

A BILL FOR AN ORDINANCE AMENDING)
CHAPTER 12.08 OF THE LEBANON)
MUNICIPAL CODE, AND DECLARING)
AN EMERGENCY.)

ORDINANCE BILL NO. 25
for 1982
ORDINANCE NO. 1895

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Section 12.08.010 of the Lebanon Municipal Code is hereby amended to add, at the end of the section, the following:

- C. "Owner" A natural person, firm, corporation, or other legal entity holding deed or title to real property addressed herein.
- D. "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.
- E. "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 roadway surface and the adjacent property line.
- F. "Engineer" The City Engineer, Director of Public Works or his authorized representative.

Section 2. Chapter 12.08 of the Lebanon Municipal Code is hereby amended to add the following new sections as follows:

12.08.132 DUTY TO CONSTRUCT, RECONSTRUCT, REPAIR, AND CLEAR SIDEWALKS AND DRIVEWAYS.

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 leaves, ice, snow, and all other obstructions or hazards to the public which are reasonably removable on all sidewalks and driveways adjacent to said land.

12.08.133 LIABILITY FOR INJURIES.

The owner responsible for maintenance of the adjacent sidewalk and driveway shall be liable to any third person who sustains any injury or damage as a result of inadequate maintenance, repair, construction, or failure to adequately remove snow, ice, leaves or any other hazard or obstruction, from that portion of sidewalk or driveway abutting his property. Additionally, any person who fails to perform or comply with the duties imposed by this Chapter shall be liable to any third person for injuries or damages suffered as a result of such failure.

12.08.134 SPECIFICATIONS.

All sidewalks and driveways installed within the City of Lebanon Right-of-way shall be constructed, reconstructed, altered or repaired in accordance with specifications prepared and kept on file by the Engineer.

12.08.135 POWERS OF THE CITY COUNCIL.

The City 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 work to be accomplished.
- e) A time limit for completion of the work to be accomplished.
- f) An order directing the Engineer to notify the owners of the City Council action.

12.08.136 NOTICE.

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

a) Notices shall be sent out ten (10) days in advance of any Council action to the affected owners, or their agents, 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 a local paper.

c) A mistake in the name of the owner or owners shall not render void such notice.

12.08.137 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 according to the Engineer's specifications or directions, 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 parcel of land.

12.08.138 ASSESSMENT.

Upon receipt of the record of costs specified in section 12.08.137, the Council shall by Ordinance assess the costs of all work against the adjacent property. The assessment shall be a lien against the property and may be collected in the same manner as is provided for the collection of overdue Local Improvement District assessments.

Section 3. REPEAL.

Section 12.08.110 of the Lebanon Municipal Code is hereby repealed.

Section 4. 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.