUCTION DRAWINGS REQUIRED**

- a. Construction drawings (plans) shall be submitted for review and approval prior to issuance of permits required by these Standards. Type A Permits shall have the written approval of the Public Works Superintendent or his designated representative prior to issuance of the permit. In addition to written approval by the Public Works Superintendent, Type B Permits shall have the written approval of the City Engineer. For subdivisions and other developments requiring improvements to public streets and/or multiple public utility systems, construction drawings for sewer, water, streets, and storm drains shall be submitted simultaneously to facilitate checking for conflicts.
- b. Construction drawings submitted for approval shall be subject to the standards, specifications, policies and procedures, plan check, and permit fees of the Public Works Department in effect at the time of application or reapplication for plan check.
- c. Except as provided in Subsection (d) of this section, such construction drawing approval shall be void upon expiration of six months from the date of said written approval in

Subsection (a) of this section if a Type A or Type B permit is not obtained and work commenced on the project. Resubmittal of construction drawings will require that they be updated to reflect current City standards.

- d. Upon a written verification that the facts upon which the plan approval was based have not changed to an extent sufficient to warrant a new review of construction drawings, the plan approval may be extended for a period not to exceed 6 additional months. Written verification for Type A permits shall be provided by the Public Works Superintendent, while verification for Type B permits shall be by both the Public Works Superintendent and the City Engineer. No more than two such six month extensions shall be granted for any one development or project, resulting in a maximum time extension of one year. Reapplication for plan check must be made with the Public Works Superintendent or his designated representative upon expiration of said six month period in Subsection (c) of this section, or extension periods provided herein, if the permit is not issued within said approval or extension period.
- e. All plans, reports, or documents for public utility improvements required by these standards or the City development ordinances or other City ordinances shall be prepared by and certified by a registered professional civil engineer licensed by the State of Oregon.

#### **G.7 PLAN REVIEW PROCESS AND REVIEW FEES**

- a. All construction drawings (plans) shall be reviewed in general conformance with the procedures outlined in Section 1.9 of the Public Works Design Standards. The submittal for plan check shall be filed by the responsible party (the design engineer for any public improvements) with the Public Works Superintendent for any permit or permits required by these standards. Such submittal for plan check shall include the following as applicable.
  - 1) Name and address of the owner or owners of the property;
  - 2) Name and address of the developer of the property;
  - 3) Name, address, and phone number of the designer (design engineer for public improvements);
  - 4) Description of the work area location, including addresses as applicable;
  - 5) Preliminary plans (3 sets for single family residential developments, and 4 sets for commercial, industrial and multifamily developments) showing a vicinity map and details of the proposed project, including street widths and property lines, existing and proposed utility locations. In the case of public improvements, preliminary

plans shall include all applicable information outlined under Section 1.10 of the Public Works Design Standards.

- 6) Estimated construction cost of the proposed project, or estimates based on the construction cost estimate schedule established by the Public Works Superintendent or the City Engineer.
- 7) Plan review fees as prescribed by resolution of the City Council (for franchise utilities, see Section G.9e).
- 8) Review fees required in Subsection (7) of this section are nonrefundable, and are required to support permit plan review.
- 9) Evidence that all federal and state laws and regulations have been complied with, including a copy of any permits required by federal, state, or county agencies.
- 10) Such other information as the Superintendent of Public Works shall find reasonably necessary for the determination of whether plans should be approved for permit.

## **G.8 CONSTRUCTION PERMIT APPLICATION**

a. **Application Form.** Following review and approval of the plans by the City, an application for a construction permit as required by these standards shall be filed with the Superintendent of Public Works. Such applications shall be in the form prescribed by the City and shall include the following information as a minimum:

- 1) Name and address of the owner or owners of the property.
- 2) Name and address of the developer of the property.
- 3) Name and address of the designer (design engineer for public improvements).
- 4) Name and address of the party doing the work, including subcontractors.
- 5) Location of the work area, including addresses as applicable.

b. **Supplemental Information Required.** Prior to issuance of the public utility construction permits, the Developer shall provide the City with the following (see also PWDS 1.9(h)):

- 1) Copies of the final revised (approved) plans for stamping by the City as follows:
  - Type B permit, 10 sets
  - Type A permit or franchise utility improvements, 4 sets

