

RESOLUTION NO. 858

City Of Prineville

A RESOLUTION PROVIDING FOR ADOPTION OF A PROCEDURE TO INSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, ACCESSIBILITY GUIDELINES FOR STATE AND LOCAL GOVERNMENT FACILITIES, INTERIM FINAL RULE AS ADOPTED JULY 20, 1994, PEDESTRIAN ACCESS ROUTES WITHIN THE PUBLIC RIGHT OF WAY; A PERMITTING PROCESS AND FEE SCHEDULE.

WHEREAS: Non-discrimination on the Basis of Disability in State and Local Government Services and Facilities was adopted by the Federal Government on July 26, 1991 (28 CFR Part 35);

AND WHEREAS: the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities; Interim Final Rule was adopted on June 20, 1994 (36 CFR Part 1191);

AND WHEREAS: Ordinance 576 Passed by City of Prineville, City Council in September 1965, requires the property owner to acquire a permit and have the plans and specifications for construction or repair of a sidewalk approved by the Superintendent of Streets;

AND WHEREAS: Resolution 852 Passed by City of Prineville, City Council July of 1999 provides for plan reviews and inspections of construction fees for Land Use Applications and other Development Review Actions inclusive of sidewalks is provided for by City Ordinance No. 1057. Approval of these actions stipulate conformance with ADA requirements;

AND WHEREAS: the City of Prineville wishes to adopt a procedure to insure compliance with the Interim Rule for Pedestrian Walkways within Public Right of Ways with the City of Prineville;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF PRINEVILLE AS FOLLOWS:

1. The Superintendent of Streets or its designee shall require and issue permits for the purposes of repair or construction of sidewalks or driveways, within the public rights of way. The design and construction of said facilities in the public Rights of Way shall meet the Americans with Disabilities Act Interim Rules. Such permits shall meet the then current Americans With Disabilities Act Rules including all interim Rules.

2. The following fee schedule associated with the permit, review and inspections is authorized as follows:

- A) Where the permit involves excavation for and repair or construction of sidewalks, driveways or curb returns at intersections for an individual property or residence, the fee shall be \$25.00 for plan review and permit issuance and \$25.00 for interim and final inspections, or \$50.00 total.
- B) Where the permit is to be issued as part of a plans and specifications for construction of streets within or to be incorporated into the public right of way, either by land use action or other development review and inspection processes, the fee shall be included as the actual cost of review, inspections and approval as allowed in the City of Prineville Land Development Ordinance No. 1057 and Resolution 852. City review and approval of plans and specifications shall constitute the permit.
- C) Where the permit is to be issued as part of plans and specifications for a Public Works Contract to be authorized by The City of Prineville, the costs of plan review and inspection shall be included in the actual work required to prepare such plans, specifications and construction. City approval of said plans shall constitute the permit to perform the work.

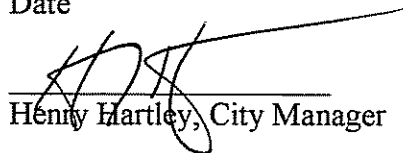
3. Enforcement of the permitting and completion of the defined work shall be administered in accordance with City Ordinance No. 1057, Article 12. Administrative Provisions, exclusive of Section 12.020 Remedies (2) Penalties.

Passed by the City Council on the 14th day of March, 2000.

Approved by the Mayor this 14th day of March, 2000.


ANN GRAF, Mayor

Attest: 3-14-00
Date


Henry Hartley, City Manager