

CITY OF SILVERTON
ORDINANCE
14-04

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ADDING NEW PROVISIONS TO CHAPTER 13.08 OF THE SILVERTON MUNICIPAL CODE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ADOPT, MAINTAIN, MODIFY AND ENFORCE PUBLIC WORKS DESIGN STANDARDS

WHEREAS, the City currently does not employ, maintain or enforce a uniform set of design standards for infrastructure and public facility construction; and

WHEREAS, The City's Public Works Director is researching and developing design standards for facilities associated with each component—water, storm water, sanitary sewer and roadway—of the City's overall infrastructure system and Council believes it appropriate and necessary to afford the Public Works Director with the on-going ability to adopt, maintain, modify and enforce standards relating to the City's infrastructure as needs for construction, installation and upgrading that infrastructure arise.

NOW, THEREFORE, THE SILVERTON CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1: Chapter 13.08 is hereby amended by adding new sections thereto to read as follows:

13.08.090. Public Works Design Standards; Adoption and annual review.

- A. The Public Works Director ("Director") is authorized to adopt, maintain, modify and enforce Public Works Design Standards ("Design Standards" or "Standards") for use in and throughout the City to govern all construction, modification and upgrading of Public Facilities in the City and work within the City's service areas. All construction, design, detail, workmanship and materials are to be done and completed consistent with the then most current edition of the Design Standards. As used herein and elsewhere in this Chapter, the term "Public Facilities" means improvements either intended by the City to be or which are City-owned, maintained, used or controlled including transportation, sanitary sewer, storm water and water distribution facilities and equipment.
- B. The City Council shall adopt the Standards by resolution and thereafter shall be provided at least annually a written update from the Public Works Director (or their designate) as to all substantive changes or alterations made to the Standards by the Director during the prior year.

13.08.100. Approval of alternative materials and methods by Director.

- A. Persons seeking approval of alternate materials or methods shall make application in writing to the Public Works Director and shall pay all fees associated therewith as the same may be set by Council resolution. Approval of any deviation from the Standards will be in writing and issued by the Director.
- B. Any alternate material or method must either meet or exceed the minimum requirements set in the Design Standards for the most analogous or comparable material or method.
- C. The written application is to include (but is not limited to) the manufacturer's specifications and testing results, design drawings, calculations, reason and justification for the proposed alternative material or method.

D. Any deviations or special problems will be reviewed by the Public Works Director on a case-by-case basis and approved in writing by him/her. When requested by the Public Works Director, full design calculations shall be submitted for the Director's review/analysis as part of any application.

13.08.110. Special design problems.

- A. The use of items, methods or materials not covered within the Design Standards require review and approval by the Public Works Director prior to any use. Submission of full design calculations, supplemental drawings and information is required.
- B. Applications requiring special review include but are not limited to the following:
 - 1. Water Distribution Pump Stations
 - 2. Relining of Existing Water Mains
 - 3. Water Pressure Regulating Devices
 - 4. Energy Dissipaters
 - 5. Water Reservoirs
 - 6. Water Treatment Plants
 - 7. Water Flow Measurement/Monitoring Devices

13.08.120. Plan submission.


Construction plans for all privately financed public works facility improvements shall be submitted to the Director in a format determined him/her and as specified in the Design Standards.

13.08.130. As-built plan requirements.

For all public facility improvements where plans were approved for construction, the design engineer shall submit to the Director for the City's records certified "as-built" drawings in a form approved by the Director. "As-built" survey notes may be required by the Director if any discrepancy is noted. Along with "as-built" drawings, the design engineer shall submit a statement certifying that all work for which plans were approved has been completed consistent with the City's Design Standards.


Section 2: That this ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of May, 2014.



Mayor, City of Silverton
Stu Rasmussen

ATTEST



City Manager/Recorder, City of Silverton
Bob Willoughby

CITY OF SILVERTON
RESOLUTION
16-08

A RESOLUTION OF THE SILVERTON CITY COUNCIL ADOPTING THE PUBLIC WORKS DESIGN STANDARDS

WHEREAS, the City currently does not employ, maintain or enforce a uniform set of design standards for infrastructure and public facility construction; and

WHEREAS, the City Council adopted Ordinance No. 14-04 which authorized the Public Works Director to adopt, maintain, modify and enforce Public Works Design Standards and also required the Standards be adopted by City Council by resolution; and

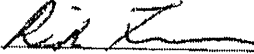
WHEREAS, Westech Engineering was hired by the Public Works Department to assist in preparing the Public Works Design Standards and the final draft of these Standards has been completed and is available for review on the City's website.