- 2) Recorded copies of all required off-site and on-site easements and right-of-way dedications, with the following exception. For subdivisions or partitions where all public utilities will be constructed prior to the recording of a final plat, the execution and recording of the easement documents and right-of-way dedications can be done in conjunction with the final plat. All easements documents shall use the City's standard form, and shall include an exhibit map in addition to any legal descriptions.
- 3) A detailed unit price construction cost estimate for the proposed project as required by PWDS 1.10(b)12, or a copy of detailed unit price bid results based on the final approved design (see also Section G.9c herein), along with any required permit fees.
- 4) Copy of a Developer-City Construction Agreement (approved as to form by the City Attorney) signed and notarized by the Developer and the Developer's engineer.
- 5) Executed and recorded copies of any Construction Deferral and/or Waiver of Remonstrance agreements required as a condition of the development, except for subdivisions or partitions where the agreements will be recorded in conjunction with the final plat.
- 6) Certificates of insurance, minimum limits as outlined in the Appendix. City of Carlton and the City Engineer shall be named as additional insured.
- 7) Evidence of Workman's Compensation coverage from contractor performing the work.
- 8) Proposed project construction schedule from the contractor.
- 9) Signed certification that the Contractor has copies of and will conform to requirements of the most current revision of the City's Public Works Construction Standards (PWCS).
- 10) Such other information specific to the project as the Public Works Superintendent or the City Engineer shall find necessary for the determination of whether a permit should be issued therefor, including evidence that all applicable federal and state laws and regulations have been or will be complied with.

## **G.9 CONSTRUCTION PERMIT FEES**

- a. Accompanying the application required by these standards shall be a construction permit fee as prescribed by resolution of the City Council.

- b. Permit fees required by these standards are nonrefundable, and are required to support permit issuance, testing, and inspection.
- c. In computing the construction permit fees, the estimated value of proposed construction shall be comparable with current bid prices for City contract projects, and shall approved by the City prior to issuing the permit.
- d. Work being done under contract with the City shall be exempt from permit fees.
- e. Work being done by franchise utilities shall be exempt from permit fees to the extent provided by the franchise agreements with the City.
- f. Where work for which a permit is required by these standards is commenced or proceeded with prior to obtaining said permit, the construction permit fees specified in Subsection (a) of this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of these standards and other applicable City codes, standards and ordinances in the execution of the work nor from any other penalties prescribed herein.
- g. Permits required by these standards shall be non-transferable. Any change in applicant, such as a subdivision sale, will require re-application for permit. If six months has elapsed since plan approval, reapplication for plan review shall be made. If previous plan review deposit provided by the applicant is insufficient to cover the costs of the new review, the City may assess an additional review fee which will, in the opinion of the City Manager, cover the estimated cost for the new review.

**G.10 CONSTRUCTION AGREEMENT & PERFORMANCE GUARANTEE**

- a. Except as otherwise provided below, a performance guarantee shall be provided for all work for which a Type A or Type B permit is required. Depending on the type of project, the performance guarantee may consist of a restriction on the issuance of a building permit(s), a restriction on the recording of a plat, or a financial security. Acceptable performance guarantees shall be as outlined below for the different classes of project listed.
- b. Work being done by franchise utilities shall be exempt from performance guarantee requirements only to the extent provided by the franchise agreements with the City.
- c. Type A permit. The performance guarantee may consist of one of the following, and shall be in a form as required by the City.

- 1) An agreement with the City whereby building permits will not be issued until all improvements within the public right-of-way or utility easements are completed and approved by the City.
  - 2) If a building permit is requested before all improvements within the public right-of-way or utility easements are completed and approved by the City, the developer shall provide a financial security acceptable to the City to guarantee the completion of all work covered under the permit. The financial security shall be 110% of the estimated construction cost, or \$500, whichever is greater, and may consist of cash, or it may be a bond or irrevocable letter of credit as outlined in Subsection d(4) below. Occupancy of structures and permanent connection to City water and sewer service will not be allowed until all permitted improvements have been completed and approved by the City.
- d. Type B permit. Before the issuance of a Type B construction permit, the applicant shall execute the City's standard Developer-City Construction Agreement that certifies that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of construction permit approval will be satisfied (ie. plan approval required prior to execution of the construction agreement). In addition to the construction agreement, the developer shall provide a performance guarantee consisting of one of the following in a form as required by the City.
- 1) Work Within Existing Improved Rights-of-Way, or Work on Existing Public Utilities. Except for work being performed under public contract for the City of Carlton or Yamhill County, a financial security shall be provided to the City as outlined under Subsection d(4) below for all work within existing developed rights-of-way, unless otherwise approved by the City. The financial security shall specify a timeframe, acceptable to the City, by which the work shall be completed and the existing streets, facilities and improvements are restored to pre-existing or better conditions.
  - 2) Work Outside Existing Improved Rights-of-Way (except Work on Existing Public Utilities).
    - a) Subdivisions. An agreement with the City that the final plat for the subdivision will not be approved nor recorded until all improvements have been completed and accepted by the City, or all improvements have been substantially completed and a financial security has been provided as outlined in Subsection d(4) below.
    - b) Partitions. An agreement with the City that no building permits for any structures within the partition will be issued until all improvements have been completed and accepted by the City, or all improvements have been



substantially completed and a financial security has been provided as outlined in Subsection d(4) below.

