

ORDINANCE NO. 727

AN ORDINANCE REGARDING RESPONSIBILITY AND LIABILITY FOR SIDEWALKS, CURBS, DRIVEWAY APPROACHES, AND PARKING/LANDSCAPING STRIPS AND AMENDING SECTION 12.05.080 OF THE TROUTDALE MUNICIPAL CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Section 12.05.080 of the Troutdale Municipal Code assigns responsibility to repair, maintain, and reconstruct sidewalks, planter/landscaping strips, and driveway approaches in the public way to the owner of adjacent property.
2. The City Council desires to confirm that this responsibility also includes the liability for any damages that might result from sidewalks, curbs, driveway approaches, or parking/landscaping strips that are defective or not kept in a safe condition and good repair.
3. The City Council also desires to reaffirm that, due to scarce City resources and the City's traditional role of limited government and respect for private property rights, staff will issue notices of violations of this Section or initiate a proceeding in municipal court for a violation of this Section only upon receipt of a valid complaint.

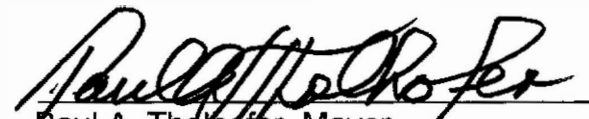
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE


Section 12.05.080 of the Troutdale Municipal Code is amended to read as follows:

- A. The owner(s) of land abutting any street in the City shall be responsible for constructing, reconstructing, maintaining and repairing the sidewalks, curbs, driveway approaches, and parking/landscaping strips in the public way abutting or immediately adjacent to said land.
- B. Said property owner(s) shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from the defective condition of any sidewalk, curb, driveway approach, or parking/landscaping strip in the public way adjacent to said land, or by reason of the property owner's failure to keep such sidewalk, curb, driveway approach, or parking/landscaping strip in safe condition and good repair.
- C. If said property owner(s) does not construct, reconstruct, maintain, or repair the sidewalk, curb, driveway approach, or parking/landscaping strip in the public way adjacent to said land within thirty days after receiving written notice from the director to do so, the director may initiate a proceeding in municipal court to compel compliance, to assess a fine of not less than \$200 nor more than \$1,000 per violation, and/or to require reimbursement if the City performs the work.

- D. The director shall only issue a notice or initiate a proceeding in municipal court if the director receives a complaint that a sidewalk, curb, driveway approach, or parking/landscaping strip in the public way needs to be constructed, reconstructed, maintained, or repaired.

YEAS: 5
NAYS: 1 (Kyle)
ABSTAINED: 0


Paul A. Thalhoffer, Mayor
Dated: March 26, 2003


Debbie Stickney, City Recorder
Adopted: March 25, 2003