

ORDINANCE NO. 437

AN ORDINANCE PROVIDING FOR THE REPAIR OF SIDEWALKS; PROVIDING FOR ASSESSMENT OF COSTS TO PROPERTY OWNERS; FIXING LIABILITY FOR INJURIES SUFFERED BY REASON OF DEFECTIVE SIDEWALKS; REPEALING ORDINANCE NO. 191; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1: It shall be the duty of all landowners in The City of Canby, Oregon, to maintain in good repair all sidewalks now existing or hereafter constructed in front of, along or abutting their land.

SECTION 2: Before making any sidewalk repairs the landowner responsible therefor shall apply to the City Superintendent or City Engineer as the case may be for a permit to make repairs. The permit shall described the location of the sidewalk to be repaired, a description of the property abutting such sidewalk, the name of the owner or reputed owner thereof, the type or kind of repairs to be made, the material to be used in making the repairs, and a time limit in which the repairs are to be completed, not exceeding sixty (60) days from the date of such permit. No charge shall be made for the issuance of such permit.

SECTION 3: If any landowner responsible for repairing any sidewalk shall fail or refuse to apply for a sidewalk repair permit then it shall be the duty of the City Superintendent or City Engineer as the case may be to deliver a notice to repair to such owner if he is a resident of or can be found in the City of Canby, Oregon. If said owner is not a resident of Canby or cannot be found in the City such notice shall be sent by either registered or certified mail (with return receipt requested) to the last known address of such owner as may appear in the records of the Canby City Recorder. The notice shall contain the name or names of the owners or reputed owners

of the property responsible for making any sidewalk repairs, the location of the sidewalk to be repaired, a description of the property abutting the sidewalk, the type or kind of repairs to be made, the materials to be used in making the repairs, the time limit within which the repairs are to be made, a reference to this Ordinance, the date of the notice, and the signature of the city official giving the notice. A copy of such notice shall be filed with the Canby City Recorder. If any notice which is mailed is not receipted for by the owner or is returned by the Post Office department because the owner cannot be located, then the City Superintendent or City Engineer shall post a copy of such notice for a period of not less than ten days in a conspicuous place on the property of such owner. The City Superintendent or City Engineer shall indicate on the copy of the notice filed with the City Recorder the date that the original notice was delivered or mailed, the name and address of the person to whom it was delivered or mailed, and the date and place the notice was posted, if posting is required.

SECTION 4: All sidewalk repairs shall be made at the expense of the landowner responsible for making the repairs; and all repairs shall be made in accordance with the requirements set forth in the sidewalk repair permit or the sidewalk repair notice, and within the time limited therefor. Time limits for making sidewalk repairs may be extended by the Canby City Council on application of the landowner or his lawful agent, and on good cause being shown for the granting of an extension.

SECTION 5: If any landowner responsible for making sidewalk repairs shall fail to make such repairs in the manner and within the time required by either the repair permit or the notice of repairs, then the Canby City Council shall direct the City Superintendent or City Engineer to make such repairs; or the Council may, if it elects, let a contract for making such

repairs. After the costs of making such repairs have been determined, the City Superintendent or City Engineer shall report the same to the City Council, and the Council shall by Resolution direct the City Recorder to enter said amount plus fifteen percent (15%) for administrative, legal and engineering expenses in the docket of City Liens as an assessment against the property together with the date of entry, the name of the owner and a description of the property assessed. The assessment shall thereafter be collected in the manner prescribed by Oregon Revised Statutes 223.505 to Oregon Revised Statutes 223.595; and all assessments docketed as liens shall draw interest at the rate of six percent (6%) per annum from the date of the entry in the City Lien docket until paid.

SECTION 6: The owners of all property responsible for repairing sidewalks as provided by this Ordinance shall be liable in damages to individuals injured because of any negligence of such owners in failing to keep a sidewalk in good condition; and no liability shall be imputed to or imposed upon the City of Canby, its officers or employees, because of injuries sustained by any person by reason of any defect in any sidewalk; nor because of any extension of time having been granted by the City Council for repairing any defects in sidewalks.

SECTION 7: Ordinance No. 191, adopted by the Canby City Council on November 5th, 1923, is hereby repealed; and together with all Ordinances or parts of Ordinances in conflict herewith.

SECTION 8: Inasmuch as there are many sidewalks in the City of Canby which are in need of immediate repair, and in order to protect the public and preserve the peace, health, safety and welfare of the citizens of Canby, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final passage and approval by the Mayor.

Passed on first reading by the Canby City Council at a regular meeting thereof held on the 6th day of March, 1961; ordered published at full length in The Canby Herald once a week for a period of two consecutive weeks as provided by the Canby City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held at the Canby City Hall on April 17, 1961 at 8 o'clock p.m, Oregon Standard Time.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:

J. R. Richardson
J. R. RICHARDSON - City Recorder

--- Passed on final reading by the Canby City Council this 17rd day of April, 1961 by the following vote: Yeas 5, Nays 0.

Approved by the Mayor this 17rd day of April, 1961.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:

J. R. Richardson
J. R. RICHARDSON - City Recorder

A motion was made by Councilman Giger, seconded by Graham and carried unanimously, that the date of final passage of Ordinance No.437 be changed from April 3 to April 17.

This is to certify that the above motion was passed on March 20, 1961 at a regular meeting of the Canby City Council and is an excerpt from the minutes of that meeting on file in the office of the City Recorder.

J. R. Richardson
J. R. Richardson
City Recorder.