- c) Other than Subdivisions and Partitions. An agreement with the City whereby occupancy of structures and permanent connection to City water and sewer service will not be allowed until all permitted improvements are completed and approved by the City.
- 3) Upon provision of a performance guarantee as outlined herein, building permits for on-site private work can be obtained for commercial, industrial & multi-family projects. Permanent connection to City water and sewer service will not be allowed until all public improvements are completed, and all on-site improvements are completed or bonded to guarantee all improvements will be completed in accordance with the approved drawings, City Standards and specifications.
  - 4) Financial Security. The financial guarantee for a Type B permit may consist of one of the following, and shall be in a form as required by the City. The amount of the security guarantee shall not be less than \$500 or the amounts specified below, whichever is greater.
    - a) A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney. The amount of the performance surety bond shall be as established by the Superintendent of Public Works, but shall not be less than 125% of the estimated construction cost of required improvements, as verified by the City. The performance surety bond shall insure the full and faithful performance of all proposed work and shall guarantee that the applicant will conform to all provisions of the construction agreement, if any, and immediately upon the completion of work, remove all surplus earth, rubbish or other material, replace or restore all existing streets, utilities and landscaping to a condition as good as or better than existed prior to the work.
    - b) An irrevocable letter of credit assigned to the City of Carlton in an amount equal to 125% the estimated construction cost of required improvements, as verified by the City. The letter of credit shall be subject to the same conditions as set forth above in the case of surety bonds.
  - 5) If the applicant fails to complete all improvements for which a performance surety bond or letter of credit were provided, the City shall estimate the cost of completing any required improvement, call on the bond or letter of credit for the funds necessary to complete the improvement, and complete the improvement to

the extent of the funds obtained upon call of the bond or letter of credit. If the amount obtained is insufficient to complete the improvement, the City may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the Superintendent of Public Works.

#### **G.11 CONDUCT AND PROGRESS OF THE WORK**

- a. All work under said permits shall be completed in conformity with the provisions of these standards, the terms of the applications and construction permits, and under the supervision and subject to the approval of the Public Works Superintendent. Immediately upon completion of work, all surplus earth, debris, rubbish or other materials shall be removed immediately and the street and utilities restored to a condition as good as or better than existed prior to the work.
- b. Timeframe for Restoration of Existing Street Surfaces.
  - 1) Unless authorized in writing by the City Manager prior to the start of the work, no work within any existing public roadway shall disrupt traffic flow for more than 14 consecutive days.
  - 2) Unless authorized in writing by the City Manager prior to the start of the work, trenching within existing paved streets shall be backfilled and repaved within 14 days of the start of excavation unless the trenches are plated or repaired with cold patch. In addition, trenching within existing major streets (collector or commercial-industrial streets) shall be plated or repaired with cold patch at the end of each work day. This requirement shall apply to work within existing paved streets that are will later be reconstructed as part of the project. Failure to maintain any temporary cold mix trench patching in a smooth condition will result in the City requiring the cold mix to be removed and replaced with hot mix AC for temporary patching. Such replacement shall occur within 4 days of written notice by the City.
  - 3) Unless authorized in writing by the City Manager prior to the start of the work, the timeframes specified herein shall apply independently and separately to each block or intersection where trenching work occurs. In all cases, trenches within each block or intersection shall be permanently repaved within 21 days of the start of excavation, except where the street will be reconstructed as part of the project.
- c. The contractor is responsible for the coordination with the various utilities and agencies during construction.

**G.12 ADHERENCE TO AND EXHIBITION OF PERMITS**

- a. No work shall be undertaken other than that specified in the application and permit for the particular cut or excavation. Upon demand of the Superintendent of Public Works or his designate or any city police officer, the permits shall be produced at the place where the work is in progress, or such work will be stopped until the permit is produced.