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

Section 1: The City of Silverton Public Works Design Standards, dated February 1, 2016, is adopted by City Council.


Section 2: That this resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 1st day of February, 2016.



Mayor, City of Silverton
Rick Lewis

ATTEST



City Manager/Recorder, City of Silverton
Bob Willoughby

CITY OF SILVERTON
RESOLUTION
20-11

A RESOLUTION OF THE SILVERTON CITY COUNCIL UPDATING THE PUBLIC WORKS DESIGN STANDARDS

WHEREAS, the City maintains and enforces uniform design standards for infrastructure and public facility construction through the Public Works Division; and

WHEREAS, the City Council adopted Ordinance No. 14-04 which authorized the Public Works Director to adopt, maintain, modify and enforce Public Works Design Standards and also required the Standards be adopted by City Council by resolution; and

WHEREAS, the Public Works Department conducted an internal committee including Administration, Building, Engineering, Maintenance, and Water Quality to assist in preparing the Public Works Design Standards updates and the final draft of these Standards has been completed and upon recognition available for review on the City's website.

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

Section 1: The City of Silverton Public Works Design Standards, dated April 1, 2020, is hereby adopted by City Council.


Section 2: That this resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 4th day of May, 2020.



Mayor, City of Silverton
Kyle Palmer

ATTEST



City Manager/Recorder, City of Silverton
Christy S. Wurster



U.S. Department of Justice
Civil Rights Division
Disability Rights Section



U.S. Department of Transportation
Federal Highway Administration

Department of Justice/Department of Transportation Joint Technical Assistance¹ on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

Title II of the Americans with Disabilities Act (ADA) requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. An important part of this requirement is the obligation whenever streets, roadways, or highways are *altered* to provide curb ramps where street level pedestrian walkways cross curbs.² This requirement is intended to ensure the accessibility and usability of the pedestrian walkway for persons with disabilities.

An alteration is a change that affects or could affect the usability of all or part of a building or facility.³ Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, *resurfacing*, widening, and projects of similar scale and effect.⁴ Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Without curb ramps, sidewalk travel in urban areas can be dangerous, difficult, or even impossible for people who use wheelchairs, scooters, and other mobility devices. Curb ramps allow people with mobility disabilities to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination; some people with disabilities may simply choose not to take this risk and will not venture out of their homes or communities.

Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where pedestrian walkways intersect the resurfaced streets. See *Kinney v. Yerusalim*, 9 F 3d 1067 (3rd Cir. 1993). This obligation has been discussed in a variety of technical assistance materials published by the Department of Justice beginning in 1994.⁵ Over the past few years, state and local governments have sought further guidance on the scope of the alterations requirement with respect to the provision of curb ramps when streets, roads or highways are being resurfaced. These questions have arisen largely due to the development of a variety of road surface treatments other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Public entities have asked the Department of Transportation and the Department of Justice to clarify whether particular road surface treatments fall within the ADA definition of alterations, or whether they should be considered maintenance that would not trigger the obligation to provide curb ramps. This Joint Technical Assistance addresses some of those questions.

Where must curb ramps be provided?

Generally, curb ramps are needed wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be located to ensure a person with a mobility disability can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street. However, the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use. Nor are curb ramps required in the absence of a curb, elevation, or other barrier between the street and the walkway.

When is resurfacing considered to be an alteration?

Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

What kinds of treatments constitute maintenance rather than an alteration?

Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray are considered to be maintenance because they do not significantly affect the public's access to or usability of the road. Some examples of the types of treatments that would normally be considered maintenance are: painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching. In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

What if a locality is not resurfacing an entire block, but is resurfacing a crosswalk by itself?

Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

July 8, 2013

¹ The Department of Justice is the federal agency with responsibility for issuing regulations implementing the requirements of title II of the ADA and for coordinating federal agency compliance activities with respect to those requirements. Title II applies to the programs and activities of state and local governmental entities. The Department of Justice and the Department of Transportation share responsibility for enforcing the requirements of title II of the ADA with respect to the public right of way, including streets, roads, and highways.

² See 28 CFR 35.151(i)(1) (Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway) and 35.151(i)(2) (Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways).

³ 28 CFR 35.151(b)(1).

⁴ 2010 ADA Accessibility Standards, section 106.5.

⁵ See 1994 Title II Technical Assistance Manual Supplement, Title II TA Guidance: The ADA and City Governments: Common Problems; and ADA Best Practices Tool Kit for State and Local Governments: Chapter 6, Curb Ramps and Pedestrian Crossings under Title II of the ADA, available at ada.gov.