

ORDINANCE NO. 5147

AN ORDINANCE AMENDING MCMINNVILLE MUNICIPAL CODE CHAPTER 12.04 TO MODERNIZE CITY PRACTICES WITH REGARD TO ENGINEERING FEES AND COORDINATE WITH ADOPTED ENGINEERING FEE SCHEDULE.

RECITALS:

WHEREAS, on June 25, 2024, the City Council adopted an Engineering Fee schedule, with a stated goal of 100% cost recovery; and

WHEREAS, the fee schedule was adopted with a grace period, postponing implementation until October 1st, 2024; and

WHEREAS, during the study period prior to proposing the fee schedule, a number of inconsistencies were discovered between current fee practice, the proposed fees, and the City's Municipal Code; and

WHEREAS, City staff now recommends these amendments to the Municipal Code in anticipation of full implementation of the adopted fee schedule; and

WHEREAS, these amendments shall go into effect concurrently with the new fee schedule;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. McMinnville Municipal Code Section 12.04.010 is amended as follows: *[underlined language is new, strikethrough language is to be repealed, and ellipses (. . .) indicate existing code which remains unchanged but is omitted from this ordinance for the sake of brevity].*

12.04.010 Permit – Required – Exceptions.

~~From and after the passage of the ordinance codified in this chapter, it is unlawful for any person, firm or corporation to break up, dig up, cut, excavate or fill in any street, or construct any sidewalks, driveways, gutters or plank roadway, or to do any work in or upon any of the public streets within the city limits without first obtaining a permit therefor as provided in this chapter, except that the provisions of this chapter shall not apply to street or sidewalk repairs within the limits authorized by law or made in pursuance of a notice to repair from the city recorder/engineer or their designee. Any improvement not fully provided for in this chapter shall be done in accordance with plans and specifications prepared by the city engineer.~~

2. Section 12.04.020 is amended as follows:

12.04.020 Permit – Application – Fee.

Any person, firm or corporation owning real property, or having real property under control as owner, agent or trustee and who may desire to do grading, to lay sidewalks, drive crossings, gutters, roadway, or to make any kind of street improvements in front of said property other than repair, within the limit authorized by law, or in pursuance of a notice to repair from the city ~~recorder~~engineer, shall apply to the city ~~recorder~~engineer before commencing the same for a permit therefor, and in said application shall specify the property in front of which the improvement is to be made the name of the street or streets to be improved, the nature of the proposed improvement, and the time required for its completion. A permit fee of \$2.50 in an amount set by resolution of the City Council shall accompany the application.

3. Section 12.04.030 is amended as follows:

12.04.030 Permit – Issuance conditions – Survey requirements.

A. Permits will be issued by the city ~~recorder~~engineer. No permit will be issued for work upon any street when the grade has not been legally established, while a proposition to alter or amend the grade thereof is pending before the council, or after the council has granted a petition or adopted a resolution to improve the street.

B. The city ~~recorder~~engineer ~~may~~shall have discretion to refuse a permit if ~~in his judgment~~ the proposed improvement to be made is not a suitable one for the place, or will not be uniform with existing or proposed improvements of the streets in the immediate vicinity thereof, or when the improvement contemplates the removal of earth from any street when it may be necessary to secure the deposit of said earth upon another part of said street.

C. The city ~~recorder~~engineer shall specify in permits issued as herein provided the kind of work to be done and the time in which the same is to be completed. It shall be the duty of the city engineer to make the necessary survey and make the grade for any improvement for which a permit is issued; provided, however, that if the work is not done within the time specified in the permit and a second survey becomes necessary, such survey shall be at the expense of the party applying therefor. All permits issued for the construction of cement or artificial stone sidewalks or curbs shall ~~have~~include the specifications therefor, and such other information as the city ~~recorded~~engineer may deem pertinent thereto, ~~printed on the back thereof.~~

4. Section 12.04.040 is amended as follows:

12.04.040 Permit – Recordkeeping.

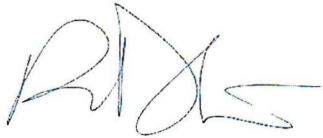
The city ~~recorder~~engineer shall keep a record of permits, showing the date of issue, to whom issued, a description of the property in front of which the improvement is to be made, the nature of the improvement to be made and an estimate of the quantity, also the date of the certificate approving and accepting the same, and when no certificate is issued by reason of failing to comply with the provisions of this chapter, the reason therefor shall be entered, and such work shall be removed whenever the city engineer shall so direct.

5. This Ordinance will take effect October 1, 2024.

Passed by the McMinnville City Council this 27th day of August, 2024 by the following votes:

Ayes: Garvin, Menke, Geary, Chenoweth, Payne

Nays: _____

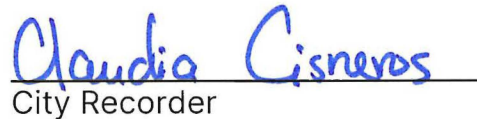


MAYOR

Approved as to form:

Attest:



City Attorney

City Recorder