

ORDINANCE NO. 1416

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR THE CITY OF RUSTON, RE-NAMING AND AMENDING CHAPTER 12.09 OF THE RUSTON MUNICIPAL CODE, RE-NAMING THE CHAPTER "PUBLIC WORKS STANDARDS", AMENDING SECTIONS 12.09.010 AND 12.09.020 WITH HOUSEKEEPING AMENDMENTS AND ADDING NEW SECTIONS 12.09.030, 12.09.040, 12.09.050, 12.09.060, 12.09.070, 12.09.080, 12.09.090, 12.09.100 12.09.110, 12.09.120 AND 12.09.130 TO ADOPT THE FOLLOWING MANUALS AND STANDARDS: PUBLIC WORKS DESIGN MANUAL, USDOT-FHA MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES, TACOMA STORM WATER MANAGEMENT MANUAL, TACOMA DESIGN REFERENCE STANDARDS, DEPARTMENT OF ECOLOGY CRITERIA FOR SEWAGE WORKS DESIGN MANUAL, STREET LIGHT STANDARD PLANS, STREET UTILITY STANDARDS, TRAFFIC SIGNAL STANDARD PLANS, THE WSDOT SIGN FABRICATION MANUAL, AND THE RUSTON ELECTRICAL SYSTEM STANDARD MANUAL, AND TO PROVIDE AN EXCEPTION PROCESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with RCW 35A.12.140 the City is permitted to adopt the codes and standards of other government agencies by reference, including those adopted or published by the State and by other cities; and

WHEREAS, the City currently has not adopted any public works standards, apart from the WSDOT Standard Specifications for Municipal Road and Bridge Construction; and

WHEREAS, the City of Tacoma has developed or adopted a set of manuals that provide clear and specific public works, design standards and standard plans; and

WHEREAS, the United States Department of Transportation, Federal Highway Administration (USDOT-FHA) has published a Manual on Uniform Traffic Control Devices; and

WHEREAS, the Department of Ecology (DOE) has published a 2008 Criteria for Sewage Works Design Manual; and

WHEREAS, the Washington State Department of Transportation (WSDOT) has adopted a Traffic Sign Fabrication Manual; and

WHEREAS, the City has assembled standards for electrical connections into a consolidated manual which is named the "Ruston Electrical System Standard Manual" and is on file with the City Clerk's Office; and

WHEREAS, in order to adopt these Tacoma Manuals and Standards and the Manuals by the USDOT-FHA, WSDOT and DOE, Chapter 12.09 of the Ruston Municipal Code must be amended; and

WHEREAS, copies of each of the manuals adopted by this ordinance were placed on file with the City Clerk and available for public inspection prior to the adoption of this ordinance as required by RCW 35A.12.140; and

WHEREAS, on July 16, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on August 6, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS
AS FOLLOWS:**

Section 1. Chapter 12.09 of the Ruston Municipal Code entitled “Road, Bridge and Municipal Construction” is hereby renamed “Public Works Standards”.

Section 2. Section 12.09.010 of the Ruston Municipal Code is hereby amended to read as follows:

12.09.010 Adopted Adoption of 2012 WSDOT Standard Specifications.

The 2012 Standard Specifications and Standard Plans for Road, Bridge and Municipal Construction, promulgated by the Washington State Department of Transportation, are adopted as the standards of the ~~Town~~City of Ruston applicable to such construction. One copy of such publication has been filed for the use and examination of the public in the office of the ~~Town~~City Clerk.

Section 3. Section 12.09.020 of Ruston Municipal Code hereby amended to read as follows:

12.09.020 Contracts.

Construction contracts hereafter let by the ~~Town~~City or by private parties on projects to become the property of the ~~Town~~City shall incorporate the then current edition of such Standard Specifications as well as all other public works standards adopted under this Chapter, except as the same may be expressly modified by the special conditions of said contract.

Section 4. A new section 12.09.030 is hereby added to the Ruston Municipal Code to read as follows:

12.09.030 Adoption of City of Ruston Design Manual.

The City of Ruston Design Manual is hereby adopted as the public works design standards of the City of Ruston applicable to any project involving public works, public rights of way or public property. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 5. A new section 12.09.040 is hereby added to the Ruston Municipal Code to read as follows:

12.09.040 Adoption of Manual on Uniform Traffic Control Devices.

The United States Department of Transportation Federal Highway

Administration 2009 Manual on Uniform Traffic Control Devices, including Revisions 1 and 2 of May 2012, is hereby adopted by the City of Ruston. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 6. A new section 12.09.050 is hereby added to the Ruston Municipal Code to read as follows:

12.09.050 Adoption of City of Tacoma Storm Water Management Manual.

The 2012 Edition of the City of Tacoma Storm Water Management Manual, along with an attached Ruston Reader's Guide is hereby adopted by the City of Ruston as the "City of Ruston Storm Water Management Manual." One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 7. A new section 12.09.060 is hereby added to the Ruston Municipal Code to read as follows:

12.09.060 Adoption of Design Reference Standards.

The City of Tacoma "Design Reference Standards" are hereby adopted by the City of Ruston as its Design Standards. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 8. A new section 12.09.070 is hereby added to the Ruston Municipal Code to read as follows:

