

CITY OF BAY CITY  
ORDINANCE NO. 617

AN ORDINANCE ADOPTING ROAD DEVELOPMENT AND  
DRAINAGE STANDARDS, PROVIDING FOR PRE-EXISTING  
AND SUBSTANDARD ROADS, AND PROVIDING PENALTIES  
FOR NONCOMPLIANCE AND REPEALING ORDINANCE 587.

The City of Bay City ordains as follows:

Section 1.0. Definitions. The City adopts the following definitions in regards to this Ordinance.

1.1 Standard street – is defined as a street constructed to full City standards, including paving, as set forth in the City's Public Works Standards.

1.2 Substandard street – is defined as a street constructed to full City street standards, except paving.

1.3 Pre-existing street – is defined as any street which is developed to a standard less than a standard street.

1.4 Platted street - is defined as any street which has been platted but has not been physically developed as any street.

Section 2.0. New Street Construction. All newly constructed streets within the City shall be constructed to full City standard street requirements as set forth in the City's Public Works Standards unless otherwise provided by this Ordinance.

Section 3.0. Building Permits. Any person or entity applying for a building permit within the City shall comply with the provisions of this Ordinance prior to issuance of the building permit.

Section 4.0. Substandard Streets.

4.1 Only standard City streets shall be allowed in subdivisions, cluster and planned developments.

4.2 Substandard street construction may be allowed outside of subdivisions, cluster and planned developments, upon prior Council approval, under the following conditions:

4.2.1 Construction on existing substandard street or on a pre-existing street. Any person or entity applying for a building permit for construction on property abutting an existing substandard or pre-existing street shall, as a condition of obtaining a building permit, either:

- a) Improve the street from the nearest pre-existing publicly maintained street for the entire street frontage of the property to be served to standard street requirements, or
- b) Sign a non-remonstrance agreement that would allow the City to create a Local Improvement District or other legal entity for construction of the street to a standard street.

4.2.2 Construction of a new, but platted street. Any person or entity applying for a building permit for construction on property abutting a platted, but non-existent street shall, as a condition of obtaining a building permit:

- a) Improve the street to standard street requirements, or
- b) Obtain prior written approval of the City Council to construct a substandard street, and
- c) Sign a non-remonstrance agreement that would allow the City to create a Local Improvement District or other legal entity for the development of the street to City standards.

4.2.3 Extension of a pre-existing street. Any person or entity applying for a building permit for construction on property abutting a platted, but non-existent street which is in part served by a pre-existing street shall as a condition to obtaining a building permit:

- a) Improve the street to standard street requirements from the nearest pre-existing publicly maintained street for the entire street frontage of the property to be served, or
- b) Obtain prior written approval of the City Council to construct a substandard street from the end terminus of the pre-existing street to the entire street frontage of the property to be served, and
- c) Sign a non-remonstrance agreement that would allow the City to create a Local Improvement District or other legal entity for the construction of the street to a standard street.

4.2.4 Property served. All street construction or improvements shall be completed to the entire street frontage of the property to be served.

Section 5.0. Maintenance of Pre-existing or Substandard Streets. Any pre-existing or substandard street may be maintained by the City to the extent that money and staff time

allow. At any time that a street is improved and has been formally accepted by the City as a City Street, the City shall be responsible for maintenance of the street.

Section 6.0. Prohibition Against Less Than Substandard Streets. No street constructed in the City shall be less than substandard street construction standards unless the City Council finds that due to topographical or geological concerns, it would be impossible or impracticable to construct a street to substandard street conditions. Any request under this section shall be accompanied by an Oregon licensed engineer's report explaining why a standard or substandard street cannot be constructed. The City Council shall determine what standards shall apply to any such street.

Section 7.0. Street Standards. The City adopts as standard street requirements those standards set forth in the City's Public Works Standards, as may be amended from time to time.

Section 8.0. Engineered Streets. Any street constructed or extended under this section shall be engineered by an engineer licensed with the State of Oregon. Engineering plans or reports shall be submitted to the City as a prerequisite to obtaining a building permit.

Section 9.0. Sewer and Water Service. No sewer or water shall service the landowner's property until such time as there has been full compliance with this Ordinance. In the event that there has been violation of this Ordinance after sewer and water has been provided to a property, the City shall have the right to disconnect such service until there has been full compliance with this Ordinance.

Section 10.0. Non-remonstrance Agreement. All persons who have a recorded interest in the real property for which a building permit is applied shall be required to sign the non-remonstrance agreement. In the case of a land sales contract purchase, both the Sellers and the Buyers shall be required to sign the non-remonstrance agreement. The burden is on the applicant to provide the information necessary for the City to determine whether all necessary parties have signed the non-remonstrance agreement.

In addition to any other fee charged, the City shall collect the recording fee for the recording of the non-remonstrance agreement with the Tillamook County Clerk at the time the City accepts the non-remonstrance agreement.

Section 11.0. Recording Required. All non-remonstrance agreements shall be recorded with the Tillamook County Clerk.

Section 12.0. Repeal. Ordinance #587 codified as Ord 9-2 is repealed in its entirety.

Section 13.0. Severability. If any provisions, clause, sentence, paragraph, or phrase of this Ordinance or the application thereof to be invalid or unconstitutional, is held, for any reason by a court of competent jurisdiction, such decision shall not affect the validity of other provisions or applications of the provisions of this Ordinance which can be given effect

without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

PASSED AND ADOPTED by the City Council this 14th day of February, 2006 and APPROVED by the Mayor on this 14th day of February, 2006.

/s/ Shaena E. Peterson  
Shaena E. Peterson, Mayor

ATTEST:

/s/ Linda Dvorak  
Linda Dvorak, City Recorder

First Reading: 12/13/05

Second Reading: 12/13/05

Adoption: 2/14/2006

Ayes: 5

Nays: 1

Abstentions: 0