**G.13 EXPIRATION OR SUSPENSION OF PERMIT; STOP WORK ORDER; APPEAL**

a. Expiration of Permit

- 1) A Type A or Type B street/utility construction permit shall lapse if construction for which the permit was issued has not commenced within ninety (90) days of the date of issuance. All construction under a Type A or Type B street/utility construction permit shall be completed within 12 (twelve) months of issuance of the permit or execution of the Developer-City Construction Permit, whichever is earlier.
- 2) To reinstate the permit, the applicant shall submit a written request for reinstatement to the Public Works Superintendent giving the reasons for failure to begin construction, pay a reinstatement fee and provide a date when construction will be commenced.
- 3) In reinstating the permit, the Public Works Superintendent and/or the City Engineer may impose additional requirements or conditions deemed necessary for the project to conform to current City standards.

b. Suspension of Permit

- 1) At any time after the issuance of a construction permit required by these standards, the Public Works Superintendent may suspend the same upon a finding that any of the following grounds exist:
  - a) False, misleading, or erroneous data or information submitted by the applicant in connection with securing the permit.
  - b) Materials or workmanship do not meet specification for the construction or installation of the permitted improvement; or construction or installation varies from the approved plan or design of the improvements.
  - c) Violation of any of the provisions of the City development ordinances governing the work being done under the permit.

- 2) Upon suspension of a construction permit as provided in Subsection (a) of this section, the Superintendent shall cause to be issued a written “stop work order,” one copy of which shall be sent by regular mail to the permittee at the address shown on the permit application, one copy of which shall be sent by regular mail to the permittee’s engineer overseeing the work, if known, and one copy of which shall be personally delivered to the person in charge of any work in progress.
- 3) It shall be unlawful for any person to cause, suffer, or permit any work to be done for which a permit is required by these standards when a "stop work order" has been issued as provided in Subsection (b) of this section.
- 4) An applicant whose permit has been suspended as provided in Subsection (a) of this section may appeal such action to the City Manager through the City's established appeal process. Notwithstanding the provisions for appeal to the City Manager, the filing of an appeal shall not stay the effect of a “stop work order” issued under Subsection (b) of this section.

**G.14 NOTICE OF COMPLETION OF WORK, FINAL INSPECTIONS**

- a. Within 72 hours of completion of the work for which a permit was required under these standards, all in accordance with the approved construction drawings and City standards, the person or organization to whom the permit to do such work was issued shall submit written notice to the Public Works Superintendent (Type A permits) or the City Engineer (Type B permits) stating that the work has been completed and give such other information as may be required by the City, and request a preliminary final inspection of the work.
- b. As a minimum, the following must be submitted to the Public Works Superintendent or the City Engineer as applicable prior to the preliminary final inspection.
  - 1) All exterior property pins and street monumentation set (partitions & subdivisions).
  - 2) All set property pins exposed and all property corners marked with lath (partitions & subdivisions).
  - 3) All easement limits (except PUEs parallel with r/w) marked with labeled lath.
  - 4) Paper copy of as-built drawings submitted to City Engineer a minimum of 48 hours prior to final inspection, including distance ties to all utility stub ends.
  - 5) Written copies of all required utility test reports (compaction, mandrel, pressure, vacuum, etc), as well as video tapes of any required pipeline TV inspections.

- 6) Completion report from design engineer including written copies of all utility test reports (compaction, mandrel, pressure, vacuum, etc), as well as inspection reports of any required TV inspections. Submitted compaction tests shall include certification of engineered fills, baserock and AC pavement tests for streets and trench patching, as well as soil compaction results for all lots with fills.
  - 7) Certification that the areas within the building envelopes of all lots conform to compaction requirements of the Oregon International Building Code (IBC).
- c. Any corrective work items identified during the preliminary final inspection (ie. punchlist items) shall be completed prior to the City's conditional acceptance of any of the public streets or utilities. Failure by the City to include items on the preliminary punchlist shall not, in any way, relieve the contractor from any obligation to perform the work in strict compliance with the approved plans and City standards. Additional items discovered during subsequent inspections must be corrected prior to provisional acceptance of the improvements by the City.
- d. Upon completion of all corrective work to the satisfaction of the Public Works Superintendent and the City Engineer, including a final inspection by the City, the developer shall provide the following prior to provisional acceptance of the public improvements by the City.
- 1) Mylar as-built drawings (based from an as-built survey) for Type B permitted improvements, paper as-built drawings for Type A permitted improvements.
  - 2) Acceptable Maintenance Bond valued at a minimum of 40 percent of the estimated construction costs for Type B permitted improvements. The period of the bond shall be for the full period of the warranty period, not to be less than 1 year. The warranty period shall not commence prior to provisional acceptance of the public improvements by the City.
  - 3) Photocopies of any recorded easements required in conjunction with the improvements, except for on-site easements that will be recorded after the plat is recorded.
  - 4) Other items required as conditions of the land use planning approval, where applicable.
- e. In no case shall the City issue written provisional acceptance of the work until as-built drawings (for public improvements) and maintenance bonds (if required) are submitted to and accepted by the City. Final acceptance by the City shall not occur until the end of the warranty period.

