

A BILL FOR AN ORDINANCE REGULATING)
THE CONSTRUCTION, ALTERATION AN)
REPAIR OF SIDEWALKS, AND REPEALING)
ORDINANCES NO. 586,766,936 and)
DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 19
for 1968

ORDINANCE NO. 1311

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Unless the context requires otherwise
the following mean:

(1) Person. A natural person, firm, corporation, or other
legal entity.

(2) Sidewalk. The part of the street right-of-way between the
curb lines or the lateral lines of a roadway and the adjacent property
lines that is intended for the use of pedestrians.

Section 2. Duty to Repair and Clear Sidewalks. It is the duty
of an owner or occupant of land adjoining a street to maintain in good
repair and remove obstructions from the adjacent sidewalk. If the
city is required to pay damages for an injury to persons or property
caused by the failure of a person to perform the duty which this section
imposes, the person shall compensate the city for the amount of the
damages thus paid. The city may maintain an action in a court of com-
petent jurisdiction to enforce the provisions of this section

Section 3. Standards and Specifications.

(1) Sidewalks shall be constructed of portland cement concrete
and shall be not less than five feet in width, unless otherwise approved
by the council.

(2) The city engineer shall establish supplemental standards
and specifications for sidewalk construction, alteration or repair to
provide durable and practical sidewalks at a suitable grade determined
by the city engineer to be in accordance with the system of the city
street grades.

(3) The city engineer shall report to the council changes in sidewalk standards and specifications and shall keep a copy on file in the city offices for the information of the public.

(4) Sidewalks shall be constructed, altered and repaired in accordance with the standards and specifications established under this section

Section 4. Submission of Plans. No person shall construct, alter or repair a sidewalk without first submitting the plans and specifications for the proposed work to the public works superintendent and obtaining his approval. After determining that the proposed work conforms to the applicable standards and specifications established under section 3, the public works superintendent shall give his approval for the proposed work.

Section 5. Supervision of Work. The construction, alteration or repair of sidewalks shall be under the supervision of the public works superintendent. The public works superintendent may inspect any materials and construction details as in his judgement may be necessary to insure compliance with the applicable standards and specifications.

Section 6. Required Sidewalk Repairs.

(1) When the council determines that a sidewalk needs repair, it shall, by resolution, direct the public works superintendent to issue a notice.

(2) The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within 30 days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may repair the sidewalk and the cost of the repair will be assessed against the property adjacent to the sidewalk.

(3) The public works superintendent shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the

owner is not discovered, the public works superintendent shall cause a copy of the notice to be posted in a conspicuous place on the property and such postage shall have the same effect as service of notice by mail or be personal service upon the owner of the property.

(4) The person serving the notice shall file with the recorder a statement stating the time, place and manner of service of notice.

Section 7. City May Make Repairs. If repair of the sidewalk is not completed within 30 days after the service of the notice to repair, the public works superintendent shall repair or complete the repair of the sidewalk. Upon completion of the repair of the sidewalk, the public works superintendent shall submit a report to the council. The report shall contain an itemized statement of the cost of the repair and the proportionate share of the cost on each lot or parcel of land adjacent to the sidewalk upon which the repair has been made.

Section 8. Assessment for Repairs by City. Upon receipt of the report, the council by ordinance shall assess the cost of repairing the sidewalk against the property adjacent to the repaired sidewalk. the assessment shall be a lien against the property and may be collected in the same manner as is provided for the collection of street improvement assessments.

Section 9. Construction of Sidewalks.

(1) The cost of constructing a sidewalk shall be borne by the owner of the property on which the sidewalk abuts.

(2) If a property owner petitions the council for an order to build a sidewalk on the part of the street abutting on his property, agrees to pay cash or to make application to pay the cost in installments as provided by the Bancroft Bonding Act (ORS 223.205 to 223.300), waives the right of remonstrances, service and publication of notice of construction, and the calling of bids, and consents to the assessment of the property upon which the sidewalk is to abut, the council may order the construction of the requested improvement, if in its judgment the improvement should be made.

Section 10. Penalty. Violation of this ordinance shall constitute a misdemeanor. Each day's violation of a provision of this ordinance shall constitute a separate offense.

Section 11. Repeal. Ordinance No. 586, enacted February 5, 1943, No. 766 enacted March 21, 1950, and No. 936, enacted April 3, 1956, are repealed.

Section 12. Emergency Clause. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 21st day of May, 1958.



Mayor

ATTEST:



City Recorder