

EMERGENCY ORDINANCE

ORDINANCE NO. 09-915

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON, RELATING TO CONSTRUCTION
STANDARDS, REPEALING CHAPTER 12.04 OF THE
BLACK DIAMOND MUNICIPAL CODE AND AMENDING
CHAPTER 15.08 TO ADOPT AN OFFICIAL
“ENGINEERING DESIGN & CONSTRUCTION
STANDARDS MANUAL” FOR PUBLIC WORKS
PROJECTS IN THE CITY**

WHEREAS, chapter 12.04 of the Black Diamond Municipal Code adopted the 1995 “Development Guidelines and Public Works Standards” manual as the official set of minimum standards for construction work within the City; and

WHEREAS, because infrastructure standards directly and indirectly affect the health and safety of residents within the City, one of the important reasons why the City has had a moratorium on accepting new applications for master planned developments, subdivisions and planned unit developments was to review the existing construction standards and update them as needed; and

WHEREAS, these standards have now been comprehensively updated by PacWest Engineering, the public works staff and the Public Works committee; and

WHEREAS, because the moratorium mentioned above shall expire on June 28, 2009, it is imperative that the City’s revised construction standards be officially in effect on that date in order to prevent public health, safety and welfare from being jeopardized by new applications that vest to the old construction standards, defeating the purpose of the moratorium and the goal of ensuring our local infrastructure promotes the health and safety of our City’s residents; and

WHEREAS, to more accurately reflect the contents of this manual and avoid confusion with the Design Guidelines adopted by the Community Development Department, the Public Works Director has renamed this manual as the “Engineering Design and Construction Standards” manual; and

WHEREAS, because this manual pertains to more than just streets and sidewalks, the Public Works Director wishes to move the chapter dealing with this manual to Title 15 (“Buildings and Construction”) of the municipal code; and

WHEREAS, because these standards need to be updated from time to time, it is more

efficient and effective to allow amendments to the manual at the determination of the Public Works Director in coordination with the Public Works Committee, without requiring the municipal code to be amended and the City Council to review and approve each individual change to these standards; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that this emergency ordinance is necessary to protect the health, safety, and welfare of the citizens of Black Diamond.

Section 2. Chapter 12.04 of the Black Diamond Municipal Code (“Development Guidelines and Public Works Standards”) is hereby repealed in its entirety.

Section 3. Chapter 15.08.010 of the Black Diamond Municipal Code is hereby amended to read as follows:

15.08.010 Specifications Engineering Design and Construction Standards manual adopted.

A. The city hereby adopts a written set of guidelines and construction standards for public works projects within the city that affect public roads, water systems, and sewers, to be known as the “City of Black Diamond Engineering Guidelines and Construction Standards.” This written set of guidelines and standards may be amended annually or more often as needed by the public works director in coordination with the Public Works Committee. Such amendments shall become effective upon being made by the director and shall not require review and separate approval by the city council, provided, whenever a section of the Guidelines and Construction Standards is amended, there shall be indicated at the end of the amended section the most recent date of amendment so as to provide notice that a change has occurred.

B. The city ~~incorporates~~ adopts by reference the most recent version of the American Public Works Association Standard Specifications for Municipal Public Works Construction and any future amendments thereto for public inspection. Should any conflict exist between the APWA Standard Specifications and the City of Black Diamond Engineering Guidelines and Construction Standards, the Construction Standards shall control. Where disagreement occurs over the proper application of the APWA Standard Specifications and the Construction Standards, the Public Works Director shall interpret the APWA Standard Specifications and the Construction Standards and make a

determination.

Section 4. Chapter 15.08.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

15.08.020 Copies available for inspection.

~~The city clerk treasurer shall have available for public inspection a minimum of one copy~~Copies of the American Public Works Association Standard Specifications for Municipal Public Works Construction and amendments thereto for public inspection. — and of the current Engineering Guidelines and Construction Standards manual shall be available to the public for review on the city’s website, at the city’s public works department, and at the city clerk’s office. Copies may be purchased on electronic disc format at the cost indicated on the city’s official fee schedule.

Section 5. Chapter 15.08.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

15.08.030 Construction to be in accordance with adopted specifications.

All repairs to public works, or new public works construction, shall be ~~constructed~~performed in accordance with the APWA Standard Specifications for Municipal Public Works Construction as it exists in 1987 and the city’s Engineering Design and Construction Standards manual, and all amendments thereto.

Section 6. Chapter 15.08.040 of the Black Diamond Municipal Code is hereby amended to read as follows:

15.08.040 ~~Utility~~Public works director – Enforcement responsibility.

The ~~utility~~public works director of the city, or his or her designee, is authorized and empowered to enforce the provisions contained within the American Public Works Association Standard Specifications for Municipal Public Works Construction and in the city’s Engineering Design and Construction Standards manual on all public works repairs and new construction.

Section 7. Chapter 15.08.050 of the Black Diamond Municipal Code is hereby amended to read as follows:

15.08.050 Failure to comply.

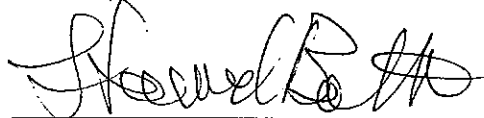
Any party failing to comply with the specifications set forth in this chapter on public works construction shall be subject to the general penalty provisions of the municipal code and may also be subject to required, at the discretion of the city, to bring the project into compliance with the standards in this chapter~~civil sanctions requiring the completion of public works construction in accordance with specifications set forth in this chapter.~~ Nothing in this section shall limit the city from pursuing any other remedies available at law.

Section 8. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 9. Effective date. This is an emergency ordinance that shall go into effect immediately upon passage. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 25th day of June, 2009.

Passed by the City Council on the 25th day of June, 2009.



Mayor Howard Botts

ATTEST:

Gunde L. Martiney
City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 6/30/09
Effective Date: 6/25/09