

AN ORDINANCE REGULATING THE CONSTRUCTION,)
RECONSTRUCTION, AND REPAIR OF SIDEWALKS)
AND DRIVEWAYS BY ABUTTING REAL PROPERTY)
OWNERS; ESTABLISHING ALL PROCEDURES)
THEREFORE; REPEALING ORDINANCE NO. 1311;)
AND DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 44
for 1977

ORDINANCE NO. 1664

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

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

1. Owner. A natural person, firm, corporation, or other legal entity holding deed or title to real property addressed herein.
2. Sidewalk. A structure used for pedestrian movement within the part of the public right-of-way located normally between the curbing or lateral lines of the right-of-way and the adjacent property lines.
3. Driveway. A structure used for vehicular access from the public right-of-way to abutting private property located normally between the curbing or lateral lines of the right-of-way and the adjacent property lines.
4. Engineer. The City Engineer, Director of Public Works or his authorized representative.
5. Specifications. A listing of guidelines, particular dimensions, and materials to be used in the laying out, construction, reconstruction and repair of sidewalks or driveways.

Section 2. Duty to Construct, Reconstruct, Repair and Clear Sidewalks.
It is the duty of an owner of land adjacent to a public right-of-way in the City of Lebanon to construct, reconstruct, repair and keep clear of snow, ice or other obstructions all sidewalks and driveways adjacent to said land.

Section 3. Liability for Injuries.

1. The owner responsible for maintenance of the adjacent sidewalk and driveway shall be primarily liable to any person injured because of any negligence of said owner in failing to maintain, repair or clear said structures.

2. 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 competent jurisdiction to enforce the provisions of this section.

Section 4. Specifications. All sidewalks and driveways shall be constructed, reconstructed, altered or repaired in accordance with specifications prepared and kept on file by the Engineer and adopted by the City Council.

Section 5. Submission of Plans. No person shall construct, reconstruct, or repair a sidewalk or driveway without first submitting complete plans to the Engineer for review and obtaining written approval thereof.

Section 6. Supervision of Work. The construction, reconstruction and repair of sidewalks and driveways shall be under the supervision of the Engineer.

Section 7. Powers of the City Council. The Common Council may, when it deems it reasonable, necessary, and expedient, order the construction, reconstruction, or repair of a sidewalk or driveway by the owner or owners of land adjoining any public right-of-way in the City of Lebanon. Said order shall be by written resolution and shall contain:

- a) A description of the land adjacent to the ordered work and the same may be by street address only.
- b) The name or names of the owners of the affected property.
- c) The time within which the work is to be completed.
- d) The order of the Council requiring the construction, reconstruction or repair, whatever the case may be.
- e) A statement of how the owner or owners affected by the order may remonstrate against said order.
- f) An order directing the Engineer to notify the owners affected in a manner required by this Ordinance.

Section 8. - Notice. The Engineer shall be responsible to assure that the following requirements are fulfilled when the powers of the City Council are to be used to accomplish the construction, reconstruction, or repair of sidewalks or driveways:

a) The owners, or their agents, of the affected property shall be notified ten days in advance of any council action that consideration will be given to the construction, reconstruction or repair of the sidewalks or driveways adjacent to their property.

b) It shall be deemed sufficient that said notice be served by one or more of the following methods.

1. Registered Mail.
2. Posted on the property.
3. Served personally.
4. Publication in the local newspaper.

c) A mistake in the name of the owner or owners shall not render void such notice, but in such case, the posted notice shall suffice.

Section 9. Remonstrance. The Council may, upon the hearing of a remonstrance; discontinue and dismiss all proceedings commenced hereunder, or may amend its prior order, or may overrule any remonstrance; and may do either of the same by motion only.

Section 10. City May Perform Work. In the event the order of the Council for the construction, reconstruction, or repair of a sidewalk or driveway is not complied with within the time designated or is not complied with in the matter of location, design, materials, methods, or other specifications; the Engineer shall cause said order to be performed either by contract or force account and shall keep an accurate cost record of the expense as it applies to each panel of land affected.

Section 11. Assessment. Upon receipt of the record specified in Section 10, the Council shall by Ordinance assess the cost of all ordered work against the property benefitted by said work. 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 12. Bancroft Bonding Act. If the property owner petitions the Council in compliance with the order to construct, reconstruct, or repair adjacent sidewalk or driveway, they may make application to pay the cost in installments as provided by the Bancroft Bonding Act (ORS 223.205 to 223.300) thus waiving the right of remonstrance, service, publication of notice, and the calling of bids; and thereby consents to the assessment of the property as detailed in the Engineer's cost record.

Section 13. 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 14. Repeal. Ordinance No. 1311 enacted May 21, 1968.

Section 15. 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 by a vote of 4 for and 0 against,
and approved by the Mayor this 14th day of December, 1977.



Mayor

ATTEST:



Recorder