12.09.070 Adoption of Criteria for Sewage Works Design Manual.

The 2008 Edition of the Department of Ecology Criteria for Sewage Works Design Manual is hereby adopted by the City of Ruston. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 9. A new section 12.09.080 is hereby added to the Ruston Municipal Code to read as follows:

12.09.080 Adoption of Street Light Standard Plans.

The City of Tacoma "Street Light Standard Plans" are hereby adopted by

the City of Ruston as its Street Light Standard Plans. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 10. A new section 12.09.090 is hereby added to the Ruston Municipal Code to read as follows:

12.09.090 Adoption of Street Utility Standards.

The City of Tacoma "Street Utility Standards" are hereby adopted by the City of Ruston as its Street Utility Standards. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 11. A new section 12.09.100 is hereby added to the Ruston Municipal Code to read as follows:

12.09.100 Adoption of Traffic Signal Standard Plans.

The City of Tacoma "Traffic Signal Standard Plans" are hereby adopted by the City of Ruston as its Traffic Signal Standard Plans. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 12. A new section 12.09.110 is hereby added to the Ruston Municipal Code to read as follows:

12.09.110 Adoption of WSDOT Sign Fabrication Manual.

The 2006 Washington State Department of Transportation Sign Fabrication Manual is hereby adopted by the City of Ruston. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 13. A new section 12.09.120 is hereby added to the Ruston Municipal Code to read as follows:

12.09.120 Adoption of Ruston Electrical System Standard Manual.

The 2013 Ruston Electrical System Standard Manual is hereby adopted by the City of Ruston. One copy of such publication has been filed for the use and examination of the public in the office of the City Clerk.

Section 14. A new section 12.09.130 is hereby added to the Ruston Municipal Code to read as follows:

12.09.130 Exceptions procedure.

A. General. Requests for exceptions from the requirements of this Chapter may be made according to this section. An exception may be requested to allow a waiver, a reduction or modification of a requirement, or to permit an alternative requirement. Exceptions are not subject to project permit processing procedures in Chapter 19 RMC, pursuant to RCW 36.70B.140.

B. Application. A complete application for an exception shall consist of the following:

1. Name, address, and telephone number of the applicant.
2. Identification of Project for which the exception is requested.
3. Two (2) sets of the site plan.
4. A letter identifying the code provision from which the applicant requests an exception, describing the nature of the exception desired, explaining the reasons for the requested exception and addressing each of the criteria for approval.
5. The City's filing fee.
6. The Mayor or designee may require the applicant to submit a Washington State licensed engineer's report or analysis with a request for an exception.

C. Criteria for Approval. An application for an exception may only be approved if the applicant presents substantial evidence to demonstrate that all of the following criteria are satisfied:

1. Strict compliance with the public works standards is undesirable or impractical because of physical conditions or other undesirable conditions;
2. The proposed exception is functional equivalent to and is consistent with the intent of the public works standards and/or will provide compensating benefits to the City and the public;
3. The proposed exception is based on sound engineering judgment;
4. The proposed exception has not been made necessary by the actions of the applicant or property owner; and
5. Safety, function, appearance and economical maintenance requirements are met with the proposed exception.

D. Decision-maker. The Mayor or designee shall approve or deny such requests without a hearing by issuing a Notice of Decision in writing and shall only approve an exception to the extent it is necessary to meet the criteria set forth above. An applicant is not entitled to an exception, whether or not the criteria for approval of an exception are met. As a condition of approving an exception, the Mayor or designee may impose new or additional requirements to offset or mitigate harm that may be caused by approving the exception.

E. The approval of an exception shall not be construed to be an approval of any violation of any of the other provisions of this chapter nor an approval of any violation of any other ordinance of the City, nor an approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for an exception shall not prevent the Mayor or designee from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City.

F. Appeals to the City Council. Appeals of the Mayor or designee's decision on an exception shall be made to the City Council by filing a notice of intent to appeal such decision and making payment of an appeal fee with the City Clerk within ten (10) days of the date of issuance of the Notice of Decision. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The appellant shall bear the burden of establishing that the Mayor or designee's order, requirement, decision or determination was incorrect. The City Council may reverse, modify or affirm the Mayor's decision on the exception. The decision of the City Council shall be final, and may be appealed to the superior court under chapter 36.70B RCW.

Section 15. Direction to Clerk. The City Clerk is directed to maintain on copy of each of the Manuals or Standards referenced in Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Ordinance on file in the Clerk's Office available for examination and use by the public during regular business hours.

Section 16. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 17. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 18. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City
Clerk in authentication of such passage on this 6th day of August, 2013.

APPROVED by the Mayor this 6th day of August, 2013.



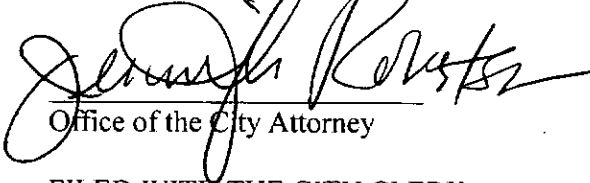
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1416