

City of Cheney
609 Second Street
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. X-43**

AN ORDINANCE ENACTING A NEW CHAPTER 19.12 ENTITLED "CIVIL CONSTRUCTION" OF THE CITY MUNICIPAL CODE TO PROVIDE A PROCESS TO RECEIVE APPLICATIONS, REVIEW CONSTRUCTION DOCUMENTS AND ISSUE PERMITS FOR THE INSTALLATION OF ONSITE FACILITIES AND IMPROVEMENTS AS DEFINED BELOW, AND PROVIDE FOR OTHER MATTERS RELATED THERETO

WHEREAS, prior to construction activities occurring on private property, it is necessary for the City to review drawings, documents, and other information which identifies the facility or improvement to be constructed on private property especially when such construction relates to connection to the City infrastructure and utilities;

WHEREAS, the purpose of this Chapter 19.12 is to establish a uniform process that will expedite the issuance of permits and provide for review of design and construction documents in conformance with City ordinances, policies and procedures, including the City Public Works design standards; and

WHEREAS, to ensure that such on-site facilities are constructed in accordance with this Ordinance, a final inspection process is established to protect the public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Cheney, Washington, do ordain as follows.

Section 1. New Chapter. A new Chapter 19.12 entitled "Civil Construction" is hereby added to the Cheney Municipal Code and is set forth herein.

Section 2. New Section. A new section 19.12.010 entitled "Applicability" is hereby added to the Cheney municipal Code as set forth below.

19.12.010 – Applicability.

This chapter applies to on-site facility and construction of improvements located outside of buildings or structures including sewer service systems, water service systems, stormwater systems, and other utility installations ("Facilities") that are regulated by the City of Cheney Engineering and Design Standards, Plumbing Code, or the City Municipal Code, as well as any improvements that are required by CMC Chapter 22.16 whether such improvements occur on public or private property.

This Chapter does not apply to: Generation, transmission, distribution, metering, or other related equipment and facilities for electric, gas, communication or other similar utilities which are under the ownership and control of public service agencies that are permitted by franchises, licenses or other rights conferred by the City or other governmental authority.

Section 3. New Section. A new section 19.12.020 entitled "Definitions" is hereby added to the Cheney municipal Code as set forth below.

19.12.020 – Definitions.

For the purpose of this chapter, the below words are defined as follows:

Approved means acceptable to the Public Works Official.

City means the City of Cheney, WA.

Department means the City Public Works Department.

Facilities is defined above.

Plumbing Code means the City adopted code for the installation of plumbing systems for the conveyance or water and sewage to and from a building or structure.

Public Works Official means the Public Works Director or designee.

Registered Design Professional means an individual who is registered or licensed to practice their respective design profession as defined by Washington State law.

Sewer Service System means the portion of the piping and associated in-ground structures connecting, and located between, the point two feet outside the periphery of a building or structure and the City sewer main.

Water Service System means the portion of the water piping and associated in-ground structures connecting, and located between, the periphery of a building or structure and the City water meter, as well as the portion connecting, and located between, the water meter and the City water main.

Section 4. New Section. A new section 19.12.030 entitled "Authority" is hereby added to the Cheney municipal Code as set forth below.

19.12.030 - Authority.

The Public Works Official is hereby authorized to receive applications, review construction documents, and issue permits for the installation of any on-site facilities and improvements herein described. The Public Works Director shall have the authority to render interpretations of this this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Nothing contained in this chapter shall be construed as waiving or otherwise affecting the building code provisions within CMC 19.06 or authority of the Building Official, or the fire code provisions of CMC 18.06 or the authority of the Fire Code Official.

Exception: The Public Works Official shall have authority over those portions of the Plumbing Code which governs the Sewer Service System and Water Service Piping or portions thereof.

Section 5. New Section. A new section 19.12.040 entitled "Notice and Order of Correction" is hereby added to the Cheney municipal Code as set forth below.

19.06.040 – Notice and Order of Correction.

The Public Works Official shall be authorized to issue a notice and order of correction in accordance with chapter 1.28 of the Cheney Municipal Code to require compliance with any provision of this chapter.

Section 6. New Section. A new section 19.12.050 entitled "Permits" is hereby added to the Cheney municipal Code as set forth below.

19.12.050 - Permits.

