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**SECTION 1200** **PUBLIC WORKS ADMINISTRATION**

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**SECTION 1200**

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**PUBLIC WORKS ADMINISTRATION**

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**1201 ADMINISTRATION BY THE PUBLIC WORKS DEPARTMENT**

**1201.1 Definitions**

Whenever in these design criteria, or in any documents or instruments pertaining to construction where these design criteria govern, the following terms, abbreviations, or pronouns in place of them are used, the intent and meaning shall be interpreted as follows below. In order to avoid cumbersome and confusing repetition of expressions in these design criteria, it is provided that whenever anything is, is to be, done, if, as, or, when, or where "contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, accepted, satisfactory, unsatisfactory, sufficient, insufficient rejected, or condemned," it shall be understood as if the expression were followed by the words "by the Engineer" or "to the Engineer." Unless otherwise defined by the terms of this section, the definitions of words used in this document, shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

CITY: The City of Owasso, Oklahoma, a municipal corporation, acting through its duly authorized officers or agents.

CONTRACTOR: The individual, company, partnership or corporation contracting with the City of Owasso for performance of prescribed work.

DEPARTMENT: The Public Works Department of the City of Owasso.

DEVELOPER (SUBDIVIDER): An individual, corporation or group having legal ownership of a property for the purpose and intent to construct improvements on said property for residential, commercial or other uses.

EASEMENT: A grant of a right of use of the property of an owner for a certain purpose at the will of the grantee.

ENGINEER: The Director of Public Works or his/her duly authorized representative. For the purpose of this contract, these refer to the Owner's representative.

EQUIPMENT: All machinery and equipment, together with the necessary supplies for upkeep and

INSPECTOR OR TECHNICIAN: The Engineer's authorized representative assigned to make detailed inspections of contract performance.

LABORATORY: The official testing laboratory of the City or any other testing laboratory which may be designated by the Engineer.

MATERIALS: Any substances specified for use in the construction of the project and its appurtenances.

**OWNER:** City of Owasso, Owasso Public Works Authority, Owasso Public Golf Authority, or other entity of the City.

**PLANS:** The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions, and details of the work to be done.

**PROJECT:** The specific section of construction to be performed thereon under the contract.

**SPECIFICATIONS:** A general term applied to all directions, provisions and requirements pertaining to performance of the work.

**SUBCONTRACTOR:** An individual, company, partnership or corporation to whom the Contractor contracts part of the contract.

**SUPERINTENDENT:** The designated representative of the Contractor present on the work at all times during progress, authorized to receive and execute instructions from the Engineer and capable of superintending the work effectively.

### **1201.2 Introduction**

This subsection defines the empowers and duties of the Public Works Department and its inspectors, the requirements of permits, the establishment of fee schedules, and penalty provisions for violating City code.

### **1201.3 Conflicting Provisions**

When any provision of this Section conflicts with any other provision of the City Code of Owasso, the provisions of this Section shall control.

### **1201.4 Privately Financed Public Improvements**

Any Developer constructing public improvements with private financing shall agree to and sign an Agreement Guaranteeing Completion of Improvements before approval of construction plans. The agreement format is included as Appendix B, Part II, of the Engineering Design Criteria. The Developer's design engineer is also required to enter into an Agreement for Urban Engineering Services included as Appendix B, Part I, of the Engineering Design Criteria.

### **1201.5 Duties of the Public Works Department**

- A. The Public Works Department, under the supervision of the Public Works Director, shall:
  - 1. Make or cause to be made engineering plans and specifications for the physical facilities of the City, and supervise the construction of those facilities.
  - 2. Establish a schedule of inspection and re-inspection fees for those items constructed or installed to adequately reflect not less than the actual costs of the City, and such schedules to be certified by the Public Works Director and filed with the City Clerk.

3. Promulgate and enforce such rules, regulations, and procedures for the efficient administration of those duties required by this section.
- B. Inspectors of the Public Works Department shall have the power and authority to:
1. Order the stopping of construction of any installation of storm, sanitary sewer, water or paving improvements if earth change permit or other applicable permits have not been obtained or, if such construction is being done in a careless or reckless manner, or in violation of the provisions of the City Code.
  2. Call upon the police and fire department in enforcing violations of the City Code.
  3. Revoke any permit where it is found that there has been a misrepresentation of the facts or a violation of the City Code.
  4. Order the closing of any streets and the rerouting of traffic when the City of Owasso has contracted with any person for the improvement of such street, or that period of time necessary to permit the proper completion of that improvement.

#### **1201.6 Inspections**

- A. Public works inspectors may enter upon property under development.
- B. All work found to be faulty or incorrectly or defectively installed shall be corrected before any approval shall be given by an inspector, and when such has been corrected, notification for a re-inspection shall then be given to the Public Works Department.
- C. All inspections shall be made by the Public Works Department within two (2) working days from the receipt of the notification for the inspection or re-inspection.
- D. No work which is required to be inspected shall be covered over or covered up before that particular inspection, and any covering in place shall be removed upon the order of the inspector.

