



**ORDINANCE 2014-010**

**AMENDING SHERWOOD MUNICIPAL CODE CHAPTER 12.08 SIDEWALKS,  
CONSTRUCTION AND REPAIRS**

**WHEREAS**, the City of Sherwood Municipal Code requires property owners to maintain sidewalks abutting their property and authorizes the city to compel property owners to repair and maintain such sidewalks;

**WHEREAS**, the existing code provisions governing a property owner's responsibility for sidewalks is almost 40 years old;

**WHEREAS**, the city would like to update and revise these provisions and replace the existing provisions with new provisions.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** Sherwood Municipal Code Chapter 12.08 is hereby amended. The revised code language is attached to this ordinance as Exhibit A.

**Section 2.** This ordinance will be effective 30 days after its adoption.

**Duly passed by the City Council this 3<sup>rd</sup> day of June 2014.**

  
\_\_\_\_\_  
Bill Middleton, Mayor

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Langer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Middleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **12.08.010 Definitions.**

As used in this chapter:

"Owner" means the person in whose name 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.

"Person" means every natural person, firm, partnership, association or corporation.

### **12.08.020 Duty to repair and maintain sidewalks.**

All owners of land adjoining any improved street in the city shall construct, reconstruct, maintain and repair the sidewalks in front of or adjacent to said lands in accordance with sidewalk specifications set by the city. The city will determine the grade and width of all sidewalks, the material to be used and the specifications for their construction upon any street or part thereof or within any district or area in the city.

### **12.08.030 Owner's liability.**

If an owner of property within the city fails to construct, reconstruct, maintain or repair sidewalks along and adjacent to the owner's property in accordance with the city's specifications, the owner shall be solely liable for any injuries or damages to persons or property arising out of or related to the owner's failure to construct, reconstruct, maintain or repair such sidewalks.

### **12.08.040 Duty to report defective walks.**

Whenever a public sidewalk is believed to be defective, out of repair or hazardous, by any person, a report thereof shall be made to the city. The city shall thereafter investigate the report and, if it finds the public sidewalk to not comply with the city's sidewalk specifications, may notify the property owner of the requirements to repair and bring the sidewalk into compliance.

### **12.08.050 Sidewalk specifications.**

The city 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 city determines otherwise with respect to a particular sidewalk or sidewalks in a particular area of the city, all sidewalks constructed, reconstructed, maintained or repaired shall be done so in accordance with the City's most current Engineering Design and Standard Details Manual. All repairs undertaken pursuant to this chapter shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner as to make existing sidewalks conform to the standard specifications referred

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to in this section, unless the city engineer approves a deviation from the standards on a case-by-case basis. The degree of conformity required shall meet current Engineering Design and Standard Details.

**12.08.060 Declaration by the city of defective walks as nuisance or need for sidewalks to be constructed.**

After receiving a report and conducting an investigation, the city may declare a defective, out of repair or hazardous sidewalk a nuisance and direct the owner to reconstruct or repair the sidewalk. In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards, the City may order the construction thereof or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street.

**12.08.070 Notice to owner.**

The city shall give notice to the owner of the real property adjacent to the sidewalk that it has declared the sidewalk defective, out of repair or hazardous and that the sidewalk constitutes a nuisance. The notice shall be sent to the owner by certified mail, to the address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon. If, after diligent search the owner is not discovered, the City shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

The person serving the notice shall file with the City Recorder an Affidavit of Notice stating the time, place and manner of service of notice.

**12.08.080 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 Sherwood Municipal Code within one hundred twenty (120) days of receipt of the notice, the city may construct or repair the sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost including all expenses associated with repair, replacement or construction. Without limitation, such expenses include any consultant or legal expenses the city incurs.

**12.08.090 Assessment.**

Immediately after the city determines costs of construction and repair of such sidewalks, the proportionate costs will be served upon the relevant owner or owners by certified mail addressed to the address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon, or by posting a copy of the notice in a conspicuous place on the

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property. Proof of service shall be made and filed with the recorder in the same manner as provided for in 12.08.070.

The notice shall specify the amount of the cost of construction or repair, and state that if the amount is not paid within thirty (30) days after the date of service, the council shall thereafter, after hearing objections, if any, made thereto, by resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine percent per annum from ten days after date of entry in the lien docket.

In the manner provided in Chapter X 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 X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full.

#### **12.08.100 Sidewalk assessment districts.**

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, 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 benefited thereby shall in all respects be the same as those pertaining to the establishment of other local improvement districts in the city; 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 shall not be included within the district and shall not be assessed for said construction.

#### **12.08.110 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00).

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