

ORDINANCE NO. NS-2162

AN ORDINANCE AMENDING THE CITY OF BEND CODE BY ADDING NEW PROVISIONS TO CHAPTER 2 RELATING TO PUBLIC IMPROVEMENT STANDARDS AND SPECIFICATIONS

FINDINGS:

- A. The City of Bend has had standards and specifications for public improvements, but the existing standards need updating.
- B. Amendment of standards and specifications should be authorized by the Bend Code.
- C. The City has developed a new set of standards and specifications, which are an improvement on the existing standards and specifications.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Chapter 2 of the Bend Code is amended by adding a new Section 2.800 to read as follows:

PUBLIC WORKS STANDARDS

2.800 Public Works Standards

(1) The City of Bend adopts the City of Bend Standards and Specifications dated July 1, 2011. All public works and public improvements, including but not limited to all portions of the City's street, sanitary sewer, storm sewer, and water systems, and any other construction within City rights of way shall be designed and constructed in accordance with the City of Bend Standards and Specifications. The requirement to comply with the City of Bend Standards and Specifications applies to improvements constructed or contracted for by the City and to improvements constructed by or for private developers. The City may impose additional or different standards to cover situations not expressly addressed by the City of Bend Standards and Specifications or to account for unique conditions. A copy of the City of Bend Standards and Specifications is available at City Hall and at the Public Works Department. The City of Bend Standards and Specifications may be amended as provided in subsections (2) and (3) of this section.

(2) The City Manager may amend technical provisions and standards of the City of Bend Standards and Specifications. Public notice of technical amendments shall be posted in City Hall 30 days prior to the effective date of the amendments.

(3) Any provision of the City of Bend Standards and Specifications may be amended by resolution of the City Council.

(4) The City Manager is authorized to enforce all the provisions of the City of Bend Standards and Specifications. The City Manager shall have the power to issue written and oral interpretations of the City of Bend Standards and Specifications and to adopt and enforce administrative procedures in order to clarify the application of the City of Bend Standards and Specifications. The City Manager is authorized to issue Stop Work Orders as needed in the enforcement of these standards. The City Manager may approve deviations from the City of Bend Standards and Specifications based on written findings documenting the need for the deviation.

(5) Any construction in violation of the City of Bend Standards and Specifications shall constitute a Class A civil infraction. Each day that a violation exists is a separate infraction. For purposes of this section, defects in design or construction that are corrected within the time established for correction by the City shall not constitute a violation. Construction in accordance with a City-approved deviation from the standards is not a violation of the City of Bend Standards and Specifications.

(6) Any uncorrected violation of the City of Bend Standards and Specifications shall constitute a nuisance and may be abated as provided in this Code.

(7) The City Manager may delegate the authority provided in this Section.

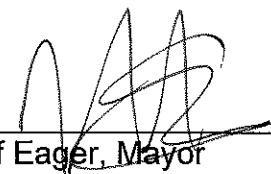
Section 3. This ordinance takes effect July 1, 2011.

Read for the first time on April 20, 2011.

Read for the second time on May 4, 2011.

Adopted by roll call vote on May 4, 2011.

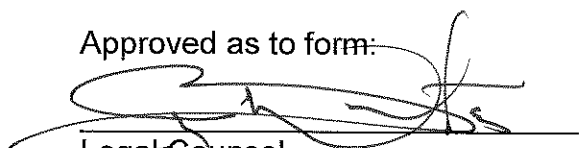
YES: 7 NO: 0



Jeff Eager, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Approved as to form:


Legal Counsel