

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 77-682

Amended by  
Ordinance 98-1049

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND REPAIR OF SIDEWALKS; REGULATING THE CONSTRUCTION THEREOF; PROVIDING FOR ASSESSMENT OF COST OF CONSTRUCTION AND REPAIR AGAINST ABUTTING OWNERS; PROVIDING FOR PERMIT FEES; PROVIDING FOR ESTABLISHMENT OF SIDEWALK IMPROVEMENT DISTRICTS; MAKING CERTAIN ACTS OR OMISSIONS UNLAWFUL; AND PROVIDING PENALTIES.

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NOW, THEREFORE,

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: Definitions. As used in this ordinance, the following words shall mean:

(a) Owner. The person in whose name real property is assessed for tax purposes according to the latest assessment for tax purposes according to the latest assessment role in the Office of the Department of Revenue and Taxation, for Washington County, Oregon.

(b) Person. Every natural person, firm, partnership, association, or corporation.

Section 2: Duty to repair and maintain sidewalks. It is hereby made the duty of all owners of land adjoining any improved street in the City of Sherwood to construct, reconstruct, and maintain in good repair the sidewalks in front of or adjacent to said lands. The city council shall have the power and authority to determine the grade and width of all sidewalks, the material to be used, and the specifications for the construction thereof upon any street or part thereof, or within any district in said city.

Section 3: Owner's liability. All owners of property within the city limits of the city of Sherwood failing to repair defective sidewalks along and adjacent to their property shall be liable for all damages to whomsoever resulting or arising through their fault or negligence in failing to construct or put such sidewalk in repair.

Section 4: Duty to report defective walks. Whenever a public sidewalk is found to be defective, out of repair, or hazardous by any officer of the city of Sherwood, or by any other person, a report thereof shall be made to the City Administrator. The City Administrator shall thereafter report such defective, out of repair, or hazardous sidewalk to the City Council.

Section 5: The city council shall have the power to specially determine the grade and width of all sidewalks, the materials to be used, and the specifications for construction thereof upon any street or part thereof, or within any district within the City. Unless the council so specially determines said matters with respect to a particular sidewalk, all sidewalks hereinafter constructed

or replaced shall be constructed in accordance with the standard sidewalk specifications and standard sidewalk plans heretofore adopted by the city council by Ordinance No. 600 enacted June 29, 1970 and applicable state statutes with respect to provisions for handicapped persons. All repairs undertaken pursuant to this ordinance shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner so as to make existing sidewalks conform as nearly as reasonably practical to the standard specifications referred in this section. The degree of conformity required shall be determined by the City Administrator in his exercise of reasonable discretion.

Section 6: Declaration by council of defective walks as nuisance or need for sidewalks to be constructed. After receiving the report of the City Administrator referred to in Section 4, the City Council, by ordinance, may declare the defective, out of repair, or hazardous sidewalk a nuisance, and direct that the defect or hazardous condition be eliminated or that said sidewalk be placed in a state of good repair.

In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards of the city, the council may order the construction thereof by ordinance in the manner provided herein for repair of sidewalks, or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street.

The ordinance ordering repair or construction of sidewalks shall specify the particular sidewalk, or sidewalks to be constructed, the character of construction thereof, the character of the materials to be used therein, the width thereof, and the time within which the owner or owners of the parcels involved are required to construct same, specifying therein the names of the owners or reputed owners of abutting parcels and lots, or portions thereof, abutting upon such sidewalk or sidewalks.

Section 7: Notice to owner. Within five (5) days after the passage of the ordinance referred to in Section \_\_\_\_\_, the City Administrator shall give notice to the owner of the real property adjacent to the sidewalk to be constructed or abutting on said sidewalk of the defect therein, the state of disrepair thereof, and of the determination that such condition constitutes a nuisance, by sending to such owner, by certified mail, at his address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon, a copy of such ordinance and a copy of this ordinance.

The City Recorder shall cause notice to also be given by publication in one (1) issue of a weekly paper published in the City of Sherwood, proof of which publication shall be made by the affidavit of the printer or publisher of said newspaper filed with the City Recorder.

Section 8: Failure of owner to repair or construct. If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as

required by said ordinance within sixty (60) days of the giving of the notice, or such longer time as the council by ordinance may specify, the City of Sherwood may construct or repair said sidewalk or sidewalks, and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees.

Section 9: Assessment. Immediately after the cost of construction and repair of such sidewalks has been ascertained by the city council, the costs thereof shall be apportioned, and a notice of the amount thereof shall be served upon the owner or owners of the lots or parcels of land or portions thereof, abutting upon such walk so constructed or repaired, either by mail addressed to the last known address or addresses of person in whose name the real property is assessed for tax purposes according to the latest assessment roll in the Office of the Department of Revenue and Taxation for Washington County, Oregon, or personally served. Proof of said service shall be made and filed with the Recorder.

The notice shall specify the amount of the cost of construction or repair, and that if said amount is not paid within thirty (30) days after date of service of notice, the council shall thereafter, after hearing objections, if any, made thereto, by ordinance assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefitted, and the Recorder shall enter such assessment in the docket of city liens in the manner provided in Chapter XV of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in the manner provided by Chapter XV of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments, if in excess of Twenty-Five Dollars (\$25.00), may be paid, upon application filed, in installments.

Section 10: In any case where no sidewalk and/or curbs exist adjacent to various parcels or tracts along a street which meet the standards of the City of Sherwood, the council may proceed with formation of a sidewalk assessment district for the construction of sidewalks along said street. The procedure for establishing of sidewalk districts, to lay and install sidewalks, assess and collect the costs and expenses thereof by assessing the real property benefitted thereby, shall in all respects be the same as those pertaining to the establishment of other local improvement districts in the City of Sherwood, except that any property within the area proposed for the improvement district that has sidewalks in front of or adjacent to said property that meet the specification of the City of Sherwood shall not be included within the district and shall not be assessed for said construction.

Section 11: Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. In the event any provision of this code is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.

Section 12: If any clause, sentence, paragraph, section, article, or portion of this ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance.

Section 13: This ordinance shall become effective on the 31st day after its passage by the Council and approval by the Mayor.

PASSED:

By the Council, by unanimous vote of all council members present, after being read three (3) times by caption this 13 day of July 1977.

Polly Blankenbaker  
RECORDER - CITY OF SHERWOOD

APPROVED:

By the Mayor, this 13 day of July 1977.

William D. Hartford  
MAYOR - CITY OF SHERWOOD