

either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council accepts or rejects the city manager's report and determines that the advance financed reimbursement is due but has not been paid for whatever reason, the city may take any action including all legal or equitable means necessary to collect the unpaid amount. An unpaid advance financing reimbursement shall prohibit any issuance of permits by the city for the intervening property. [Section 3.185 amended by Ordinance No. 1446 approved April 24, 2000.]

3.190 Payment to Developer.

Developers shall receive all advance financed reimbursement collected by the city for their advance financed public improvements. Such reimbursement shall be delivered to the developer for a period of 10 years from and after the date the advance financing agreement has been executed. Such payments shall be made by the city within 90 days of receipt of the reimbursements.

3.195 Recording. The advance financing resolution and agreement shall be recorded by the city in the Deed Records of Clackamas County, Oregon. Failure to record the resolution and agreement shall not affect the legality of an advance financing resolution or agreement.

3.200 Public Improvements. Public improvements installed pursuant to advance financing agreements shall become and remain the sole property of the city.

3.205 Multiple Public Improvements. More than one public improvement may be the subject of an advance financing agreement or resolution.

3.210 Other Fees and Charges. The advance financing reimbursement fee is in lieu of a local improvement district charge for the improvements installed pursuant to the reimbursement district agreement. The reimbursement fee is not intended to replace or limit any other fee or charge collected by the city. [Section 3.210 replaced by wording in Ordinance No. 1480 approved January 9, 2002.]

WORK IN PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS

3.250 City Approval Required.

(1) No person shall engage in any excavation, grading, surfacing, or paving operation or activity, or install, construct, or connect to any public sanitary sewer, storm sewer, water main or pipeline, or any other public utility or public improvement in the public right-of-way (ROW) or public utility easement (PUE) without first securing City authorization from the City Manager or City Engineer. All persons, other than the City or those working for or under contract with the City, must obtain a Public Works permit before engaging in any such activity. Any franchise utility whose franchise exempts the franchisee from obtaining a Public Works permit shall be exempt from the requirement to obtain a Public Works permit before engaging in any such activity but shall still be bound by the requirement of Section 3.285 (Traffic Control Plans and Open Trenches). All work within the ROW/PUE shall be consistent with engineering plans, profiles, specifications, and standards approved by the City Engineer in accordance with City of West Linn requirements.

(2) The City Manager or City

Engineer may deny an application for a Public Works permit if the application would result in development of additional street area and the development does not further the City's Transportation Plan, is not needed to improve traffic circulation within the City, or is otherwise not required by the public interest. The City Manager or City Engineer shall deny any permit application that is inconsistent with the City's public works standards or that results in permanent interference with the transportation system or the provision of public utilities.

[Section 3.250 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.255 Fees, Deposits, Financial Guarantees, and Administrative Requirements.

(1) The standard fee for a Public Works ROW/PUE permit shall be set by resolution of the City Council and shall be due and payable at the time of the permit application. The fee shall be set in an amount to only cover the City's costs in processing the permit. Charges for administering the permit, plan review, inspection and other associated charges shall be billed at the current billing rate for the employee performing the work or the direct cost of the consultant if used.

(2) In addition to the permit fee, a deposit is required to cover the estimated costs of plan review and inspection of the work by the City to assure compliance with City standards and specifications. The City Engineer or designee shall set the deposit amount based on estimated construction costs. The City shall keep accurate records of the time and costs incurred in such review and inspections, and upon completion of the project, and its acceptance by the City, any amount remaining in the deposit shall be

refunded to the permittee. Any cost incurred by the City in excess of the amount of the deposit shall be billed to the permittee and shall be due and payable prior to approval and acceptance of the project by the City. Time spent in plan review and inspection shall be billed at the established hourly rate.

(3) If a person is required to construct public improvements as a condition of a land use approval, the applicant shall post a cash deposit, bond, or other financial guarantee, acceptable to the City, in the amount of 125% of the value of the proposed work in the ROW/PUE. The bond shall remain valid until the City accepts the work and the work is covered by a satisfactory financial guarantee, maintenance Bond, in the amount of 20% of the public improvements installed in the ROW/PUE for the maintenance period of 18 months from the date of acceptance by the City.

(4) A person obtaining a permit under this section must have and keep in full force and effect property damage and liability insurance in the amounts of \$100,000 property damage, and \$100,000/\$200,000 personal injury while performing any work in the ROW/PUE. Certificate shall be in a form acceptable to the City and such insurance shall be filed with the city at time of application.

(5) All permittees and their contractors shall comply with all applicable requirements of this code, including requirements imposed by 7.000 to 7.080 (pertaining to City Business Licenses).

[Section 3.255 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.260 Standards.

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All street, sanitary sewer, storm sewer, water main and pipeline construction and any other construction within streets in the City shall be in accordance with the West Linn Design and Construction Manual or in accordance with any special provisions established by the City Engineer.
[Section 3.260 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.265 Street Sections and Construction Details. Standard street sections and standard construction details shall be as specified in City's standard drawings. No deviation from these standard drawings will be allowed without written findings documenting the need and written approval of the deviation being granted by the City Engineer.
[Section 3.265 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.270 Engineer's Approval in Phases. The City Engineer or his designee, prior to the placement or construction of any subsequent phase, layer, or course, shall approve each phase, layer, or course of work. Failure to comply with this section may be cause for requiring the removal and replacement of that phase, layer, or course which was placed without approval of the preceding course.
[Section 3.270 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.275 Contractor--Appointment of Project Superintendent. A contractor shall employ competent and experienced workmen and foremen and for each project or contract shall designate a project superintendent who will be responsible for coordinating with the City on all aspects of the work.
[Section 3.275 amended by Ordinance No. 1505 adopted

July 21, 2004.]

3.280 Contractor--Submission of Plans. Projects consisting of single house connections will not normally require submission of plans and specifications but can be usually conveyed by a sketch. For more complex installations requiring plans and specifications:

A contractor, or the person, firm, or corporation employing the contractor, shall be responsible for the preparation of, and submission to the City for approval, all plans and specifications covering any work in any ROW/PUE.

These plans and specifications are to be prepared by, and bear the seal of, a professional engineer registered in the state of Oregon. This engineer or his duly authorized representative shall set all grade, line, and other control stakes.
[Section 3.280 amended by Ordinance No. 1505 adopted July 21, 2004.]

3.285 Traffic Control Plans and Open Trenches.
(1) No work in the public ROW will be authorized without first submitting and receiving approval from the City Engineer of a project traffic control plan.
(2) No trenches shall remain open in the ROW after normal working hours. Plating will be allowed for no longer than 24 hours. [Section 3.285 added by Ordinance No. 1505 adopted July 21, 2004.]

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3.290 Unauthorized Work in the Right-of-Way. Any violation of Sections 3.250 through 3.285 is a Class A civil infraction. [Section 3.290 added by Ordinance No. 1505 adopted July 21, 2004.]

PUBLIC WORKS STANDARDS