

ORDINANCE NO. 2809NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 24, "STREETS AND SIDEWALKS"; AND ALSO PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, STATE OF OKLAHOMA AS FOLLOWS:

Section 1: Section 24-2.- Street paving or improvement work.

- a) *Bond.* Before any person, and/or entity, shall engage in work of any kind within the city, which constitutes the paving, by cement, blacktop or gravel, or otherwise improving of any street, he shall execute and deliver to the city a bond in an amount as described in the city fee schedule. The bond shall be conditioned upon the faithful performance of his duties, that he shall save the city harmless from any liabilities that may arise in the use of any of the streets or alleys where such work is performed and that he shall in all respects comply with all city ordinances, rules and regulations relating to the use of streets.
- b) *Liability insurance.* Before any person shall engage in work of any kind in the city constituting the paving, by cement, blacktop or gravel, or otherwise improving of any street, the person doing such work shall file with the city clerk or designee an insurance policy for an indemnity fund as follows:
 - 1. The insurance policy shall be issued by a company licensed and authorized to do business in the state and shall provide public liability insurance coverage for each operation required in the conduct of such work. The insurance policy coverage, for injury or death of any one person, for the injury or death of any number of persons in any one accident and for property damage in any one accident growing out of the work, shall be in an amount as described in the city fee schedule.
 - 2. The policy cannot be cancelled until ten days' notice of cancellation is given to the city clerk or designee, and the policy shall carry an endorsement of actual notice to the city of any changes therein.
 - 3. The insurance policy shall be approved by the city manager or designee and endorsed thereon. The insurance policy shall be approved as to form by the city attorney.
 - 4. The insurance policy shall be made for the use and benefit and protection of the city and for the use and benefit and protection of any person who may suffer injury either to his person or property because of an accident or omission or negligence of any person, his agents or servants engaged in such work. If the policy is approved by the city manager or designee, it shall remain in force and effect during the life of the policy.
- c) *Manner of doing work.* Any work of any kind in the city constituting the paving, by cement, blacktop or gravel, or any other improving of streets shall be done under the supervision and according to specifications of the city engineer and shall be inspected and approved by the city engineer, or designee.
- d) *Permit required.* No person shall do or cause to be done any work of any kind in the city constituting the paving, by cement, blacktop or gravel, or any improvement of streets or sidewalks, or construction of storm sewer, without a permit for such work. A permit of such work shall only be issued after approval by the city engineer.

Section 2: Section 24-13. – Permits, plans and specifications, and fees.

- a) *Permit Required.*
 - 1. No person shall do or cause to be done any work constituting paving, by cement, blacktop or gravel, or any improvement of streets or sidewalks, within the city without first having obtained a construction permit number for the work from the office of the city engineer. A permit for such work shall not be issued to any person who has failed to comply with

this Code. Permits shall not be required for maintenance work or for repair work if the maintenance and repair work does not require alteration or rearrangement of roadway geometry.

b) Permit Issuance.

1. Upon compliance with Section 24-2 and prior to commencement of the work, it shall be the duty of the city engineer to issue a permit permitting the person to perform the paving or storm sewer work covered by the application, provided the plans for the work conform to the Engineering Design Manual and the city engineer shall charge the paving contractor with the amount of proper fees.

c) Plans and Specifications

1. The office of the city engineer shall require plans and specifications for any public street, public storm sewer or sidewalk construction in accordance with the currently adopted Engineering Design Manual.
2. The city engineer shall have and is given authority to refuse to issue a permit for the installation of public paving or storm sewer, as provided in this division, or for any additions or extensions to public paving or storm sewer that is proposed to be done is shown to be unsafe or not in accordance with this Code.
3. Approval of plans and specifications for purposes of issuing a permit by the city shall not relieve the owner or his agents of responsibility for errors of any kind in drawings and specifications and for compliance with applicable codes.

d) Fees

1. An administrative plan review fee for privately funded public improvements shall be paid in the amount provided by the city fee schedule.
2. Inspection and supervision fees shall be a percentage of estimated costs as follows:

1.0% of the estimated construction costs at the time of permit. Construction estimate is subject to review and approval by the city engineer.

The above fee schedule will be valid for the installation of street paving projects, public sidewalk or storm sewer projects.

Section 2: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

Section 3: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 4: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this day of October, 2024

ERIC STEPHENS, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, MMC, CITY CLERK

Approved as to form and legality this _____ day of October, 2024.

JOSEPH M. VORNDRA
CITY ATTORNEY