Any owner or authorized agent who intends to construct, enlarge, alter, or remove any on-site Facilities, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application to the Department and obtain the required permit. Permits issued pursuant this chapter shall be valid for 180 days. The Public Works Official is authorized to issue extensions when the owner or authorized agent makes a request in writing. A copy of the permit shall be kept on the site of the work until the completion of the project. Exemptions from permitting shall not be deemed to grant authorization for any work to be done in a manner in violation of the provisions of this chapter or the codes and standards referenced herein not shall it be deemed to grant exemption from any other state, local, or federal permitting requirements. Permits are not required for the following:

1. Stormwater facilities involving the addition or replacement of less than 5,000 square feet of impervious surfaces.

2. Improvements such as curbs and sidewalks which occur in an existing City right-of-way pursuant to a required permit within CMC Title 12 unless such work is incidental to a project occurring on the adjacent private property.
3. Work occurring as part of a City or WSDOT public works project such as street overlays and water or sewer main replacements, including the services and other work that are incidental to such projects.
4. Sidewalks which are exempt from permit under the adopted building code under CMC 19.06 unless they contribute to a stormwater facility's impervious surface area for which a permit is required.

Section 7. New Section. A new section 19.12.060 entitled "Plan Review" is hereby added to the Cheney municipal Code as set forth below.

19.12.060 – Plan Review.

Three copies of the site plan and any applicable construction documents plus informational data for the proposed work shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the Washington State law. The Public Works Official shall examine or cause to be examined construction documents to determine whether the proposed construction is in accordance with the requirements of this chapter and other applicable laws and ordinances. When the Public Works Official issues a permit, the construction documents shall be approved by a writing or stamp to signify that the plans have been reviewed for construction. One copy shall be retained by the Department and the other set shall be returned to the applicant. The applicant's copy shall be kept at the site of work and shall be open to inspection by the Public Works Official.

Exception: The Public Works Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this chapter or any referenced codes and standards therein.

Section 8. New Section. A new section 19.12.070 entitled "Inspection" is hereby added to the Cheney municipal Code as set forth below.

19.12.070 – Inspection.

Construction or work pursuant to a permit shall be subject to inspection by the Public Works Official and such work shall remain exposed for inspection purposes until approved. Approval of inspected work shall not be construed to be: acceptance of a violation of the provisions of this chapter; a warranty related to the work; certification of compliance with other ordinances of the

City or a waiver of any claims, defenses or causes of action by the City. It shall be the duty of the owner or their duly authorized agent to: notify the department when work is ready for inspection; provide access to and means for inspections; and cause the work to remain accessible and exposed for inspection purposes. Neither the Public Work Official nor the City shall be liable for any costs and expenses incurred to allow inspection.

Exceptions:

1. Work that is certified by an approved third-party is not required to be inspected by the Public Works Official provided that such exemption has been approved.
2. Testing of work which may be observed and inspected without being exposed may be concealed prior to such tests provided that such exemption is granted by the Public Works Official.

Section 9. New Section. A new section 19.12.080 entitled "Board of Appeals" is hereby added to the Cheney municipal Code as set forth below.

19.12.080 - Board of Appeals.

Appeals of decisions of the Public Works Official shall be in accordance with CMC Chapter 9.06.

Section 10. New Section. A new section 19.12.090 entitled "Fees" is hereby added to the Cheney municipal Code as set forth below.

19.12.090 – Fees.

All permit fees and costs are established through City Council Resolution. In addition to permitting fees, the Public Works Official is authorized to charge utility connection fees prior to issuance of the permit.

Section 11. New Section. A new section 19.12.100 entitled "Violation - Penalty" is hereby added to the Cheney municipal Code as set forth below.

19.12.100 – Violation—Penalty.

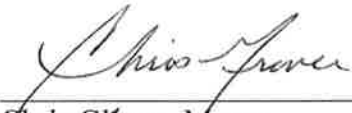
Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00, or imprisonment in jail for not more than 90 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

Section 12. This Ordinance shall be in full force and effect five (5) days after passage, approval and publication pursuant to RCW 35A.11.090(7).

Introduced this 14 day of August, 2018.

Passed by the Council this 22 day of January, 2019.


Approved by the Mayor this 22 day of January, 2019.


Chris Glover, Mayor

ATTEST:


Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:


Stanley M. Schwartz, City Attorney