**G.15 CITY POLICY FOR ACCEPTING NEW OR RECONSTRUCTED STREETS AND PUBLIC UTILITIES**

- a. The City will accept developer-built public street, sanitary sewer, storm sewer and water distribution improvements constructed in conformance with the City Public Works Construction Standards subject to the following procedures.
- b. After construction of the total project has been completed, all final inspections have been completed, and any required bonds and as-builts have been submitted and accepted by the City, the Public Works Superintendent or the City Engineer will provide a memo to the City Manager recommending that the City provisionally accept the public street, sanitary sewer, storm drainage and/or water system improvements, with final acceptance to occur at the end of the warranty period.
- c. The standard warranty period for public sanitary sewer, storm drainage and/or water system improvements that are not listed as “special items” for design by the PWDS shall be a minimum of 1 year from the date of provisional acceptance of the improvements by the City.
- d. The standard warranty period for public streets and sidewalks, as well as sanitary sewer, storm drainage and/or water system improvements that are listed as “special items” for design by the PWDS shall be a minimum of 2 years from the date of provisional acceptance of the improvements by the City.
- e. The warranty period may be extended at the discretion of the City Manager if the Public Works Superintendent or the City Engineer identify construction materials or methods that differ from City standards, but which the City does not require to be removed and replaced. This authority granted to the City Manager shall in no way obligate the City to accept any work that is not constructed in full conformance with the approved plans and these standards, nor shall it be construed as establishing a precedent.
- f. Prior to the end of the warranty period, Public Works and/or the City Engineer will make warranty inspection(s) and investigations as deemed necessary by the City to identify any defective work that must be corrected prior to final acceptance of the improvements by the City. The developer will be notified in writing of any required corrective work. All required corrective work shall be completed by no later than 21 days from the date of such written notification. Any delay in correcting the identified deficiencies will result in a delay in final acceptance by the City.

#### **G.16 PENALTY; CONTINUING VIOLATIONS**

- a. Failure to comply with any provision of these standards, or with any restrictions or conditions imposed hereunder, or failure to comply with the conditions of a construction permit issued by the City, shall subject the person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of these standards to civil penalties as prescribed herein.
- b. Offenses defined in these standards shall be punishable by a fine not to exceed \$250 per violation. Each and every day a violation is permitted to exist shall constitute a separate offense.
- c. A violation of the provisions of these standards is declared to be an offense, but not a crime. It is intended to be an offense which can be disposed of in all respects as a civil proceeding and not governed by procedural, evidentiary, substantive, and constitutional rules applicable to criminal charges and proceedings. A person adjudged responsible for an infraction shall not be deemed "guilty" of the infraction and a judgment of responsibility shall not be deemed a "conviction" for any purpose.
- d. Notwithstanding anything in this section or any other ordinance to the contrary, no greater penalty shall be imposed for any violation of city ordinance than the maximum penalty prescribed under Oregon statute for the same act or omission.

#### **G.17 PRECONSTRUCTION CONFERENCE**

A preconstruction conference shall be scheduled before issuance of the public utility construction permits, and as outlined in Section 1.12 of the PWDS and as summarized below.

- a. A preconstruction conference shall be scheduled before issuance of the public utility construction permits. The meeting is to include the developer's representative, developer's engineer and prime contractor, and all affected utility companies. The purpose of the conference is to discuss the construction schedule and times of the work which require special coordination.
- b. The Developer shall be responsible for notifying the private utility companies of the time and location of the preconstruction conference, and requesting that a representative of each utility be present. The Developer may be required to submit proof of notification to the City prior to the preconstruction conference. Copies of notification letters sent to the utility companies by the Developer are acceptable.

**G.18 VARIANCES TO CONSTRUCTION STANDARDS**

Requests for variances to these Standards shall be based on the criteria and procedures outlined in Section 1.11 of the Public Works Design Standards (PWDS).

**G.19 CONSTRUCTION INSPECTION**

Construction inspection shall generally conform to the procedures outlined in Section 1.13 of the Public Works Design Standards (PWDS).

**G.20 CONSTRUCTION SUBMITTALS**

- a. Construction submittals for materials & equipment incorporated into the work shall generally conform to the requirements outlined in Section G-01300 attached hereto.