#### **1201.7 Notice**

Whenever an inspector exercises his power and authority pursuant to Subsection 1201.5B in ordering compliance with the City Code, notice shall personally be given to the responsible person or his agent, or sent by certified mail to such person's last known address. If such persons are not personally located and no address is known, the notice shall be posted in a conspicuous place on the premises. Such notice and order shall be in writing and:

- A. List the specific non-compliance with the City Code or contract specifications.
- B. Specify the action to be taken.
- C. Provide a reasonable time for compliance with the City Code or contract specifications.

### **1201.8 Appeals from Inspector's Decisions**

- A. Any person aggrieved by an inspector exercising his power and authority pursuant to Subsection 1201.5B, must, before instituting suit, appeal to the Director of Public Works. Should the Director's decision fail to resolve the issue, further appeal may be made to the City Manager. Further, if no resolution is achieved at this level, appeal may be made by requesting an audience with the City Council at a regularly scheduled council meeting. The City Council decision will be final with regard to the City appeal process.
- B. Initial appeal to the Director of Public Works shall be made within 5 days after the decision of the inspector, and shall be in writing, stating the reasons for the appeal. The Director's response shall be made in writing within 5 days of receipt of the appeal.
- C. Responses to appeals at higher administrative levels will be issued in a timely manner so as not to delay work in progress.

### **1201.9 Unforeseen Site Conditions (Changed Conditions)**

Should conditions be encountered during construction which change the work as designed or as proposed, the Developer, his design engineer or Contractor may propose alternate methods, processes or materials to accomplish the work. The Engineer shall review such proposals and render a decision of acceptance or rejection within five working days of receipt. Appeals to the Engineer's decision may be followed as presented in Paragraph 1201.8.

### **1201.10 Permits Required Within Public Right-of-Way**

- A. Any person, firm, utility company, water district, corporation or political subdivision desiring to construct, replace or alter any utility or infrastructure located or to be located on real property owned by the City or upon easements or rights-of-way owned or controlled by the City is required to obtain a permit from the Public Works Department. No person shall engage in the following acts without having first obtained the necessary permits from the Public Works Department.
  - 1. The construction, alteration, cutting, mutilation, or changing in any manner for any purpose, any paved or traveled portion of any street or alley, any curb, gutter, catch basin or other appurtenance of a street or alley, or any sidewalk.
  - 2. The construction or repair of any off-site improvement (outside an easement or right-of-way solely controlled by the utility company).
- B. Exceptions to permit requirements: No permit is required under the following circumstances:
  - 1. Where a public utility corporation installs conductors or equipment in the generation, transmission, sale, or use of energy or communications as outlined in their franchises with the City.

2. Where the construction, alteration, cutting, and changing of a portion of any street or alley, any curb, gutter, catch basin or other appurtenance of a street or alley is under the direct supervision of the City Manager or the Public Works Department.
3. Where such cutting, or changing of a sidewalk is only for the repair of the sidewalk.
4. Where an emergency construction or repair of an off-site improvement is necessary, to protect the health and safety of the City inhabitants and such construction or repair is made by a public utility or public service company. However, a permit is required after the commencement of the work.

#### **1201.11 Permit Fee Schedule**

A. Off-site improvement fees: The fee shall be either the minimum or the sum of all inspection fees, whichever is the greater amount:

1. The minimum charges are listed in the following table:

<u>Cost of Construction</u>	<u>Fee %</u>	<u>Maximum Amount</u>
Up to \$2,000	4.24%	\$84.00
\$2,001 - \$5,000	3.60%	\$108.00
\$5,001 - \$10,000	3.03%	\$151.50
\$10,001 - \$25,000	2.42%	\$363.00
\$25,001 - \$50,000	1.82%	\$455.00
Over \$50,001	1.21%	

2. Fee for installation of a sidewalk and drive entrance for a single family lot: \$5.00
3. Minimum fee for each inspection or re-inspection: \$7.50.

B. Exempt from fee: Franchise public utility companies, public service companies, all governmental entities, corporate entities created by and administered under the laws of the State of Oklahoma, and the City of Owasso shall be exempt from permit fees, but not from acquiring permits and not from the responsibility for the repair and replacement of existing improvements in compliance with the then-in-force-and-effect standards and specifications of the City of Owasso.

#### **1201.12 Penalties**

- A. Any person convicted of violating the provisions of the City's Construction Standards, Standard Details and/or Engineering Design Criteria or material referenced therein, or of failing to act or comply with the provisions therein shall be punished by a fine not to exceed \$200 for each such violation or failure to comply.
- B. Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one or more of such offenses may be set out in any complaint or information filed.

END OF SECTION

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