

2022 – OR 11

AN ORDINANCE ADOPTING WATER PROJECT CONSTRUCTION STANDARDS
FOR THE CITY OF KNOX

WHEREAS, the Knox Common Council is responsible for providing water utility service and maintaining water utility for the citizens of the City of Knox; and

WHEREAS, Water Project Construction Standards strive to maintain the public welfare, ensure safe and reliable water service for all customers, and promote efficient development within the City of Knox's water service area; and

WHEREAS, the Knox Board of Public Works have published Water Utility Construction standards as prepared on 8-5-2022 (date).

NOW, THEREFORE, BE IT ORDAINED by the Knox Common Council that the Municipal Code of the City of Knox, is hereby amended by adding Article III- Development Standards to Chapter 19 as follows:

ARTICLE III. DEVELOPMENT STANDARDS

Section 19-50 Purpose and Intent

The purpose of this Article is to ensure development in the City of Knox meets minimum standards for working with potable water. It is the City's intent to establish Water Project Construction Standards that will ensure the public health, safety, and welfare, within the City of Knox Water Utility service area.

Section 19-51 Adoption of Water Project Construction Standards.

Pursuant to the powers and authority of the Knox Common Council, there is hereby adopted and incorporated herein by reference as if fully set forth those standards contained in the Water Project Construction Standards, as may be amended from time to time by City Board of Public Works Resolution. At least one (1) copy of the Water Project Construction Standards shall be available for public inspection at the City Clerk's Office, the Water Department, and the City of Knox's website.

Section 19-52 Applicability

This Section applies to all planning, design, construction, development, redevelopment, and modifications and additions to any water distribution component within the City of Knox Water Utility service area.

Unless specifically exempted, the provisions of this Article shall supplement any and all existing laws and shall apply to all persons, without restriction, and to conditions arising after the adoption thereof, to conditions not legally in existence at the time of adoption of this title, and to conditions which, in the opinion of the Water Superintendent or designee, constitute a distinct hazard to life or property.

The Water Project construction Standards provide policies and design guidelines to city agencies, design professionals, private developers, and community groups for residential and commercial that will ensure the public health, safety and welfare within the City of Knox's jurisdiction. The City of Knox shall use the policies, criteria, and information including specifications and standards in the latest edition of the Water Project Construction Standards, for the proper implementation of the requirements of this Title.

The Water Project Construction Standards may be periodically amended as necessary to provide additional clarity or to reflect procedural revision or changes in construction or engineering practices. Such revisions to these standards or requirements may consist of either "procedural" revisions or "technical" revisions. Any other amendments to the Water Project Construction Standards shall be adopted by City Board of Public Works Resolution. Examples include revisions that are considered major changes, changes in law and changes that will cause significant increased cost or controversy.

Section 19-53 Review Procedure

The City Water Superintendent or his or her designee shall have the authority on behalf of the City of Knox to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Article and the Water Project Construction Standards.

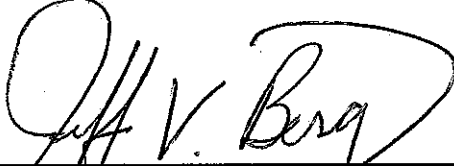
Section 19-54 Variances

- A. The City may grant variances to the Water Project Construction Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the construction standards. These issuances shall not compromise the operation or safety of the potable water distribution system.
- B. Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the Water Superintendent. Variance requests must, at a minimum, contain the following:
 1. Benefit to the City of Knox and the existing water system and customers.
 2. Criteria under which the applicant seeks a variance.
 3. Written justification for non-compliance with the standards, in which, cost is not a compelling reason for a variance.

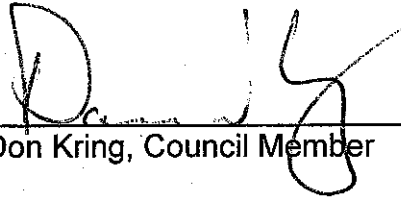
4. Proposed alternate criteria or standards to comply with the intent of the criteria.
 5. Supporting documentation, including necessary calculations.
 6. The proposed variance's potential adverse impacts for adjacent landowners.
 7. An analysis of the variance request, signed and stamped by a Professional Engineer who is licensed in Indiana.
- C. **Expirations.** Except as otherwise established in this Article, a variance granted under this Chapter shall automatically expire after twelve (12) months from the date of approval unless otherwise agreed upon by the City. The City Water Superintendent may grant an extension to an approved variance. All requests for extensions must be submitted prior to expiration of the variance, must demonstrate good cause showing the extension is necessary and must demonstrate that the circumstances for granting the variance are still applicable.
- D. **Appeals.** An applicant may appeal any decisions made by the Water Superintendent pursuant to the following:
1. **Initiation.** An applicant aggrieved by an order, requirement, decision, or determination fo the City Water Superintendent may be appealed to the Board of Public Works. The notice of appeal shall be filed with the Clerk Treasurer within fifteen (15) days following the date of such order, requirement, decision, or determination. The notice of appeal shall state in detail the action appealed, the grounds for the appeal, and the relief sought. Failure to file such a notice of appeal within the prescribed time shall constitute a waiver of any rights under this Chapter to appeal any order, requirement, decision, or determination.
 2. **Effect of filing an appeal.** The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed unless the Water Superintendent certifies in writing to the Board of Public Works that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further proceedings. The Board may review such certification and grant or deny a stay of proceedings.
 3. **Timing of appeal.** The Board shall consider the appeal within thirty (30) days following the date of filing the notice of appeal, or as soon thereafter as it is practical under the circumstances.
 4. **Action by Board of Public Works.** The Board shall review the record of the action taken by the Water Superintendent and provide a decision to the Applicant in writing. The Board may reverse or affirm wholly or partly the order, requirement, decision, or determination appealed from and shall enter such order as they deem appropriate under the circumstances.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the
Common Council of the City of Knox on the 9th day of August 2022.

COMMON COUNCIL OF THE CITY OF KNOX:



Jeff Berg, Council President



Don Kring, Council Member



Sherry Cowen, Council Member



Bill Gustafson, Council Member



Ron Parker, Council Member

Approved by the Mayor this 9TH day of August 2022.



Dennis Estok, Mayor

Attest: 

Cyndi Kidder, Clerk-Treasurer